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VIA PERSONAL DELIVERY TO CITY CLERK AND TO CITY COUNCIL

VIA EMAIL TO CITY CLERK

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Herb Wesson, President
Los Angeles City Council
200 N. Spring Street, Room 340
Los Angeles, CA 90012

Re: Objections to Proposed 904 La Brea Project, Located at 900-932 N. La Brea Ave. and 7069 Willoughby Ave.
Violation of City Charter § 555, and LAMC §§ 11.5.6 & 12.32
Council File CF 15-0655; Agenda Item No. 6, August 4, 2015
CPC-2014-4074-GPA-ZC-HD-ZAA-SPR; ENV-2014-4075-MND

Honorable President Wesson and City Council Members:

I. INTRODUCTION.

This office and the undersigned represent George Abrahams, a 56-year Hollywood resident, and the Beachwood Canyon Neighborhood Association ("BCNA"). Mr. Abrahams, the BCNA, and other members of the community have only recently become aware of a development project that adversely impacts the environment and violates the Hollywood Community Plan, the Los Angeles City Charter, and some of the most fundamental concepts of general plans as enacted by the California Legislature and interpreted by the courts of this state.

We respectfully request that you continue this matter to further weigh the evidence before you and ultimately to deny the project as presently configured.

Mr. Abrahams and the BCNA stand for the larger principle of adequate environmental review for all major projects in Hollywood. But adequate environmental review is sorely lacking in this matter.

Mr. Abrahams, his neighbors and various stakeholders and groups in Hollywood object to the project, which includes a general plan amendment and zone change for a proposed 169-residential unit, approximately 37,000-square-foot commercial, mixed use project at the intersection of La Brea and Willoughby, in Hollywood ("Project"). They particularly object to the Project because it is being processed based upon a low-level mitigated negative declaration ("MND") instead of an environmental impact report ("EIR"), and because the proposed general plan amendment violates the Los Angeles City Charter and Municipal Code.

Please ensure that notices of all hearings, actions and decisions related to the Project are timely provided to this office. All objections, including those regarding proper notice and due process, are expressly reserved.

II. THERE IS A FAIR ARGUMENT OF POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS, MAKING USE OF A MITIGATED NEGATIVE DECLARATION INAPPROPRIATE.

A. Legal Standard.

A strong presumption in favor of requiring preparation of an Environmental Impact Report ("EIR") is built into the California Environmental Quality Act ("CEQA"). This presumption is reflected in what is known as the "fair argument" standard, under which an agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal. (1993) 6 Cal.4th 1112, 1123; Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 111-112.

An EIR must be prepared where there is substantial evidence that significant effects "may" occur. League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland (1997) 52 Cal.App.4th 86, 904-905. A project "may" have a significant effect on the environment if there is a "reasonable probability" that it will result in a significant impact. No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 83 n. 16. If any aspect of the project may result in a significant impact on the environment, an EIR must be prepared even if the overall effect of the project is beneficial. CEQA Guidelines § 15063(b)(1).

Substantial evidence "includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." Pub. Res. Code § 21080(e)(1). It also includes "reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached . . . ." (Emphasis added.) CEQA Guidelines § 15384(a).

The fair argument test is a "low threshold" test for requiring the preparation of an EIR. No Oil, supra,13 Cal.3d at 84. Evidence supporting a fair argument of a significant environmental impact triggers preparation of an EIR regardless of whether the record contains contrary evidence. League for Protection, supra, 52 Cal.App.4th at 904-905. This standard reflects a preference for requiring an EIR to be prepared, and a preference for resolving doubts in favor of environmental review. Mejia v. City of Los Angeles (2005) 130 Cal.App.4th 322, 332.

B. A Fair Argument Exists of Significant Unmitigable Traffic Operational, Circulation, Emergency Response Times, and Vehicular and Pedestrian Safety Impacts.

As noted in the attached analysis from Mr. Herman Basmaciyan, a traffic engineer with more than 50 years' experience (**Exh. 1**), substantial evidence supports a fair argument that the Project may cause significant, unmitigable traffic operational, circulation, cumulative, emergency response times, and vehicular and pedestrian safety impacts.

C. A Fair Argument Exists of Significant Cumulative Traffic Impacts.

As further noted in the attached analysis from Mr. Basmaciyan (**Exh. 1**), substantial evidence supports a fair argument that the Project may cause significant, unmitigable cumulative traffic impacts.

A cumulative impact consists of an impact which is created as a result of the combination of the project together with other projects causing related impacts. CEQA Guidelines § 15130(a)(1). "One of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant, assuming dimensions only when considered in light of the other sources with which they interact." Los Angeles Unified School District v. City of Los Angeles (1997) 58 Cal.App.4th 1019, 1025 (internal citations and quotes omitted).

CEQA recognizes the potential for an accumulation of small contributions to a problem to create a cumulative effect, and requires investigation and disclosure of the potential of a project to be the straw that breaks the camel's back. Guidelines § 15065(a)(3). If a lead agency finds a project's incremental effect is not "cumulatively considerable," the agency does need not to consider that effect significant, but it must "briefly describe its basis for [so] concluding. . . ." Guidelines § 15130(a). As with other aspects of CEQA, "cumulative impact analysis must be interpreted so as to afford the fullest protection of the environment within the reasonable scope of the statutory and regulatory language." Citizens To Preserve the Ojai v. County of Ventura (1985) 176 Cal.App.3d 421, 431-432.

Mr. Basmaciyan notes that this level of development within the general vicinity of the proposed Project may have and contribute to a potentially significant cumulative traffic circulation impact.

"A cumulative impact analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker's perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval." Citizens to Preserve the Ojai v. County of Ventura (1985) 176 Cal.App.3d 421, 431.

D. A Fair Argument Exists of Significant Noise Impacts.

As noted in the attached analysis from Mr. Hans Giroux, an acoustical engineer with more than 50 years' experience (**Exh. 2**), substantial evidence supports a fair argument that the Project may cause significant, unmitigable noise impacts, both during construction and operationally.

E. A Fair Argument Exists of Potentially Significant Land Use Impacts.

As noted in the attached analysis from Mr. Richard Platkin, a land use and planning expert and former City of Los Angeles Planning Department staff member, who has more than 40 years' experience (**Exh. 3**), substantial evidence supports a fair argument that the Project may cause significant, unmitigable land use impacts.

In addition, we note that the Project site sits at the northeast corner of the intersection of La Brea and Willoughby Avenues, within a dedicated region of the Hollywood Community Plan exclusively zoned MR1-1, "Restricted Industrial Zone."

The purpose of the restricted industrial zone, as defined by Section 12.17.5.A of the Los Angeles Municipal Code ("LAMC"), is "to protect industrial land for industrial use, and prohibit unrelated commercial and other non-industrial uses." It is also intended, according to the LAMC, to "provide for non-retail businesses which enhance the City's employment base," and "to protect industrial investment against incompatible residential, commercial and industrial uses."

The Project is a 7-story, 169-unit mixed-use development that includes 107,000 sq. ft. of residential floor area and 37,057 sq. ft. of commercial space. Total site development is 150,000 sq. ft., including parking for 303 stalls. The applicant seeks to:

1) Amend the General Plan to change the site's Limited Manufacturing land use designation to Neighborhood Commercial;

2) Receive approval for a Vesting Zone Change from MR1-1 (Restricted Industrial Zone, Height District 1) to C2-2D (Commercial Zone);

3) Take a 35% density bonus for setting aside 14 units for Very Low Income households; and

4) Reduce by half the side yard setback requirement for the northern boundary of the Project site.

None of these entitlement requests is compatible with the intent or purpose of the underlying MR1-1 zoning.

The Project is inconsistent with a number of relevant residential policies in the Hollywood Community Plan ("HCP"), the component of the Land Use Element of the General Plan that governs land use on and around the Project site.

The General Plan calls for development of the industrial area by uses "which are indigenous to Hollywood – motion picture and television production, radio studios, sound and recording studios, film processing studios, and motion picture equipment manufacturing and distribution." The Project is inconsistent with these objectives because it replaces such land with high density residential uses in an area where they are not allowed.

The HCP encompasses an area totaling 16,121.6 acres, of which a mere 292.2 acres, or 1.81%, is restricted for industrial use. The western starting point of the HCP's contiguous Restricted Industrial Zone begins at La Brea and Willoughby Avenues, extending north to Santa Monica Blvd. and east beyond Highland Avenue. Intrusion by residential projects into this **protected zone** would violate, among other provisions, Policy 3.14.6 of the Framework Element of the General Plan, in that it would:

- Create a fragmented pattern of development and reduce the integrity and viability of the existing industrial area;

- Reduce the quantity of industrial land and adversely impact the City's ability to accommodate sufficient industrial uses to provide jobs for the City's residents;

- Create a conflict between established industrial uses and new residential tenants, who would potentially object to their adjacency to 24-hour industrial uses.

Further, and for the foregoing reasons and as contained in the attached analysis from Mr. Platkin, substantial evidence does not support the findings necessary to approve the zone and height district change or the site plan.

III. THE PROJECT SEEKS AN ILLEGAL AMENDMENT OF THE CITY'S GENERAL PLAN.

A. The City Charter And LAMC Bar This Project From Seeking A General Plan Amendment.

The Project proposed for the several contiguous lots of the Project site currently violates the General Plan as set forth in one of the City's 35 specific community plans that implements the Land Use Element of the Los Angeles General Plan. That is the Hollywood Community Plan ("HCP"). The land use designation for the project site is Limited Manufacturing. Currently, the zoning for the project site is consistent with the Limited Manufacturing land use designation set forth on the Hollywood Community Plan map – it is zoned MR1-1.

The preservation of industrial land uses in Hollywood is a critical factor in preserving good paying jobs generated by Hollywood businesses that support filmmaking and related uses. The acquisition of such a zoned property by a housing developer with the intention of asking the City to amend its general plan to fit the desires of the developer is the opposite of what should occur.

According to Mayor Garcetti in his May 28, 2015 signed concurrence with a "Proposed General Plan Amendment and Zone and Height District Change on property located at 900-932 North La Brea Avenue and 7069 Willoughby Avenue within the Hollywood Community Plan (CPC-2014-4074-GPA-ZA-HD-ZAA-SPR)", and according to Mayor Garcetti's appointees on the Los Angeles City Planning Commission in their May 4, 2015 letter of determination, and according to the Director of Planning correspondence dated May 22, 2015, they claim to possess power under the Los Angeles City Charter to allow this inconsistent land use, and over dense/over height project to proceed by amending the General Plan and zoning to what the applicant, 904 North La Brea, LLC, wants from the City.

In fact, the Mayor, the City Planning Commission, the City Planning Director, and the City Attorney suffer from a misperception of the law that has gone on in this City for too long. This group thinks that they may engage in what amounts to spot general planning and spot zoning to give to favored development interests what an average resident of this City could not dream of requesting – an individually-tailored amendment of the long-term, comprehensive plan for how the City's growth is to proceed.

Even more concerning for City residents is the fact that for a number of years, someone at City Hall began to allow developers to apply for general plan amendments, zoning changes, and removal of height limits to accomplish what the City Charter and the general planning and environmental laws of the state do not allow: a parcel-by-parcel increase in land use density, up-zoning, and removal of height limits outside of a comprehensive planning process.

With increasing frequency, the Mayor, City Planning Commission, the City Planning Director, and the City Attorney have dismantled the concept of having a general plan by amending our City's community plans bit-by-bit and piece-by-piece.

The plain language of the Los Angeles City Charter prohibits two things:

1. A landowner has no authority under City Charter Section 555 to request a general plan amendment to allow a project that would otherwise violate the current general plan. By the express language of Section 555, subdivision (b), a general plan amendment may only be requested as follows: "**The Council, the City Planning Commission or the Director of Planning may propose amendments to the General Plan.**" (Emphasis added.)

2. Even more significantly, Charter Section 555, subdivision (a), expressly limits amendments of the general plan as follows: "**The General Plan may be amended in its entirety, by subject elements or parts of subject elements, or by geographic areas, provided that the part or area involved has significant social, economic or physical identity**." (Emphasis added.) This restriction on the powers of the Mayor, City Planning Commission and City Planning Director was imposed by vote of the People so that the City's General Plan would retain its force and integrity to guide the long-term and comprehensive development of the City.

Los Angeles Municipal Code Section 11.5.6 contains provisions that implement the City Charter procedures for the general plan. With respect to who may request a general plan amendment and the required minimum scope of a general plan amendment, the LAMC repeats the limitations imposed by Charter Section 555:

> "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, 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. Amendments. **Amendments to the General Plan of the City shall be initiated, prepared and acted upon in accordance with the procedures set forth in Charter Section 555 and this section.**
>
> B. 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." (Emphasis added.)

Nowhere does the City Charter or the implementing LAMC provisions authorize the City to accept a Master Land Use Permit Application that includes a request by an applicant for a general plan amendment in relation to his or her parcel of land.

In contrast, both the City Charter and the applicable LAMC provisions contemplate that in certain circumstances, an applicant may file an application for a zone change applicable to his or her property, if it is consistent with the currently adopted General Plan. Charter Section 558 provides in relevant part:

> "(a) **The requirements of this section shall apply to the adoption, amendment or repeal of ordinances, orders or resolutions by the Council concerning:**
>
> "(1) the creation or **change of any zones** or districts for the purpose of regulating the use of land;
>
> "(2) **zoning or other land use regulations** concerning permissible uses, height, density, bulk, location or use of buildings or structures, size of yards, open space, setbacks, building line requirements, and other similar requirements, including specific plan ordinances . . . .
>
> "(b) Procedures for the adoption, amendment or repeal of ordinances, orders or resolutions described in subsection (a) shall be prescribed by ordinance, subject to the following limitations:
>
> (1) **Initiation.** An ordinance, order or resolution may be proposed by the Council, the City Planning Commission, or Director of Planning or by application of the owner of the affected property if authorized by ordinance.
>
> (2) **Recommendation of the City Planning Commission.** After initiation, the proposed ordinance, order or resolution shall be referred to the City Planning

> Commission for its report and recommendation regarding **the relation of the proposed ordinance, order or resolution to the General Plan** and, in the case of proposed zoning regulations, whether adoption of the proposed ordinance, order or resolution will be in conformity with public necessity, convenience, general welfare and good zoning practice." (Emphasis added.)

Thus, while the City Charter contemplates an applicant requesting a zone change that is consistent with the currently adopted general plan, it does not contemplate or authorize an owner of property to propose a piecemeal amendment of the general plan.

LAMC Section 12.32 implements Charter Section 558. In relevant part it provides:

> "A. Initiation. **The City Council, the City Planning Commission or the Director of Planning may initiate consideration of a proposed land use ordinance**. Any initiation by the Council or the City Planning Commission shall be by majority vote. The Council or the City Planning Commission shall forward the proposed ordinance to the Director of Planning for a report and recommendation.
>
> B. Application. **An owner of property may apply for a proposed land use ordinance if authorized to do so by Subsections F through S relative to that owner's property**. The applicant shall complete the application for that proposed land use ordinance, pay the required fee and file the application with the Department of City Planning on a form provided by the Department." (Emphasis added.)

The language used by the People in the City Charter and the City Council in its implementing ordinances demonstrates that while an applicant might file an application on the City's form for a zoning change that meets certain criteria set forth in the LAMC (and is of course consistent with the currently adopted general plan), there is no authority for the City even to accept for filing a Master Land Use Permit Application Form that includes an applicant-initiated general plan amendment.

Despite the unambiguous limitation on who may apply for a general plan amendment, someone in the City's Planning Department began not only allowing applicants to apply for a general plan amendment so they could develop their property contrary to the City's adopted general plan, but the City Planning Director has instituted a formal policy of accepting general plan amendment applications from applicants, and after a review process, using his own power under the City's Charter to initiate parcel-by-parcel general plan amendments on behalf of applicants.

The City has devised procedural memoranda and general plan initiation forms to carry out this process. However, the City Planning Director's memorandum to consultants and developers evidences no assessment of whether or not an applicant's general plan amendment request covers a geographical area that has a significant social, economic, or physical identity, as required by the City Charter. (**Exhibit A** [Planning Director April 8, 2015 Memo, "General Plan Amendment Initiations, Requests to the Director of Planning"].)

Mr. Abrahams and BCNA are informed and believe that in this particular case, like many others in recent years, the applicant filed a Master Land Use Permit Application Form requesting a general plan amendment for only its own parcel, which consists of seven lots on the corner of two streets in Hollywood. In no way does the Project site constitute a geographical area that meets the limitation or restriction imposed by the People on the frequency and scope of general plan amendments. The City's pattern and practice is unlawful, and its use in the instant case illustrates how developers are permitted to violate the law by densifying individual parcels beyond that permitted.

The City Planning Director himself also has no authority to propose a general plan amendment that is limited to a lot or project site. The language contained in the City Charter prohibits the processing of a general plan amendment unless such proposal involves the entire General Plan, an entire Element, a significant part of an Element, or a geographical area so long as the Element part or geographical area constitutes a "significant social, economic, or physical identity." This language is supposed to prevent the City from carving out amendments of its general plan to a single lot, parcel or project site. Yet for some time the City Planning Director and City Planning Commission have engaged in changing General Plan land use designations at the mere request of a real estate developer. It has now become an accepted assumption that any proposed project in Los Angeles can happen because a developer wants it, regardless of the general plan land use designation.

B. <u>The Current Process Undermines Any Integrity In The Comprehensive General Plan And Feeds The Public's Cynicism.</u>

Former City Planning Director Gail Goldberg famously observed on her arrival at the City:

> "In every city in this country, the zone on the land establishes the value of the land. In Los Angeles, that's not true. The value of the land is not based on what the zone says . . . . It's based on what [the] developer believes he can change the zone to. This is disastrous for the city. Disastrous. Zoning has to mean something in this city." (**Exhibit B** [LA Weekly article "Density Hawks"].)

Ms. Goldberg's efforts to change this culture of easy amendment of general plans and zoning failed. She was pushed out in a short time. Mayor Antonio Villaraigosa appointed former Zoning Administrator Michael LoGrande who, unfortunately, has carried the violations of the City Charter outlined herein to greater heights.

Several new proposed ordinances awaiting City Council approval (Master Planned Development Ordinance and Hybrid Industrial Ordinance) directly conflict with the City Charter by including language that if an applicant's project proposal does not comply with the currently adopted general plan, a plan amendment will be processed to make the City's General Plan "consistent" with the developer's proposed project – sort of a guaranteed, reverse-engineered outcome.

Gail Goldberg's disaster is unfolding before our eyes.

The California Supreme Court has acknowledged that since 1971, a city's general plan is a constitution for future real estate development and all plans, codes, and planning decisions **are subordinate to and must conform with the general plan**. In <u>DeVita v. County of Napa</u> (1995) 9 Cal.4th 763, 772-773, the Supreme Court explained:

> "Although California law has prescribed that cities and counties adopt general or master plans since 1927 (Stats. 1927, ch. 874, pp. 1899-1913), the general plan prior to 1972 has been characterized as merely an 'interesting study,' and no law required local land use decisions to follow the general plan's dictates. (<u>City of Santa Ana v. City of Garden Grove</u>

> (1979) 100 Cal.App.3d 521, 532 [].) In 1971 several legislative changes were made to significantly alter the status of the general plan. For the first time, proposed subdivisions and their improvements were required to be consistent with the general plan (Gov. Code, § 66473.5 [formerly in Bus. & Prof. Code, § 11526]), as were zoning ordinances (Gov. Code, § 65860). (Stats. 1971, ch. 1446, §§ 2, 12, pp. 2853, 2858; City of Santa Ana, supra, 100 Cal.App.3d at p. 532.) Moreover, charter cities were no longer completely exempted from the requirements of the planning law; these cities had to at least adopt general plans with the required mandatory elements. (Gov. Code, § 65700, subd. (a); Stats. 1971, ch. 1803, § 2, p. 3904.) Thus after 1971 the general plan truly became, and today remains, a ' 'constitution' for future development' (Lesher Communications, Inc. v. City of Walnut Creek (1990) 52 Cal.3d 531, 540 [] [] located at the top of 'the hierarchy of local government law regulating land use' (Neighborhood Action Group v. County of Calaveras (1984) 156 Cal.App.3d 1176, 1183 []).
>
> The general plan consists of a 'statement of development policies . . . setting forth objectives, principles, standards, and plan proposals.' (Gov. Code, § 65302.) The plan must include seven elements – land use, circulation, conservation, housing, noise, safety and open space – and address each of these elements in whatever level of detail local conditions require (id., § 65301). General plans are also required to be "comprehensive [and] long[]term" (id., § 65300) as well as 'internally consistent.' (Id., § 65300.5.) The planning law thus compels cities and counties to undergo the discipline of drafting a master plan to guide future local land use decisions."

And while the City in this case proposes to amend the general plan to conform with the developer's desired use of land at a greater height, density, and in derogation of the current general plan land use designation as industrial land use, the Supreme Court held in Lesher Communications v. City of Walnut Creek (1990) 52 Cal.3d 535, 541 that

the primacy of the general plan cannot be overridden by enacting inconsistent zoning ordinances:

> "The Planning and Zoning Law itself precludes consideration of a zoning ordinance which conflicts with a general plan as a pro tanto repeal or implied amendment of the general plan. The general plan stands. A zoning ordinance that is inconsistent with the general plan is invalid when passed [citations omitted] and one that was originally consistent but has become inconsistent must be brought into conformity with the general plan. (§ 65860.) The Planning and Zoning Law does not contemplate that general plans will be amended to conform to zoning ordinances. The tail does not wag the dog. The general plan is the charter to which the ordinance must conform."

The result of these Charter violations, apparent in the case of the Project proposed herein, is destructive and far-reaching. The City is up-zoning the density and height of parcels at the requests of real estate developers and conflicts with the General Plan are wiped away by ignoring the City Charter mandate that the General Plan process does not permit such piecemeal amendment. In fact, because the City has "solved" the density and height desires of developers via the unlawful process outlined above, the City has had no incentive for decades to conduct comprehensive general plan revisions envisioned by both the State Planning law and the City's own charter. Why engage in a comprehensive and holistic planning process embodied in the General Plan when developers can get the density and increased value by merely asking the City Planning Director, or City Council/Mayor to amend the General Plan for his or her lot?

C. History Of The Enactment The Language of City Charter Section 555 Establishes That Small General Plan Amendments Are Prohibited.

Sometimes things go full circle. The City's current attempt to abandon all pretense of community planning looks strikingly similar to the crisis that led to the People reforming the City's planning and land use laws in the 1960s – including placement of the geographical limitation clause of City Charter Section 555 in the City Charter.

The crisis became clear when, in November 1966, the Los Angeles Civil Grand Jury issued a report concerning "a complex zoning case in the West Valley section of Los

Angeles." "The evidence before us indicated that a developer had represented to his partners that he could secure favorable zoning treatment from the City of Los Angeles in exchange for payment of monies." (**Exhibit C** [1966 Grand Jury Report].) Although the Grand Jury was unable to conclusively determine that monies were paid in exchange for the City Council to reverse adverse recommendations from every agency that considered the West Valley zoning proposal from its inception, the Grand Jury observed:

> "We regretfully report that evidence we heard demonstrated that influence can and has been and in all probability will be exerted through the medium of campaign contributions, political obligations and friendships." (Id.)

Based upon this observation, the Grand Jury made a number of recommendations including conflict of interest legislation, requiring applicants to list campaign contributions made or promised to an elected official under penalty of perjury, that zoning hearings be conducted under oath, and that super majority City Council votes be required to override the conclusions of subordinate land use decision makers in the City.

In the Grand Jury's conclusion, it strongly urged the City to commence an in-depth study to prevent the poor adherence to the City's General Plan evidenced in the case before it:

> "It is apparent that a projected and in-depth study of this field is not only overdue, but one which would be invaluable to the interests of our community. It is our recommendation that such a study should be undertaken as soon as possible." (Id.)

Upon recent of the Grand Jury Report, or perhaps because the Civil Grand Jury Report led to corruption indictments and convictions of numerous people including a sitting City Councilmember over the next three years, the City Council appointed a Blue Ribbon Commission that studied and made recommendations. Known as the "Citizen's Committee on Zoning Practices and Procedures," it dealt with abuses that resulted from the City Council routinely ignoring its General Plan to grant developers zoning or exceptions to zoning they wanted – apparently in exchange for campaign contributions, monies given to favorite non-profits of the Councilmember, and free travel/gifts.

As the West Valley Property Owners' Association observed in its letter to the City Council supporting the charter amendments proposed by the Citizen's Committee:

> "In 1966 a mandate was delivered by the Grand Jury to enact proper zoning practice reforms to prevent a re-occurance [sic] of the shocking scandals surrounding certain zoning cases. Since that time, we have seen several public officials brought to trial and convicted on various charges. One case, still before the courts, involves a member of the Los Angeles City Council." (**Exhibit D** [West Valley Property Owners' Assn. February 11, 1969 letter].)

After more than a year of hearings and investigation, in July 1968, the Citizen's Committee issued its First Report to the Mayor and City Council entitled "A Program to Improve Planning and Zoning in Los Angeles." The report contained 36 recommendations for improvement including charter amendments, municipal code amendments, uniform zoning hearing procedures (which 46 years later remain undone), and ethics reforms. (**Exhibit E** [Citizen's Committee First Report].)

Following the First Report, there were two joint meetings of the Citizen's Committee and the City Planning Commission where there was agreement on 21 recommendations, disagreement over 11 other recommendations, and the Planning Commission took no position on 4 recommendations. After the Citizen's Committee submitted its proposed charter amendments to the City, the City Council revised and weakened some of the amendments and sent it to the voters. On May 25, 1969, the Charter Amendments were adopted by the voters.

Just prior to the election, the Citizen's Committee issued its Final Report. The Final Report set forth each of the charter amendments proposed to the planning and zoning provisions of the City's charter. (**Exhibit F** [Citizen's Committee Final Report].) On page 15 of its final report, the Citizen's Committee set forth all new proposed language to implement its recommendations regarding adoption and amendment of the general plan. New City Charter Section 96.5(3)(a) read as follows:

> "Proceedings pertaining to preparation, consideration, hearings, time limited, approval and adoption of the General Plan, or any of its parts or amendments thereto, shall be as provided by ordinance, **subject to the following limitations**:
>
> (a) The General Plan shall be so prepared that the Planning Commission may approve and the Council **may adopt it only as follows**: as a whole;

> by complete subject elements; **by substantial geographical areas; or by substantial portions of subject elements; provided that any such area or portion has significant social, economic or physical identity**." (Final Report, p. 15, emphasis added.)

This portion of new City Charter Section 96.5 included this explanatory note of the Committee's drafting intent:

> "To be truly comprehensive, the General Plan must cover the entire City and interrelate all of the pertinent subject matter. However, because Los Angeles is so large and complex, it is necessary as a practical matter to break the Plan into logical units for consideration and adoption. On the other hand, **it would be entirely inconsistent with the comprehensive nature and coordinating purpose of the General Plan for it to be adopted and amended in small bits and pieces. In order to prevent such piecemeal consideration, a limitation must be placed upon the extent to which the Plan can be divided up for purposes of adoption or amendment.**" (Emphasis added.)

Under the authority of this section, the City was broken up into 35 community plans based upon characteristics that marked a significant social, economic or physical identity.

In 1999, the draft of the Appointed Charter Reform Commission was adopted by the joint meetings of the Appointed and Elected City Charter Reform Commissions. The redlined changes to the City Charter Section 96.5 were minor and the limiting language is now found in the reorganized 2000 City Charter at Section 555. The portion relevant to the issues involving the Project are:

> **"Sec. 555. General Plan - Procedures for Adoption.**
>
> Procedures pertaining to the preparation, consideration, adoption and amendment of the General Plan, or any of its elements or parts, shall be prescribed by ordinance, **subject to the requirements of this section**.

> (a) **Amendment in Whole or in Part.** The General Plan may be amended in its entirety, by subject elements or parts of subject elements, **or by geographic areas, provided that the part or area involved has significant social, economic or physical identity**.
>
> (b) **Initiation of Amendments. The Council, the City Planning Commission or the Director of Planning may propose amendments to the General Plan.** The Director of Planning shall make a report and recommendation on all proposed amendments. Prior to Council action, the proposed amendment shall be referred to the City Planning Commission for its recommendation and then to the Mayor for his or her recommendation." (Emphasis added.)

The City Planning Department, City Planning Commission, the City Attorney, and City Council have violated the City Charter by allowing project applicants to apply for general plan amendments. Further, such project applicants have been allowed to apply for a general plan amendment merely for their own parcel(s) of land. City officials are violating the City Charter by allowing project applicants to ask for general plan amendments and to seek such amendments for, in the words of the Citizen's Committee, "small bits and pieces" of the City which is "entirely inconsistent with the comprehensive nature and coordinating purpose of the General Plan."

In another Second District Court of Appeal case involving the City of Los Angeles, Schafer v. City of Los Angeles (2015) 237 Cal.App.4th 1250, 1263, the Court of Appeal observed how the grant of an exception from a currently adopted general plan or zoning code would override the public interest in comprehensive zoning.

> "Zoning laws concern 'a vital public interest – not one that is strictly between the municipality and the individual litigant. All the residents of the community have a protectable property and personal interest in maintaining the character of the area as established by comprehensive and carefully considered zoning plans in order to promote the orderly physical development of the district and the city and to prevent the property of one person from being damaged by the use of neighboring property in a manner not compatible with the general location of the two parcels. [Citation.]

> These protectable interests further manifest themselves in the preservation of land values, in esthetic considerations and in the desire to increase safety by lowering traffic volume.' . . . (Pettitt v. City of Fresno (1973) 34 Cal.App.3d 813, 822-823, [parallel cite omitted].)" (Emphasis added.)

As shown above, the Project cannot be approved and the City cannot make any findings in the resolution proposed for adoption that could allow these violations of the City's Charter.

IV. CONCLUSION.

For all of the foregoing reasons, the Project application and requested approvals are not supported by law and must be denied.

The Project is not consistent with the City's Charter, General Plan, Municipal Code, or state law, including CEQA. We respectfully request that you reject the Project.

Thank you for your courtesy and attention to this matter.

Very truly yours,

ROBERT P. SILVERSTEIN
FOR
THE SILVERSTEIN LAW FIRM

Attachments
cc: Clients
Councilman David Ryu, CD4, via Planning Deputy Renee Weitzer

HERMAN BASMACIYAN, P.E.
Traffic, Transportation, Parking
Expert Witness and Consulting Services
701 Marguerite Avenue
Corona del Mar, CA 92625
Tel: 949-903-5738
herman.b@roadrunner.com

August 3, 2015

Mr. Robert Silverstein
The Silverstein Law Firm, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

Subject: Proposed 904 La Brea Avenue Project HB Proj. No. 150701

Dear Mr. Silverstein:

Per your request, I have prepared and attached a report which contains a discussion of traffic and parking matters not addressed or inadequately addressed in the Mitigated Negative Declaration (MND) for the proposed 904 La Brea Avenue Project.

I am a Registered Civil and Traffic Engineer in the State of California (Registration Numbers 20137 and 525, respectively) and a Registered Engineer (in retired status) in the States of Washington, Arizona, and Florida. I have over 50 years of experience in traffic and transportation engineering, traffic modeling and forecasting, parking studies, and the preparation of traffic impact studies. My curriculum vitae is attached immediately following this letter.

My overall conclusion is that there are a number of potential traffic and parking impacts that are not adequately addressed in the MND, including impacts during the construction period and after the completion of construction during on-going operation of the 904 La Brea Avenue Project. Based on my findings presented in the attached report, a fair argument exists that the 904 La Brea Avenue Project may have significant, unmitigable traffic operational, circulation, cumulative, emergency response times, and vehicular and pedestrian safety impacts.

Please contact me if I can provide further details or clarification about any matters covered in this letter.

Sincerely,

Herman Basmaciyan

Herman Basmaciyan. P.E.

ATTACHMENT

Herman Basmaciyan, P.E.

Profile

- Over 50 years of transportation planning and traffic engineering experience, including consulting services to legal professionals
- Expert witness services in San Diego, Orange, Los Angeles, Riverside, and San Mateo Counties in California and in Maricopa County, Arizona in eminent domain, traffic engineering, transportation engineering/planning, and parking matters
- Experience in numerous traffic impact studies, transportation planning projects, parking studies, public transportation system planning and operations, analysis of land use/transportation system interrelationships, and other traffic/transportation engineering projects
- Management of, or key role in, a wide variety of transportation, transit, and traffic engineering projects in California, Oregon, Washington, Arizona, Nevada, Colorado, Montana, New Mexico, Ohio, and Louisiana

Education

- Master of Science in Civil Engineering, University of Virginia, 1962
- Bachelor of Science in Civil Engineering, Robert College,1960
- Numerous Short Courses in Transportation and Traffic Engineering

Registration

Professional Engineer:

- California, Civil
- California, Traffic
- Arizona (retired status)
- Florida (retired status)
- Washington (retired status)

Professional Organizations

- Institute of Transportation Engineers
- American Society of Civil Engineers

HERMAN BASMACIYAN

Employment History

- **Individual** Providing Expert Witness and Consultant Services, Corona del Mar, CA, since January 2005
- **Transportation Consultant,** County of Riverside, Riverside, CA, 2005-2011
- **Vice President**, Kimley-Horn and Associates, Inc, Orange, CA 1992-2004
- **Principal**, Basmaciyan-Darnell, Inc., Irvine, CA 1978-1992
- **Principal**, Herman Basmaciyan and Associates, Newport Beach, CA 1976-1978
- **Senior Associate**, VTN Corporation, Irvine, CA, and Bellevue, WA 1971-1976
- **Senior Transportation Planning Engineer**, DeLeuw, Cather and Company, San Francisco, CA 1970-1971
- **Advisory Analyst**, Service Bureau Corporation (then a subsidiary of IBM), Palo Alto, CA 1967-1970
- **Director**, Puget Sound Regional Transportation Study, Seattle, WA 1962-1967
- **Research Assistant**, Virginia Council of Highway Research, Charlottesville, VA 1960-1962

Review of

MITIGATED NEGATIVE DECLARATION (MND)

for

904 LA BREA AVENUE PROJECT

Prepared by

Herman Basmaciyan, P.E.
herman.b@roadrunner.com
949-903-5738

August 3, 2015

Review of
Mitigated Negative Declaration (MND)
for the 904 La Brea Project

INTRODUCTION

At the request of the Silverstein Law Firm, I reviewed the Mitigated Negative Declaration (MND) and related materials associated with the proposed 904 La Brea Avenue Project. Specifically, I reviewed the documents included in the City Clerk's submittal to the City Council for the Council's consideration of the 904 La Brea Avenue Project, among others the Conditions of Approval, and the Mitigation Monitoring Program. In addition, I referred to the Policies and Procedures of the City of Los Angeles Department of Transportation (LADOT).

During my review, I identified potential traffic and parking related impacts that were either not addressed or were not addressed adequately. These are presented in the following paragraphs.

POTENTIAL IMPACTS NOT ADDRESSED or NOT ADDRESSED ADEQUATELY

Potential impacts that are not addressed, or are addressed less than adequately, in the Mitigated Negative Declaration (MND) are discussed in Paragraphs A through K below. In the ensuing discussion, "the alley," refers to the north-south alley that is adjacent to the eastern boundary of the property proposed to be developed as the 904 La Brea Avenue Project.

A. The signalized intersections at Highland Avenue and Lexington Avenue; at Highland Avenue and Fountain Avenue; and at La Brea Avenue and Lexington Avenue were not included in the traffic analysis. These three signalized intersection should have been analyzed because they lie along streets that serve as major access routes for the proposed project identified as "904 La Brea Project" in the MND. The omission of the intersection at La Brea Avenue and Lexington Avenue is especially inexplicable because it is in between two signalized intersections that were analyzed.

B. Unsignalized intersections along Romaine Street and along Willoughby Avenue between La Brea Avenue and Highland Avenue were not analyzed, including the unsignalized intersection of Romaine Street and Highland Avenue. The Policies and Procedures of the Los Angeles Department of Transportation (LADOT) do not require the analysis of unsignalized intersections. Nonetheless, they should have been analyzed, since they are along approach/departure routes for the 904 La Brea Project to and from the East. Not analyzing un-signalized intersections makes it impossible to identify potential traffic operational problems at these locations. As an example, at the intersection of Romaine Street and Highland Avenue, the 904 La Brea Project will add to the traffic turning left and right onto Highland Avenue, a busy thoroughfare, introducing potential safety issues. Also, since some of the un-signalized intersections have 2-way STOP and some 4-way STOP control may add to opportunities where drivers get confused about who has the right-of-way.

C. No traffic to and from the 904 La Brea Project is allocated to Romaine Street between La Brea Avenue and Formosa Avenue. A route via Formosa Avenue and Romaine Street would be a viable alternate route to travel to/from the residential component of the 904 La Brea Project traffic. Likewise, a routing via Formosa Avenue and Willoughby Avenue would be a viable alternate to Santa Monica Boulevard for both the residential and commercial components for inbound 904 La Brea Project traffic. Therefore, the unsignalized intersections at Formosa Avenue and Romaine Street and at Formosa Avenue and Willoughby Avenue should have been but were not analyzed. Especially in the case of Willoughby Avenue, the analysis may reveal traffic operational and safety problems because the street width is reduced west of Detroit Street and because the north and south legs of Formosa Avenue are off-set from one another. Also, Formosa Avenue is designated one-way southbound which can cause further confusion at this intersection.

D. Cumulative traffic impacts are not truly or properly analyzed for reasons discussed in the following paragraphs.

1. Table 3.16-9 Page 3-197, in the MND indicates that in 2018 without the 904 La Brea Project the following four intersections would operate at Level of Service (LOS) E or F during the morning or afternoon peak hour, or both:

    - Int. No.3, La Brea Avenue and Santa Monica Boulevard: D in AM, F in PM
    - Int. No.6, La Brea Avenue at Melrose Avenue: D in the AM, E in the PM
    - Int. No.9, Highland Avenue and Santa Monica Boulevard: E in the AM, F in the PM

- Int. No. 11, Highland Avenue and Melrose Avenue: F in AM, F in PM

2. The 2018 conditions are estimated by adding a growth of one percent per year for ambient traffic growth plus the traffic expected to be generated by 54 other developments within a one-mile radius of the project listed in Table 3.16-8, Page 3-193 of the MND. Assuming that the list of projects is complete, that the trip estimates for the projects are correct, and that the allocation of trips to the 11 intersections analyzed is correct – without judging whether or not these assumptions are true - the conclusion one can reach by reviewing Table 3.16-9 is that traffic conditions in 2018 will be worse than now.

   As indicated in Table 3.16-10 on Page 3-202 of the MND, the 904 La Brea Project will add traffic in 2018, making conditions worse, but will have no "significant impact." But, there is an inherent fallacy in the approach to making this "cumulative" analysis. Each project listed in Table 3-16-8, taken on its own, may not add enough traffic to have a "significant impact." This approach in the MND for the 904 La Brea Project is not unique; it has been used for other projects because that is the methodology in the LADOT Policies and Procedures, Page 15, Paragraph H, Item 1. Therefore, a true "cumulative" analysis was not performed. But, all projects listed in Table 3-16-8, taken together, will have "significant impact," since they will add over 8,000 vehicular trips in the afternoon peak hour. Cumulatively, these projects will have significant traffic impacts on the street system in the area, as well as on Caltrans facilities, and Regional facilities addressed in the Congestion Management Program (CMP).

E. Vehicle trips to be generated by the 904 La Brea Avenue Project are underestimated because:

   The proposed zoning for the property for the 904 La Brea Project is C2-D2, which would permit retail and other commercial uses such as business and professional offices and restaurants. The inclusion of restaurant and office space would result in substantial increases in the peak hourly traffic estimates that in turn would reveal additional significant traffic impacts not identified in the MND, as well as additional traffic operational and safety issues. Merely as an example, based on the Trip Generation Rates of the Institute of Transportation Engineers, a sit-down restaurant with 5,000 sq. ft. would generate 30 trips in the morning peak hour and 29 in the afternoon peak hour, compared to 5 in the morning peak hour and 19 in the afternoon peak hour for the retail uses. On a daily basis, the 5,000 sq. ft. of restaurant would have about 640 trips while 5,000 sq. ft. of retail would have about 210 trips, for a difference of about 400 trips.

Since the C2-D2 zoning would permit uses with higher trips than what was analyzed in the MND and since a reasonable range of reasonably foreseeable uses for the proposed retail spaces has not been analyzed, the trip estimates in the MND do not represent a likely cap for trip-making. Therefore, the conclusion of the MND that there are no significant traffic impacts is not supported by facts and proper analysis.

It is understood that as part of an Enterprise Zone, the 904 La Brea Avenue Project will be able to bring in any use permissible in the Enterprise Zone without increasing parking and that it may or may not be required to do additional traffic analysis, i.e., allowing for improper deferred study and mitigation, if other than retail uses occupy the street level. Despite the regulatory respites, the other than retail uses will create parking and traffic impacts that will not have been addressed in the current environmental clearance process.

In addition, on Page 3-208 of the MND it is stated that "A basement level of parking will provide 111 parking spaces for the retail tenant." Is there going to be a single retail tenant or will there be multiple tenants as indicated in the four distinctly partitioned retail areas depicted in Figure 2-10 of the MND?

If we assume for the sake of discussion, that the use of the "all retail" scenario is acceptable, the use of a pass-by trip reduction is not appropriate because a potential pass-by retail customer would need to enter the subterranean garage, go up one level to the desired retail establishment, make a transaction, then reverse the steps to get out of the garage, possibly paying for the parking. The process is cumbersome and few, if any, pass-by motorists would make a casual or impulse stop.

F. Significant traffic operational and safety issues may arise on La Brea Avenue for reasons discussed in the following paragraphs.

The 904 La Brea Project will have access to the ground floor commercial/retail uses only via a driveway to be located at the north boundary of the development. While not specifically stated, it is concluded based on Figure 3.16-4 on Page 3-184 of the MND that only right turns will be allowed for traffic exiting from this driveway. Figure 3.16-4 indicates that 20 percent of the exiting traffic will turn right, proceed north and make a U-turn at the signalized intersection of La Brea Avenue and Romaine Street, leading to the conclusion that left turns cannot be made at the exit.

The need to make this U-turn introduces an operational problem because a very short distance is available for a motorist to weave across three lanes of northbound traffic (in the peak periods when three lanes are available) to enter

the left turn pocket. The taper for the left-turn pocket starts approximately 65 to 70 feet north of the driveway. So, the motorist has about 65 to 70 feet to make a legal right turn and merge into the right lane and then move across two additional lanes to reach the left turn pocket. It is likely that during peak periods the left turn pocket is full, complicating operations even further for the motorist to get into the pocket.

It is also concluded based on Figure 3.16-4 that southbound traffic entering the driveway on La Brea Avenue will make a left-turn into the driveway using the existing two-way left turn lane. The length of the two-way left turn available on the approach to the driveway is about 60 to 65 feet. Two vehicles can be stored in this length, possibly three if a portion of the taper area is used. After getting into the two-way left turn lane, a motorist would have to cross three lanes of northbound traffic to complete the left turn into the driveway. This maneuver would also be very difficult during peak periods and would present potential safety problems.

The potential traffic operational and safety matters associated with driveway access on La Brea Avenue are not addressed in the MND. The matter of prohibiting left turns out of the driveway is not mentioned in the Conditions of Approval, but it should be.

Also the number of trips that would use the La Brea Avenue driveway is underestimated because it appears that, contrary to the traffic analysis assumption, some residential parking would be accommodated on the subterranean parking level to be accessed only by the driveway off La Brea Avenue. Please see Paragraph G and H for further details about this matter. Also, please see Paragraph E for yet another factor that would result in additional traffic into and out of the driveway on La Brea Avenue.

G. Contrary to the estimates in Table 2-2 on Page 2-7 of the MND, insufficient parking spaces would be provided by the proposed 904 La Brea Project. The floor plans (Figures 2-8 and following in the MND) indicate that on the residential Parking Levels (2 and 3) that are only accessible via the alley, there would be a total of 178 vehicular parking spaces, whereas 215 spaces would be required, resulting in a shortage of 37 spaces. On Level B-1, accessible via La Brea Avenue only, there would be 109 spaces, 34 more than the required spaces of 75.

   For purposes of this discussion only, ignoring the floor-by-floor distribution of the parking spaces, a total of 287 spaces would be provided, which would be three spaces short of the required total of 290, not a surplus of 13 spaces as indicated in Table 2-2 on Page 2-7 of the MND. In addition, no separate parking provision is made for visitor parking, and it is unclear where visitors to residents will park. Therefore the parking deficiency will be greater. To the extent that

they park at on-street spaces in the vicinity, they would have parking impacts on other streets. If on the other hand, they park in the alley, they would add to impacts on the alley. (Please refer to Paragraph I for a discussion of potential impact of added traffic in the alley.)

If residential parking will be allowed on the subterranean level, the traffic estimates at the intersections in the vicinity of the 904 La Brea Project would need to be altered and the impacts re-evaluated. Also potential traffic operational and safety problems would be worsened on La Brea Avenue if, contrary to the traffic analysis, some residential traffic were to use the driveway on La Brea Avenue. Please refer to Paragraph E for a discussion of these operational and safety matters.

H. The proposed zoning for the property for the 904 La Brea Project is C2-D2 that would permit retail and other commercial uses such as business and professional offices, and restaurants, among others.

In Table 2-2 on Page 2-7 of the MND, estimates of the required number of vehicle parking spaces for the residential and commercial/retail uses is presented. The Table indicates that 215 vehicle parking spaces would be required for the residences, and 75 spaces would be required for the non-residential component, for a total of 290 spaces. The Table also indicates that a total of 303 spaces would be provided. On the other hand Figures 2-8, 2-10, and 2-11 in the MND present the floor plans for parking Levels B-1, L-2, and L-3, respectively. Level B-1 (subterranean) would have 109 spaces, L-2 would have 88 spaces, and L-3 would have 90 spaces, for a total of 287. The total of the spaces in the floor plans is 16 less than the 303 indicated in Table 2-2. The reason for this discrepancy is unclear. Also unclear is why an excess of 34 non-residential spaces would be provided on the subterranean level and there would be a shortfall of 37 residential spaces on parking levels L-2 and L-3.

The estimate of the parking space requirement for the non-residential component of the 904 La Brea Project is based on the assumption that the entire non-residential component of just over 37,000 sq. ft. would consist of retail, rather than a combination of retail and other uses that would be permissible in the C2-D2 zoning classification. If one-half of the 37,000 sq. ft., or 18,500 sq. ft., were to be used for restaurants and offices, and the remaining 18,500 sq. ft. for retail, the parking requirement would increase to 130. Thus, the total parking requirement, including the residential component, would be 345 instead of 290 as estimated in Table 2-2 of the MND. Parking shortages at the 904 La Brea Project will result in a high number of vehicles circling while searching for available parking on the streets or other off-site locations. It is expected that this would cause significant additional circulation issues.

I. The addition of car and truck vehicular traffic on the alley may have significant adverse impacts due to blockages resulting in time loss for residents and other users of the alley, increased opportunities for collisions, as well as potentially longer emergency response times. The following discussion presents details.

1. The MND does not state how many passenger and commercial vehicles now use the alley and how much commercial vehicle traffic will be added to the alley by the 904 La Brea Avenue Project. Neither does it state whether size or weight restrictions for commercial vehicles will be imposed. Increased commercial truck activity due to the proposed project will consist of such components as trash trucks, deliveries to the commercial uses in the proposed development, moving trucks to serve the needs of residents moving in or out of residences, and others. Any commercial vehicles stopped because of necessity (such as trash collection trucks) or parked illegally in the alley for loading/unloading or other reasons, will constrict traffic circulation in the alley and could create sight distance problems, leading to potential collisions.

2. The size of the loading area for the 904 La Brea Avenue Project is such that it cannot accommodate any truck/trailer combination longer than a truck with a 30-foot trailer, without encroaching into the alley. Assuming that the driver is meticulous in making sure that the vehicle is parked in exactly the correct position, a truck with a 30-foot trailer can be accommodated in the loading area, but not much room would be left for any other vehicle. (Please refer to Figure 2-10 on Page 2-21 of the MND.) Therefore, even small delivery vehicles such as those used for mail, FedEx, UPS, etc. and for small service vehicles like those used by utility companies or plumbers, electricians, painters, and others would need to park in the alley if there is a large vehicle in the loading space.

3. Most moving trucks have a 20 or 25 foot truck with a trailer that is 45-foot, or larger. These large moving vehicles cannot be accommodated within the loading area of the 904 La Brea Avenue Project. If a vehicle cannot be accommodated within the loading area it would encroach into the alley. Such encroachment would restrict the width of the alley. Depending on the length of the truck, the encroachment into the alley will make it very difficult, or impossible, for two vehicles to get by one another. Also, a truck encroaching into the alley will introduce sight distance issues, since drivers who attempt to get by an encroaching truck will not have a clear view of vehicles approaching in the opposite direction. Accordingly, the project may create significant, unmitigable circulation and traffic (and potentially pedestrian) safety issues.

4. Yet another potential sight distance issue pertains to vehicles exiting from the residential parking levels onto the alley because the sight distance for exiting motorists would be obstructed by the building and may be further limited by vehicles encroaching into the alley.

   The speed limit for vehicles traveling in an alley is 15 mph. A vehicle traveling at 15 miles per hour (mph) can be brought to a complete stop in 44 feet (including driver's reaction time, application of the brakes, and the distance the vehicle travels from the time the brakes are applied until it comes to a complete stop). For a vehicle traveling at 20 mph the stopping distance is 63 feet; in both cases the stopping distance for trucks is about 10% longer. A motorist traveling in the alley would have no problem stopping in time to avoid a collision with a vehicle exiting from the driveway of the 904 La Brea Avenue Project, provided that the exiting vehicle comes into the alley when the vehicle in the alley is at least 44 feet away (or longer distance for a higher speed).

   The sight distance problem arises because the motorist exiting from the driveway cannot see to either side of the alley at the time the front of the vehicle reaches the alley because the eye position of the driver is about 6 to 10 feet further back and the driver's line of sight would be blocked by the building, and the motorist would be traveling down a driveway that will have a 20% gradient (downhill) approaching the alley from the parking level above. The vehicle would need to encroach into the alley by 6 to 10 feet before the driver would have a clear view of the alley. If a vehicle approaching the driveway is closer than 44 feet in the alley at the time the exiting vehicle is 6 to 10 feet into the alley, a collision is likely to result. Vehicles illegally parked or otherwise stopped in the alley would cause further restrictions to the sight distance of the driver exiting from the garage.

5. Any blockages of the alley will affect the land uses on the east side of the alley and possibly cause disruption to their operations.

J. Response times for emergency vehicles may be affected by increased traffic in the alley for the following reasons.

   The City of Los Angeles Fire Department (LAFD) requires that if a building is located more than 150 ft from a street or alley the developer should provide an access road to the property. In the case of the 904 La Brea Avenue Project, an access road would not be required because the property is bounded by La Brea Avenue and the alley. Since the property has a width of 150 feet in the east-west direction, the LAFD might prefer to use the alley to access the east side of the property in the case of some emergency situations.

The MND should have addressed the matter of emergency vehicle access, but it did not. Keeping the alley free of any obstructions, such as parked vehicles, fixed objects, or movable objects, would be essential for the operation of emergency vehicles, especially fire engines and trucks. The 904 La Brea Avenue Project will increase the opportunities for blockages in the alley because there would be more traffic including commercial vehicles, more opportunities for illegal parking, more vehicles for loading/unloading stopped or intruding into the alley, more refuse collection vehicles, more utility service vehicles, and others.

Any obstruction of the alley -- whether a vehicle parked improperly in the alley, a truck encroaching into the alley while parked partially in the loading area, or any other – could affect response time for emergency vehicles. The 904 La Brea Avenue Project will introduce additional opportunities for blockage in the alley and potentially result in increases in the response time for emergency vehicles. Accordingly, the project may cause significant, unmitigable impacts related to emergency response times.

K. The MND does not present an analysis of potential traffic impacts during the construction period. The following quote is from Page 3-202 of the MND:

****

Project Impacts

Construction

The Project developer will attempt to park and stage for construction on-site as much as possible. During portions of the construction where off-site street surfaces are needed, the developer will submit for review and approval a traffic control plan detailing days, time of day, and safety features. Any off-site construction needs will attempted to be minimized and be conducted outside of peak traffic times. Construction worker vehicles that cannot be accommodated on site will be provided off-street parking and shuttle service to the site if needed. Therefore, construction impacts would be less than significant.

....

The above quote is the entirety of the discussion of traffic impacts during the construction period. The word "shall" does not even appear in this paragraph and matters are left to "attempt" by the developer. There is no evidence of any substantial analysis or consideration of potential traffic and parking impacts during the construction period. Specific issues are discussed in the following paragraphs.

1. No estimate of the number of construction workers is presented. It is possible that the arrivals and departure of construction workers would occur during peak periods and that the number of trips by construction workers

during peak hours during some phases of construction would exceed the number of peak hourly trips under long-term on-going operating conditions. Without an estimate of the number of construction workers, the conclusion that there will be no traffic impacts at intersections is simply opinion and is not based on appropriate analysis or substantial evidence.

2. The MND restricts the construction hours to 7:00 AM to 9:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday. The LADOT defines the peak periods of travel as 6:00 to 9:00 AM and 3:00 to 7:00 PM on weekdays, but does not define peak periods for Saturdays. Thus, it is likely that on weekdays a large percentage of construction workers would arrive at the site during peak periods. Likewise, a large percentage of construction workers would leave the construction site during peak periods as defined by LADOT. The Conditions of Approval state that deliveries of construction machinery and construction materials shall be limited to the period 7:00 AM to 4:00 PM. Since the allowable times for deliveries of machinery and materials overlap with the hours that the LADOT considers to be peak periods, in addition to construction worker traffic, trucks making deliveries could cause significant traffic impacts during peak periods.

3. The MND does not address the matter of parking for demolition, excavation, grading, and other construction workers during the construction period. Since on-site parking will not be available during some or all of the construction period, workers will need to park in on-street spaces or in off-street parking areas elsewhere. However the location where such other off-street parking may be available is not discussed. As indicated in the MND (Table 3.16-8, Page 3-193) there have been, and continue to be, other construction activities similar to the proposed project. Based on the experience from other projects, at the very least, it should be possible to develop and include in the environmental documentation, a list of several candidate sites that could accommodate the worker parking for the 904 La Brea Avenue Project. Because of the lack of such a list in the environmental documentation, potential parking and traffic impacts on streets in the vicinity cannot be assessed.

4. On Page 3-153 the MND states that the haul route would be via La Brea Avenue, Santa Monica Boulevard, Highland Avenue, SR-101, SR-170, I-5, and Sepulveda Avenue to the Sunshine Canyon Landfill. On Page 3-153 it is stated that there would be 3,000 haul trips, presumably one-way, which means that 6,000 truck trips would be added to the street system during a period of four to six weeks or a total of 24 to 36 construction days. Using 30 construction days for convenience of computation, there would be about 200 haul trips each construction day (6,000 trips divided by 30 construction days). No discussion of the potential traffic impacts is presented in the MND. Since the haul trucks would travel through some congested streets and

intersections, there could be potential traffic impacts that have not been identified. In addition, since there are other construction projects, there would be potential cumulative traffic impacts.

5. The impact of the haul trucks on Caltrans facilities, including ramp terminal intersections is not analyzed. If such an analysis is performed, Caltrans procedures for determining intersection and freeway mainline Level of Service should be used.

6. Some parking spaces on La Brea Avenue and Willoughby Avenue will be lost during some of, or the entire the construction period. This loss of spaces, although temporary could have an adverse impact on neighboring businesses. It is unclear if the parking spaces on the north side of Willoughby Avenue will be lost permanently when short term bicycle parking is installed along the frontage of the 904 La Brea Avenue Project. The August 22, 2014 letter from LADOT to the Planning Department states that Willoughby Avenue is a local street and should have a 20-foot half-width within a 30-foot half-width right-of-way. The Conditions of Approval stipulate only that the applicant will only make repairs to the sidewalk on Willoughby Avenue along the frontage of the 904 La Brea Project.

7. The MND should have specified what measures would be in place to ensure that construction vehicles do not park in the alley except for the minimum length of time necessary for loading and unloading. The MND should have, but did not, present appropriate measures to ensure that construction vehicles will not encroach into the alley or park in any portion of the alley.

8. It is unclear how haul and other construction-related trucks will access the site. Empty trucks returning via La Brea Boulevard will need to make a left turn into the site. As discussed in Paragraph E, this maneuver may present operational and safety problems on La Brea Avenue. Undoubtedly, other construction trucks will approach the site southbound via La Brea Boulevard. If they use the alley for this purpose, there may be impacts on the alley (Please refer to Paragraph I.)

Based upon my more than 50 years' experience as a traffic engineer, and based upon the facts and analyses presented above, it is my conclusion that: 1) the MND fails as an adequate informational document under CEQA because it omits or misstates critical information; and 2) a fair argument exists that the project may have significant, unmitigable impacts, including in the areas of traffic operational, circulation, cumulative, emergency response times, and vehicular and pedestrian safety impacts.

MEMO

To: Robert Silverstein, Esq.

From: Hans Giroux, Giroux & Associates

Re: 904 La Brea Project

Date: August 3, 2015

As per your request, I reviewed the noise impact analysis in the proposed IS/MND for the above project. The issue of construction noise is only perfunctorily addressed with minimal acknowledgement of a potentially significant equipment noise impact and the skimpiest mitigation. Similarly, the proposed project would be built with the eastern façade facing extensive truck operations at loading doors opening to the alley. Residential use of the parcel would place possible noise restrictions on existing commercial/industrial uses that do not currently exist.

CEQA guidelines state that an impact should be considered if it violates an adopted ordinance. The City of Los Angeles noise ordinance for construction activities finds that construction equipment noise levels exceeding 75 dB at any noise-sensitive land uses are a violation of the ordinance unless no technological methods exist to remain below this level. The project noise technical report has apparently selected an unsubstantiated reference noise level of 83 dB at 50 feet from heavy equipment. The Los Angeles CEQA Thresholds Guide (2006) at Page I.1-1 states that equipment noise ranges from 76 to 91 dB at 50 feet. The use of an artificially low reference level substantially understates the construction noise impact and distorts the needed degree of mitigation. The selection of a more realistic reference noise level substantially invalidates the conclusion in Mitigation Measure 12-3 that only 3 dB of enhanced equipment noise reduction through shielding of muffling is needed to mitigate the impact to a less-than-significant level. Use of a true maximum reference level would increase the mitigation requirement to closer to 10 dB instead of the trivial 3 dB shown in the IS/MND. As noted on Page 3-128 of the Environmental Analysis, sound barriers can achieve as much as 20 dB of attenuation if properly constructed such that mitigation is feasible, but would require a greater commitment than the minimal effort offered in Measure 12-3. Without an evaluation of the reasonableness and feasibility of a more aggressive measure, the MND cannot claim that it is a mitigated analysis. Absent such an analysis, preparation of an EIR would clearly be indicated.

The noise impact study states that 3,000 haul trips will be necessary for grading and excavation. It concludes that 6,000 truck trips (3,000 out full, 3,000 return empty) will "marginally" increase noise levels along haul routes. Unless the project description better identifies the likely haul routes and the expected hauling scenario, the "marginal" finding cannot be substantiated. Similarly, the delivery of building materials during an intensive activity such as concrete pouring would have possible noise impacts that are not acknowledged in the IS/MND.

There is no mention of the amount of commercial trucking activity and its possible noise impact from the adjacent use across the alley east of the proposed site. The current Google Earth photo of the site shows six trucks in the alley or at loading doors with a direct line of sight to project windows and balconies. Existing commercial activities are not currently noise constrained. However, placement of multiple residences in such close proximity could engender future noise complaints from residents. The fact that existing activities pre-date the proposed project can sometimes be forgotten over time.

It is our professional opinion that a fair argument exists that construction activity impacts have been inadequately quantified and possible mitigation has been insufficiently analyzed to support the use of an MND for CEQA clearance for the proposed project, and that the proposed project may have significant, unmitigable noise impacts, particularly during construction. Similarly, existing trucking and loading activities in the alley east of the proposed project may be a source of future significant noise conflict that would not occur if this site is not converted to a predominantly residential mixed use project. We believe that the preparation of a full EIR is clearly indicated.

L.A. CEQA THRESHOLDS GUIDE

Your Resource for Preparing
CEQA Analyses in Los Angeles

City of Los Angeles
2006

I.1. CONSTRUCTION NOISE

1. INITIAL STUDY SCREENING PROCESS

A. Initial Study Checklist Questions

XI.a): Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

XI.b): Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

XI.d): Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

XI.e): For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

XI.f): For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

B. Introduction

Construction of facilities and structures requires the use of equipment, which may generate high noise levels and adversely affect noise sensitive uses.[1] In assessing the impact of construction noise upon the environment, the nature and level of activities that generate the noise, the pathway through which the noise travels, the sensitivity of the receptor, and the period of exposure are all considered.

Environmental noise is measured in decibels (dB). To better approximate the range of sensitivity of the human ear to sounds of different frequencies, the A-weighted decibel scale (dBA) was devised. Because the human ear is less sensitive to low frequency sounds, the A-scale de-emphasizes these frequencies by incorporating frequency weighting of the sound signal. When the A-scale is used, the decibel levels are represented by dBA. On this scale, the range of human

[1] For impacts during operation, see I.2 OPERATIONAL NOISE, I.3. RAILROAD NOISE, and I.4. AIRPORT NOISE, as appropriate.

hearing extends from about 3 dBA to about 140 dBA. A 10-dBA increase is judged by most people as a doubling of the sound level.

To account for the fluctuation in noise levels over time, noise impacts are commonly evaluated using time-averaged noise levels. The Community Noise Equivalent Level (CNEL) represents an energy average of the A-weighted noise levels over a 24-hour period with 5 dBA and 10 dBA increases added for nighttime noise between the hours of 7:00 p.m. and 10:00 p.m. and 10:00 p.m. to 7:00 a.m., respectively. The increases were selected to account for reduced ambient noise levels during these time periods and increased human sensitivity to noise during the quieter periods of the day.

Typical construction equipment types are presented in Exhibit I.1-1. Noise levels from these equipment types ranges from 76 to 91 dBA for equipment powered by internal combustion engines, saws, and vibrators and from the mid-80s to more than 100 dBA for impact equipment. Exhibit I.1-2 provides typical noise levels for each construction phase. The excavation and finishing phases include the noisiest construction activities.

The Environmental Protection Agency (EPA), establishes emission standards for construction equipment according to the provisions of the Noise Control Act of 1972, set forth in 40 CFR, Part 204. In addition, the City of Los Angeles Noise Ordinance addresses noise generated at construction sites, including permissible hours of construction, increases in ambient noise levels, and the technical feasibility of reducing noise from certain construction equipment. The Los Angeles Police Department (LAPD) enforces the provisions of the Noise Ordinance.[2]

C. Screening Criteria

- Would construction activities occur within 500 feet of a noise sensitive use?

- For projects located within the City of Los Angeles, would construction occur between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at anytime on Sunday?

A "yes" response to any of the preceding questions indicates further study in an expanded Initial Study, Negative Declaration, Mitigated Negative Declaration, or EIR may be required. Refer

2 Refer to Sections 41.40, 112.02, and 112.05 of the Los Angeles Municipal Code (LAMC). Technical infeasibility means that specified noise limitations cannot be achieved despite the use of mufflers, shields, sound barriers and/or any other noise reduction devices or techniques during operation of the equipment.

Exhibit I.1-1
NOISE LEVEL RANGES OF TYPICAL CONSTRUCTION EQUIPMENT

Equipment	Levels in dBA at 50 feet[a]
Front Loader	73-86
Trucks	82-95
Cranes (moveable)	75-88
Cranes (derrick)	86-89
Vibrator	68-82
Saws	72-82
Pneumatic Impact Equipment	83-88
Jackhammers	81-98
Pumps	68-72
Generators	71-83
Compressors	75-87
Concrete Mixers	75-88
Concrete Pumps	81-85
Back Hoe	73-95
Pile Driving (peaks)	95-107
Tractor	77-98
Scraper/Grader	80-93
Paver	85-88

[a] Machinery equipped with noise control devices or other noise-reducing design features does not generate the same level of emissions as that shown in this table.

Source: EPA, Noise from Construction Equipment and Operations, Building Equipment and Home Appliances, PB 206717, 1971.

HANS D. GIROUX

SUMMARY OF QUALIFICATIONS AND EXPERIENCE

EDUCATION:

Bachelor of Arts in Physics, University of California (Berkeley), 1965.

Bachelor of Science in Meteorology, University of Utah, 1966.

Graduate studies in Meteorology, University of Wisconsin, 1967-68.

Masters of Science in Meteorology, UCLA, 1972.

Candidacy for Doctorate in Meteorology, UCLA, 1974.

PROFESSIONAL EXPERIENCE:

Weather Forecaster, U.S. Air Force, Truax AFB, Madison, WI, 1966-67.

Staff Weather Officer/Chief Forecaster, McChord AFB, WA, 1968-69.

Teaching Assistant, Basic Meteorology/Advanced Dynamics, UCLA, 1969-71.

Research Assistant, California Marine Layer Structure, UCLA, 1971.

Research Assistant, Remote Air Pollution Sensing by Satellites, UCLA, 1972.

Research Assistant, Climate Change - Aircraft Pollution, UCLA, 1973.

Instructor, Basic Meteorology, Cal State Northridge, 1972-74.

Air Pollution Meteorologist, S-Cubed, LaJolla, CA 1973-75.

Senior Meteorologist, Meteorology Research, Inc., Altadena, CA 1975-77.

Instructor, Weather for Flight Aircrews, Orange Coast College, 1976.

Instructor, Basic Meteorology, Golden West Community College, 1976-81.

Instructor, Basic Meteorology, Orange Coast College, 1977-81.

Consultant, Atmospheric Impact Processes, Irvine, CA, 1977-present.

PRINCIPAL PROFESSIONAL RESPONSIBILITIES:

Military: Performed operational weather forecasting for jet aircrews; trained new personnel; responsible for ground safety, security, records administration, quality control, forecasting methodology research, and liaison with other base units; air defense battle staff weather officer; and deputy detachment commander.

University: Conducted laboratory sessions; instructed students in the use of meteorological instrumentation; demonstrated weather analysis techniques; supervised student weather observation programs; gave lectures and tests.

Private:

Air Quality: Prepared air quality impact assessments for coal- and oil-fired, nuclear, solar geothermal and wind energy power generation systems; prepared impact assessments for transportation systems, industrial emissions sources, wastewater treatment plants, landfills, toxic disposal sites, oil processing facilities, mining operations, commercial, residential, institutional and recreational land uses, airports and harbors; conducted atmospheric gas tracer experiments; developed numerical airflow analyses; and conducted numerous meteorological and air quality data acquisition programs with a very strong emphasis in arid environments, geothermal development, odors and nuisance and in regional pollution impacts from Southern California urbanization.

Noise: Developed impact assessments for roadways sources, construction equipment, sand and gravel plants, wineries, industrial equipment, gas recovery plants, railroads, recreational activities and oil refineries; monitored ambient noise levels from above sources, calibrated highway traffic noise model (FHWA-RD-77-108), and calculated sensitive receptor noise exposures; wrote community noise ordinances, purchased monitoring equipment and trained city staff; performed noise mitigation studies including barrier design, location, equipment noise control, and residential building retrofits.

PROFESSIONAL REFERENCES

Mr. Rich Ayala, Senior Planner, City of Ontario, 909-395-2421
Mr. Jerry Backoff, Planning Director, City of San Marcos, 760-744-1050
Mr. Albert Armijo, Planning Director, City of Aliso Viejo, 949-425-2527
Ms Alia Hokuki, Senior Planner, AECOM, Inc., 949-660-8044
Dr. Joyce Hsiao, President, Orion Environmental Associates, 415-951-9503
Ms. Valerie Geier, President, Geier & Geier Consulting, 510-644-2535
Mr. Tom Dodson, President, Tom Dodson & Associates, 909-882-3612
Mr. David Tanner, President, EARSI, 949-646-8958
Mr. Primo Tapia, Vice-President, Envicom Corp., 818-879-4700

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August 2, 2015

Regarding: Comments on Mitigated Negative Declaration ENV-2014-4074-EAF
904 N. La Brea Avenue, Los Angeles, CA 90038-2322

Credentials: Richard (Dick) Platkin is a retired city planner with 30 plus years of experience working in the public sector (Seattle and Los Angeles), as well as the private and nonprofit sectors in Los Angeles.

Since retiring from the LA City Planning Department, he has taught planning classes at the University of Southern California and California State University-Northridge, consulted to many community groups in Los Angeles, and joined the boards of the Beverly Wilshire Homes Association, East Hollywood Neighborhood Council Planning Committee, and Planners Network. He also writes a regular column on planning issues in Los Angeles for City Watch LA, and previously for Ron Kaye's LA. He also has edited two special issues of Progressive Planning, the journal of the Planners Network.

Preface: My analysis has determined that the Mitigated Negative Declaration ENV-2014-4074-EAF, dated February 23, 2015, for the project at 904 N. LaBrea Avenue, Los Angeles, CA 90038 is inadequate in assessing the potential impacts associated with the subject property, for the reasons presented in the following commentary.

By way of reference, I have also included this article: "Harbor Gateway apartments pit industry against City Hall," Los Angeles Times, July 19, 2015

ANALYSIS OF MITIGATED NEGATIVE DECLARATION

I. IS Checklist

A. Summary

a. Pages 3 and 4 of 17

On Page 3 of the Initial Study and Checklist under Planned Land Use and Zone, the planned Land Use is called out as "Limited Manufacturing" and the existing Zoning is called out as MR1-1. Similarly, the checkbox labeled "Does Not Conform to Plan" is checked. Then things get strange. The applicant has authored an environmental review document to support his/her application for a Zone Change and General

Plan Amendment that presumes the Zone Change and General Plan Amendment have already taken place or will take place.

The maximum Density/Intensity allowed by the zoning on the following page is stated as 62 units/75,019.2 sf. This is clearly a reference to the 1.5 to 1 FAR restriction that would apply in the requested C2 zone. Under the existing MR1-1 zone classification, residential uses of any kind are completely prohibited. The correct answer in the box should be "0".

Similarly, the maximum Density/Intensity allowed by the existing Plan Designation is stated as 62 units/75,019.2 sf. This is again clearly a reference to the 1.5 to 1 FAR restriction that would apply under the requested Neighborhood Commercial Plan designation. Under the existing MR1-1 zone classification, residential uses of any kind are completely prohibited. The correct answer in this box should also be "0".

b. Page 5 of 17 Determination

The finding for the Mitigated Negative Declaration that the proposed Project will not have a significant effect on the environment by virtue of the proposed mitigation package is flawed for the reasons stated below.

II. Initial Study

1. AESTHETICS

a. Would the Project have a substantial adverse impact on a scenic vista?

The checklist claims that the proposed seven-story structure will have a less than significant impact on scenic vistas. The building will, however, have a significant negative impact on views from the upper floors of the building under construction on the northwest corner of La Brea and Willoughby. The views looking east from that building toward downtown and looking northeast toward the Hollywood will be impacted.

10. LAND USE AND PLANNING

a. Would the project physically divide an established Community?

The checklist claims that the proposed seven-story structure will

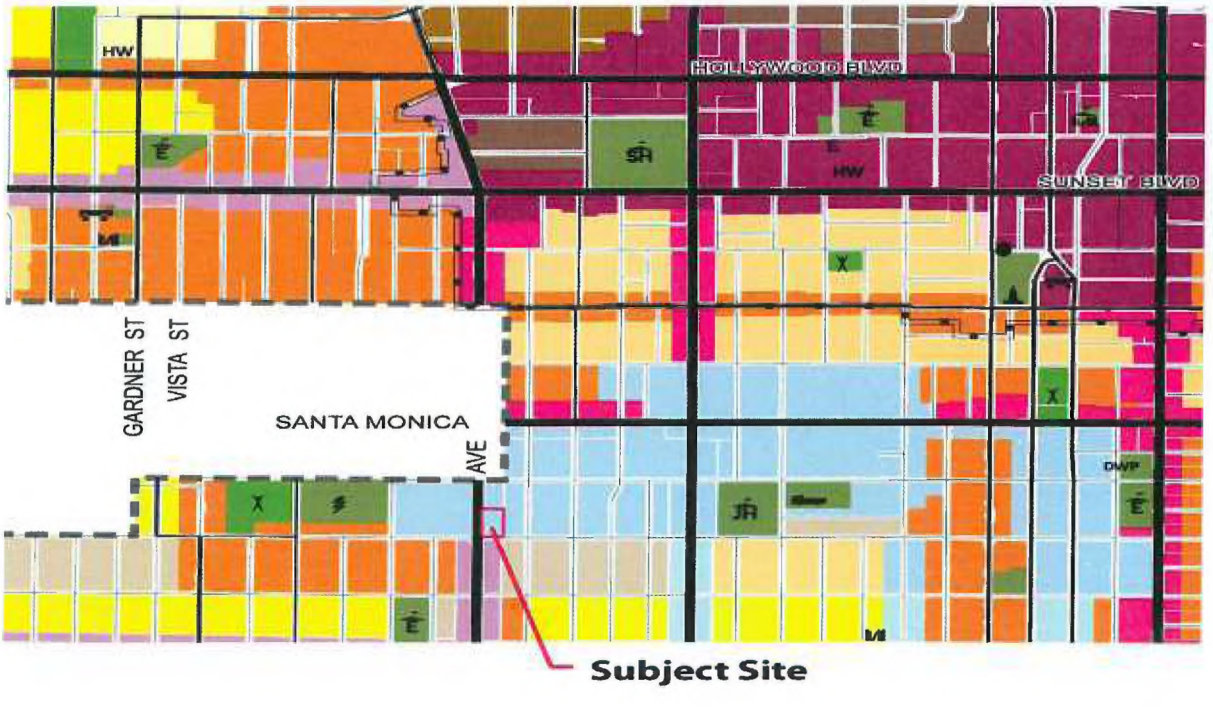
have a less than significant impact with respect to dividing an established community. The project will, however, have a significant impact by dividing the historic Hollywood Industrial Core.

The site is, and has historically been, part of the Hollywood Industrial Core, which is a swath of land running along both sides of Santa Monica Boulevard bounded roughly by Willoughby, Poinsettia, Lexington, and Vine. It is shown in light blue on the City's General Plan Map below:

Note that the white area to the north and west of the Subject Site is in the City of West Hollywood. The light industrial land use continues north and west of the subject site into West Hollywood, encompassing what was the original Warner Brothers Hollywood Studio and is now known simply as "The Lot". Please also note that the dark green land use designation to the west of the subject site is actually a major DWP electrical transmission/distribution sub-station, supplying power to a wide area, including the adjacent industrial and studio uses.

The change of use for the subject block represents a significant intrusion of incompatible residential uses into the historic industrial core. This particular type of intrusion is typically seen as a "block busting" tactic, with the intent of further expanding the residential base through future plan amendments and zone changes. Thus, a fair argument also exists that the project may have significant, unmitigable growth inducing impacts.

b. Would the project conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction



over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The checklist notes that the impact of the change in land use may be potentially significant, requiring mitigation. Our concern is that the loss of industrial land cannot be feasibly mitigated. The only potential mitigation that would suffice is if additional industrial land were created off-site in lieu of the land lost to the proposed development. That solution does not appear to be feasible, nor has it been proposed as a potential mitigation measure.

13. POPULATION AND HOUSING.

a. Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure?

We referred to the pending land use action as "block busting" in the above section dealing with land use. The term "block busting" usually refers to an action in the real estate market whereby a foothold is obtained in an otherwise monolithic area for the purpose of advancing the wholesale change of a neighborhood. In this case that analogy apples to the Hollywood Industrial Core. If this action is approved, the insertion of more than 169 sensitive receptors in the form of apartment dwellers in the industrial area will most certainly encourage other developers to seek to change more of the industrial land to less industrial uses compatible with the proposed project (i.e. more high density residential buildings), resulting in substantial population growth in an area.

The proposed MND fails to address the potential for inducing substantial population growth in the area,

16. TRANSPORTATION AND TRAFFIC.

a. Would the project conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation

system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

The associated traffic study appears to find that there are no traffic impacts resulting from locating 37,000 square feet of retail space and 169 apartment units on land long planned for light industrial uses. A similarly sized project (at 221 units and 35,000 square feet of retail uses) located directly across La Brea was required to undertake several mitigations, including the widening of Willoughby at La Brea.

Traffic impacts related to the ingress and egress from the subject site will be particularly impactful, since the residential access to the site, along with truck access to the retail, is taken from the narrow alley to the east of the subject site. The alley is only accessible from Willoughby, a narrow collector street to the south and Romaine, a local street to the north that serves the industrial core.

b. Would the project conflict with an applicable congestion management program, including but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

The same concern applies. Traffic impacts related to the ingress and egress from the subject site will be particularly impactive, since residential access to the project is taken from the narrow alley to the east of the subject site. The alley is only accessible from Willoughby, a narrow collector street to the south and Romaine, a local street to the north that serves the industrial core.

III. List of Mitigation Measures

1. AESTHETICS

The proposed MND fails to address the potentially significant negative impact on views from the upper floors of the building under construction on the northwest corner of La Brea and Willoughby. The views looking east from that building toward downtown and looking northeast toward the Hollywood will be impacted.

10. LAND USE AND PLANNING

For reasons known only to the Department of City Planning staff who reviewed this application, the only mitigation measure listed under Land Use and Planning is a requirement to install an air filtration system so that the air pollutants originating on neighboring industrial land might be filtered out of the apartments.

The mitigations do not address the potentially significant effects of the continued loss of industrial land in the city.

13. POPULATION AND HOUSING.

Under Population and Housing, the MND makes the simple statement that no mitigations are required.

16. TRANSPORTATION AND TRAFFIC.

Again, under Transportation and Traffic the only required mitigations relate to vehicle/pedestrian safety and the required haul route.

IV. Project Description

Pages 2-8/2-9 Construction Information

The section labeled Construction Information notes on pages 2-9 that the subterranean garage will extend "approximately 8 feet below grade". According to the project description, the below grade parking is reserved for retail parking, and the plans show handicapped accessible parking adjacent to the retail lobby. At least one of the handicapped parking spaces will be required to be van accessible under California Title 24 regulations. Van accessible parking requires a headroom clearance of 8' 2" below any obstructions. This typically means that the basement depth will need to reach an average depth of 10' rather than 8' to account for structure, sprinkler lines and ductwork.

Adding two feet to the depth of the excavation over the 49,000 square foot site would increase the amount of dirt to be exported by 16,000 cubic yards of material. This could intensify the already significant impacts to be expected from hauling activities.

V. Project Objectives

The objectives of the Project are stated as follows:

* **Capitalize on a smart growth opportunity by intensifying a currently under-utilized site with a mix of residential and retail uses in an area of the City lacking in mixed-use projects.**

Response: Since the entire City of Los Angeles is "lacking in mixed use projects", nothing in that statement is specific to the subject site.

* **Provide retail uses within walking distance of the dense residential neighborhood to the south of Willoughby Avenue and north of Santa Monica Boulevard.**

Response: The "dense" residential neighborhoods south of Willoughby Avenue and north of Santa Monica Boulevard already have more than adequate opportunities to walk to retail along Santa Monica Boulevard, La Brea Avenue (it is an Avenue, not a Boulevard) and Melrose Avenue.

* **Provide residential uses within walking distance of the commercial uses along La Brea Avenue, especially the West Hollywood Gateway development.**

Response: This purpose is directly at odds with the preceding "purpose" which states that "dense residential neighborhoods" already exist in close proximity to the existing retail developments.

* **Activate the stretch of La Brea Boulevard between the under-construction La Brea Gateway and the West Hollywood Gateway with new contemporary residential and retail opportunities.**

Response: That particular stretch of La Brea already has a major mixed use project underway on the west side of La Brea and a recently completed expansion of a retail/office project immediately to the north of the subject site. Note that the retail portion of the this project remains largely vacant as can be clearly seen in photo Views 11 and 12 that are part of the MND.

* **Improve the aesthetic quality and sustainability of the Project Site by removing older, out-dated structures and vacant land and developing a modern, efficient building that utilizes the latest City and State Green Building Codes.**

Response: The incorporation of code-required Green Building codes does not address the appearance of the building. Furthermore, the true test of sustainability goes beyond the incorporation of green building technology and includes a range of incentives and infrastructure to reduce automobile driving.

* **Contribute to the economic recovery of the City by developing ground floor retail and residential uses that generate local tax revenues, provide new jobs, with employees and residents who support local businesses, including dining, shopping and entertainment venues nearby.**

Response: The limited number of permanent non-union retail jobs created at this site will likely not replace the potential for higher paying jobs in the displaced light manufacturing industries.

* **Create an architecturally-inspired development that is economically sustainable, compatible with surrounding land uses, and consistent with the policies and objectives of the Hollywood Community Plan.**

Response: As noted above in the section related to Land Use and Planning, the Hollywood Community Plan clearly designates the subject site for Light Manufacturing Uses consistent with the MR1-1 zone classification. Under those designations, residential uses are prohibited. Period.

Therefore, the proposed action is *not* consistent with the policies and objectives of the Hollywood Community Plan. Not only a "fair argument," but an indisputable argument exists that the proposed project conflicts with policies and objections of the Hollywood Community Plan.

VI. Environmental Impact Analysis

1. AESTHETICS (Page 3-1)

a. Would the Project have a substantial adverse impact on a scenic vista?

In describing the adjacent building immediately to the north of the subject site, the MND states that site "contains a three-story retail and office building (which steps up to five and six stories and 70 feet in height1 in its rear portion at Sycamore Avenue)....". The existing building in question does not extend east to Sycamore Avenue. The eastern property line of the site to the north is the alley that bisects the block, which forms the similar eastern boundary of the subject site.

In the footnote on page 3-2 describing the project's supposedly limited impact on scenic views, the MND cites case law that obstruction of "a few private views in the project's immediate vicinity is generally not regarded as a significant environmental impact". In the subject case, more than a few views will be impacted with regard to the easterly views of Downtown Los Angeles that would accrue to the future residents of the six story project currently under construction at 915 N. La Brea Avenue.

Accordingly, based on this evidence, a fair argument exists that the project may have significant, unmitigable aesthetic impacts, including impacts to scenic views and vistas.

10. LAND USE AND PLANNING (page 3-90)

a. Would the project physically divide an established Community?

The MND states that the project will have "No Impact", claiming that project, a 7-story building containing 169 apartment units is not sufficiently large enough to create a barrier in the community. In fact, buildings of this size and scope remain anomalies in the community at large and do create a physical separation between La Brea Avenue and the traditional Hollywood Industrial Core.

Size, however, is not the only criteria for creating an obstruction. The proposed project, by the nature of its significant residential land use, *creates a formidable disruption in the industrial nature of the*

surrounding land uses. Adding the occupants of 169 apartment units immediately adjacent to light manufacturing uses that have the potential to continue to generate noise and fumes sets the stage for significant future conflicts.

b. Would the project conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

1) General Plan Framework

Under the section labeled "Consistency with City and Local Plans" (Page 3-97) and the sub-paragraph referring to the City's General Plan Framework, the MND states, "the Project will be consistent with the applicable (developer-controlled or focused) policies of the General Plan for each land use. The Project's conversion of marginal and context-inappropriate industrial lands to integrated commercial and residential use on a predominantly commercial corridor with residential uses across La Brea Avenue and nearby to the south, is consistent with the goal and objective of the General Plan Framework for Industrial. Therefore, no significant impacts due to consistency with land use designations in the General Plan Framework are anticipated."

To draw that conclusion, the applicants rely on a clause in the Economic Development Chapter of the Framework Element, where the language notes, "Some existing industrially zoned lands may be inappropriate for new industries and should be converted for other land uses. Where such lands are to be converted, their appropriate use shall be the subject of future planning studies. Policies provide for the consideration of a broader array of uses within the industrial zones than has traditionally been acceptable to facilitate the clustering of uses, which may include retail, that support the basic industries or the location of industries in the same area where the waste products of one can be recycled as a resource for another ("industrial ecology") or a campus-like cluster of related uses." Nowhere does that language refer to placing housing in industrial settings.

The following paragraph on page 3-98 is a classic example

of turning an argument on its head. "Plan inconsistencies in and of themselves are not a significant impact on the environment cognizable under CEQA, which recognizes only direct physical changes in the environment or reasonably foreseeable indirect physical changes in the environment. Moreover, the City's threshold of significance considers only inconsistencies with policies "adopted for the purpose of avoiding or mitigating an environmental effect." The Framework Element's industrial goals, objectives, and policies were adopted for primarily economic purposes, not to avoid or mitigate environmental impacts. To the extent the Framework's provisions arguably reflect environmental considerations, they address whether industrial uses would affect nearby land uses. The Project does not implicate these policies because CEQA considers only the Project's impacts on its environment, not the environment's impacts the Project." (Emphasis added.) By that logic, the City can only look at how the proposed project will impact the land around it, but not how the existing land around the proposed project may impact the resulting project. We disagree with the MND's conclusions and arguments, but we also note that this very issue is currently pending before the California Supreme Court.

If the proposed project will create noise, air quality, shade shadow or other impacts on the surrounding neighbors, that's fair game. If the surrounding existing uses may create noise, air quality or other impacts on the subject project, they allegedly cannot be considered in the discussion. We believe this MND's view is neither consistent with the letter or spirit of CEQA and land use and planning law.

Table 3.20-4, on page 3-113, outlines the impacts on the policies of the General Plan Framework:

Policy 7.2.8: Retain the current manufacturing and industrial land use designations, consistent with other Framework Element policies, to provide adequate quantities of land for emerging industrial sectors.

The MND responds, "The Project is consistent with retaining adequate quantities of land for emerging industrial sectors because the Property is poorly suited for such uses due to its prominent location on a walkable mixed-use portion of La Brea Avenue characterized by office and residential uses."

The site is not at all "poorly suited" to support jobs within emerging industrial sectors". The emerging sectors of the industrial economy are, by definition, clean industries in the tech area that rely on high wage workers in modern office or laboratory settings which are well suited to the subject location. The location, within walking distance to the restaurant/retail opportunities at La Brea/Melrose and Santa Monica/Melrose, would provide significant support to such a development. As an example, see the new 6-story production office building and parking structure constructed on Formosa Avenue at Romaine, only one block west of the subject site.

Policy 3.14.1 Accommodate the development of industrial uses in areas designated as "Industrial-Light," "Industrial-Heavy," and "Industrial-Transit" in accordance with Tables 3-1 and 3-9. The range and intensities of uses permitted in any area shall be determined by the community plans.

As the MND notes, MR1 zoning corresponds to the "Industrial Light" category under the General Plan Framework that includes:

• Industrial uses with potential for a low level of adverse impacts on surrounding land uses

• Increased range of commercial uses that support industrial uses (through zoning amendments)

• Possible consideration for other uses where parcels will not support viable industrial uses (determined by community plan)

In response, the MND again argues that the site is a "marginal" property that can be subject to conversion under the policy. It is our contention that the site is not "marginal" given that the emerging sectors of the industrial economy focus on urban locations supported by local amenities. Examples include Google, Yahoo and other tech firms locating in Hollywood and Venice to take advantage of the local support community.

In addition, note that the policy in no way encourages the conversion of industrial land to residential uses.

Policy 3.14.3 Promote the re-use of industrial corridors for small-scale incubator industries.

The MND again chooses to ignore inconvenient policies within the framework by stating this policy is not applicable because "Major industrial uses have been largely removed from this area of La Brea Avenue."

The statement is untrue on its face since a concrete batch plant has been in continuous operation one block north of the subject site on La Brea for the past 50 years. The continued reuse of the land, however, is the crux of the policy, recommending that the land be used for incubator space, rather than converted to residential use.

Policy 3.14.6 Consider the potential re-designation of marginal industrial lands for alternative uses by amending the Community Plans based on the following criteria, including the following:

> g. Where it can be demonstrated that the reduction of industrial lands will not adversely impact the City's ability to accommodate sufficient industrial uses to provide jobs for the City's residents or incur adverse fiscal impacts:

The MND leans heavily on this policy, claiming that by raising the proposed residential units to the 4th level, they will be sufficiently separated from the industrial uses across the narrow alley below.

The statements in the MND claim that the 1.15-acre site is "elongated" which somehow precludes future light industrial uses, but does not preclude an intensified residential use of the same site.

In addition to the policies noted above that are addressed in MND, the following policies were ignored entirely in the document:

7.2.9 Limit the redesignation of existing industrial land to other land uses except in cases where such redesignation serves to mitigate existing land use conflicts, and where it meets the criteria spelled out in Policy 3.14.6 of Chapter 3: Land Use.

7.2.10 Ensure that the City's industrial sites are regionally competitive to maintain and enhance a core manufacturing base.

7.2.11 Ensure that the City has sufficient quantities of land suitable to accommodate existing, new and relocating industrial firms, whose operations are appropriate to a specific location in Los Angeles.

7.3 Maintain and enhance the existing businesses in the City include the following:

7.3.7 Prioritize the retention and renewal of existing industrial businesses.

7.3.8 Assist existing industries located in Los Angeles with their expansion plans and/or relocation efforts to find suitable industrial sites in the City.

2) Hollywood Community Plan (HCP)

On page 3-99, second paragraph, the MND makes a curious statement that clearly demonstrates the internal conflicts within the document with regard to land use. The MND states, "The land use section (referring to the HCP) also contained standards for housing and commercial lands. The Project Site does not have a residential or commercial land use designation. As such, these policies and standards do not apply." The MND finds that these policies do not apply, yet the proposed action is to change the underlying zone designation to C2/Neighborhood Commercial, which the policies in question directly relate.

The last statement in that paragraph says, "The Project would be consistent with all applicable policies related to the buildings siting, location, uses, and design features," as it relates to the HCP.

Except that it isn't. The text of the HCP is very explicit under Industry, Features stating, "To preserve this valuable land resource from intrusion by other uses, and to ensure its development with high quality uses in keeping with the urban residential character of the community, the Plan proposes classifying industrial land in restricted zoning categories

such as the MR Zone." The subject site is currently zoned MR-1 for this very reason. Clearly, the proposed project is not consistent with this very specific Plan Feature.

Table 3.20-4, on Page 3-120, outlines the Applicant's interpretation of the Objectives of the HCP:

a) **Objective 1.** To coordinate the development of Hollywood with that of other parts of the City of Los Angeles and the metropolitan area.

In response, the MND relies on the fact that a significant number of similarly sized multi-family residential projects have been built several blocks north of the subject site on La Brea. There are two key differences. Those projects were built on land already zoned and planned for either neighborhood commercial uses or multi-family uses.

The applicant also makes the statement "on the 900 block of North La Brea Avenue, commercial, residential and retail uses predominate despite industrial zoning." Commercial and retail uses are consistent with the MR zone, while the singular residential project on the block frontage sits on land zoned RAS4, not MR1.

b) **Objective 2.** To designate lands at appropriate locations for the various private uses and public facilities in the quantities and at densities required to accommodate population and activities projected to the year 2010.

The MND's response is, "The Project provides residential and retail uses that would accommodate the surrounding area beyond the projected year of 2010. Additionally, the Project's proposed FAR is more consistent with the area's urban character and more appropriate to accommodate population and activities beyond the projected year of 2010."

In this response, the MND is clearly taking on the responsibilities of the City in making planning decisions on behalf of the community. There is no

discussion as to why this location is more suitable for residential uses than other locations within the Community Plan area that are already zoned for multi-family housing. Similarly, there is no discussion of why this location is more appropriate to house the added density than any of the other locations already zoned for multi-family residential uses that allow an FAR of 3 to 1.

c) **Objective 3.** To make provisions for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.

This is the classic refrain from an applicant's perspective seeking to add housing in places where it is not currently permitted or specifically prohibited, as is the current case. The argument that the City needs additional housing is true, but in context. The issue is not that the City needs housing, but where it is appropriate to build that housing, and where it is not.

d) **Objective 4.** To promote economic well being and public convenience through:

a. Allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.

b. Designating lands for industrial development that can be so used without detriment to adjacent uses of other types, and imposing restrictions on the types and intensities of industrial uses as are necessary for this purpose.

c. Encouraging the revitalization of the motion picture industry.

The MND claims that the project is substantially consistent with this objective. "The Project would provide housing in a variety of sizes (studio, 1-bedroom, and 2-bedroom units) and includes units affordable to Very Low Income households. The Project also maximizes the opportunity for individual

choice by expanding opportunities for persons of varying income levels to live in close proximity to jobs, transit and neighborhood services."

Please note that the applicant's response does not address parts b. and c. of the Objective in any way.

In fact, as noted above with regard to industrial resources, the Hollywood Community Plan is very explicit stating, "*To preserve this valuable land resource from intrusion by other uses, and to ensure its development with high quality uses in keeping with the urban residential character of the community, the Plan proposes classifying industrial land in restricted zoning categories such as the MR Zone.*" (Emphasis added.) The subject site is currently zoned MR-1 for this reason. Clearly, the proposed project is not consistent with this Plan Policy, and a fair argument thus exists that the project may cause significant, unmitigable land use impacts, including by violating core policies of the underlying original zoning.

Under Land Use - Industry - Standards and Criteria the Plan states the following:

"Industrial lands are located on a citywide basis without regard to the boundaries of individual communities or districts, under the general principle that such employment should be available within a reasonable commuting distance from residential locations. On-street parking should be discouraged in industrial areas." The MND makes the statement that since the HCP had a planning horizon of 2010; this particular policy is no longer in force. This is a classic case of cherry picking the parts of the obtuse elements of the plan that marginally support the proposed action, while discarding the inconvenient goals and policies that relate directly to the underlying industrial uses. The goal of having "such employment should be available within a reasonable commuting distance from residential locations" is not a policy that has expired.

3) Industrial Land Use Policy

The City's Industrial Land Use Policy dates to 2004. The MND on page 3-99, characterizes the document as "providing guidance and direction regarding conversion of industrially-zoned land." The policy derives from an initiative authored by Mayor James K. Hahn in 2004. The purpose of the policy development, as stated in the undated transmittal letter from the Mayor Hahn in 2004, is as follows:

• As the demand for land continues to increase, it is important that we protect our core industrial zoned areas while allowing or even encouraging the conversion of certain industrial land for non-industrial uses where appropriate.

• To identify a sustainable and strategic funding source to support the expansion and development of industrial uses that provide well-paying jobs for our residents.

• To reinforce the viability of our core industrial areas by continuing to address transportation infrastructure deficiencies.

• To strengthen the City's efforts to support existing and attract new industrial businesses that reflect the changing nature of industry as well as the City's and the region's changing industrial base.

• To aggressively address workforce readiness and specialized training as it relates to industrial development to compete in the global workforce in quality and work readiness.

Clearly, while the policy provides an opening for redesignation where appropriate, the emphasis of the policy was to protect and retain industrial land to support the future economy of the City.

The staff planners in the Planning Department have long recognized that the City is hemorrhaging industrial property at an alarming rate citywide. The City's Industrial Lands Policy project has studied Hollywood and found available land to be scarce and demand high for industrial properties. The department's study did not identify the subject site as a potential site for a zone change to other uses.

Table 3.10-5, Industrial Land Use Policy

The MND notes the following policies:

• Staff should generally recommend denial of applications for conversion of industrial to other uses.

• To ensure that Industrial Mixed Use Districts remain primarily job-producing lands, staff should recommend approval of a residential development only with a jobs producing component and other Community Benefits (see Section B). Where staff can make the findings for a project's approval, Community Benefits should be applied to address the loss of economic activity and jobs, and to offset the impact of the permanent loss of employment land.

In response the MND notes "The Project is consistent with the ILUP (Industrial Land Use Policy) by accommodating a(nd)(sic) converting marginal industrial lands to accommodate the Project which includes, which includes a substantial jobs-producing component of 37,385 square-feet of ground-floor retail occupying the majority of the ground floor and achieving an FAR of approximately 0.75. The Project will also contribute 14 units of affordable housing for Very Low income households, constituting 11% of the Project's base density.

Moreover, the ILUP is an economic policy adopted to preserve industrial lands for economic and employment purposes, not to address environmental impacts resulting from changing industrial lands to other uses."

The characterization of the 37,385 sf of retail space as a jobs producing component is stretching the point quite a bit. 37,000 sf of retail is likely to produce a little over 1 job per 1,000 sf at a wage rate near at minimum wage. It will replace almost 50,000 sf of light industrial land that could support between 50 and 100 higher wage manufacturing/office or other industrial positions at substantially higher wages.

Further, the purpose of the ILUP was to foster the preservation of industrial lands, not the conversion of viable industrial property.

It should be noted that in May of 2006, the Planning Department surveyed Hollywood specifically to evaluate the nature and viability of the industrial lands within the Community Plan Area as a follow-up to the initial ILUP. The subject site falls into Sub-Area 1 (the Industrial Core) of the survey. The report made a number of recommendations and reached several conclusions. The recommendations are summarized in the map below:

Industrial Survey: Hollywood — Map 1



The subject block face is noted in red on the map, corresponding to a recommendation that the site could be potentially converted to a mix of office/retail/industrial uses. The recommendations did not include residential uses.

The study also contained the following observations, identified the following issues reached the following conclusion:

OBSERVATIONS:

Eighty percent of the industrially zoned land in the Hollywood Survey Area is used for industrial purposes. Other primary uses include commercial/retail uses. In addition to the Hollywood Freeway, the survey area is served via Santa Monica and Sunset Boulevards and a vast network of collector streets. Low to medium density residential uses, and commercial uses are found surrounding and within the survey area. There are few vacant or undeveloped parcels within the survey area, and the overall condition of structures and improvements is good.

SA1: The majority of the area surveyed is included in SA1 sub areas. Primary uses in SA1 are light industrial uses that support entertainment production, such as studios, prop storage, and post-production services. Santa Monica and Sunset Boulevards are major commercial corridors and contribute to a high level of commercial activity. Residentially zoned blocks, occupied with low-density residential units, surround SA1. The sub area also includes two schools, one public and one private. Though the overall conditions of the structures are good, many roads are in poor condition due to heavy truck traffic on narrow streets. Narrow streets, such as Willoughby (to the south) and Lexington (to the north) separate the industrial uses in SA1 from residentially zoned parcels.

Note the characterization of Willoughby as a "narrow street". Similarly, the study did not find the area marginalized. Clearly, the study found a vibrant light industrial community.

ISSUES

The Hollywood survey area is comprised of numerous parcels and blocks dispersed throughout the Hollywood and Wilshire Community Plan areas. The area is surrounded by a significant amount of commercial and residential development with multiple transit options. Its major industrial use - entertainment production and related industries - has been identified by the City of Los Angeles as an important growth industry.

SA1: The concentration of entertainment-related light industrial uses is compatible with the General Plan and zoning designations for this area. This sub area offers limited options for heavy industrial uses, due to its proximity to residential areas and commercial corridors. The light industrial uses in SA1 do not appear to be incompatible with the existing residentially zoned areas that surround the sub area (Figure 5). While there is some noise associated with large trucks on the narrow streets, the impact does not seem to affect neighboring residential areas. The cemetery to the east of this area is a tourist attraction and offers several popular community entertainment events.

CONCLUSIONS:

The General Plan designates a large majority of the industrially zoned parcels in the Hollywood Survey area as light industrial. Two of the three sub areas selected in the Hollywood survey area contain entertainment-related uses that may warrant preservation.

SA1: The current entertainment-related uses represent one of the growing industrial sectors in Los Angeles, and are compatible with surrounding residential and commercial uses. Regulations designed to support the operation of light industrial could be identified to preserve the industrial nature of this sub area.

Hence, we can see from the City's survey of the industrial land in Hollywood that the Industrial Core is a vibrant sector of the community crucial to the City's forward planning efforts to maintain and grow the entertainment sector of the economy.

The subject site was identified in that study as having the potential to combine office, retail, and industrial uses in a manner common in the tech sector today. **It was not identified as a location for potential conversion to residential use**.

4) Zoning

Under "Zoning" on page 3-102, the MND reaches the

conclusion that "The Project will not conflict with policies adopted to avoid or mitigate environmental impacts. The requested discretionary actions do not conflict with urban land uses in the area and the Project would not introduce a new incompatible use. La Brea Avenue in the Project's vicinity is primarily office, retail and residential uses."

Please note that La Brea Avenue in the vicinity of the site is not primarily residential in any way. There is a single residential project fronting La Brea, south of Santa Monica Boulevard, across the street at Willoughby.

Further, the MND states, "Additionally, the residential and retail uses will not affect the viability or operation of light industrial uses in the vicinity." As we have noted above, there is significant opportunity for conflict when sensitive receptors are introduced in close proximity to light industrial uses. It foreshadows "block busting" through the argument that once you have a residential use on the block, the rational thing is to add more residences and further reduce the industrial footprint. A variation of that argument is playing out in this case, which relies on the presence of the La Brea Gateway project on the west side of La Brea to justify the proposed project.

The MND also states, "The Project maintains consistency with the Hollywood Community Plan through implementation of the requested General Plan Amendment and Zone Change."

This is the crux of the argument. It is plainly circular logic. If you approve the project and revise the plan, than the project will be consistent with the revised plan.

By taking that tack, the MND avoids having to address the loss of the underlying industrial land.

5) MR1 Zone

Please note the following from Section 12.17.5 of the Zoning Code that defines the MR1 Zone classification:

A. Purpose:

1. To protect industrial land for industrial use, and prohibit unrelated commercial and other non-industrial uses.
2. To provide a reasonable range or interim uses in this zone, so that landowners may receive income from temporary use, while the industrial land reserve is being protected for future growth.
3. To upgrade industrial development standards,
   a. So that industry will be a better neighbor to residences
   b. To protect industrial investment against incompatible residential, commercial and industrial uses, and
   c. To prevent future industrial blight.
4. To preserve industrial land for light industrial uses and to provide for non-retail businesses which enhance the City's employment base. (Added by Ord. No. 169,366, Eff. 4/1/94.)
5. To reflect and accommodate the shift in industrial land use from traditional industrial activity to uses such as those involving record management, Research and Development, information processing, electronic technology, and medical research. (Added by Ord. No. 169,366, Eff. 4/1/94.)

The subject site is a classic example of all of the elements that the MR1 zone was intended to address, yet the MND conveniently ignores the impact of changing the zone from MR1 to C2, with regard to the goals of the Hollywood Community Plan.

Interestingly enough rather than address the actual concern over the loss of industrial land, the Draft relies on a convoluted procedural approach to the question, which again amounts to ***if the City Council changes the plan designation to Neighborhood Commercial, then there will no longer be any industrial land to worry about***.

Summary

In summary, based on the preceding evidence, a fair argument exists that the project not only may, but will, have and cause significant, unmitigatable impacts related to land use and to the growth inducing impacts.

With regard to land use, a fair argument exists that the subject proposed project is in conflict with significant policies and guidelines contained in the City and local Plans, specifically as it relates to the loss of viable industrial land and subsequently, the City's ability to support adequate job growth.

With regard to growth inducing impacts, the subject proposal represents a form of "block busting" with regard to the intrusion of residential uses onto land that current prohibits residential development. The subject project relies on the presence of the La Brea Gateway project to the west across La Brea to justify the residential intrusion on the subject site. Future developers are certain to us the presence of the proposed project to justify further residential intrusion onto lands that are not currently planned for that type of development. Such a pattern, if realized, will result in significant unplanned burdens on a variety of public services.

Los Angeles Times

Harbor Gateway apartments pit industry against City Hall



Robert Hardison, a manager at All Access Staging & Productions in Harbor Gateway, is opposed to a six-story apartment project slated to be built next to his firm's property. (Gina Ferazzi / Los Angeles Times)

By David Zahniser contact the reporter

July 19, 2015 6:32 PM

Band saws whine. Forklifts beep as they zip in and out of sheds. A worker slams his sledgehammer into a wooden staircase — a sound that echoes off nearby buildings.

All Access Staging & Productions, in L.A.'s Harbor Gateway neighborhood, is not an especially quiet workplace. Its employees build, ship and dismantle stage sets for concert tours and music festivals. A fair amount of that work takes place outside.

Now the company is expecting a new, unwelcome neighbor: a 352-unit apartment project known as Sea Breeze. The City Council, with Mayor Eric Garcetti's support, approved the residential development this year, over the objections of All Access and the mayor's own planning commissioners, who say it's in exactly the wrong spot.



The dispute is, in some ways, a collision of two high-level City Hall priorities: encouraging job growth and increasing the number of available homes. Garcetti says Sea Breeze will bring much-needed housing to the neighborhood, helping him reach his goal of adding 100,000 new residential units citywide. Critics say the six-story project will undermine the future of manufacturing in the area — and is only the latest example of a developer obtaining lucrative, piecemeal changes to existing zoning rules.

"There will always be exceptions and adjustments" in city planning, said former Assemblyman Wally Knox, who ran unsuccessfully for council in March. "But in Los Angeles, the exceptions are swallowing the rule."

In Harbor Gateway, developer A&M Properties persuaded the council to change the zoning on its 5-acre property, from one that specifies manufacturing activities to one that permits housing. The council granted the change despite a long-standing city policy that calls for the preservation of scarce industrial property — the kind that supports good-paying jobs.

The policy was created nearly a decade ago, after business leaders noticed that many of the city's industrially zoned properties were being replaced by lofts, condominium projects and retail centers. The Sea Breeze site, just north of Sepulveda Boulevard, is surrounded by industrially zoned properties, city officials say.

Jim Arnone, the lawyer for A&M Properties, declined a request for comment. But in a letter sent to council members this year, he said the Sea Breeze site comprised .02% of the city's industrial land. The push to change the zoning, Arnone wrote, reflects the "evolving nature" of the Sepulveda corridor and the Harbor Gateway neighborhood.

"The city possesses broad legislative authority to decide when it is in the community's best interests to repurpose existing land use designations," he wrote.

Granting developers case-by-case exceptions to established planning rules can be legally treacherous. In 2010, the council approved a 74-foot-high Target shopping center in Hollywood, in a location where such projects are limited to 35 feet. Foes of the shopping center sued and, after a judge overturned the city's decision, work on the project stopped. The project has been idle since last year.

In April, Garcetti backed the approval of a 269-unit residential tower in Koreatown, even though the zoning for the site allowed only half that many homes. An advocacy group is now weighing a legal challenge.

In Harbor Gateway, property owner L&B Realty — which leases space to All Access Staging — is challenging the Sea Breeze project in court. Attorney Ben Reznik said the project's environmental impact report failed to address the financial harm that would be experienced by nearby property owners, who assumed the zoning in the area would remain heavy industry.

Reznik contends that once Sea Breeze is fully occupied, its tenants will begin complaining about the noise created by nearby manufacturing businesses. Robert Hardison, a manager at All Access, agreed.

"If you're on your balcony having a cocktail at 11 at night, and you're hearing all these trucks moving back and forth, you're not going to be happy," he said. "The next step will be to eliminate us."

L&B also leases space to the Los Angeles Times, which has a distribution center next to the Sea Breeze site. Times spokeswoman Hillary Manning said the company has no position on Sea Breeze. A representative of the newspaper attended at least one city meeting on the project and pointed out that work takes place at the distribution center late into the night, Reznik said.

Backers of the Sea Breeze project say there will be a sound wall and a 101-foot buffer between the new homes and nearby industrial buildings. They also argue that scores of new homes will produce economic benefits.

"It's growth in the community. And when you have growth, that's usually good for a community," said Joeann Valle, executive director of the Harbor City/Harbor Gateway Chamber of Commerce, which sent a letter supporting Sea Breeze.

Zoning laws exist, in part, to isolate neighborhoods from uses that are considered incompatible, such as meatpacking plants. Those rules also provide property owners predictability, letting them know what could be built on the land that surrounds them, said Senior City Planner Shana Bonstin.

When Sea Breeze first came up for a vote last year, planning officials recommended an across-the board denial of the developer's request for a zone change and various exceptions from city rules. They pointed to the policy of protecting land reserved for manufacturing businesses.

"We have a need for housing," City Planner Greg Shoop told the Planning Commission. "But we also have a need for those jobs."

The commission voted 7 to 0 to reject the project. Garcetti later disapproved the action, and Councilman Joe Buscaino, who represents Harbor Gateway, persuaded his colleagues to formally overturn the commission's decision in February.

Buscaino described the long-vacant Sea Breeze site as a nuisance and said it no longer works as a place for industrial businesses. In a statement, he said Sea Breeze would help address the region's housing crisis.

Planning Commissioner Richard Katz, a Garcetti appointee, said in an interview that he cast his vote against the Sea Breeze project to "maintain the integrity of the zoning process."

"Zoning has to mean something," he said, "or you wind up with cities like Houston … where you find propane tanks next to residents."

Twitter: @DavidZahniser

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Hollywood Community Plan

General Plan Land Use Map

A Part of the General Plan of the City of Los Angeles

Land Use [16]	Corresponding Zones [1]
Low Density [17]	
Minimum	RE40
Very Low II	RE15,RE11
Low I	RE9
Low II	RS,R1
Multiple Family [17]	
Low Medium I [3]	R2,RD5,RD4,RD3
Low Medium II [3]	RD2,RD1.5
Medium [4]	R3
High Medium [5]	(Q)R4
High	R4,(Q)R5 [12]

Land Use [16]	Corresponding Zones [1]
Commercial [17]	
Limited Commercial [5]	CR,C1,C1.5,P, RAS3,RAS4
Highway Oriented Commercial [11,12,21]	C1,C2,P, RAS3,RAS4
General Commercial	C1,C2,P, RAS3,RAS4
Neighborhood Office Commercial [11]	C1,C2,C4,P, RAS3,RAS4
Community Commercial [5]	CR,C2,C4,P,PB, RAS3,RAS4
Regional Center Commercial [5]	C2,C4,P,PB, RAS3,RAS4
Industrial [17]	
Commercial Manufacturing [11]	CM,P
Limited Manufacturing	MR1,M1,P,PB
Open Space;Public Facilities [18,19,20]	
Open Space	OS,A1
Public Facilities	PF

Service Systems

- Public Elementary School
- Public Junior High
- Public Senior High
- Junior College
- Private Elementary School
- Private Senior High
- Private Special School
- Community Park
- Neighborhood Park
- Regional Park
- Public Golf Course
- Branch Administration Center
- Fire Station
- Police Station
- Community Library
- Regional Library
- Cultural/Historical Site
- Maintenance Yard
- Power Distribution Station
- House of Worship
- Health Center/Hospital
- DWP Property

Circulation

- Freeway
- Scenic Freeway
- Major Highway II
- Scenic Major Highway II
- Scenic Divided Major Highway II
- Secondary Highway
- Scenic Secondary Highway
- Scenic Divided Secondary Highway
- Scenic Arterial Mountain
- Scenic Parkway
- Collector Street
- Local Street
- Country Road
- Park Road
- Private Street

Other Line Symbols

- Community Boundary
- DWP Lines
- Historic Preservation
- Redevelopment Project Area
- Reservoir Line



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Source: Los Angeles Department of City Planning

Notes:

A. The text of the Community Plan can be accessed on the City of Los Angeles' Web Page (urbanplanning.lacity.org).

B. Other Special Area Maps may not be included on this document.

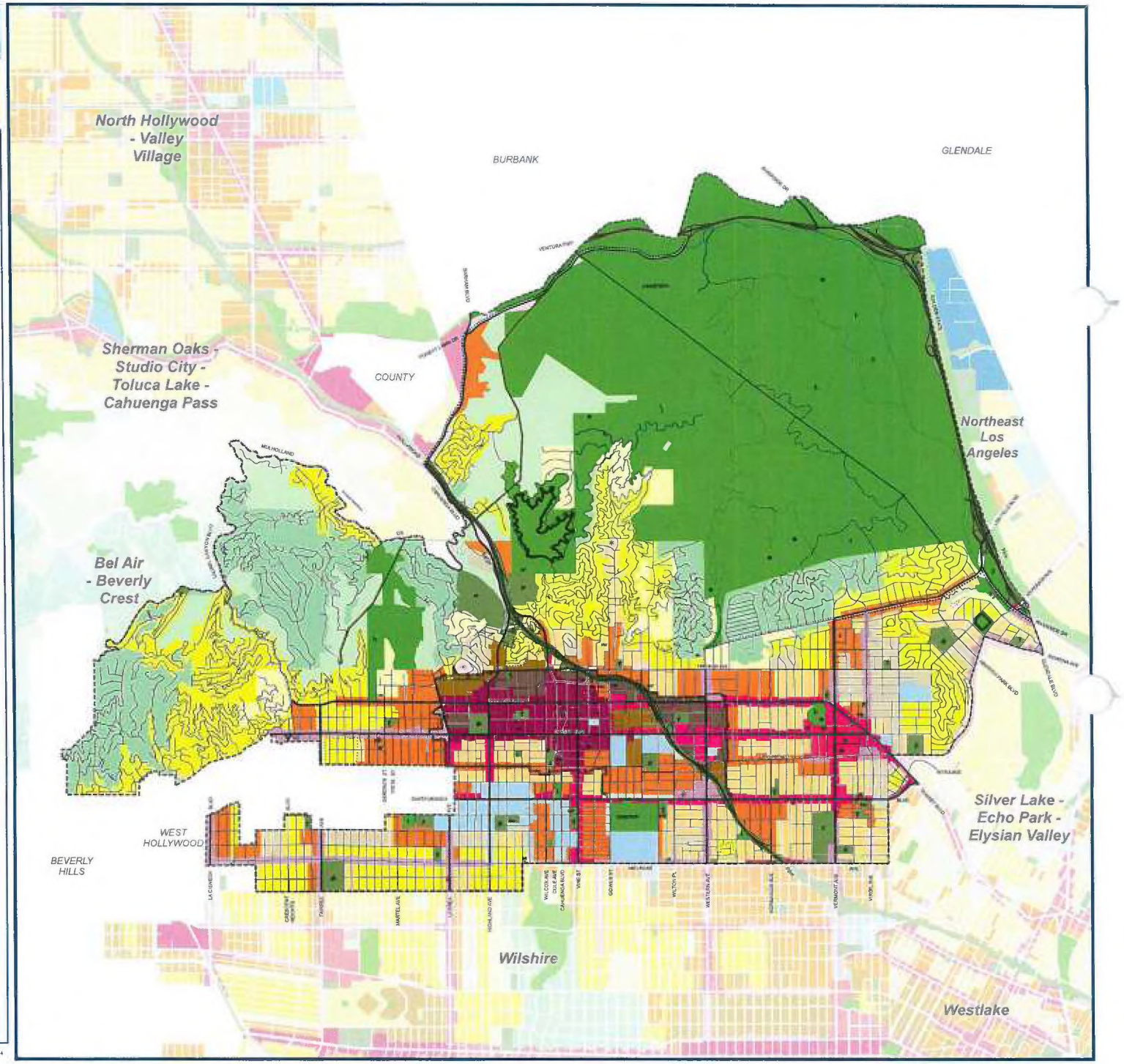
C. Parcel level information (plan designation and zoning) can be found on the City of Los Angeles Department of City Planning Zone Information & Map Access System (ZIMAS) web site (zimas.lacity.org).

Disclaimer:

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Revised Text effective with re-zone Council File 11-0600-S1 Adopted 04/02/2014

Los Angeles Department of City Planning - Systems , GIS and Graphics Division Michael LoGrande - Director April, 2014





INDUSTRIAL DEVELOPMENT POLICY INITIATIVE FOR THE CITY OF LOS ANGELES

Phase 1 Report:

Key Industrial Land Use Findings and Issues

First Quarter 2004

MAYOR'S OFFICE OF
ECONOMIC DEVELOPMENT

JAMES K. HAHN
Mayor

Acknowledgements

This Final Phase 1 Report has been compiled by the Industrial Development Policy Initiative (IDPI) Management Team with the support of the Industrial Development Advisory Committee (IDAC) and the IDPI Professional Working Group (PWG). Many thanks are due to the members of the PWG from the following City Departments, Agencies and Bureaus who gave of their invaluable expertise, time and information to make this report possible. Special thanks to John Butcher of the City of Los Angeles Planning Department, John Chen of the Los Angeles Department of Water and Power, and Jim Lee of the Information Technology Agency for their major contributions to the Phase 1 Report.

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MAYOR'S OFFICE OF ECONOMIC DEVELOPMENT

INDUSTRIAL DEVELOPMENT POLICY INITIATIVE FOR THE CITY OF LOS ANGELES

Phase 1 Report:

Key Industrial Land Use Findings and Issues

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CITY HALL
LOS ANGELES, CALIFORNIA 90012

JAMES K. HAHN
MAYOR

Dear Reader:

I am pleased to present you with the enclosed "Phase 1 Report: Key Industrial Land Use Findings and Issues" of my Industrial Development Policy Initiative. This report is rich in data that tells the story of our City's industrial land base and the issues that must be addressed to revitalize our industrial neighborhoods.

As a City that's prepared to meet the changes and challenges facing economic development throughout our nation in the 21st century, we must be able to develop a framework for a comprehensive industrial development plan. In this Report, we've gathered the most current and relevant information from throughout the City to capture a picture of the industrial landscape in Los Angeles.

I've identified the following areas of immediate concern for the consideration of my Industrial Development Advisory Committee in policy formation:

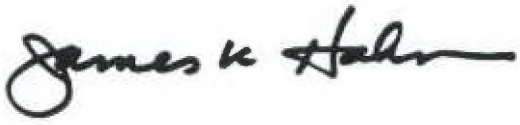
- As the demand for land continues to increase, it is important that we protect our core industrial zoned areas while allowing or even encouraging the conversion of certain industrial land for non-industrial uses where appropriate.
- To identify a sustainable and strategic funding source to support the expansion and development of industrial uses that provide well-paying jobs for our residents.
- To reinforce the viability of our core industrial areas by continuing to address transportation infrastructure deficiencies.
- To strengthen the City's efforts to support existing and attract new industrial businesses that reflect the changing nature of industry as well as the City's and the region's changing industrial base.
- To aggressively address workforce readiness and specialized training as it relates to industrial development to compete in the global workforce in quality and work readiness.

The Industrial Development Policy Initiative (IDPI) is an unprecedented proactive approach to establishing industrial development policies for the City of Los Angeles. My vision is that these policies will result in the creation, retention and expansion of quality manufacturing businesses and jobs for our local economy, as well as increased City revenues from industrial activity. The Phase 1 Report represents the first step in achieving these goals by providing a more comprehensive understanding of the issues that currently impact industrial development. Phase 2 of the IDPI is already underway and includes further research into key findings from Phase 1. Phase 2 also includes the formulation of policy recommendations through Summer/Fall 2004.

I want to thank the members of my Industrial Development Advisory Committee – Roberto Barragan, Raphael Bostic, Stephen Cauley, Timi Hallem, Jack Kyser, Mitch Menzer and Stephanie Shakofsky - for committing their time to engage in this important initiative. I also want to thank the General Managers of the City departments and their staff, and the members of the Industrial Land Use Red Team (ILURT) from the private sector who continue to provide invaluable expertise, time and energy to this process. I look forward to continuing to work with the City Council and their staff in developing appropriate industrial development policies for our city.

The City has an active role to play in industrial firms' decisions to remain, expand and locate in the City of Los Angeles. The City must maintain a jobs/housing balance for the benefit of our communities. For many of our residents, manufacturing and related industrial jobs are the stepping-stone to the middle class, to homeownership, to increased opportunities for the children of these families. It is critical that the City accept an active and effective role in encouraging industrial development and job creation. I look forward to our continued collaboration in developing meaningful policy solutions to make that happen.

Very truly yours,



JAMES K. HAHN
Mayor

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Introduction

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Introduction

The central focus of the Mayor's Industrial Development Policy Initiative (IDPI) is to inform policy-makers and recommend policies that will increase industrial development, thus creating quality jobs for local residents and increasing the City's tax revenue base. Numerous market forces and public policies have interacted to reduce industrial development and manufacturing in the City of Los Angeles. These private market and public policy forces are regional, national and even global; and some are clearly beyond the ability of the City to influence. However, the thrust behind the IDPI is the belief that informed intervention by the City of Los Angeles is possible and necessary for the benefit of its residents.

The purpose of the Mayor's Industrial Development Policy Initiative (IDPI) is to adopt policies that will:

- **Encourage industrial economic activity in the City of Los Angeles**
- **Retain and optimize the use of the City's industrial zoned land**
- **Increase the number of quality jobs available to local residents**
- **Increase the City's revenues from industrial activity**

The City of Los Angeles can play a significant role in supporting its industrial economy and strengthening the quality and productivity of its industrial zoned land. The City's tax and regulatory policies, economic incentive programs, and priorities for expenditure on capital infrastructure and city services all play a role in this arena. The Mayor's Industrial Development Policy Initiative seeks to provide answers on how the City government can most effectively support its existing and future industrial development.

In February 2003, the Mayor appointed an ***Industrial Development Advisory Committee*** to provide professional advice and counsel throughout the IDPI process and make final policy recommendations to the City Council and the Mayor. The Committee is comprised of the following experts on diverse aspects of industrial development:

Roberto Barragan,
President, Valley Economic Development Center

Raphael W. Bostic, Ph.D.,
Director, Casden Real Estate Forecast, Lusk Center for Real Estate, USC

Stephen Cauley, Ph.D.,
Associate Director, Ziman Center for Real Estate, Anderson School of Management, UCLA

Timi Hallem, Esq.,
Director, Los Angeles Chapter of the National Association of Industrial and Office Properties (NAIOP), Manatt, Phelps & Phillips

Jack Kyser,
Senior Vice President and Chief Economist, Los Angeles Economic Development Corporation

Mitchell Menzer, Esq.,
City of Los Angeles Planning Commission, O'Melveny and Myers

Stephanie Shakofsky,
Executive Director, California Center for Land Recycling

The IDPI includes a team from the Mayor's Office of Economic Development, the Community Redevelopment Agency and a Principal Consultant. The day-to-day work of this team is supported by professionals in the City departments, agencies and bureaus, Council Offices and members of the private sector, all of whom provide vital information and insight on industrial issues.

The IDPI Work Plan is comprised of the following three phases:

Phase 1 organizes and evaluates data currently available on the City's industrial zoned land and identifies key issues for further consideration. Phase 1 began in January 2003 and was completed in September 2003.

Phase 2 includes further research on and consideration of issues identified during Phase 1 and initiates the policy formulation process. Phase 2 extends through the first half of 2004.

Phase 3 concludes with formal recommendation of policies to the City Council and the Mayor for their consideration. Phase 3 is scheduled for completion in 2004.

The results of Phase 1 are the subject of this report. Phase 1 was comprised of the following tasks:

a. Organization, analysis and synthesis of data on industrial activity in the City of Los Angeles. Specifically, the data focused on the ***description***, ***condition***, ***performance*** and ***trends*** of the City's industrial zoned land.

b. Analysis of existing public and private sector studies and documents on the City's industrial land, businesses and overall activity.

c. Research, analysis and synthesis of the industrial development policies and programs of a select group of local and national cities.

Phase 1 included a Mayor's Industrial Development Workshop, an all-day internal city meeting held on May 29, 2003 in which the General Managers of participating City departments, agencies and bureaus and the IDPI Management Team presented their findings to the Mayor's Industrial Development Advisory Committee, Council Offices and the Mayor.[1] The Workshop resulted in the production of an IDPI Reference Notebook containing the information presented at the Workshop and supplemental information provided by the City departments, agencies and bureaus. The Mayor's Industrial Development Workshop, the IDPI Reference Notebook, research on national and local city industrial development policies and this Phase 1 Report constitute the output of Phase 1 of the Industrial Development Policy Initiative.

This Phase 1 Report is organized into three parts, as follows:

Part I Key Findings: The City of Los Angeles' Industrial Land Base

- **The City of Los Angeles in a Regional Context**
- **Economic Value of the City's Industrial Land Base**
- **Infrastructure Issues Affecting Industrial Land Development**
- **Utilization, Regulatory and Environmental Issues Affecting Industrial Land**
- **Issues Affecting the Redevelopment and Revitalization of Industrial Land**

Part II. Summary of Industrial Development Policies in Selected Cities

Part III. Key Policy Implications of Phase 1 Findings

[1] *The information presented at the May 29 Workshop may be found on the Mayor's web site at www.lacity.org/mayor/moed/idpi*

Executive Summary

The Mayor's Industrial Development Policy Initiative (IDPI) is an unprecedented pro-active approach to identifying the issues that impact industrial development in the City of Los Angeles and developing solutions to address them. It is incumbent upon the leadership of the City to sustain and strengthen its industrial base and the jobs it provides for its residents. At a minimum, the City can make more efficient and productive use of its industrial land. On a broader level, City leaders can develop policies that encourage businesses, developers and other investors to locate and expand in the City.

The use of data and facts is vital to the evaluation of sound policy recommendations. Thus, Phase 1 of the IDPI focused on collecting, analyzing, and interpreting data that reflects the current state of the City of Los Angeles' industrial economy and identifies key issues impacting industrial development.

The data and analysis undertaken during Phase 1 of the Mayor's Industrial Development Policy Initiative uncovered a number of key industrial development issues, including:

- ***Industrial Land Use Conversion and Availability***, including the increasing use of industrial zoned land for non-industrial activity, industrial uses in non-industrial zones, and underutilized vacant industrial land.
- ***Infrastructure Challenges***, primarily goods movement constraints.
- ***The Changing Industrial Base of the City***, including the erosion of industrial economic activity.
- ***Workforce Development Issues*** related to work readiness and skills training.
- ***Environmental Challenges***, including barriers associated with contaminated sites and environmental justice issues.

Each of these issues poses key policy questions that are being studied and discussed during Phase 2 of the IDPI.

Industrial Land Use Conversion and Availability

- ***Policy Consideration: How should the City of Los Angeles manage conversion and underutilization of industrial zoned land?***

Phase 1 findings include the following four broad conclusions regarding the industrial land base of the City of Los Angeles:

1. ***A significant amount of the City's industrial zoned land has been, and continues to be, converted to non-industrial uses.***

2. ***A significant amount of vacant and underutilized industrial parcels exists in industrial districts throughout the City.***

3. ***It is interesting to note that a significant amount of industrial uses, as defined by the County Assessor, exists on the City's non-industrial zoned land.***

4. ***Land assembly and current land use characteristics are prime impediments to industrial development.***

As of 2002, of the City's estimated 19,045 acres of industrial zoned land, approximately 4,922 acres or about 26% of the total has been converted over time to non-industrial uses. Of these conversions, 10.0% has been converted to institutional uses, 8.1% to retail uses, 4.1% to residential uses and 3.2% to commercial uses, as measured by acres occupied. Also, over 27% of the industrial zoned land in the six Community Redevelopment Agency (CRA) project areas with the most industrial zoned land has been converted to non-industrial uses (a total of 1,173 acres). These areas are typically the oldest industrial areas in the City, evidencing a wide range of blighting conditions as set forth in the State of California Community Redevelopment Law.

New construction permits for industrial zones indicate that an even larger amount of industrial zoned land is being converted to non-industrial uses, exhibiting an accelerating trend of this process. Market forces and a permissive zoning code and entitlement process are the prime drivers of this conversion. Land that is converted to non-industrial uses is assessed, on average, at a value that is 29% higher for non-industrial uses than for industrial uses, with retail and commercial use representing 2 to 2.5 times the average assessed values of prior industrial uses.

In addition to the City's 19,045 acres of industrial zoned land, preliminary analysis also shows that apparently 7,272 acres of non-industrial zoned land is being used for some type of industrial activity, according to County Assessor definitions. The County Assessor designates uses for tax purposes while the City of Los Angeles classifies uses into "zones" for land use regulation purposes. A graphics operation, for example, may be considered "industrial" by the County Assessor, but because it has minimal impacts, it can coexist with commercial uses and is considered "commercial" by the City's zoning code.

Finally, preliminary findings indicate that as many as 1,786 acres of industrial zoned land throughout the City may be vacant.

Infrastructure Challenges

- ***Policy Consideration: How should the City of Los Angeles better manage goods movement?***

The most serious infrastructure issues currently limiting industrial activity are constraints in goods movement in the roadways and rail freight systems. If not addressed, these issues will negatively impact future industrial development and raise further environmental justice concerns.

The citywide 2003 Infrastructure Report Card prepared by the Bureau of Engineering gave streets and highways an overall grade of D+, an evaluation that carries with it an estimated system upgrade cost of $1.5 billion for re-pavement and $0.7 billion for congestion reduction over the next ten years. Forty-four percent of the intersections studied had traffic flow rated "D" or "F".

Goods movement by truck, a fundamental element in the health of the Los Angeles economy, is experiencing increasing challenges, including:

- Freeway access delays
- Industrial site access delays
- Inadequate loading and unloading facilities
- Through traffic congestion
- Delays at railroad crossings
- Difficult left and right turns at intersections

Freight movement of goods, also a core component of the Los Angeles area economy, is facing growing challenges connected to the growth of population and trade in the region. These challenges include congestion, environmental issues and safety and security.

The Changing Industrial Base of the City

- ***Policy Consideration: How can the City of Los Angeles best address economic trends and industry-specific issues to encourage industrial development?***

Over the last twenty years the City of Los Angeles has lost a large number of industrial jobs and businesses. During the past ten years, 229,000 manufacturing jobs have been lost in Los Angeles County due to local, regional and international market forces. In 2000, the City employed nearly 60% of the County's manufacturing workforce; thus, it can be inferred that the City has borne a significant share of the manufacturing job loss in Los Angeles County.

Several City entities, including the Mayor's Office of Economic Development (MOED), the Community Development Department (CDD), the Department of Water and Power (DWP), the Los Angeles World Airports (LAWA), the Harbor Department and the Community Redevelopment Agency (CRA/LA) undertake various activities designed to encourage existing industrial businesses to remain in Los Angeles. These departments and agencies have also tried to attract new businesses in industries that have been identified as growth industries for the local economy. For instance, CDD focuses its assistance on ten industries identified by a 1997 Report, "Economic Recovery Action Plan for Specific Growth Industries", which was commissioned by the previous administration. This report

identifies the ten industries below as likely candidates to lead the City's recovery from the economic challenges resulting from the Northridge earthquake, defense-industry downsizing and real estate losses:

Apparel Design/Manufacturing Distribution
Auto Design
Bio-medical Technology
Distribution/Logistics
Entertainment/Motion Picture/TV Production
Food Production/Manufacturing
International Trade
Metal Fabrication
Tourism
Toy Design/Distribution

The Los Angeles County Economic Development Corporation has also conducted studies regarding growth industries that it considers to have high growth potential. These are:

Motion Pictures
Transportation
Printing, Publishing and Allied Industries
Motor Freight Transportation and Warehousing
Transportation by Air
Water Transportation
Local/Suburban Transit, Interurban Highway

The IDPI will provide recomendations on how the City can play a constructive role in attracting such industries.

Workforce Development Issues

- ***Policy Consideration: How should the City of Los Angeles better impact workforce readiness to encourage industrial development?***

The City and County of Los Angeles remain strong manufacturing centers and employ a significant number of workers, yet the challenge for the City is to prepare its workforce for growth industries that demand higher skills. In the City of Los Angeles, each of the following industries employs 2% or more of the City's workforce; collectively, these industries represent over 50% of the City's manufacturing workforce. Manufacturing, wholesale trades and motion picture production together employ 28.5% of the City's total manufacturing workforce.

Wholesale trade for durable and non-durable goods
Motion picture production
Apparel manufacturing
Printing, publishing and allied products
Transportation, communication & utilities

Small businesses provide the bulk of industrial employment in the City of Los Angeles, with 54% of all manufacturing workers employed in companies of 250 or fewer employees. Furthermore, almost 31% of all industrial workers are employed in businesses with fewer than 100 employees.

A challenge for the future, if the City is to remain a global competitor, is to address workforce readiness and specialized training as it relates to industrial development. The City of Los Angeles administers a variety of programs and has access to quality educational institutions that may be better leveraged to address this challenge. The K-12 public educational system may provide an opportunity to prepare the local workforce for contemporary manufacturing jobs by including operation of machinery, industrial processes and other industrial skills in the curricula. The City of Los Angeles, along with major cities in the United States, cannot compete against low cost labor available in other countries. Therefore, the challenge facing the City and the City's labor pool is to compete through workforce quality and work readiness.

Environmental Challenges

- ***Policy Consideration: How can the City of Los Angeles support the development of contaminated sites and address environmental justice issues?***

There are physical and social environmental challenges facing industrial development in the City of Los Angeles. Brownfields are contaminated sites that create barriers to new investment and reuse. From a social perspective, environmental justice concerns demand that we address the consequences of overall pollution on neighborhoods.

Brownfields represent a number of barriers to development. The City of Los Angeles Brownfields Program aims to reduce the uncertainty associated with contamination mitigation and the liability issues that property owners and developers must deal with. Other cities in the U.S. have gone to the extent of preparing Phase I and Phase II studies and making these available to developers (as has Los Angeles). Still other cities have gone so far as to take control of Brownfield sites, conduct mitigation and convey the sites to developers. A few cities have even created eco-industrial parks or have begun to implement eco-industrial practices where waste products are recycled and alternative energy sources are utilized.

Environmental justice issues are highly relevant in discussions of industrial development, given the history of the disproportionate impact that industrial activity has had on lower-income communities. The burdens of industrial uses on such communities include pollution, poor air quality, transportation-related impacts, soil toxicity, odors, blight and noise. At the same time, environmental justice issues can inhibit industrial development if industrial firms turn away from established communities to avoid near-by residential areas.

Industrial Development Policy Framework

The Mayor's Industrial Development Advisory Committee is using an initial Policy Framework to guide its discussion of industrial policy considerations for the City of Los Angeles. The main policy categories within this framework are:

Development and Development Assistance

Financial Assistance and Incentives

Regulatory Policies

Infrastructure Improvements

Targeted Business Assistance

Brownfields and Industrial Ecology

Marketing Industrial Sites, Districts and City

Workforce Development Programs

Regional Cooperation for Economic Development

This Policy Framework was developed based on research conducted on the existing industrial development programs and policies of selected cities. Eight major national cities and six local cities were studied in order to gain a broader understanding of how other municipalities address industrial development issues. The cities studied are:

National Cities:

Philadelphia	Phoenix
Chicago	Las Vegas
Baltimore	Seattle
San Jose	Houston

Local Cities:

South Gate	Vernon
City of Industry	Hawthorne
Commerce	Ontario

This policy review will serve to inform the Mayor's Office of Economic Development, the Mayor's Industrial Development Advisory Committee and other stakeholders of how similar challenges to industrial development have been handled elsewhere in the United States, which have helped to put industrial properties back into productive economic use.

Key Facts About the City of Los Angeles' Industrial Economy

A. *Industrial Land Use and Development*

1. Industrial zoned land in the City of Los Angeles (excluding the Port and LAX) equals 19,045 acres.
   - ➢ 8% of the city's land.

2. The largest land uses on industrial zoned land are:
   - ➢ Industrial uses
     - o Light manufacturing (28%)
     - o Warehousing (12%)
     - o Heavy manufacturing (7%)
   - ➢ Non-industrial uses
     - o Institutional (10%)
     - o Retail (8%)
     - o Residential (4%)

3. There may be as much as 1,700 acres of vacant industrial land in the City, equal to 9.4% of total industrial zoned land.

4. A significant amount of industrial zoned land is used for non-industrial purposes.
   - ➢ 74% for industrial uses (14,124 acres)
   - ➢ 26% for non-industrial uses (4,922 acres)

5. The city has a significant amount of industrial uses on non-industrial zoned land.
   - ➢ 7,272 acres (3%) of the City's non-industrial zoned acreage is used for industrial purposes.
     - o This amount represents almost 35% of the City's total industrial defined activity.

6. A significant amount of industrial zoned land (4792 acres) is located within the 34 redevelopment areas of the City, with considerable blight and decay.
   - ➢ 25% of the City's industrial land
   - ➢ Of the 5,296 industrial buildings in CRA/LA areas, 47% need rehabilitation.

7. A significant amount of the City's industrial land is problematic to develop because of environmental contamination.

8. A paradox exists in industrial land development in Los Angeles.
   - ➢ Industrial vacancy rates throughout the County and City are currently in the 2 to 4% range and have been in that range since the late 1990s, in spite of the loss of manufacturing jobs and businesses.
     - o Rents for industrial space have remained relatively flat for almost a decade.
     - o Prices for industrial zoned land have been increasing, which has made many industrial development projects financially infeasible.

B. *The Industrial Base of the City of Los Angeles*

1. The City's six largest industries, which represent over 50% of the City's industrial workforce, are:
   - ➢ Wholesale trade, durables: 60,964 workers; 12%
   - ➢ Wholesale trade, non-durables: 44,143 workers; 9%
   - ➢ Motion picture production: 43,793 workers, 9%
   - ➢ Apparel manufacturing and design: 40,882 workers, 8%
   - ➢ Printing and allied products: 40,446 workers, 8%
   - ➢ Transportation, communication & utilities: 35,787 workers, 7%

2. Small businesses provide the bulk of industrial employment in the City.
   - ➢ 54% of industrial workers are employed in firms of 250 or fewer employees.
   - ➢ 31% of industrial workers are employed in firms with fewer than 100 employees.

3. The Los Angeles Economic Development Corporation (LAEDC) projected seven industrial SIC codes with high growth potential.
   - ➢ The Motion Picture industry was ranked first with over $3.2 million in annual business tax revenue.
   - ➢ Transportation Services ranked second providing almost $1.9 million.
   - ➢ Printing, Publishing and Allied Industries ranked third with over $1.1 million.

C. Employment and Business Changes

1. From 1997 to 2000, the County experienced a net loss of 309 manufacturing establishments.
   - ➢ Transportation equipment down 8.2%
   - ➢ Machinery down 5.6%
   - ➢ Printing and related industries down 4.9%
   - ➢ Computer and electronics down 4.7%

2. The largest job losses occurred in transportation equipment.
   - ➢ Transportation equipment down 14.5%
     - o These losses are associated with the reduction of airline orders and the closure of major airline manufacturers.

3. The only major job gainers were the food industry and the miscellaneous category.

4. The only major increase in number of establishments and firms was among furniture and related products firms (+38.3%).
   - ➢ This industry did not gain or lose jobs, suggesting decentralization into smaller specialty firms.

5. The Metro Los Angeles industrial region contains over half of the City's industrial employment at 53.8%.
   - ➢ Nearly 87% of all City employment in Apparel Manufacturing is located in the Metro L.A. region.
     - o The apparel industry has the greatest concentration of firms and employment among industrial sectors.

6. The second largest concentration of industrial employment is located in the West San Fernando Valley at 15%.

D. Infrastructure

1. An Infrastructure Report Card prepared by the City's Bureau of Engineering of the Department of Public Works gave the City's infrastructure an overall grade of C+.

2. The most serious infrastructure limitations on industrial activity are constraints on goods movement and the City's roadways and area rail freight systems.

3. The Bureau of Engineering Report Card graded all components within the city's infrastructure.
   - ➢ The DWP's overall power system infrastructure rating is a "B."
   - ➢ The DWP's overall water system infrastructure rating is a "C."
   - ➢ The Bureau of Sanitation's wastewater treatment system rating is a "B+."
   - ➢ The Bureau of Sanitation's wastewater collection system rating is a "B+."
   - ➢ The Bureau of Sanitation's stormwater infrastructure condition rating is a "C+."

E. Industrial Tax Revenues

1. Citywide revenues generated in 2002 from all property, utility, sales and business taxes totaled $1.7 billion.
   - ➢ Industrial sources account for $219.4 million or 12.9% of total city revenues. Of these industrial revenues:
     - o Property tax = 18.1%
     - o Utility user tax = 46.4%
     - o Business tax = 17.2%
     - o Sales tax = 18.3%

F. Construction and Conversion

1. Industrial construction within the City's industrial zones totaled $769 million from 1997 to 2002, representing less than 49% of building permit valuations. Of these:
   - ➢ Warehouse = 36%
   - ➢ Manufacturing = 22%
   - ➢ Garage/Storage = 21%
   - ➢ Misc. Industrial/Other = 21%

2. Within the City's industrial zones, non-industrial use permit valuations totaled $807 million from 1997 to 2002.
   - ➢ Slightly over 51% of the value of permits issued in those zones were for non-industrial uses during that period.
     - o 33% of permits were for commercial uses
     - o 14% retail uses
     - o 3% residential uses
     - o 2% institutional uses

3. Construction in the City's Industrial Regions was greatest in the Harbor Region in 2001.
   - ➢ Over 51% of industrial construction, 1.4 million sq. ft., was developed in the Harbor Region.

G. Challenges to Industrial Development

1. Issues that affect the redevelopment and revitalization of industrial land include:
   - ➢ Land availability and cost
   - ➢ Building and site limitations
   - ➢ Basic infrastructure and access/capacity limitations
   - ➢ Brownfields uncertainties
   - ➢ Entitlement process in the City of Los Angeles vs. elsewhere
   - ➢ National and global economic influences

2. A common challenge in encouraging new private investment is land assembly.
   - ➢ Parcel sizes are often too small to develop individually.
   - ➢ Negotiating with multiple owners can make land assembly time-consuming and/or cost-prohibitive.

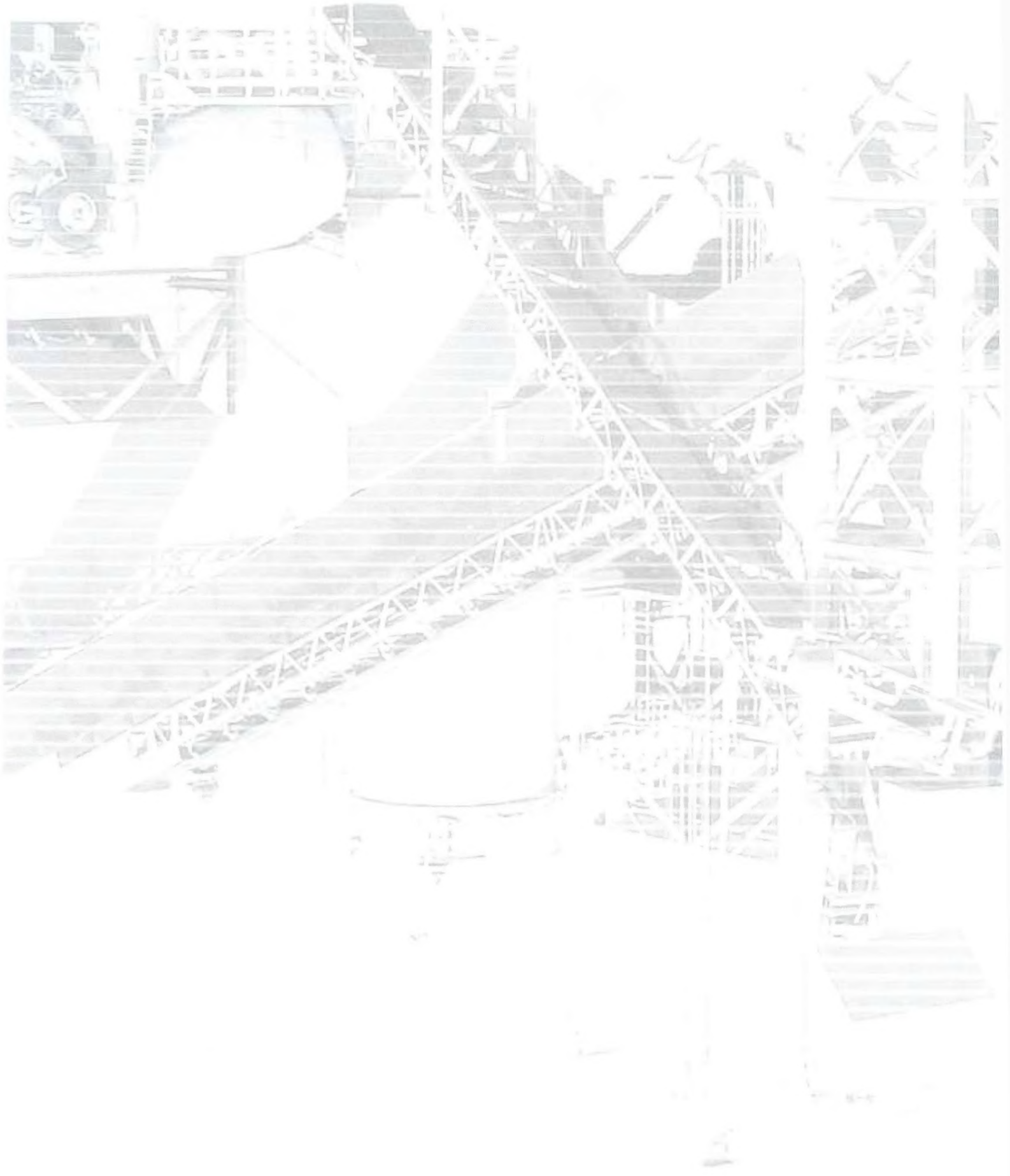


PART I

Key Findings: The Industrial Land Base of the City of Los Angeles

CHAPTER 1

The City of Los Angeles in a Regional Context



CHAPTER 1

The City of Los Angeles in a Regional Context

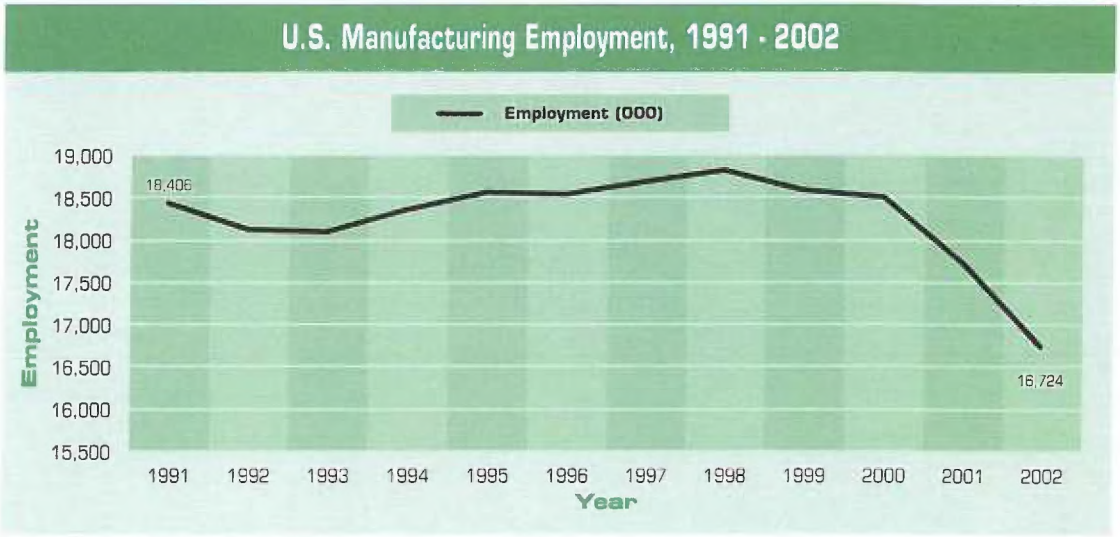
1A. Profile of the Los Angeles Industrial Economy
1B. Profile of the City's Industrial Regions and Zoning

Regional, national and global market forces impact the economy of the City of Los Angeles. Thus, the City's industrial base must be understood within this larger context. This chapter provides a general overview of the manufacturing industry of Los Angeles in a national, regional and local context. Furthermore, the geographic distribution and characteristics of industrial land use within the City are delineated.

1A. Profile of the Los Angeles Industrial Economy

According to the United States Bureau of Labor Statistics, on a national level the United States has continued to lose manufacturing jobs and businesses over the past ten years. The nation lost approximately 1.7 million manufacturing jobs from 1991 to 2002, a loss of nearly 10% of the nation's manufacturing workforce. Recent figures show that this trend is accelerating. ***Figure 1.1***, *U.S. Manufacturing Employment, 1991 – 2002*, captures the trend graphically. The trend has resulted from a combination of changes in technology, reorganization of industry and capital and the flow of workers across national boundaries.

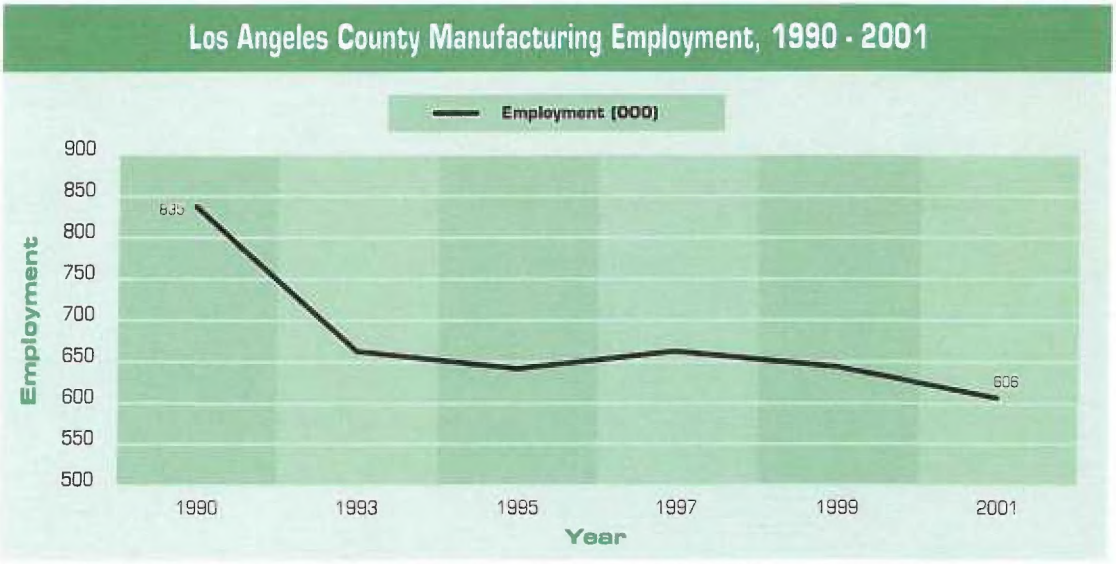
Figure 1.1



Source: United States Department of Labor, Bureau of Labor Statistics

On a regional level, manufacturing employment in the County of Los Angeles dropped from 835,000 in 1990 to 606,000 in 2001, a loss of 229,000 jobs or 27% of the manufacturing workforce. The largest drop, 174,400 jobs, occurred between 1990 and 1993. From 1993-2003 all manufacturing employment in the County of Los Angeles declined by 13.4% from 660,200 to 571,700 jobs. With the job loss multiplier effect, the associated job loss impact on the region's economy is compounded several times over. According to the City of Los Angeles' Community Development Department, the City has shared the national and regional trend.

Figure 1.2



Source: "Manufacturing in the Los Angeles Five-County Area", Los Angeles County Economic Development Corporation

Notwithstanding the loss of manufacturing jobs in the local economy, Los Angeles County and the City of Los Angeles continue to be powerhouses of manufacturing activity in the global marketplace. As of 2001, Los Angeles County was on par with Chicago on a national level as one of the largest manufacturing areas in the nation, each with over 600,000 workers. As demonstrated in ***Table 1.1***, *Top 12 Major Manufacturing Centers in the U.S., 1993 – 2001*, manufacturing employment in Los Angeles County is 15.8% of the total manufacturing employment of the twelve largest manufacturing centers in the U.S. It is two to three times as large as the manufacturing employment of many major metropolitan areas, including New York, Philadelphia and Dallas. The overall trend in the twelve largest manufacturing centers has also been downward in the last ten years, with an up-tick during the boom years of the late 1990s and a downturn thereafter.

Table 1.1

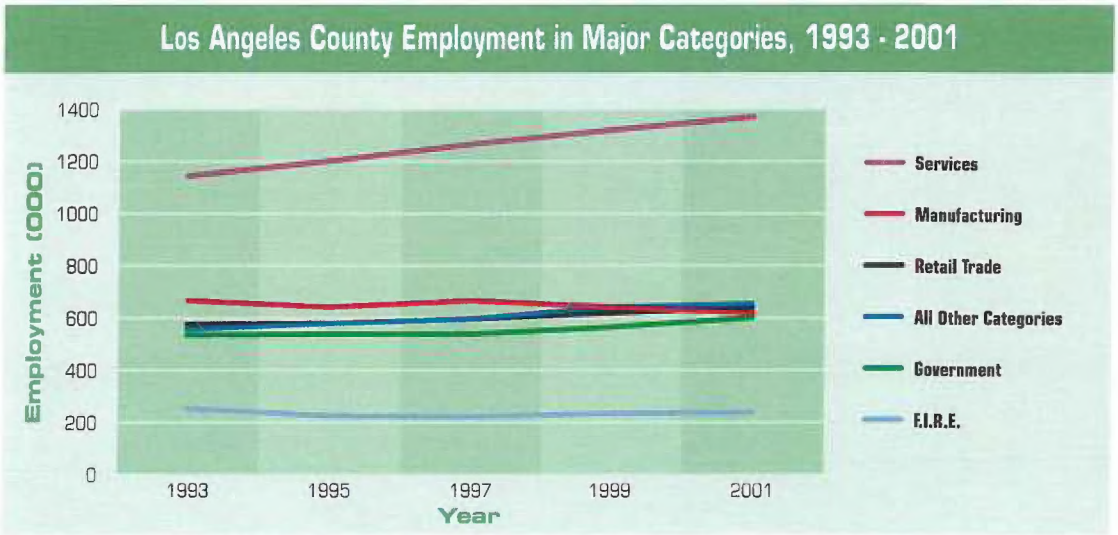
Major Manufacturing Centers in the United States, 1993 - 2001
Annual Average Employment - (000)

Rank	Areas	1990	1993	1995	1997	1999	2001
1	**Chicago**		637.5	653.6	656.6	638.6	**606.6**
2	**Los Angeles County**	834.6	660.2	638.4	661.4	641.5	**605.7**
3	Detroit		415.4	449.1	441.2	452.0	431.2
4	Philadelphia		315.2	309.2	305.7	301.6	288.9
5	New York		348.8	328.9	317.2	300.6	280.5
6	Minneapolis-St. Paul		265.5	274.8	275.4	276.5	267.1
7	San Jose		231.7	231.2	258.2	250.6	254.0
8	Dallas		222.3	230.5	245.8	249.8	240.5
9	Orange County, CA		207.2	205.5	222.4	229.3	225.2
10	Houston		178.8	188.7	209.9	209.4	214.8
11	Atlanta		197.2	213.2	218.8	226.7	211.9
12	Boston		227.2	223.2	222.7	213.0	211.4
	Total Employment		3907.0	3946.3	4035.3	3989.6	3837.8

Sources: U.S. Dept. of Labor, Bureau of Labor Statistics; LAEDC Manufacturing in the Los Angeles five-County Area

In Los Angeles County, the largest employment sector is Services, with nearly 1.4 million employees reported in 2001. The Manufacturing, Retail, Trade and Government sectors each reported approximately 600,000 employees in 2001. The Finance, Insurance and Real Estate (F.I.R.E.) sector reported over 200,000 employees, as indicated in ***Figure 1.3***, *LA County Employment in Major Categories, 1993 – 2001.*

Figure 1.3



Source: "Manufacturing in the Los Angeles Five-County Area", Los Angeles County Economic Development Corporation

An examination of Los Angeles County's largest manufacturing sectors illustrates some of the changes occurring. From 1997 to 2000, the County experienced a net loss of 309 manufacturing establishments. The largest decrease in the number of business establishments and firms occurred in the following sectors:

- Transportation equipment (-8.2%)
- Machinery (-5.6%)
- Printing and related industries (-4.9%)
- Computer and electronics (-4.7%)

In addition, the category reported as "Miscellaneous" experienced a 28% loss of establishments. This category represents a grouping of several industries, including mineral processing, oil, gas, lumber, airport uses, harbor uses, a city dump, and parking lots. It is not clear what industries within this group lost establishments. The key changes are highlighted in ***Table 1.2***, *Los Angeles County Manufacturing Industry Change*, where green highlights represent significant gains and red highlights reflect significant losses.

Table 1.2

Los Angeles County Manufacturing Industry Change: Comparison by No. of Establishments and Employment, 1997 - 2000 Employing 20,000 or more workers

NAICS Code	Industry	Establishments			Employment		
		1997	2000	Change	1997	2000	Change
315	Apparel	3,808	3,915	2.8%	96,523	93,146	-3.5%
336	Transportation equipment	587	539	-8.2%	86,062	73,586	-14.5%
332	Fabricated metal products	2,808	2,700	-3.8%	71,150	69,707	-2.0%
334	Computer & electronics	856	816	-4.7%	61,598	58,467	-5.1%
311	Food	1,137	1,112	-2.2%	39,804	43,053	8.2%
323	Printing & related	1,787	1,699	-4.9%	34,106	33,768	-1.0%
339	Misc. (med., jewelry, toy, off)	1,372	991	-28%	29,383	33,217	13.0%
337	Furniture & related products	999	1,382	38.3%	29,180	29,225	0.2%
326	Plastics & rubber products	622	622	0.0%	28,194	28,021	-0.6%
333	Machinery	957	903	-5.6%	27,855	27,458	-1.4%
325	Chemicals	552	546	-1.1%	24,255	24,505	1.0%
	Industries employing less than 20,000 workers	2,430	2,381	0	94,192	94,077	0
	All Manufacturing	17,915	17,606	-1.7%	622,302	608,230	-2.3%

Sources: U.S. Bureau of the Census, 2000 Economic Census: Manufacturing; Los Angeles County Economic Development Corporation "Manufacturing in Los Angeles Five-County Area", July 2002

The largest job losses occurred in transportation equipment, (-14.5%), largely associated with the reduction of airline orders and the closure of major airline manufacturers. Computer & electronics reflects a 5.1% loss in jobs and the apparel industry suffered a 3.5% reduction in jobs. Note that the percentage of jobs lost in computers & electronics is greater than in apparel, which is important when considering that the former sector offers higher wages. The only major job gainers were the food industry (+8.2%) and the miscellaneous category (+13.0%).

The significant increase in the number of firms in the furniture and related products category, while maintaining an overall constant employment base, appears to indicate a decentralization of the organizations in this category into smaller specialty firms. Similar decentralization dynamics can be seen in the apparel industry, with an increase of 107 firms but a decrease in employment of over 3,300 workers throughout the County.

The City of Los Angeles remains the largest generator of manufacturing activity in the County. The population in the City of Los Angeles is approximately 39% of the total Los Angeles County population. In 2000, the City employed nearly 60% of the County's manufacturing workforce, or a total of 360,284 workers.

For the purposes of IDPI, "industrial businesses" include non-manufacturing classified industries such as warehousing of goods for wholesalers, wholesale trades of durable and non-durable goods, utilities and motion picture production. These non-manufacturing classified industries have a large presence in the City of Los Angeles and are considered and discussed here in terms of overall industrial development. The largest industries categorized in the City of Los Angeles as "industrial" by the Standard Industrial Classification (SIC) system are listed below. These employ 7% or more of the City's workforce and collectively represent over 50% of the City's industrial workforce:

Industry	% of City's Industrial Workforce
Wholesale trade - durable goods	12.0%
Wholesale trade - non-durable goods	8.7%
Motion picture production	8.6%
Apparel manufacturing	8.0%
Printing, publishing and allied products	7.9%
Transportation, communication & utilities	7.0%
Percentage of Total Industrial Employment	52.2%



1B. Profile of the City's Industrial Regions and Zoning

Industrial Regions

To serve the analytical purposes of the IDPI, the City was subdivided into six industrial regions. The regions were determined based on similarities among clusters of industrial zoned land (e.g., contiguous or closely clustered land) and commonality of location-related issues. Within each region there are several "industrial cores" representing census tracts with contiguous industrial zoned land areas. The six industrial region boundaries cut across Community Planning Areas, City Council Districts, redevelopment project areas and other land designations. The six industrial regions are as follows:

Industrial Regions

North Valley Industrial Region

- **Sylmar**
- **Sunland-Tujunga**
- **Arleta-Pacoima**
  a portion of Arleta-Pacoima is included in the Central Valley Region
- **Sun Valley**
- **Mission Hills**
  a portion; the border of this Region in Mission Hills is at Sepulveda and Lassen

Central Valley Industrial Region

- **Mission Hills**
  except north of Lassen, as noted above
- **North Hollywood**
- **Sherman Oaks**
- **Van Nuys**
- **Reseda**
  the portion east of Balboa Blvd.
- **Northridge**
  the portion south of Lassen, east of Balboa

West Valley Industrial Region

- **Northridge**
  except as above
- **Reseda**
  except as above
- **Granada Hills**
- **Chatsworth**
- **Canoga Park**
- **Encino-Tarzana**

Metro Industrial Region

- **Hollywood**
- **Wilshire**
  east of La Cienega
- **West Adams**
- **South Central LA**
- **South East LA**
- **Central City**
- **Central City North**
- **Westlake**
- **Silverlake**
- **Boyle Heights**
- **Northeast LA**

West Los Angeles Industrial Region

- **Bel Air/Beverly Crest**
- **Brentwood/Pacific Palisades**
- **Westwood**
- **West LA**
  west of La Cienega
- **Venice**
- **Palms/Mar Vista**
- **Del Rey**
  Marina Del Rey adjacent and Playa Del Rey
- **Westchester**
- **LAX**

Harbor Industrial Region

- **Harbor Gateway**
  south of 120th St.
- **Wilmington**
- **San Pedro**

The maps at the end of this chapter illustrate the City's industrial regions.

Industrial Zoning

The City's industrial regions were also evaluated in terms of their zoning classification[2]. According to City of Los Angeles Planning Department data, the City has 19,045 acres of industrial zoned land (excluding the Port and LAX), broken down into six zoning classifications as follows:

Table 1.3

Industrial Zoning, 2002

Zoning Classification		Acreage	Percentage
CM	Commercial Manufacturing Zone	756	4.0%
MR1	Restricted Industrial Zone	1,314	6.9%
M1	Limited Industrial Zone	3,126	16.4%
MR2	Restricted Light Industrial Zone	1,507	7.9%
M2	Light Industrial Zone	6,619	34.8%
M3	Heavy Industrial Zone	5,723	30.0%
	Total Industrial Zoned Land	19,045	100.0%

On the basis that the Port of Los Angeles (Port) and the Los Angeles International Airport (LAX) are areas that serve specialized functions even though they are technically zoned industrial, data reflecting the Port and LAX are excluded from the IDPI Phase 1 Analyses.
Source: City of Los Angeles Planning Department

In terms of the distribution, the largest industrial zoned area in the City is the Metro Los Angeles region with over 5,900 acres of industrial zoned land, or 31% of the City's total industrial zoned land. The second largest industrial zoned area is the Harbor region with almost 3,800 acres, or 20% of the City's industrial land.

The industrial zoned land within each industrial region is summarized on ***Table 1.4***, *Industrial Regions in the City of Los Angeles, 2002.*

Table 1.4

Industrial Regions in the City of Los Angeles, 2002

Region	Acres of Industrial Zoned Land	Percentage of Industrial Zoned Land
North Valley	2,544	13%
Central Valley	2,790	15%
West Valley	2,150	11%
Metro Los Angeles*	5,907	31%
West Los Angeles*	1,890	10%
Harbor	3,764	20%
Total	19,045	100%

**Note: Figures exclude LAX & the Port of LA*
Source: City of Los Angeles Planning Department

[2] *For a summary of the City of Los Angeles industrial zoning classification system, please see* ***Figure 4.1****, Zoning of Industrial Land.*

The number of acres in each zoning classification and the percentage distribution within each industrial region is described in ***Tables 1.5***, *Distribution of Industrial Zoned Land by Region (Acres), 2002* and ***Table 1.6***, *Distribution of Industrial Zoned Land by Region (% of Total), 2002.*

Table 1.5

Distribution of Industrial Zoned Land by Region (Acres), 2002

Zoning/ Region	North Valley	Central Valley	West Valley	Metro LA	West LA*	Harbor*	Total Acres
CM	49	154	54	445	20	34	756
MR1	183	45	312	561	6	207	1,314
M1	878	413	142	1,272	346	75	3,126
MR2	57	53	1,129	213	0	55	1,507
M2	954	2,100	131	1,637	1,138	659	6,619
M3	423	25	382	1,779	380	2,734	5,723
Total Acres	2,544	2,790	2,150	5,907	1,890	3,764	19,045

**Excluding Port and LAX*
Source: City of Los Angeles Planning Department

In terms of the zoning classification of industrial land, the light industrial zone, M2, represents the largest portion of industrial zoned land in the City with 34.8% of the total. The heavy industrial zone, M3, represents the second largest classification at 30%. If the CM, M1 and M2 zoning classifications are combined, approximately 55% of the City's industrial zoned acreage is zoned for lighter industrial uses (see ***Table 1.5***, *Distribution of Industrial Zoned Land By Region (Acres), 2002* and ***Table 4.1***, *Industrial Business Types on Industrial Zoned Land*).

Table 1.6

Distribution of Industrial Zoned Land by Region (% of City Total), 2002

Zoning/ Region	North Valley	Central Valley	West Valley	Metro LA	West LA*	Harbor*	Total (%)
CM	0.3%	0.8%	0.3%	2.3%	0.1%	0.2%	4.0%
MR1	1.0%	0.2%	1.6%	2.9%	0.0%	1.1%	6.8%
M1	4.6%	2.2%	0.7%	6.7%	1.8%	0.4%	16.4%
MR2	0.3%	0.3%	5.9%	1.1%	0.0%	0.3%	7.9%
M2	5.0%	11.0%	0.7%	8.6%	6.0%	3.5%	34.8%
M3	2.2%	0.1%	2.0%	9.3%	2.0%	14.4%	30.0%
Totals (%)	13.4%	14.6%	11.2%	30.9%	9.9%	19.9%	99.9%

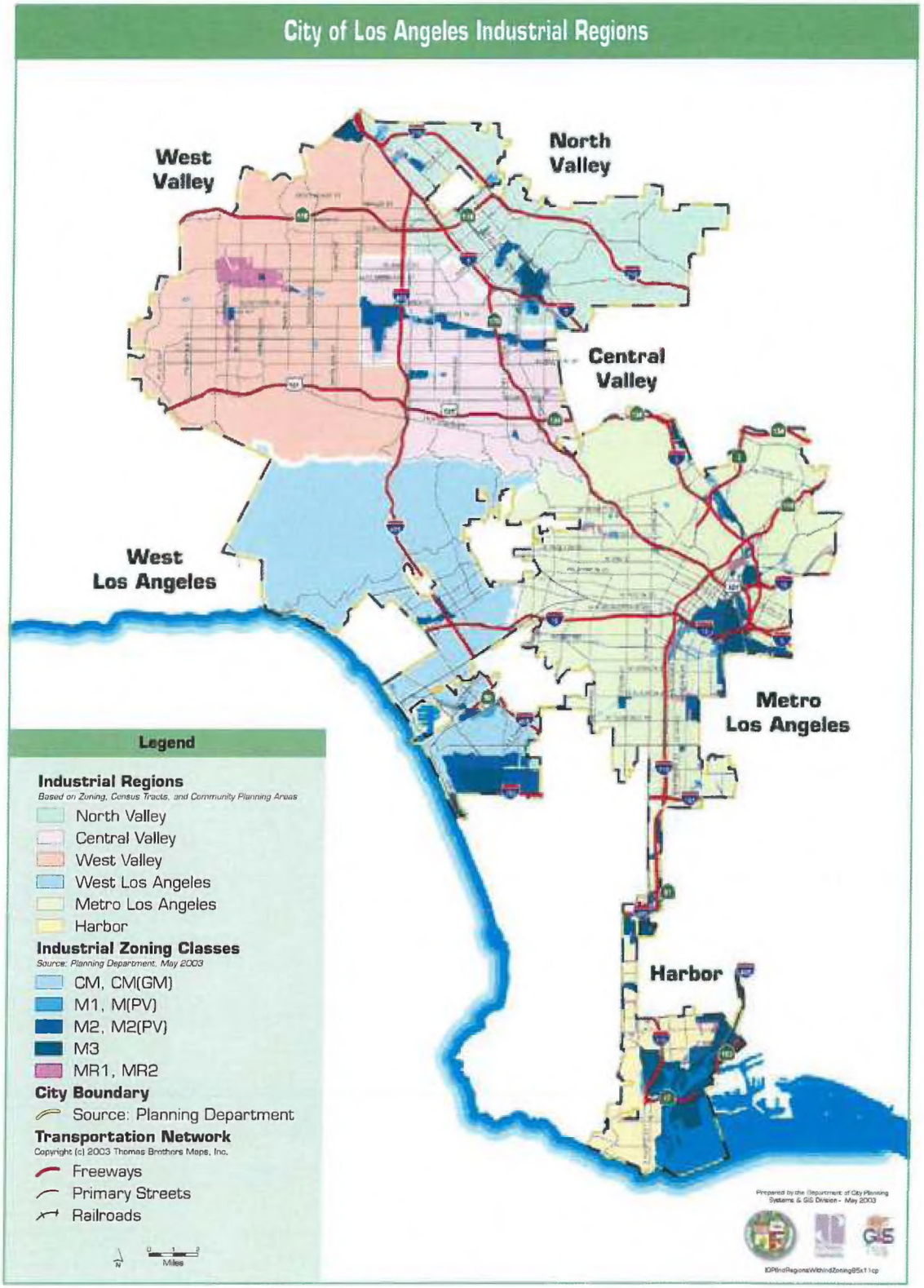
**Excluding Port and LAX*
Source: City of Los Angeles Planning Department

As previously stated, the region containing the largest percentage of all industrial zoned land is Metro Los Angeles, containing 31% of the City's industrial zoned land. This is true for all industrial classifications except for MR2, the restricted light industrial classification, for which the largest concentration is in the West Valley industrial region and M2, the light industrial classification, for which the largest concentration is in the Central Valley industrial region.

In terms of the use of citywide industrial zoned land, the predominant uses are light manufacturing, 28% (see ***Table 4.1***, *Industrial Business Types on Industrial Zoned Land*). Warehousing distribution and open storage uses represent 13% of the acreage and heavy manufacturing uses account for 7% of the industrial zoned land by use code.



Figure 1.5


City of Los Angeles Industrial Regions
West Valley
North Valley
Central Valley
West Los Angeles
Metro Los Angeles
Harbor
Legend
Industrial Regions
Based on Zoning, Census Tracts, and Community Planning Areas
North Valley
Central Valley
West Valley
West Los Angeles
Metro Los Angeles
Harbor
Industrial Zoning Classes
Source: Planning Department, May 2003
CM, CM(GM)
M1, M(PV)
M2, M2(PV)
M3
MR1, MR2
City Boundary
Source: Planning Department
Transportation Network
Copyright (c) 2003 Thomas Brothers Maps, Inc.
Freeways
Primary Streets
Railroads
Miles
GIS



PART I

Key Findings: The Industrial Land Base of the City of Los Angeles

CHAPTER 2

Economic Value of the City's Industrial Land Base



CHAPTER 2

Economic Value of the City's Industrial Land Base

2A. Industrial Business and Employment
2B. Revenue from the City's Industrial Activity
2C. Private Investment in Industrial Land Development

The economic value of industrial land to the City of Los Angeles consists of three key components: the value to residents as employment; the value to the City government in the form of revenues; and the value to the City's business and development community in terms of investment opportunities. This chapter summarizes the salient aspects of each of these components.

2A. Industrial Business and Employment

Distribution of Industrial Employment

The breakdown of employment in the City by major industrial category and industrial region is summarized in ***Table 2.1***, *City of Los Angeles - Industrial Employment by Region, 2000*. All industrial sectors together provide employment to over 509,000 workers, or 28.5% of the City's total employed workforce. Of these, over 105,000 are in Wholesale Trade (Durable and Non-Durable goods).

There is wide variation in the level of industrial employment across the City of Los Angeles' industrial regions. The Metro Los Angeles industrial region contains over half of the City's industrial employment, at 53.8%. Nearly 87% of all City employment in apparel manufacturing is located in the Metro LA region. The apparel industry has the greatest geographical concentration of firms and employment among industrial sectors. Employment in the motion picture industry is the least geographically concentrated, yet most of these jobs are found within the Metro LA region, which includes Hollywood. Forty-two percent of motion picture jobs are located in Metro LA.

The next largest concentration of industrial employment is located in the West San Fernando Valley, at 15%. The bar chart in ***Figure 2.1***, *City of Los Angeles - Industrial Employment by Region, 2000*, provides a visual description of the geographic distribution of the largest industrial sectors throughout the six industrial regions of the City.

Table 2.1

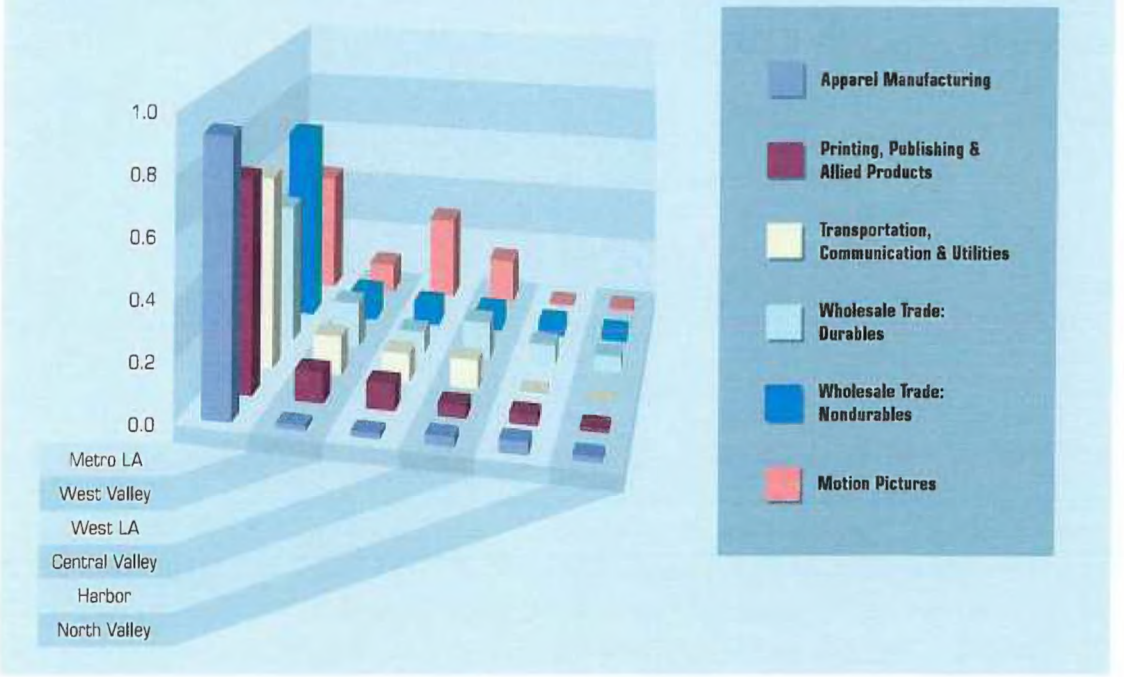
City of Los Angeles - Industrial Employment by Region, 2000

Employment Sectors	Central Valley	Harbor	Metro Los Angeles	North Valley	West Los Angeles	West Valley	Total City
Larger Industries*							
Apparel Manufacturing	1,223	1,724	35,524	808	819	784	40,882
Printing, Publishing & Allied Products	1,788	1,473	28,643	472	3,704	4,366	40,446
Transportation, Communication & Utilities	3,656	210	23,021	166	3,757	4,977	35,787
Wholesale Trade: Durables	8,710	4,423	29,325	3,181	5,019	10,306	60,964
Wholesale Trade: Non-Durables	3,249	2,110	28,683	1,569	3,763	4,769	44,143
Motion Pictures	7,143	222	18,254	463	12,863	4,848	43,793
Total Larger Industries	25,769	10,162	163,450	6,659	29,925	30,050	266,015
Smaller Industries	28,278	17,276	110,599	15,535	24,558	46,923	243,169
Total Industrial Sectors	54,047	27,438	274,049	22,194	54,483	76,973	509,184
Non-Industrial Sectors	156,275	39,618	613,061	44,705	223,687	195,266	1,272,612
Total Employment (All Sectors)	210,322	67,056	887,110	66,899	278,170	272,239	1,781,796

** Greater than 2% of Total Citywide Employment*
Source: Southern California Association of Governments, Estimate for Year 2000

Figure 2.1

City of Los Angeles Industrial Employment by Region, 2000



Small businesses provide the bulk of industrial employment in the City of Los Angeles, with 54% of all manufacturing workers employed in companies of 250 or fewer employees. Furthermore, almost 31% of industrial workers are employed in firms with fewer than 100 employees.

Industrial Wage Levels

Between 1991 and 2002, wage rates for Los Angeles County production workers in manufacturing increased by approximately 3% annually, from $11.10 to $15.30 per hour. This rate of increase is roughly equivalent to inflation during this time period[3]. Given that wage rates in the larger economy have generally not maintained pace with improvements in labor efficiency, the fact that the County has maintained a rate of growth on par with inflation is a positive factor. These trends reflect another reason why manufacturing represents an attractive employment opportunity for City residents.

The City of Los Angeles Community Development Department (CDD) has prepared an analysis of the wage rates of the apparel manufacturing and the metals and machinery industries, two significant employers in the City of Los Angeles. Within these industries, the wage rates associated with skill level differ widely.

For instance, wages for the most common jobs in the apparel industry, such as sewing machine operator and hand sewer, range from $7.72/hour to $9.24/hour. On the other hand, design-oriented jobs in the apparel industry that require a high level of skill, such as pattern maker, earn $19.03/hour.

Apparel and Textiles	
Wage Levels	
Sewing Machine	$ 7.72/hr
Dye Machine	$ 7.67/hr
Knitting/Weaving Machine Operators	$ 7.86/hr
Hand Sewers	$ 9.24/hr
Pattern Makers	$19.03/hr

In the metals and machinery industry, wages for positions such as welders, machinists and tool and die makers are overall at a much higher range across the board, from $13.37/hour to $18.96/hour.

Metals and Machinery	
Wage Levels	
Machinists	$15.38/hr
Tool & Die	$18.96/hr
Welders	$13.37/hr

[3] *Los Angeles County Economic Development Corporation*

Unemployment

Although the City of Los Angeles is home to a significant number of industrial jobs, high unemployment levels remain a critical issue in many neighborhoods and business sectors. According to CDD, as of November 2002, unemployment in the County was 6.6% overall, representing approximately 299,000 workers. Nine percent of this total represents persons younger than 25 years of age. The number of unemployed persons within the City of Los Angeles was 129,000. The 2000 U.S. Census reports that the unemployment rate is as high as 50% in communities with a high concentration of lower-income ethnic minorities. These communities are often in, or adjacent to, industrial neighborhoods.

Education and Training

Education, training and adequate skill levels are significant industrial employment and unemployment issues. The State of California Employment Development Department (EDD) reports that the percentage of the regional population with an absence of a high school diploma ranges from a high of 19% of the population in the North San Fernando Valley area to a low of 5% of the population in the Harbor region. Deficiencies in basic job skills range from 52.7% in South Los Angeles to 14.3% in West Los Angeles. The percentage of the regional population with some college education ranges from a low of 16% in Central Los Angeles to a high of 74% in West L.A. ***Table 2.2***, *Education and Skill Level By City Region – 18 to 64 Years Old, 2002*, further illustrates these issues.

Table 2.2

Education and Skill Level by City Region - 18 to 64 Years Old, 2002

Region	% of Region Pop. w/no H/S diploma	% of Region Pop. basic skills deficient	% of Region Pop. with any college
North Valley	19.0	35.3	45.0
South Valley	17.3	22.3	61.0
East L.A.	14.3	47.7	35.0
Central	12.5	31.2	16.0
West L.A.	17.1	14.3	74.0
South L.A.	14.7	52.7	28.0
Harbor	5.0	36.7	41.0

The compensation levels and the corresponding abilities needed for industrial jobs are two critically important factors that will influence workforce oriented industrial development policies in the City of Los Angeles.

2B. Revenue from the City's Industrial Activity

The City of Los Angeles has four major revenue sources: property tax, utility user tax, business tax and sales tax. In this section each City revenue source is discussed in terms of its composition from industrial revenue sources, with a further breakdown by industrial region and by industry category.

Summary of Industrial Revenue Citywide

According to the City of Los Angeles Office of Finance, citywide revenues generated in 2002 from all property, utility, sales and business taxes totaled $1.7 billion. Of this total, approximately 37.5% or $637.7 million was provided by property tax, 28.4% or $438.8 million from utility user tax, 19.1% or 325.3 million from sales tax, and 15.0% or 256.0 from business tax.

Figure 2.2

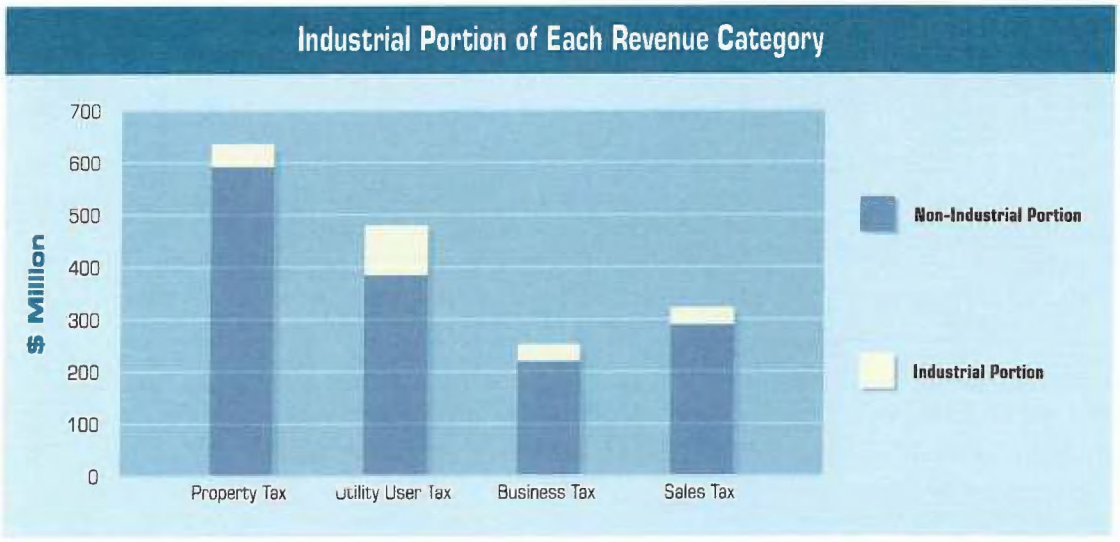
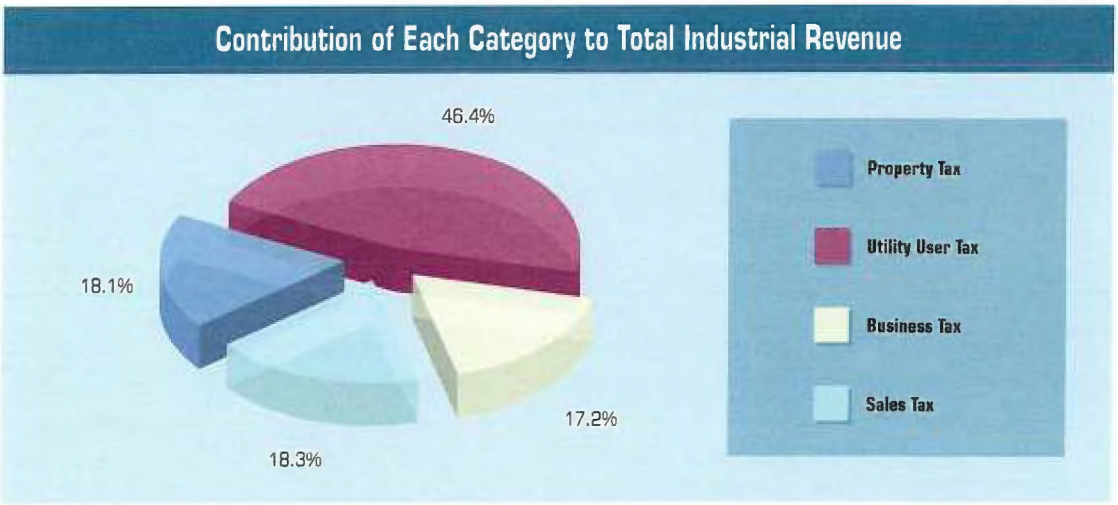


Figure 2.3



Of the total revenues from these sources collected by the City, industrial sources account for 12.9% or a total of $219.4 million. Of this total, 18.1% in 2002 was provided by property tax, 46.4% by utility user tax, 17.2% by business tax, and 18.3% by sales tax.

As a proportion of the revenue source, tax collections from industrial sources make up 21% of the utility tax category. This is expected since industrial businesses are large consumers of water and electrical power. As a result, they pay a corresponding high proportion of the associated utility taxes levied. Conversely, property tax collections from industrial sources make up only 6.2% of the total property taxes collected from all sources, reflecting the relatively low assessed value of much of the City's industrial base. See ***Table 2.3***, *Summary of Industrial Revenue, Citywide 2002*, for a further breakdown of citywide tax collections and the proportional share provided by industrial sources.

Table 2.3

Summary of Industrial Revenue, Citywide 2002

Category	City Revenue				
	From All Sources*	From Industrial Sources Only			Industrial Contribution to Each Category
	$M	Amount $M	% of Indus. Total	In-core $M	%
Property Tax	637.7	39.7	18.1%	39.7	6.2%
Utility User Tax	483.8	101.8	46.4%	101.8	21.0%
Business Tax	256.0	37.7	17.2%	26.7	14.7%
Sales Tax	325.3	40.2	18.3%	23.1	12.4%
City Totals	1702.8	219.4		191.3	
Industrial Percent of Total		**12.9%**			

**From businesses physically inside the City Limits of Los Angeles.*
Source: City of Los Angeles Office of Finance

Utility User Tax Revenue

As described above, the largest industrial sourced revenue contribution is made to the utility tax category, which, in 2002, received $101.8 million of its total $438.8 million from industrial sources. This translates to 21% of total citywide utility taxes collected from all sources.

The regional distribution of industrial revenues pertaining to utility users tax is shown in ***Table 2.4***, *Utility Users Tax Revenue, 2002*. The largest regional contribution to industrial utility user tax revenue comes from the Metro LA industrial region, contributing 39.5% of the total. The Central Valley, West Valley, West LA, and the Harbor regions all contribute just less than 13% of the total utility users tax from industrial sources, with the North Valley making the smallest contribution at 7.9%.

Table 2.4

Utility Users Tax (UUT) Revenue, 2002		
Region	**Revenue**	**Percent of City Industrial Total UUT**
Central Valley	$12,970,713	12.7%
Harbor	$13,129,167	12.9%
Metro LA	$40,204,785	39.5%
North Valley	$7,990,199	7.9%
West LA	$13,129,986	12.9%
West Valley	$13,154,141	12.9%
Miscellaneous	$1,187,189	1.2%
Total Industrial UUT	$101,766,188	21.0%
Total City UUT	$483,752,000	

Source: City of Los Angeles Office of Finance

Property Tax Revenue

While property taxes singly provide the City with its largest revenue source, property taxes from industrial land represent only 6.2% or $39.7 million of the total $637.7 million collected from this revenue source. This is due to a generally lower assessed valuation of industrial land. However, property tax revenues on industrial land have increased at greater than 5% annually between 2000 and 2002. This increase reflects an increase in demand for industrial property. Although exact figures are not available, a potentially significant proportion of this increase is from properties where a conversion of industrial land to non-industrial uses is occurring.

Table 2.5

Property Tax Revenue, 2002						
Calendar Year	**Assessed Value**			**Property Tax Revenue**		
	Total City	**Industrial**	**Pct.**	**Total City**	**Industrial**	**Pct.**
2000	$217.4B	$13.7B	6.32%	$561.4M	$35.5M	6.32%
2001	$232.6B	$14.5B	6.23%	$600.8M	$37.4M	6.23%
2002	$246.9B	$15.4B	6.23%	$637.7M	$39.7M	6.23%

For each year, the industrial assessed value is within 1% of being equally split between land value and improvement value.
Source: City of Los Angeles Office of Finance

Business Tax Revenue

Business taxes collected from industrial uses in 2002 represent 14.7% of the total collected in this tax category. This translates into $37.7 million in sales tax revenue generated from industrial sources, of the total $256.0 million collected from all sources in this category.

The distribution of business tax revenue by industrial region is summarized in ***Table 2.6***, *Industrial Business Tax Revenue – Location, 2002*. The Metro LA region is the largest contributor, providing 51.7% of industrial business tax revenue collected. The Central Valley, West Valley, and West Los Angeles industrial regions all contribute 10.4%, 13.5%, and 12.2 % respectively. Interestingly, the Harbor industrial region (excluding the Port), with 20% of the City's industrial zoned land, only contributed 5.7% of the business tax collections from industrial sources, and the North Valley industrial region, with 13% of the City's industrial zoned land, only contributes 6.6% of the business tax collections from industrial sources.

Table 2.6

Business Tax Revenue - by Region, 2002

Region	Region Total	Region Share
Central Valley	3,941,312	10.4%
Harbor	2,153,646	5.7%
Metro LA	19,506,407	51.7%
North Valley	2,478,700	6.6%
West Los Angeles	4,586,842	12.2%
West Valley	5,078,074	13.5%
City Total	37,744,980	

Source: City of Los Angeles Office of Finance

The Los Angeles Economic Development Corporation (LAEDC) projected seven industrial SIC codes with high growth potential. These are listed in ***Table 2.7***, *Business Tax Revenue – Type, 2002*, in the order of their contribution to business tax revenue. The Motion Picture industry was ranked first with over $3.2 million in annual business tax revenue. Transportation Services ranked second, providing almost $1.9 million and Printing, Publishing and Allied Industries was listed third with a contribution of over $1.1 million. Transportation related industries, including air and water, were identified as having high growth potential, and are industries having a high utilization of industrial land but a low contribution to City business tax revenue. This observation should not be misunderstood, as transportation related industries provide key supportive facilities and services for many other industries in the Los Angeles region, most notably international trade, logistics, and warehousing.

Table 2.7

Business Tax Revenue - by Type, 2002 Seven Industrial SIC Codes with High-Growth Potential (LAEDC Study)		
Industry (SIC code)	**Revenue Provided**	**Ranking, in Revenue** *(of 18)*
Motion Pictures (78)	3,277,280	3rd
Transportation Services (47)	1,881,632	6th
Printing, Publishing and Allied Industries (27)	1,125,836	9th
Motor Freight Transportation and Warehousing (42)*	994,882	10th
Transportation by Air (45)*	716,923	11th
Water Transportation (44)	23,658	15th
Local/Suburb Transit, Interurban Hwy Pass. Traffic (41)*	20,276	16th

**The Transportation-Related Industries: Have high utilization of industrial Land, and Have low current contribution to City Revenue.*
Source: City of Los Angeles Office of Finance

Sales Tax Revenue

Sales taxes collected from industrial uses in 2002 represent 12.4% of the total collected in this tax category. This translates into $40.2 million in sales tax revenue generated from industrial sources, of the total $325.3 million collected from all sources in this category. Although the proportion of sales taxes collected from industrial users is only 12.4% in terms of dollars, 33% of all business accounts in the City are designated as industrial businesses. This represents 32,000 industrial business accounts, out of a total 97,500 accounts.

Table 2.8

Sales Tax Revenue, 2002					
Category	**Revenue**		**Number of Accounts**		**Average $ per Acct**
	Totals	**% of Total**	**(Thousands)**	**% of Total**	
Industrial	$40.2M	12.4%	32.0	33%	1,257.2
Non-Industrial	285.2M	87.6%	65.5	67%	4,353.9
City Totals	325.3M		97.5		3,338.4

Source: City of Los Angeles Office of Finance

2C. Private Investment in Industrial Land Development

Building permits are fair indicators of development activity in terms of the number of permits issued, total permit valuation and the nature of the development project permitted. The Los Angeles Department of Building and Safety (LADBS) reported that from 1997 to 2002, total building permit valuations in all zones were in excess of $13 billion, with building permit valuations on industrial zoned parcels totaling $1.6 billion, or 12% of the citywide total. Within the City's industrial zones, non-industrial use permit valuations totaled $807 million, or slightly over 51% of the value of permits issued in industrial areas during that period. This represents a major private investment in non-industrial activities in industrial zoned areas.



Of the non-industrial use permits issued on industrial zoned land, 31% went to commercial uses, 14% to retail uses, 3% to residential uses, and 2% to institutional uses. ***Table 2.9**, Building Permit Valuations on Industrial-Zoned Parcels, 1997 - 2002*, provides additional details on the building permits issued during this period.

Table 2.9

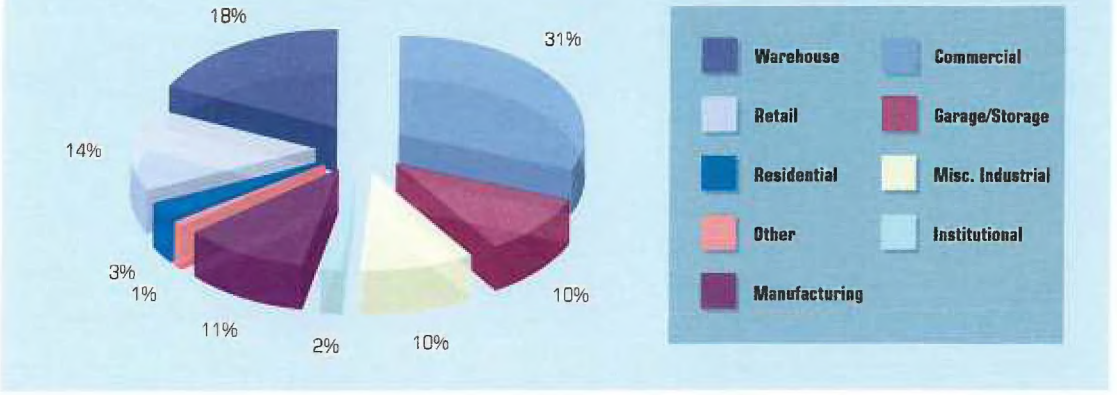
Building Permit Valuations on Industrial-Zoned Parcels, 1997 - 2002

Land Use	Industrial Zones	All Zones
Commercial	$ 508,978,317	$ 2,369,077,139
Garage/Storage	$ 158,719,013	$ 872,880,184
Misc Industrial	$ 153,074,936	$ 158,543,412
Institutional	$ 28,355,049	$ 500,425,161
Manufacturing	$ 169,371,299	$ 290,457,794
Other	$ 10,812,261	$ 140,111,146
Residential	$ 43,571,968	$ 6,671,186,013
Retail	$ 226,120,034	$ 1,782,135,482
Warehouse	$ 277,133,284	$ 387,666,234
Citywide Total	$ 1,576,136,161	$ 13,172,482,565

Source: City of Los Angeles Department of Building & Safety/Plan Check & Inspection System

Figure 2.4

Building Permit Valuations on Industrial-Zoned Parcels, 1997 - 2002



During the same period, building permit valuations in the *non*-industrial zones of the City total approximately $11.6 billion (all zones minus industrial zones). Within the non-industrial zones, $1.1 billion or about 9.5% consisted of industrial land use permits. This also demonstrates the significant amount of industrially categorized land uses occurring in non-industrial zoned areas.

A geographic distribution of new industrial construction activity indicated that, in 2001, a citywide total of 2.7 million square feet of new construction was permitted on industrial zoned land. Of these, the Harbor industrial region accounts for 1.4 million square feet of this new construction, more than half of the citywide total. The North Valley region follows with almost 676,000 square feet of development permitted. The entire San Fernando Valley totals almost 1.1 million, for a total of nearly 39% of the new construction in industrial zones citywide. See ***Table 2.10***, *Construction Activity: Los Angeles Industrial Regions, 2001* for a complete summary of this data.

Table 2.10

Construction Activity: Los Angeles Industrial Regions, 2001

Industrial Regions	Square Feet	% of City
1. Harbor	1,403,199	51.4%
2. Metro Los Angeles	259,030	9.5%
3. Northeast Valley	675,754	24.7%
4. Central Valley	8,924	0.3%
5. West Valley	372,593	13.6%
6. West Los Angeles	12,651	0.5%
Total City	2,732,151	100.0%
Total Valley (3, 4, 5)	1,057,271	38.7%

Note: Small industrial pockets of construction have been omitted.
Source: City of Los Angeles Department of Building & Safety



PART I

Key Findings: The Industrial Land Base of the City of Los Angeles

CHAPTER 3

Infrastructure Issues Affecting Industrial Land Development

CHAPTER 3

Infrastructure Issues Affecting Industrial Land Development

3A. Status and Evaluation of City Infrastructure
3B. Goods Movement Infrastructure
3C. Utility Infrastructure

Infrastructure issues are fundamental to economic development and particularly to industrial development. Manufacturing and warehousing businesses are major consumers of electric power and water and depend on road, rail, air and sea transportation to move goods to domestic and international markets. Thus, a modern, well-developed and efficiently operated infrastructure enhances the economic development of a region, while a poorly maintained infrastructure thwarts business activity.

This chapter provides insight into the condition of the City's infrastructure, first by discussing the overall grades given to the City's infrastructure elements, then by summarizing detailed studies of goods movement issues and finally through an evaluation of the City's utility infrastructure.

3A. Status and Evaluation of City Infrastructure

In March 2003, the Mayor appointed a Blue Ribbon Task Force on Infrastructure to develop a strategic plan for maintaining and improving the City's infrastructure. The Bureau of Engineering (BOE) of the Department of Public Works has prepared an Infrastructure Report Card for the City of Los Angeles that is the result of an analysis of eleven components of the City's infrastructure. The Report Card (see ***Table 3.1***) reflects the concern for the City's infrastructure and has become part of the Blue Ribbon Task Force considerations.

The Bureau of Engineering's Report Card gave the City's infrastructure an overall grade of C+. The greatest disparity between the City's desired operating standard and the current operating condition lies with streets and highways, with a desired goal of B- and an actual grade of D+. The Bureau of Street Services reports that 41% of the City's streets and highways are in "poor condition". The poor grade is largely the result of substandard street pavement conditions and highway congestion. As stated above, the physical and operational conditions of streets and highways are critical for industrial development because of the value and costs incurred in the movement of manufactured and related goods. Given the current sub-standard condition of many of the City's streets and highways and their impact on industrial development, Phase 1 of the IDPI gave particular attention to this infrastructure element.

While the BOE report does not distinguish between roadways in industrial versus non-industrial areas of the City, one can infer that roadways in the industrial areas of the City are highly impacted due to heavy truck traffic that disproportionately impacts streets and highways.

In terms of traffic congestion and operating efficiency, a total of 44 of the 140 intersections evaluated in this analysis received a level of service (LOS) grade of D or F. Only 17 of the 140 received a grade of A or B, representing an operating level of below 70% of volume capacity.

An LOS grade of "A" means the intersection operates with no traffic signal cycles fully loaded, i.e., no vehicle waits longer than one red light and the intersection appears quite open, with turning movements easily made. An LOS grade of "F" represents a condition where the intersection is operating at or above the maximum number of vehicles it can accommodate, with many long queues of vehicles and delays of several traffic signal cycles.

The BOE Report Card graded all infrastructure components and defined improvement goals with 10-year investment needs. These are summarized in ***Table 3.1***, *Infrastructure Assessments, 2003*.

Table 3.1

Infrastructure Assessments, 2003

Infrastructure	Grade	Goals	10 Year Investment Need
Bridges	B+	70% maintained at B or better with none less than D.	$0.5 billion
Stormwater System	C+	Maintained at condition of D or better.	$0.1 billion
Streets/Highways	D+	Pavement condition maintained at B- or better; none below D.	$1.5 billion for pavement; $0.7 billion for congestion
Street Lighting	C	Maintained at condition of C.	$1.0 billion
Wastewater Collection	B+	Sewer systems to be maintained at condition of B or better, with condition F sewers repaired immediately.	$1.8 billion
Wastewater Treatment	B+	Facilities to be maintained at condition of B or better; no individual treatment process less than C.	$0.05 billion
Water	C	Systems to be maintained at a minimum operating condition of B or better.	$3.2 billion
Airports	TBD	TBD	TBD
Public Buildings	TBD	TBD	TBD
Parks	C	TBD	TBD
Port	B	TBD	TBD
Overall Grade	C+		

TBD = to be determined
Source: City of Los Angeles Department of Public Works, Bureau of Engineering



The Los Angeles Department of Transportation reports the overall network of roads and intersections in the City of Los Angeles to be as follows:

Table 3.2

Summary of Los Angeles Road Network, 2003	
Population	3,695,000
Area	465 Square Miles
Street Miles	6,500 Miles
Major & Secondary	1,400
Collector & Local	5,000
Intersections	40,000
Freeway Miles	160 Miles

Source: City of Los Angeles Department of Transportation

The Department of Public Works estimates that the City of Los Angeles needs to fund an additional $1.5 billion for congestion relief over the next ten years to upgrade its arterial infrastructure to acceptable levels.

Table 3.3

Estimated Expenditures for Street Maintenance and Congestion Relief over 10-Year Period, 2003

	Paving	Congestion
10-Year Expenditure Need	$1.5 Billion	$721 million
10-Year Funding Available	$0.5 Billion	$250 million
10-Year Shortfall	$1.0 Billion	$471 million
Total 10-Year Shortfall	Approx $1.5 billion	

Source: City of Los Angeles Department of Public Works, Bureau of Engineering

Of the 6,500-centerline miles of streets in the City, 36% or 2,158 miles are in industrial core areas. Of these, 37% need rehabilitative work, of which, 22% require a re-blanket, 11% require resurfacing and 4% require reconstruction. The Bureau of Street Services has further sub-divided this information by industrial region as shown in ***Table 3.4***, *Percentage of Centerline Miles in Industrial Core Areas Needing Rehabilitation, 2003*:

Table 3.4

Percentage of Centerline Miles in Industrial Core Areas Needing Rehabilitation, 2003

Industrial Region	Industrial Core Street Miles	% Requiring Reconstruction	% Requiring Resurfacing	% Requiring Re-blanket
West Valley	233	4%	10%	32%
North Valley	256	1%	14%	25%
Central Valley	282	5%	14%	25%
West Los Angeles	251	2%	12%	21%
Metro Los Angeles	947	6%	10%	16%
Harbor	188	1%	8%	26%
Total	2,157	4%	11%	22%

Source: City of Los Angeles Department of Public Works, Bureau of Street Services

3B. Goods Movement Infrastructure

Goods movement and truck traffic have a fundamental impact on the growth, success and improvement of industrial businesses and districts. Industry needs access to markets, goods, materials and employees. The ability to transport goods is particularly important for the City of Los Angeles given its high level of involvement in trade with the rest of the United States and the world.

Efficient transportation of goods can relieve businesses of burdensome real estate costs associated with the storage of goods. Thus, there is a direct connection between goods movement and industrial land use. With the advent of "just-in-time" inventory policies of many industries, better goods movement can reduce the need for larger warehouses. Warehousing needs tend to drive businesses and developers to areas where land is more abundant and less costly. By moving goods more efficiently, manufacturers can utilize less space, thus making land use more efficient and economical.

The relationship between warehousing and the freight forwarding industry is another important consideration for industrial policy in the City of Los Angeles. Freight movement is a core component of the Southern California economy. According to recent labor statistics, the freight transportation industry employs 500,000 workers in Los Angeles County, a significant economic consideration when compared to the 580,000 workers employed countywide in the industrial/manufacturing sector. The six counties of Los Angeles, Orange, Riverside, San Bernardino, Imperial and Ventura form an economic powerhouse that sees massive freight flows. Much of the freight volume is generated internally. The region boasts a vast network of warehousing and distribution centers to serve its enormous local market and is one of the largest manufacturing centers in the United States. The impact of these local freight flows is exacerbated by the region's role as a major international trade center for the state and the nation.

The Los Angeles Department of Transportation (DOT) identified six areas of concern with regard to the movement of goods in the City's industrial areas:

Six Areas of Concern with Regard to the Movement of Goods in the City's Industrial Areas
Freeway access delays
Industrial site access delays
Loading and unloading facilities deficiencies
Through traffic congestion
Railroad crossings delays
Left and right turns at intersections

Source: The Los Angeles Department of Transportation (DOT)

In response to these growing challenges, DOT presented a set of studies concerning goods movement and truck traffic in industrial areas of the City and the immediate surrounding regions. The set includes the following studies:

1. Improving Truck Movement in Urban Industrial Districts - Phase I, LADOT, October, 1999.
2. Improving Truck Movement in Urban Industrial Districts - Phase II, LADOT, February, 2002.
3. Draft - Southern California Freight Movement Case Study, LA County MTA, December, 2002.
4. Goods Movement Program White Paper, SCAG, January, 2002.

The central goals, findings and recommendations of these studies are included in this section.

Improving Truck Movement - Phase I & Phase II Study Areas

The City of Los Angeles Department of Transportation (LADOT), in collaboration with the Southern California Association of Governments (SCAG), undertook the "Goods Movement Improvement Program" to identify problems with truck movement and access to intermodal facilities, distribution centers, industrial users and freeways in the City. The program focuses on short-term mitigation efforts and implementation. DOT recommends that a regional effort to improve roadway mobility be a high priority for the City and County of Los Angeles. See maps ***Figure 3.1***, *Goods Movement Improvement Program Phase I Study Area*, and ***Figure 3.2***, *Goods Movement Improvement Program Phase II Study Areas*. SCAG, the State of California, the federal government and other entities may be active partners in this process.

The Goods Movement Improvement Program was divided into Phase I and Phase II Study Areas. The Phase I Study Area runs from Central City North to the Port of Los Angeles, and from the Harbor Freeway to the eastern boundary of the City. The area contains the Port of Los Angeles, portions of the Alameda Corridor, the Los Angeles Intermodal Center, a large manufacturing base and numerous truck distribution centers. The Central City North area is characterized by older and narrower streets that are largely in a state of damage and disrepair from heavy truck usage in the industrial regions.

The Phase II Study Area consists of three study areas, West Valley, East Valley, and Northeast Los Angeles. It should be noted that these sub-geographies do not coincide with the IDPI's industrial regions; thus, the IDPI has reorganized this data to accommodate IDPI's industrial regions.

Phase I Study Area Analysis

The LADOT Phase I Study Area included examination of Central City East, which is a geographically concentrated, heavily industrialized area east of Downtown Los Angeles, to determine specific truck movement challenges and solutions. Most deficiencies in this urban industrial district can be traced to a local street network that was built nearly a century ago. The growth in the industrial and distribution base, coupled with the doubling of average tractor-trailer length, has exacerbated street infrastructure challenges in this area. The major impediments to truck traffic movement in this study area are the conditions of the streets themselves and inadequate traffic control devices (e.g. traffic signalization, striping and stop signs), all resulting in freeway and site access problems and en route delays.

The Central City East analysis identifies forty-three separate problem locations within this six square mile area, as well as a typology of solutions to address these and other truck movement challenges. (See ***Figure 3.3***, *Map of Central City East Problem Locations.*) As part of this analysis, DOT developed a GIS database that incorporates truck routes, SCAG's land use database, and truck count data for key intersections throughout the study area. The typology of solutions generated includes operational improvements, traffic engineering, capital improvement and programmatic/ policy measures to ease truck access. The latter includes measures to improve zoning, parking and design standards for future truck access facilities and roadways. It also includes approaches for streamlining the mitigation process.

Figure 3.1


Goods Movement Improvement Program Phase I Study Area
Union Station
Los Angeles Intermodal Center
CENTRAL CITY EAST
East LA Yard
Hobart Yard
ALAMEDA CORRIDOR
LAX
Intermodal Container Transfer Facility
PORT OF LONG BEACH
PORT OF LOS ANGELES
N
Legend
Alameda Corridor
Rail Yards
Study Area

Figure 3.2

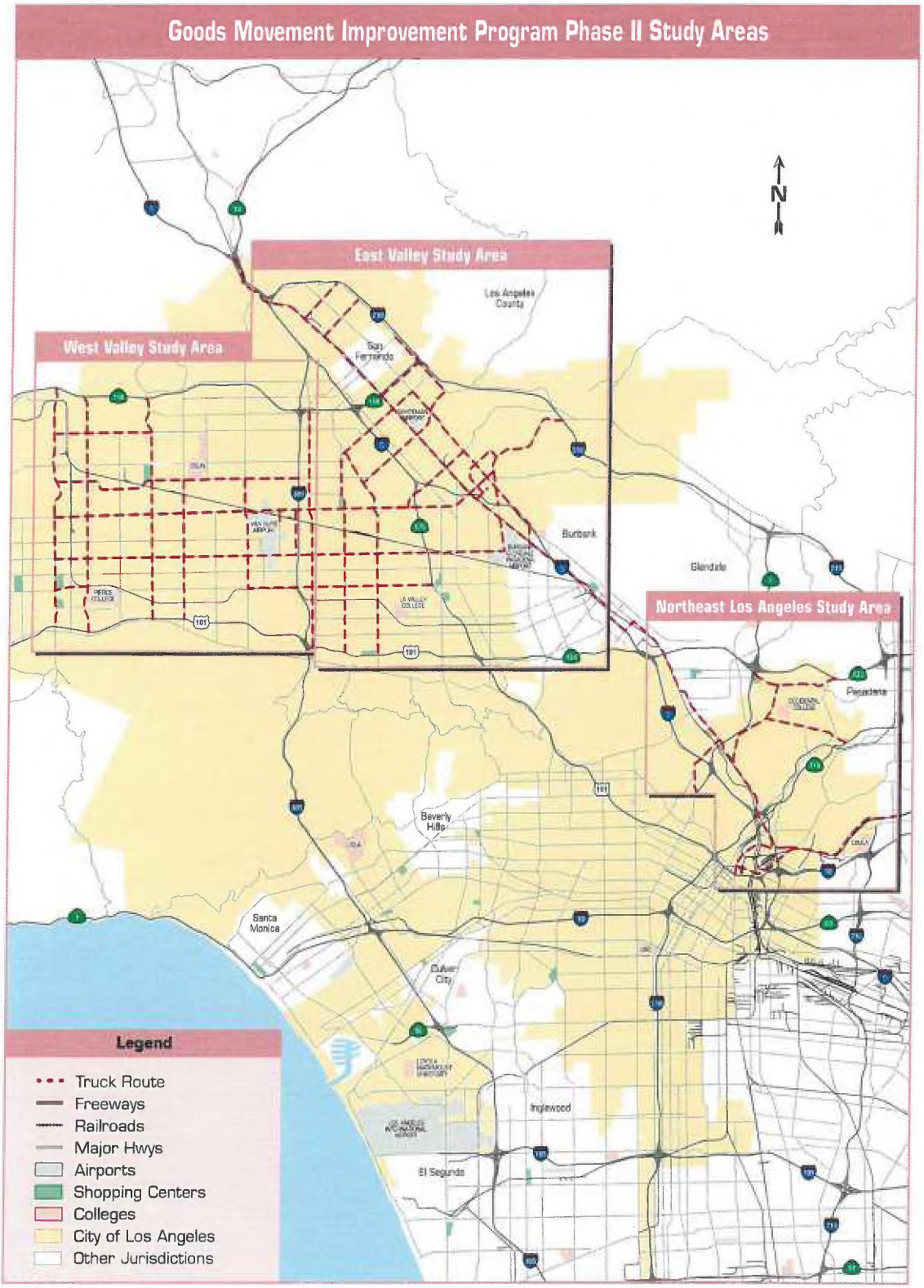

Goods Movement Improvement Program Phase II Study Areas
N
East Valley Study Area
West Valley Study Area
Northeast Los Angeles Study Area
Los Angeles County
San Fernando
Burbank
Glendale
Pasadena
Beverly Hills
Santa Monica
Culver City
Inglewood
El Segundo
Legend
Truck Route
Freeways
Railroads
Major Hwys
Airports
Shopping Centers
Colleges
City of Los Angeles
Other Jurisdictions

Figure 3.3

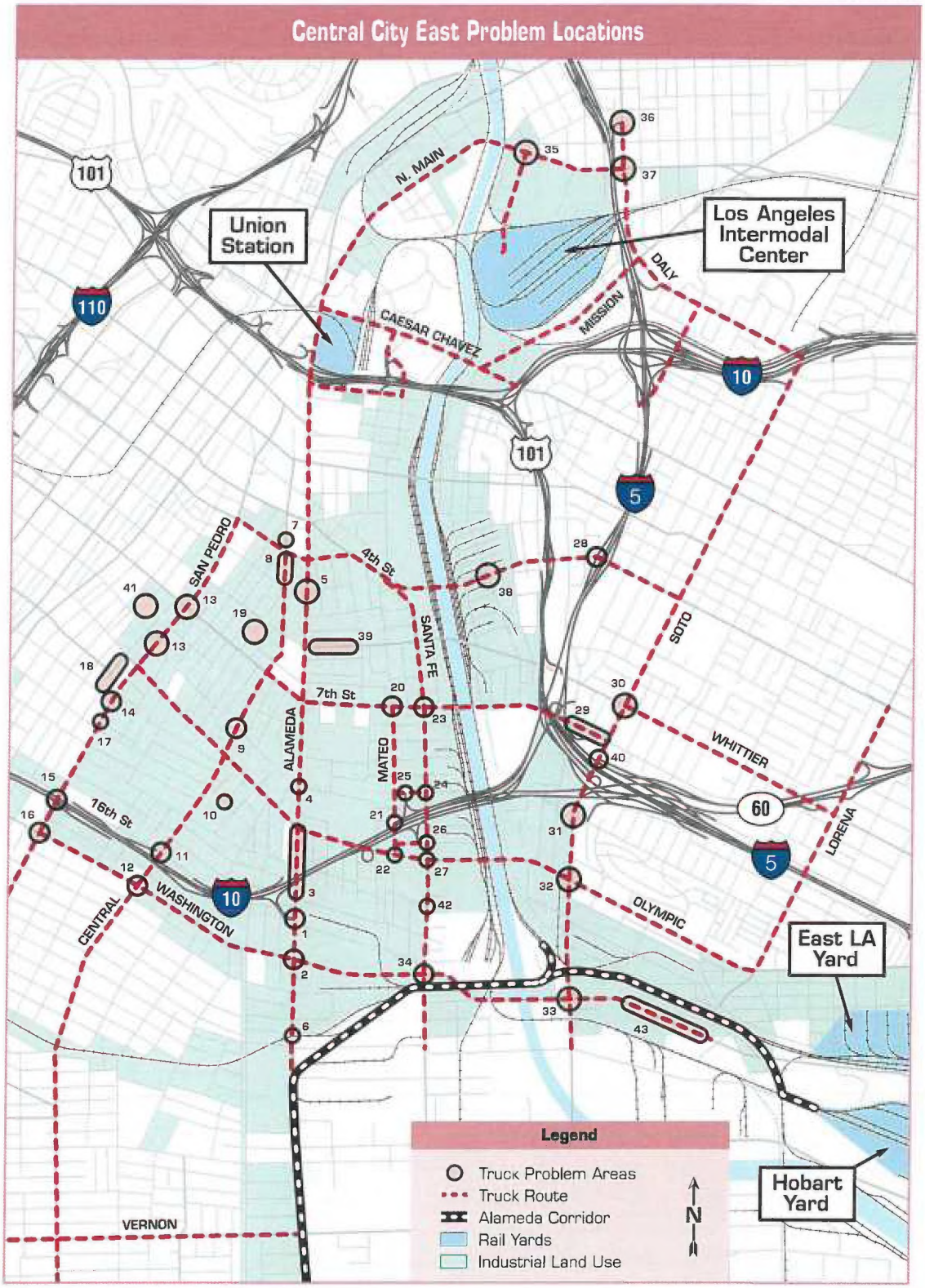

Central City East Problem Locations
Union Station
Los Angeles Intermodal Center
East LA Yard
Hobart Yard
101
110
10
5
60
N. MAIN
CAESAR CHAVEZ
DALY
MISSION
SAN PEDRO
4th St
7th St
16th St
ALAMEDA
MATEO
SANTA FE
SOTO
WHITTIER
LORENA
OLYMPIC
WASHINGTON
CENTRAL
VERNON
Legend
Truck Problem Areas
Truck Route
Alameda Corridor
Rail Yards
Industrial Land Use
N

***Figure 3.4**, Solution Typology Matrix*, provides suggested solutions for the forty-three problems described in the Phase I Goods Movement Improvement Program Study.

The Phase I Study concludes by pointing out the success of:

- A proactive approach and method for identifying and verifying transportation associated problems,
- The identification and mitigation of 43 problem sites in the mostly industrial areas of Central City East, and
- The approval of $1.8 million in 1999 Regional Transportation Improvement Program discretionary funding.

Phase II Study Area Analysis

The LADOT Phase II Study Area included analysis of the West Valley, the East Valley, and Northeast Los Angeles (see ***Figure 3.2**, Goods Movement Improvement Program Phase II Study Areas*). These areas provide major transportation routes and corridors where the geographical setting consists of residential, commercial, and industrial land uses. The areas include Anheuser Busch, Bradley Landfill, a main United Parcel Service facility and major industrial truck distribution centers.

The Phase II Study Area analysis examines specific truck movement problems and solutions for these geographic areas. Although much of the San Fernando Valley is relatively new, as compared to Central City East, this area showed certain locations where the doubling of average tractor-trailer length has impacted physical street infrastructure and operational efficiency. As in Central City East, the major impediments to truck movement here are the streets themselves, resulting in similar freeway access problems, site access problems and en route delays. The Phase II study identifies twenty separate problem locations and recommends widening of streets and increasing curb radii to facilitate the movement of large tractor-trailer trucks. Specifically, the problems uncovered are:

Phase II Study Area Specific Problems
Deteriorated and weathered roadways
Narrow roadway widths
Difficult turn movements
Staging in two-way left turn lane or striped median
Heavy truck queuing due to lack of turn signal
Blocking of railroad tracks
Deteriorated striping
Truck double parking

Source: The Los Angeles Department of Transportation (DOT)

As in the Phase I Study Area analysis, solutions for truck movement problems are grouped into four categories: operational improvement measures; engineering improvement measures; capital improvement measures; and programmatic and policy measures.

Figure 3.4

Solution Typology Matrix

	Operational	Engineering	Capital Improvement	Programmatic / Policy
Lower Funding Level *(Internal Budget)*	#6 (talk to Railroad - reduce delay) #8 (Provide legal truck parking) #9 (pull back limit line) #12 (PM congestion mgmt) #13 (evaluate parking restrictions) #17 (evaluate parking restrictions) #26 (lengthen LT signal phase) #32 (lengthen LT signal phase) #38 (provide alt. access route) #40 (lengthen LT signal phase) #43 (prioritize for repavement)	#16 (adjust lane striping) #23 (adjust lane striping & limit line) #27 (add LT signal arrow) #33 (add LT signal arrow)		#7 (require truck on-site circulation) #10 (employee off-site parking) #14 (provide large truck access) #19 (require truck on-site circulation) #35 (upgrade to new Street Standards) #39 (require truck on-site circulation) #41 (require delivery & ped. separation) #42 (upgrade to new Street Standards)
Higher Funding Level *(Private, State, or Federal)*		#4 (reconfigure driveway) #5 (driveway + 1-way conversion) #14 (provide large truck circulation) #18 (1-way conversion) #21 (install signal at ramp) #28 (install signal at ramp) #29 (reroute trucks & widen curb) #35 (install signal at intersection) #36 (install signal at ramp)	#1 (add 2nd LT lane) #2 (widen + acquire ROW) #3 (widen + acquire ROW) #11 (widen RT lane) #15 (widen + add LT lanes) #20 (widen to new Standards) #22 (widen RT lane) #24 (widen + add NB LT lane) #25 (widen ramp + 1-way conversion) #29 (widen, acquire ROW P-lot) #30 (widen to new Standards) #31 (widen to new Standards) #34 (overpass-Alameda Corridor) #37 (widen + acquire ROW)	

Southern California Freight Management Case Study, 2002

The Southern California Freight Management Case Study is one of five regional studies being conducted across the country at the behest of the Office of Freight Management and Operations of the Federal Highways Administration (FHWA). The FHWA is examining how different regions address freight transportation needs. Consistent with recent FHWA efforts, the Southern California study discusses regional freight movement and its broader national significance.

The Los Angeles County Metropolitan Transportation Authority (MTA), the Southern California Association of Governments (SCAG), and the California Department of Transportation (California DOT) conducted the Southern California study. Their collaborative effort, together with input from freight industry partners, provides a broad overview of freight movement in the region. The study also contributes to Southern California's pursuit of a statewide goal to "improve major freight gateways in California to enhance overall mobility", as articulated in the Global Gateways Development Program (GGDP) authorized by California State Senate Concurrent Resolution 96.

The case study draws some lessons from the successful Alameda Corridor project, before concluding with a description of the other promising freight projects in the region and recommendations for stakeholders to consider when addressing the remaining freight movement challenges for the region.

Freight transportation deficiencies are a preeminent challenge facing the City of Los Angeles and the Southern California region. Capacity constraints, environmental challenges and funding shortfalls need to be addressed. Furthermore, population growth and trade are two trends that will shape the future of freight movement in the Los Angeles region. Preserving the region's quality of life and economic competitiveness will require meeting freight challenges with respect to congestion, the environment, safety and security. The region will have to work within a complex decision making environment to resolve issues of burden sharing and fairness, inefficient use of existing infrastructure and general public antipathy to freight movement. The development of a world-class infrastructure network will require cooperation among all of the region's stakeholders.

SCAG Goods Movement Program White Paper, January 2002

The SCAG Goods Movement White Paper reviews the system of goods movement within the six-county Southern California Association of Government's (SCAG) region and discusses the priorities, objectives and scope of SCAG's Goods Movement Program. Key points include:

- The benefits of this overall goods movement system accrue to the region through the value of goods shipped, wages earned in direct and indirect employment and tax revenues generated by these activities for local and state governments. Goods movement in the SCAG region contributes to the nation's welfare because international trade flows handled by the region allow the national economy to achieve greater productivity and investment levels. The historic and forecast rates of regional, national and international economic growth, as well as the region's increasing population have propelled the volume of goods that move through the region's transportation system to expand dramatically.

- The ***2001 Regional Transportation Plan (RTP)*** represents a comprehensive and broad-based effort to frame and address critical transportation issues facing the region. The regional goals and policies established by SCAG to guide the development of the RTP also relate to the challenges now confronting the goods movement system. These goals are to:

1. Improve transportation mobility for all people and enhance the movement of goods within the sub-regions and the region.
2. Ensure that transportation investments are cost-effective, protect and improve the environment, promote energy efficiency and enhance the quality of life.
3. Serve the public's transportation needs in safe, reliable, and economical ways that also meet the individual needs of those who depend on public transit, such as lower-income families, the elderly and people with disabilities.
4. Develop regional transportation solutions that complement the transportation systems and land-use plans of communities within the sub-regions.
5. Promote transportation strategies that are innovative and market-based, encourage new technologies and support the Southern California economy.
6. Encourage land-use and growth patterns that enhance the quality of life for local communities and maximize the productivity of transportation investments.

- SCAG's Goods Movement Program draws upon these goals to establish a set of priorities in evaluating studies and project initiatives. These priorities are:

1. Economic Efficiency
2. Congestion Mitigation
3. Safety Improvement
4. Air Quality Improvement
5. System Security

- An increased trade and goods movement is utilizing infrastructure facilities that are already strained to capacity. The region's 17 million residents and the 7.4 million jobs that sustain their lifestyles rely on the mobility afforded by existing infrastructure developments. Maintaining sufficient regional mobility for both passengers and freight is a regional imperative. And yet, even with the full implementation of the public and privately funded projects set forth in the RTP, key segments of the region's road and rail networks will experience significantly greater congestion by the year 2025.

3C. Utility Infrastructure

Department of Water and Power

The City of Los Angeles Department of Water and Power (DWP) services 1.4 million customer accounts of which 200,000 are commercial/industrial accounts and 1.2 million are residential accounts. It is the largest municipal utility in the nation and has been providing service for over 100 years.

Energy and Water Capacity

DWP's overall power generation capacity (consisting of coal, gas, hydro, nuclear, renewable resources, and distributed generation) is 7,155 megawatts, transmitted over 11,000 miles of overhead lines and 6,000 miles of underground cable. Its customer distribution system includes 180 receiving stations and 3,700 distribution stations. Its water system provides about 215 billion gallons of water annually over 280 miles of 20-inch thick trunk lines and 7,200 miles of water mains (less than 20 inches in diameter). Water facilities include 80 booster-pumping stations, 90 tanks and reservoirs, 25 chlorination stations, 260 regulator stations and 700,000 water meters.

DWP's overall power system infrastructure rating is a "B". This rating consists of a "condition score" of 7.6 out of 10, which reflects age, condition of facilities, and known material issues. Its "capacity score" is a 9.0 out of 10, reflecting availability of adequate energy supply and reliability of transmission and distribution delivery systems. Its "operational score" is 8.0 out of 10, which reflects availability of generation resources, quality of service, and maintenance, repair and replacement funding levels.

DWP's overall water system infrastructure rating is a "C". This rating consists of a "condition score" of 7.67 out of 10, which also reflects age, condition of facilities and known material issues. The "capacity score" is 7.25 out of 10, reflecting supply sufficiency, storage, flexibility and redundancy and capacity to meet peak demands. Its "operation score" is 8.0 of 10, reflecting water quality regulations, annual maintenance requirements and the level of adoption and implementation of Best Management Plans (BMPs).

Energy and Water Revenue

Total DWP annual revenues from customers are approximately $2.7 billion. Of this total, DWP revenues generated from industrial businesses in the City of Los Angeles are in excess of $515 million per year. These revenues are summarized in ***Table 3.5***, *Energy and Water Revenue From Industrial Businesses, 2003*:

Table 3.5

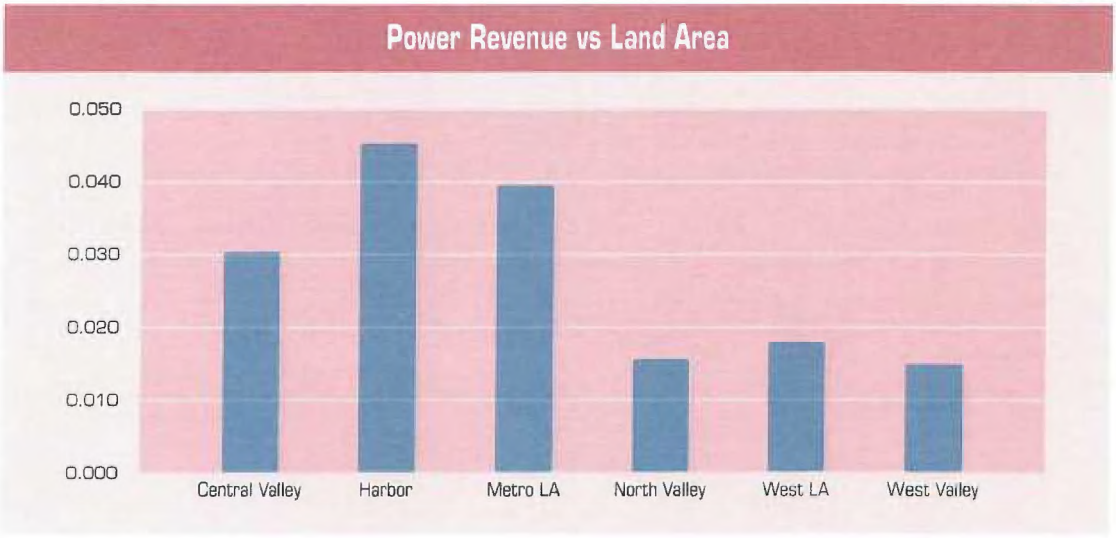
Energy and Water Revenue from Industrial Businesses, 2003

Power Revenue	$ 374,561,978
Utility Tax	$ 46,820,247
Water Revenue	$ 63,011,170
Transfer to City	$ 30,630,120
Grand Total	$ 515,023,515

Source: City of Los Angeles Department of Water & Power

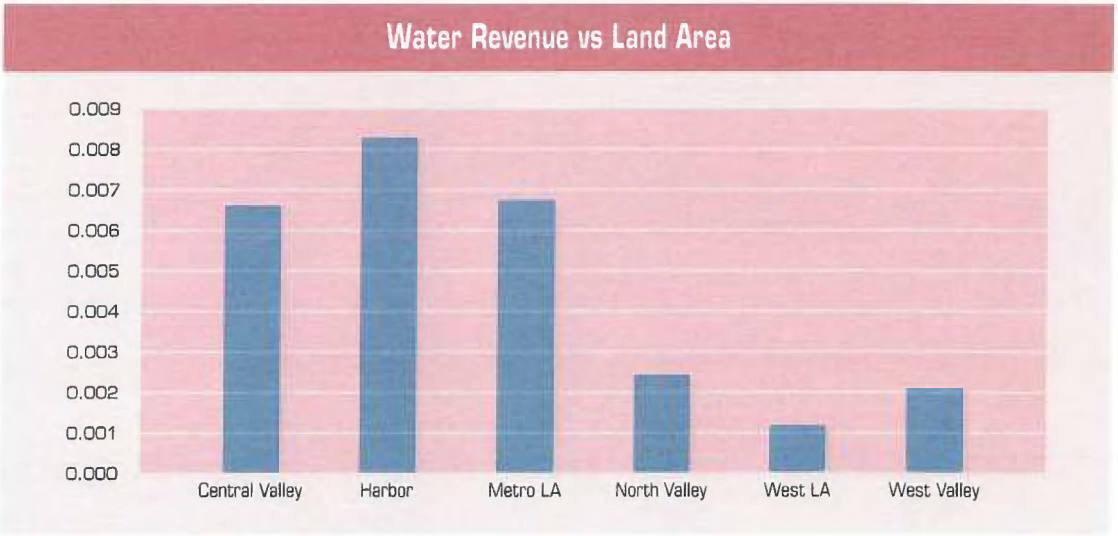
The Harbor industrial region produces the largest amount of power revenues per unit of land (approximately 20 cents per acre). The North Valley registers the lowest amount of power revenue per unit of land at 6.5 cents per acre.

Figure 3.5



Similarly, the Harbor industrial region produces about 3.6 cents in water revenues per acre, with the lowest coming from the West Valley at about 0.4 cents per acre.

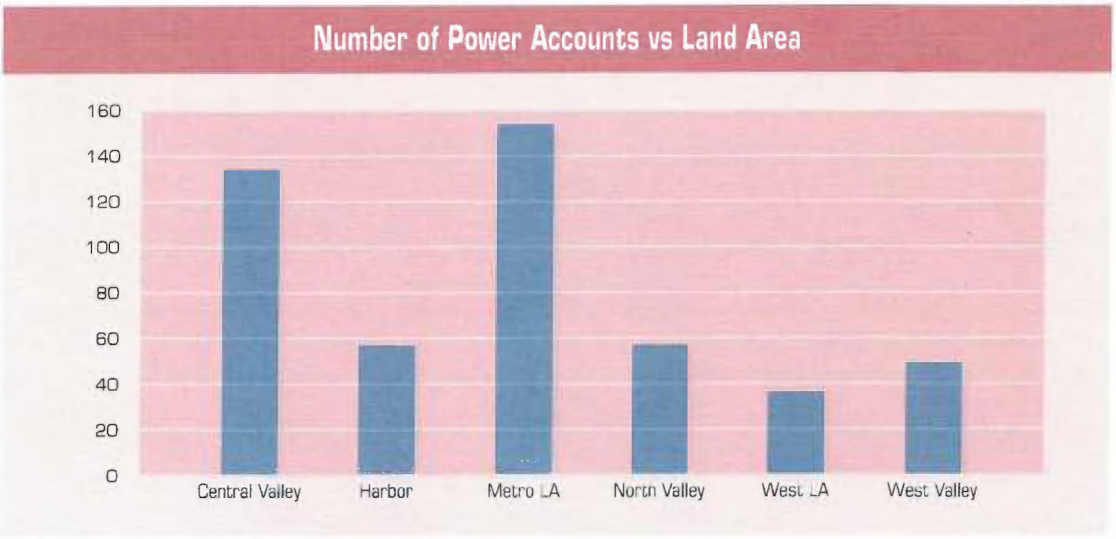
Figure 3.6



Energy and Water Utilization

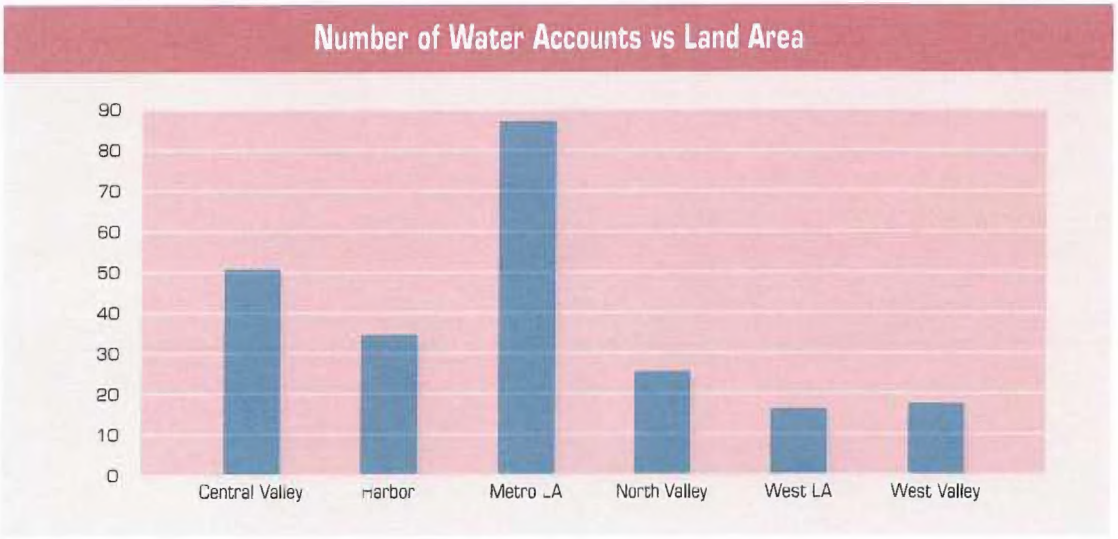
In terms of the number of power accounts per acre, the Metro LA industrial region leads with about 150 power accounts per square mile, or one power account per 4.27 acres. The lowest number of accounts per acre is in the West LA region with about 35 power accounts per square mile, or one account per 18.28 acres of industrial zoned land.

Figure 3.7



Similarly, the number of water accounts per land unit is highest in the Metro area, with about 87 accounts per square mile, or one water account per 7.4 acres. The West LA region is the lowest with 15 water accounts per square mile, or one account per 42.7 acres of industrial zoned land.

Figure 3.8



The number of water and power accounts within industrial areas is summarized on ***Table 3.6***, *Number of Water Accounts Within Industrial and Manufacturing Areas*, and ***Table 3.7***, *Number of Power Accounts Within Industrial and Manufacturing Areas*. The industrial accounts comprise nearly 25% of the citywide water accounts and about 27% of citywide power accounts. The Metro LA industrial region accounts for almost half of all industrial water and power accounts.

The industry breakdown of water and power accounts shows that the Manufacturing category has the largest number of both accounts citywide and within each industrial region, except for power accounts in the West LA region, where the Transportation and Utilities category has the highest number of accounts.

The "No Consumption" account category is of particular interest to the IDPI process. A "No Consumption" account means that a water or electrical meter has been installed at a property and active consumption existed at some time, but current consumption is zero. DWP's data shows 4,604 No Consumption water accounts, or 21% of all industrial water accounts and 2,231 such power accounts, or over 5% of all industrial power accounts.

Table 3.6

Number of Water Accounts within Industrial and Manufacturing Areas

	Total Citywide	Region Central Valley	Region Harbor	Region Metro LA	Region North Valley	Region West LA	Region West Valley	Balance, Miscellaneous Data
Industrial and Manufacturing Accounts Total								
	21,768 24.7%	2,866 24.0%	1,353 30.1%	11,597 25.9%	1,721 32.6%	1,672 17.7%	2,060 19.8%	499 29.0%
Industrial and Manufacturing Sector								
Mining	104 0.1%	10 9.6%	32 30.8%	34 32.7%	18 17.3%	7 6.7%	1 1.0%	2 1.9%
Construction	2,607 3.0%	322 12.4%	136 5.2%	1156 44.3%	193 7.4%	315 12.1%	340 13.0%	145 5.6%
Manufacturing	7,548 8.6%	1059 14.0%	414 5.5%	4134 54.8%	687 9.1%	430 5.7%	761 10.1%	63 0.8%
Transport, Utilities	2,455 2.8%	351 14.3%	233 9.5%	1116 45.5%	166 6.8%	293 11.9%	185 7.5%	111 4.5%
Wholesale	3,419 3.9%	472 13.8%	229 6.7%	2043 59.8%	225 6.6%	161 4.7%	272 8.0%	17 0.5%
Motion Pictures	1,031 1.2%	175 17.0%	25 2.4%	486 47.1%	62 6.0%	125 12.1%	122 11.8%	36 3.5%
No Consumption	4,604 5.2%	477 10.4%	284 6.2%	2628 57.1%	370 8.0%	341 7.4%	379 8.2%	125 2.7%
Non-industrial Businesses								
	66,371 75.3%	9,061 76.0%	3,138 69.9%	33,247 74.1%	3,563 67.4%	7,784 82.3%	8,355 80.2%	1,223 71.0%
City Totals								
	88,139	11,927	4,491	44,844	5,284	9,456	10,415	1,722

Table 3.7

Number of Power Accounts within Industrial and Manufacturing Areas

	Total Citywide	Region Central Valley	Region Harbor	Region Metro LA	Region North Valley	Region West LA	Region West Valley	Balance, Miscellaneous Data
Industrial and Manufacturing Accounts Total								
	43,879	7,454	2,258	20,406	3,756	3,584	5,710	711
Small*	37,880	6,694	1,835	17,628	3,121	3,036	4,977	589
Medium*	5,349	705	343	2,527	570	459	685	60
Large*	439	38	74	176	36	65	41	9
Industrial and Manufacturing Sector								
Mining	174	4	92	52	9	8	7	2
Construction	4,470	741	221	1,543	355	741	733	136
Manufacturing	17,817	3,172	754	8,618	1,945	757	2,502	69
Transport, Utilities	8,499	1,415	650	3,215	622	1,276	954	367
Wholesale	8,173	1,209	364	4,703	540	347	985	25
Motion Pictures	2,515	613	57	1,160	140	241	284	20
No Consumption	2,231	300	120	1,115	145	214	245	92
Non-industrial Businesses								
	121,108	18,286	4,576	58,381	6,244	14,323	18,239	1,059
City Totals								
	164,987	25,740	6,834	78,787	10,000	17,907	23,949	1,770

**Note: Based on Regional Energy Capacity*
Large > 500 kW
Medium > 30 kW and < 500 kW
Small < 30 kW

Water and Power Systems Capital Improvements

According to DWP's funding sources and investment plan, operations are financed through the sale of utility services. Funds for capital projects are raised from bond sales. The amount of funding required over the next five years for power system capital improvements is $2.9 billion, or $580 million annually. Water system capital improvements required over the next ten years totals $3.2 billion, or $320 million per year. The DWP expects that these expenditures will ensure the reliability of the utility systems and meet the growing needs of the City's businesses and residents.

Department of Public Works

The Department of Public Works, Bureau of Sanitation is responsible for three major programs that serve industrial businesses in the City of Los Angeles, namely wastewater, stormwater and solid waste.

Wastewater

The City of Los Angeles has two wastewater treatment and two water reclamation plants managed by the Bureau of Sanitation that safely collect and treat about 450 million gallons of wastewater per day (MGD). The wastewater systems serve 4.28 million people, including the City's population of 3.8 million, and 27 contract agencies, over a total of 530 square miles (an area larger than the total area of the City).

The Infrastructure Report Card rated the City's overall wastewater treatment system at B+, well above the national average of D. The wastewater treatment plant capacity was rated an A. The wastewater treatment system is deemed to have sufficient capacity to meet the current needs of the City (with a projected need of 4.5 million people by 2020). The two major wastewater treatment plants are the Terminal Island (capacity of 30 MGD) and Hyperion (capacity of 450 MGD) Treatment plants.

The City's wastewater collection system is rated B+ and consists of 6,700 miles of sewers and 46 wastewater pumping plants. The two major reclamation plants are the Tillman (capacity of 80 MGD) and Glendale (capacity of 20 MGD) Water Reclamation plants.

The Bureau of Sanitation regulates over 13,000 Industrial Users (IUs) in the City of Los Angeles that discharge industrial wastewater to the City's Publicly Owned Treatment Works (sanitary sewers and wastewater treatment plants). However, only 1,332 of these IUs meet the definition of "Industrial Business" as established by the City's Department of Water and Power (DWP). Currently, the DWP's records indicate there are 21,768 "Industrial Businesses" in the City of which 1,332 or 6% are regulated by the Bureau of Sanitation through an Industrial Wastewater Permit (Permit).

The Industrial Waste Management Division (IWMD) in the Bureau of Sanitation is responsible for regulation of such "Industrial Businesses" to ensure that all applicable Federal, State and Local (City) standards for disposal of industrial wastewater, discharged by these businesses, are fully enforced. The regulation of these businesses includes, permitting, inspection, wastewater sampling, monitoring and code enforcement.

A review of the IWMD's records indicate that the number of Permits issued to "Industrial Businesses" has decreased over time, consistent with the observed overall decrease in the population of the "Industrial Businesses" in the City.

Specifically, Permits issued to "Significant Industrial Users" (SIUs)[4] in the City shows a downward trend since 1992. The SIUs exceeded 360 in 1992, reached a low of 260 in 1998, increased to a high of 300 in 1999 and decreased again to approximately 260 in 2003 (28% drop as compared to 1992). However, these trends have not been uniform in all industrial regions of the City. The number of Industrial Wastewater Permits issued has increased in the San Fernando Valley and decreased in the downtown and metro Los Angeles area over the last ten years.

Stormwater

The Department of Public Works, Bureau of Sanitation, Watershed Protection Division (WPD) manages the City's Stormwater Program, which is comprised of flood control and pollution abatement. Flood control consists of the stormwater drainage system, which takes rainwater and non-rain surface runoff from the City's streets and routes it to an underground pipe/tunnel system that is discharged untreated into the ocean.

The stormwater infrastructure condition is given a rating of C+, with 92% of the drainage facilities less than 80 years old and classified with moderate to minimal wear. The system consists of approximately 1,260 miles of storm drainpipe, 34,000 catch basins, 10 stormwater pumping plants, 102 debris basins, and two major flood control basins located behind Hansen and Sepulveda Basin Dams.

The Stormwater Program is mandated by federal regulations to comply with the National Pollutant Discharge Elimination System Municipal Stormwater Permit and Total Maximum Daily Load (TMDL) regulations. These considerations in pollution abatement activities heavily affect industries. Most industrial businesses are required to have Standard Urban Stormwater Mitigation Plans and Site Specific Mitigation Plans to minimize pollution of stormwater (if the site will have one acre or more of impervious surface area). The Bureau of Sanitation inspects and enforces stormwater

[4] *A Significant Industrial User is defined as a discharger that is either subject to the Federal Categorical Pretreatment Standards, or discharges 25,000 or more gallons per day of process wastewater, or; any industrial user that is designated by the Director to have a reasonable potential to adversely affect the POTW's operation, or for violating any pretreatment standards or requirement.*

pollution abatement efforts. The Bureau of Sanitation is required to inspect 21,000 industrial/commercial facilities twice during the 5-year permit cycle. To date, the Bureau of Sanitation has completed the inspection of approximately 8,000 industrial/commercial sites in 2003.

The trend in stormwater management is for greater regulation of activities that have the potential of polluting the local receiving waters through the adoption of Total Maximum Daily Loads (TMDL). This may have a significant impact on the operation of industrial businesses.

Funding for stormwater infrastructure is not accomplished through a utility fee structure. All properties are assessed a fixed annual fee based on parcel size and impervious area to fund pollution abatement and flood control. According to the Bureau of Sanitation, the City of Los Angeles would have to spend $120 million over the next five years to comply with federal TMDL requirements. The stormwater drainage system itself would need $320 million for upgrade. According to the Bureau of Sanitation, local drainage problems may affect some local industries; pollution abatement requirements will affect some industries; and adequate funding is critical to upgrade the drainage system and comply with the requirements for pollution abatement.



Solid Waste

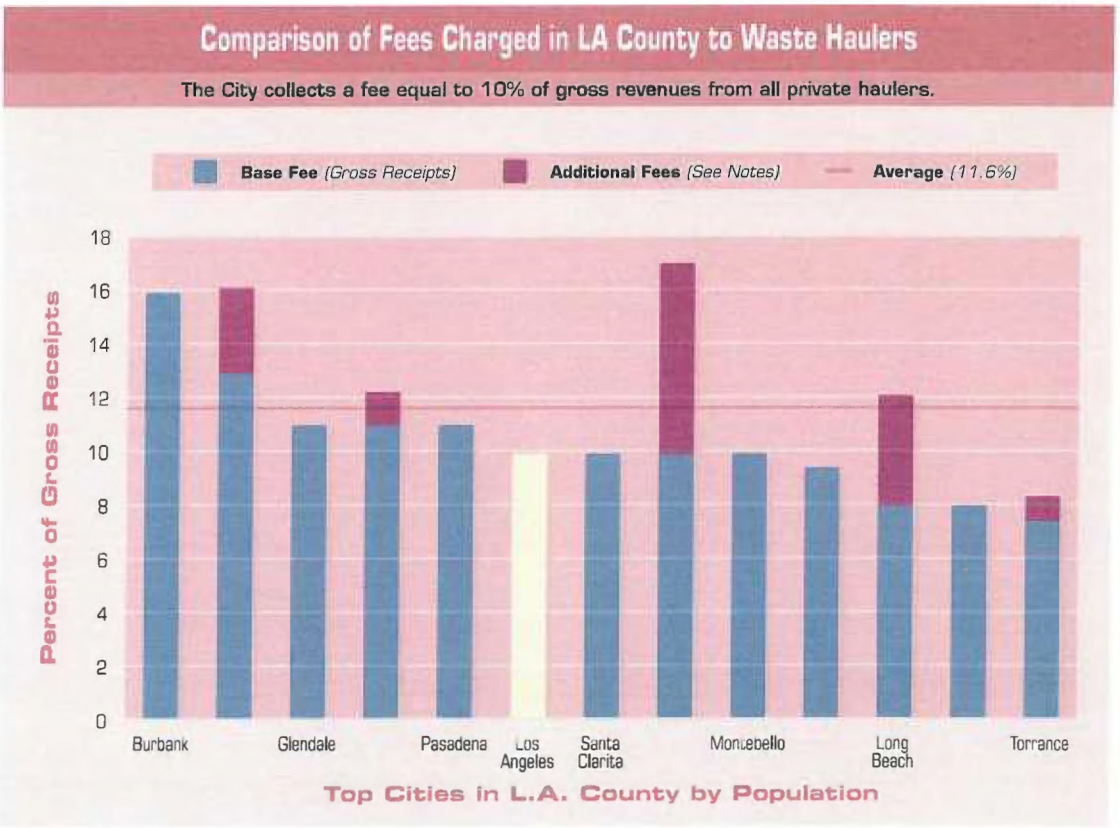
The City of Los Angeles generates and disposes of 3.5 million tons of solid waste each year. About two-thirds of this is generated by businesses that operate within the City, and is collected by about 200 private hauling companies. Since businesses can bid upon several companies for waste management collection, recycling and disposal, the rates in Los Angeles are very competitive when compared to other cities. The City collects an AB939 compliance fee from all private waste haulers, an amount equal to 10% of gross revenues and slightly lower than the average for municipalities in LA County. The AB939 fee is used to provide recycling programs for apartment dwellers and business owners. (See ***Figure 3.9***, *Comparison of Fees Charged in LA County to Waste Haulers.*)

While local private haulers dispose of solid waste for local industries, there is limited landfill capacity. This may increase waste disposal costs for businesses and the City if alternatives are not addressed. The City may need to identify sites for solid waste transfer stations in industrial zones in each waste collection service area for public or private ownership which would decrease the availability of Industrial land for traditional industrial purposes.

Increased recycling and waste-resource mulching may reduce the demand for solid waste landfill sites and the costs incurred by industry and the City for waste disposal. Many large and medium sized businesses have implemented waste diversion programs that have helped them reduce disposal costs. Los Angeles businesses contribute greatly to the 60% waste diversion rate in Los Angeles.

According to the Bureau of Sanitation, the City's wastewater, stormwater and solid waste management systems have sufficient capacity to meet industry's needs. However, the increasing costs associated with federal, state and regional environmental regulations pose a challenge to the City and its businesses to meet environmental quality standards.

Figure 3.9



Notes:
Torrance - 7.5% of gross receipts plus $0.70/ton collected CERCLA fee
Pomona - 11% of gross receipts plus $0.50/ton AB939 program fee and $0.50/ton community clean-up fee
El Monte - 10% of gross receipts plus $0.30 per cu. yd. For commercial or $0.89 per cu. yd. for roll-off
Monterey Park - 13% of gross receipts plus $4.00/ton collected
Source: City of Los Angeles Bureau of Sanitation



PART I

Key Findings: The Industrial Land Base of the City of Los Angeles

CHAPTER 4

Utilization, Regulatory and Environmental Issues Affecting Industrial Land



CHAPTER 4

Utilization, Regulatory and Environmental Issues Affecting Industrial Land

4A. Utilization of Industrial Land
4B. Regulatory Issues Affecting Industrial Land
4C. Brownfields and Environmental Justice Concerns

The utilization of industrial land and related regulatory issues, including zoning, code enforcement and environmental challenges, profoundly affect the potential for developing industrial land. The availability of vacant or underutilized land, the use of industrial land for non-industrial activities and the prevalence of Brownfield sites are constant challenges for the City of Los Angeles. This chapter discusses and attempts to provide a more comprehensive understanding of these issues.

4A. Utilization of Industrial Land

The functional uses of industrial land in the City of Los Angeles have been changing due to economic factors, market forces and other elements. Heavy industry and other polluting uses have decreased, and distribution and warehousing activities have increased; in fact, some of the largest single industrial projects built in recent years are distribution facilities. The service economy has grown dramatically and, in general, there has been an increase in companies that represent cleaner industrial uses.

The following section summarizes the utilization of industrial land in the City of Los Angeles from the following perspectives:

- Industrial Uses on Industrial Zoned Land
- Non-Industrial Uses on Industrial Zoned Land
- Industrial Uses on Non-Industrial Zoned Land
- Vacant Industrial Land
- Industrial Land Assembly

Industrial Uses on Industrial Zoned Land

In ***Table 4.1***, *Industrial Business Types on Industrial Zoned Land*, industrial uses on industrial zoned land are subdivided into industrial business types, according to the use code assigned by the County Assessor. Light manufacturing dominates among all other industrial business types, utilizing 5,349 acres or 28% of the City's total 19,045 acres of industrial zoned land. Warehousing utilizes 2,222 acres or 12% of the City's industrial zoned land. Heavy manufacturing accounts for 1,380 acres or 7% of the City's industrial land. Food processing and open storage account for 279 and 267 acres respectively, with film and TV production utilizing 110 acres. The catchall category of "other industrial uses" includes mineral processing, oil and gas production and processing, lumber, airport and harbor uses (excluding the actual Airport and Port), a city dump and parking lots.

Non-Industrial Uses on Industrial Zoned Land

One of the most significant changes impacting the use of industrial land in the City is the amount of industrial land used for non-industrial purposes. ***Table 4.2**, Industrial Zoned Land Use Summary*, summarizes the various land uses located on industrial zoned land. The land uses are divided into industrial and non-industrial categories. Non-industrial uses on industrial zones have been further subdivided into residential, retail, commercial, recreational, institutional, "miscellaneous" and "unknown".

Table 4.1

Industrial Business Types on Industrial Zoned Land

Type	Total Parcels	Acreage			Land Value			Improvement Value		
		Total Acres	% of Total	Avg Size	Total $	% of Total	Avg $/acre	Total $	% of Total	Avg $/parcel
Light Manufacturing	7,158	5,349	28.1%	0.75	2,351,338,897	30.4%	439,558	23,410,016,522	31.5%	336,689
Heavy Manufacturing	408	1,380	7.3%	3.38	534,757,509	6.9%	387,536	478,328,195	6.3%	1,172,373
Warehousing	2,472	2,222	11.7%	0.90	1,256,981,365	16.2%	565,769	1,465,959,077	19.2%	593,026
Food Process Plants	233	279	1.5%	1.20	122,064,320	1.6%	437,977	431,640,060	5.7%	1,852,532
Film & TV Production	73	110	0.5%	1.50	149,457,920	1.9%	1,364,663	169,629,775	2.2%	2,323,696
Open Storage	488	267	1.3%	0.55	69,715,892	0.9%	261,539	14,371,996	0.2%	29,451
Other Industrial Uses*	2,903	3,991	21.2%	1.37	764,324,240	9.9%	191,512	180,401,558	2.4%	62,143
Total Industrial Uses	13,735	13,597	71.4%	1.00	5,248,640,143	67.8%	386,023	5,150,347,183	67.4%	374,980

**Includes Mineral Processing, Oil and Gas, Lumber, Airport and Port of LA uses (not the actual Port and LAX), City Dump, and Parking Lots)*
Source: Based on 2002 County of Los Angeles Assessor Data

Table 4.2

Industrial Zoned Land Use Summary

Land Use Category	Total Parcels	Acreage			Assessed Land Value			Assessed Improvement Value		
		Total Acres	% of Total	Avg Size	Total $	% of Total	Avg $/acre	Total $	% of Total	Avg $/parcel
Industrial Uses	13,735	13,597	71.4%	1.00	5,248,640,143	67.8%	386,023	5,150,347,183	67.4%	374,980
Non-Industrial Uses excluding Miscellaneous & Unknown	7,364	4,922	25.9%	0.67	2,428,385,705	31.4%	493,339	2,488,399,501		337,914
Misc. & Unknown	58	525	2.8%	0.00	70,115,646	0.9%	133,442	3,690,672	0.1%	63,632
Totals	21,157	19,045	100.0%	0.90	7,747,141,494	100.0%	406,791	7,642,437,356	100.0%	361,225
Non-Industrial Uses										
Residential	2,348	778	4.1%	0.33	309,593,259	4.0%	397,746	178,962,995	2.3%	76,219
Retail	3,750	1,550	8.1%	0.41	1,320,535,816	17.1%	851,821	907,477,131	11.9%	241,994
Commercial	813	615	3.2%	0.76	635,927,765	8.2%	1,034,281	1,307,914,375	17.1%	1,608,751
Recreational	57	74	0.4%	1.29	30,297,603	0.4%	411,038	34,716,549	0.5%	609,062
Institutional	396	1,906	10.0%	4.81	132,031,262	0.0%	69,302	59,328,451	0.0%	149,819
Non-Industrial Uses Total excluding Miscellaneous & Unknown	7,364	4,922	25.9%	0.67	2,428,385,705	31.4%	493,339	2,488,399,501		337,914

Source: Based on 2002 County of Los Angeles Assessor Data

As of 2003, the entire City of Los Angeles is comprised of 246,232 acres, of which 19,045 acres are zoned industrial, representing approximately 8% of the City's land mass[4]. Approximately 26% of the City's industrial zoned land, or a total of 4,922 acres, is used for non-industrial purposes (County Assessor classification system).

Below are a few recent examples of the conversion of industrial zoned land to non-industrial uses:

- Avalon Bay: A housing development project was built in a viable industrial area, despite the City of Los Angeles' Planning Department's recommendation against rezoning of the land.

- Olympic Corridor: A water garden, major employment centers and first class office buildings were built along the industrial portions of the Olympic Corridor, following rezoning approval.

- The Plant: Fifty acres of retail and a fifty-acre small industrial park were built on what was formerly 100 acres of industrial zoned land operated by the General Motors plant, despite the City of Los Angeles Planning Commission's recommendation against the rezoning.

The major driver of land use conversion is the higher market value that non-industrial uses create for industrial zoned land. These higher market values are reflected in the average assessed values per acre. See ***Table 4.3***, *Comparison of Average Assessed Land Values*, for details.

Table 4.3

Comparison of Average Assessed Land Values

On Industrial Zoned Land	Average Assessed Value Per Acre	Average Assessed Value Per Sq. Ft.
Industrial Uses	$ 386,023.00	$ 8.86
Non-industrial Uses*	$ 498,635.00	$ 11.45
Residential Uses	$ 397,746.00	$ 9.13
Retail Uses	$ 851,821.00	$ 19.56
Commercial Uses	$ 1,034,281.00	$ 23.74
Institutional Uses	$ 69,302.00	$ 1.59
Average All Uses	$ 406,791.00	$ 9.34

**Excludes Miscellaneous and Unknown use categories*
Source: Based on 2002 County of Los Angeles Assessor Data

While average assessed values are not equal to actual market values, they can be used, with caution, as a surrogate for market values for broad analytical purposes. Industrial zoned land on which industrial uses have been built has been assessed at an average of $8.86/sq. ft., while industrial zoned land with non-industrial uses has been assessed at $11.45/sq. ft., an average of 29% higher. Note that if the "Institutional" land use category is removed and only residential, retail, and

[4] *This figure excludes the Port and LAX.*

commercial uses are tallied, the average assessed land value for these non-industrial uses on industrial zoned land is $17.48/sq. ft., almost double the average assessed value for industrial uses on industrial zoned land. Institutional uses are primarily government-owned properties and represent 10% of industrial zoned land, as shown on ***Table 4.2***, *Industrial Zoned Land Use Summary*. Their low assessed values significantly skew the overall average for non-industrial uses.

Industrial Uses on Non-Industrial Zoned Land

In addition to the industrial uses located on industrial zoned land, discussed above, there is a significant amount of industrial uses, as defined by the County Assessor, located on the City's non-industrial zoned land. In fact, 3% of the City's non-industrial zoned acreage is defined by the County Assessor as being used for industrial purposes. This 3% represents 6,971 parcels and 7,272 acres of industrial uses throughout the City. This additional 7,272 acres of industrial activity represents almost 35% of the City's total industrially defined activity, even though it is not located on industrial-zoned parcels. When combined with the 13,597 acres of industrial uses located on industrial zoned land, a total of 20,869 acres of the City's land is being put to industrially defined use. It is not yet clear what such land use distinctions mean regarding industrial development policy, and whether or not such distinctions are merely definitional differences between the County Assessor and the City's zoning ordinance. Clearly the term "industrial uses" has evolved over time, and many such uses are now considered acceptable by the City for placement in "commercial" zones.

See ***Table 4.4***, *Sum of Industrial uses on Non-Industrial Zoned Land*, and ***Table 4.5***, *Industrial and Non-Industrial Uses on Industrial and Non-Industrial Zoned Land*, for additional information.

Vacant Industrial Land

Another major consideration in the utilization of industrial land is the amount of such vacant land that may be available for new investment. Preliminary research from Phase 1 of the IDPI indicates that there may be as many as 1,786 acres of vacant industrial land in the City, equal to 9.4% of total industrial zoned land. To provide an idea as to the potential impact that this land may have, given a general Floor-Area-Ratio (FAR) of 0.50, the 1,786 aces of vacant industrial land could translate into 39 million square feet of theoretically developable industrial space.

Table 4.6, *Potentially Vacant Industrial Land*, was derived by extracting the Los Angeles County Assessor use codes ending in "V" for "vacant". This data indicates that several large use code categories on industrial zoned land represent vacant land. The excerpt below provides examples of use codes with the largest accumulations of vacant land from ***Table 4.6***.

Use code	300V - vacant land-industrial:	514.66 acres
	370V - vacant mineral processing land:	325.45 acres
	890V - vacant dump:	235.02 acres
	010V - single family residential:	174.40 acres
	880V - government owned land:	103.47 acres

Industrial Land Assembly

A common challenge encountered in encouraging new private investment in land assembly, particulary in the City's Redevelopment Project Areas, given the prevalence of parcel sizes that are

often too small to develop individually. This is somewhat less of a problem in industrial zoned areas citywide, with average parcel size for all industrial zoned land being 0.90 acres, and slightly larger, averaging 1.0 acres, for parcels with industrial uses. Nevertheless, most industrial developments require larger areas; a 1.0-acre site of 43,560 square feet can accommodate a building of 21,780 square feet at a 0.50 FAR. While this size may be appropriate for many industrial users, it is insufficient for larger employers and/or current smaller businesses that need to expand.

Table 4.4

Summary of Industrial Uses on Non-Industrial Zoned Land

Type	Total Parcels	Acreage			Assessed Land Value			Assessed Improvement Value		
		Total Acres	% of Total	Avg Size	Total $	% of Total	Avg $/acre	Total $	% of Total	Avg $/parcel
Industrial Uses	6,971	7,272	3.2%	1.04	3,218,708,048	2.6%	442,617	2,610,077,975	2.1%	374,419
Non-Industrial Uses	802,000	219,915	96.8%	0.27	119,657,856,751	97.4%	544,110	120,431,652,403	97.9%	150,160
Totals	809,000	227,187	100.0%	0.28	122,876,564,799	100.0%	540,861	123,041,730,378	100.0%	152,091
Total LA City	830,000	246,232	100.0%	0.31	130,623,706,293	100.0%	530,490	130,684,167,734	100.0%	157,422

Source: Based on 2002 County of Los Angeles Assessor Data

Table 4.5

Industrial and Non-Industrial Uses on Industrial and Non-Industrial Zoned Land

Type	Total Parcels	Acreage		Assessed Land Value			Assessed Improvement Value		
		Total Acres	% of Total	Total $	% of Total	Avg $/acre	Total $	% of Total	Avg $/parcel
Industrial									
Ind Uses / Ind Land	13,735	13,597		5,248,640,143		386,023	5,150,347,183		6,204
% of All Ind Uses			65.2%		62.0%			66.4%	
Ind Uses / Non-Ind	6,971	7,272		3,218,708,048		442,617	2,610,077,975		3,144
% of All Ind Uses			34.8%		38.0%			33.6%	
All Industrial Uses	20,706	20,869	100.0%	8,467,348,191	100.0%	405,744	7,760,425,158	100.0%	9,348
Non-Industrial									
N-Ind Use / Ind Land	7,422	5,448		2,498,501,351		458,627	2,492,090,173		3,002
% of All Ind Uses			2.4%		2.0%			2.0%	
N-Ind Use / Non-Ind	802,000	219,915		119,657,856,751		544,110	120,431,652,403		145,072
% of All Ind Uses			97.6%		98.0%			98.0%	
Non-Industrial Uses	809,300	225,363	100.0%	122,156,358,102	100.0%	542,043	122,923,742,576	100.0%	148,074
Totals									
Totals - All Zoning	830,006	246,232	100.0%	130,623,706,293	100.0%	530,491	130,684,167,734	100.0%	157,422

Source: Based on 2002 County of Los Angeles Assessor Data
N-Ind = Non-Industrial

Table 4.6

Potentially Vacant Industrial Land
Industrial and Non-Industrial Land Use Report by Use Code "V"

Type	Use Code	Total Parcels	Acreage		Land Value		Improvement Value	
			Total	Avg	Total $	Avg $ / acre	Total $	Avg $ / parcel
Nursery / Greenhouse	290V	2	0.3	0.13	270,968	1,042,185	124	62
Industrial	300V	1,776	514.7	0.29	210,754,152	409,502	711,028	400
Miscellaneous Industrial	301V	26	4.9	0.19	2,601,355	535,258	22,098	850
Light Manufacturing / Printing	310V	155	65.7	0.42	36,154,738	550,384	142,165	917
Heavy Manufacturing	320V	29	74.2	2.56	22,421,764	302,180	6,254	216
Warehouse / Distributor	330V	37	13.2	0.36	6,331,572	479,301	35,470	959
Warehouse / Distributor	333V	1	0.8	0.75	562,822	750,429	0	0
Public Storage	334V	1	0.3	0.34	428,400	1,260,000	0	0
Meat Processing Plant	340V	8	1.7	0.21	1,012,535	609,961	5,604	701
Mineral Processing	370V	17	325.5	19.14	88,528,616	272,019	9,543	561
Cement / Rock / Gravel Plant	371V	3	5.1	1.69	14,045,975	2,770,409	3,824	1,275
Refinery / Chemical Plant	372V	1	4.9	4.85	3,364,029	693,614	1,000	1,000
Open Storage	390V	366	53.9	0.15	22,147,277	410,591	218,420	597
Trucking Company / Terminal	391V	3	0.7	0.22	434,139	667,906	1,249	416
Contractor Storage Yard	392V	4	5.6	1.39	776,449	139,398	3,802	951
Vacant Land - Miscellaneous	810V	22	49.6	2.25	23,550,236	475,090	4,508	205
Petroleum and Gas	830V	85	16.4	0.19	5,215,312	317,233	2,035	24
Undesignated	83GV	1	0.2	0.15	23,444	156,293	0	0
Transportation - General	886V	1	0.2	0.15	30,600	204,000	2,040	2,040
Dump Site	890V	22	235.0	10.68	9,529,106	40,546	7,638	347
Single Family Residence	010V	417	174.4	0.42	58,995,076	338,275	257,714	618
Two Units / 4 Stories or Less	020V	36	6.1	0.17	3,190,746	519,665	46,247	1,285
Three Units / 4 Stories or Less	030V	12	2.4	0.2	1,082,842	454,976	20,457	1,705
Vacant Land - Residential	040V	10	1.5	0.15	1,124,217	730,011	3,055	306
5 or More Units / 4 Stry or Less	050V	3	0.5	0.18	320,224	593,007	2,904	968
Nursery / Greenhouse	090V	5	4.0	0.79	1,287,516	325,953	1,811	362
Commercial	100V	196	49.7	0.25	45,404,607	913,022	18,855	96
Miscellaneous Commercial	101V	5	0.6	0.12	719,246	1,219,061	3,888	778
Vacant Land - Commercial	110V	26	3.6	0.14	4,720,146	1,325,884	31,047	1,194
Store and Office Combination	120V	4	0.8	0.2	1,075,560	1,327,852	0	0
Store and Residential Combination	121V	13	2.1	0.16	756,006	366,993	18,690	1,438
Supermarket	141V	1	0.6	0.64	377,051	589,142	10	10
Shopping Center / Regional	160V	1	1.2	1.16	22	19	0	0
Vacant Restaurant / Lounge / Tavern	210V	10	1.9	0.19	1,770,596	936,823	10,817	1,082
Wholesale / Manufacturing Outlet	220V	3	0.6	0.19	678,282	1,211,218	2,622	874
Service Shop / Paint / Laundry	240V	8	1.0	0.13	413,329	397,432	10,364	1,296
Service Station / Full Service	250V	9	3.4	0.38	1,739,604	507,173	4,942	549
Auto Service (Body and Fender)	260V	52	27.0	0.52	16,823,145	623,310	52,206	1,004
Used Car Sales	261V	2	0.7	0.34	230,054	338,315	3,773	1,887
Animal Kennel	280V	5	1.3	0.26	1,038,748	811,522	5,065	1,013
Office Building	170V	26	8.2	0.32	5,711,898	695,724	29,681	1,142
Hotel / Under 50 Rooms	180V	4	1.1	0.29	758,060	664,965	1,289	322
Commercial	200V	11	1.3	0.12	224,308	168,653	0	0
Club / Lodge Hall / Fraternal Org	640V	1	1.2	1.22	1,949,216	1,597,718	0	0
Auditorium / Stadium / Ampitheatre	650V	1	4.3	4.31	1,101,600	255,592	0	0
Vacant Land - government Owned	880V	85	103.5	1.22	7,459,932	72,098	0	0
Miscellaneous	800V	6	7.2	1.2	2,743,534	382,108	0	0
Undesignated	980V	3	3.3	1.11	870,985	262,345	530	177
Vacant Land Totals		3,515	1,786.0	0.51	610,750,039	341,958	1,702,769	484
Vacant Land in Sq. Ft.					77.8 Mil. Sq. Ft.			
Buildable @ FAR = 50%					38.9 Mil. Sq. Ft.			

Source: Based on 2002 County of Los Angeles Assessor Data

4B. Regulatory Issues Affecting Industrial Land

The primary regulatory issues discussed in this section pertain to zoning and code enforcement and their respective impacts on industrial development.

Zoning

The zoning code of the City of Los Angeles regulates the permitted uses in industrial areas. Most of the zoning categories have sub-zones with either special use restrictions or qualifications. Land included in the City's industrial zones is categorized in six zoning classifications, from CM to M3. See ***Figure 4.1***, *Zoning of Industrial Land*, for a definition of each industrial zone and examples of the industrial uses allowed.

Figure 4.1

Zoning of Industrial Land

There are six (6) Industrial/ Manufacturing Zones, arranged below in order from most restrictive to least restrictive.

CM	MR1	M1	MR2	M2	M3
(Commercial Mfg)	(Restricted Ind.)	(Limited Ind.)	(Restricted Light Ind.)	(Light Ind.)	(Heavy Ind.)

More restrictive → Less restrictive

Zone	Example of Uses Allowed
CM	warehouse
MR1	warehouse/furniture mfg
M1	warehouse/furniture mfg/heavy mach. rental
MR2	warehouse/furniture mfg/heavy mach. rental/carpet mfg
M2	warehouse/furniture mfg/heavy mach. rental/carpet mfg/engine testing
M3	warehouse/furniture mfg/heavy mach. rental/carpet mfg/engine testing/paint mfg

Uses are typically first permitted in a more restrictive zone.

Source: City of Los Angeles Department of Building and Safety and City Planning Department.

A key feature of the City's zoning code is inclusiveness. Each successive classification generally includes permission to develop uses in the previous classifications. In some cases, a conditional use permit (CUP) may be required, but the zoning code permits the application and processing of CUPs and of less restrictive uses within most zones. Thus, a multi-family, retail, or commercial development project may be built in a CM or M zone, while a residential development would generally meet more scrutiny and disapproval in a heavy industrial area. In short, the zoning code's current inclusive nature, when combined with market forces, tends to encourage non-industrial uses in industrial zones.

As noted in the previous section, a considerable amount of land in non-industrial zoned areas is being used for industrial purposes, as defined by the County Assessor. It is possible that these "industrial" uses, even though classified as industrial by the County Assessor, do not have the same impact or connotation as the term "industrial" as defined and applied in the City's zoning code.

A key regulatory question to be addressed by the City's industrial development policy is the conditions under which non-industrial uses should be permitted in the City's industrial zones. An important element of this question is the extent to which there is a shortage of vacant and developable industrial land.

Code Enforcement

In general, the application of the City's building code is not the driving force in determining industrial land use decisions. Industrial buildings and projects are less impacted by the building and zoning codes than most other types of projects for the following reasons:

- Industrial projects are in less restrictive industrial zones.
- The number of occupants tends to be lower than in commercial or public assembly uses.
- Industrial projects are typically low-rise buildings.
- Architectural design is typically less elaborate, thereby simplifying code compliance.

To date, code violations in industrial zones have not been a significant issue. Typical industrial building violations are open storage, unapproved use of land, illegal construction, omission of parking, omission of landscaping setbacks and lack of building maintenance.

Concurrently, the City of Los Angeles Department of Building and Safety (LADBS) exercises discretion to allow alternate methods of code compliance for industrial buildings and works closely with the City of Los Angeles Fire Department to ensure safety measures when considering alternatives. Thus, building code issues typically do not affect the feasibility of an industrial project.

The building code impact can be significant, however, when uses involve hazardous materials or have specific requirements regarding electrical and water consumption and waste disposal.

Even though certain zoning uses are permitted by Code, some projects require discretionary approvals, which can greatly impact their development. Generally, industrial projects are not impacted as much as residential or commercial projects by building and zoning regulations. However, with the many layers of zoning, building codes, and environmental regulations, and with the growing sensitivity of neighborhood residents located near industrial projects, the process of gaining entitlement and code approvals can be burdensome, confusing and time consuming. These matters are of particular concern to small businesses that may not have the specialists on board to handle the often-complicated development approval process.

4C. Brownfields and Environmental Justice Concerns

"Brownfields" are commonly known as abandoned, idled or underutilized industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination. Once a major source of jobs and economic benefits to the entire community, these properties frequently lie abandoned or underutilized for fear of the cleanup liability such conditions may imply.

The City of Los Angeles has experienced a growing presence of Brownfield sites typical of those found throughout the country. It is important to understand the extent to which environmental contamination issues affect the City of Los Angeles' industrial land base and industrial development. An important part of the IDPI is to provide direction to the City in developing effective methods for addressing the barriers to the redevelopment of Brownfield sites.



Common barriers to the redevelopment of Brownfield sites include:

- Expensive remediation costs
- Liability issues and legal challenges
- Regulatory duplication and uncertainty
- Lack of remediation funding and financing uncertainty
- Perceived risk of on-going post-remediation costs and concurrent liabilities

As a result, continuing reluctance of the private sector to commit to economic reinvestment of previously healthy industrial areas in inner-city neighborhoods poses significant policy challenges to governing entities. The Brownfields problem is particularly complex in the City of Los Angeles due to the City's large geographic area and the large number of vacant or underutilized industrial sites located in the City's most blighted and economically distressed areas.

Preliminary Assessment of Sites with Environmental Concerns

In order to assist in the assessment of potential Brownfield sites, the City of Los Angeles Environmental Affairs Department and the Brownfields Resource Team[5] developed a preliminary classification scheme using existing data sources (see ***Table 4.8***, *Data Used to Identify Sites with Environmental Concerns*, at the end of this chapter). This classification scheme provides an overview of sites that have some level of known environmental information existing in current databases maintained by a variety of sources. The data analysis resulted in sites being classified as follows:

- A Sites. *Most concern:* Sites with known and current environmental concerns that could significantly affect redevelopment.
- B Sites. *Moderate concern:* Sites with partial regulatory closure or sites with characteristics indicating likely environmental concerns.
- C Sites. *Lesser concern:* Sites that have substantial regulatory closure or characteristics that sometimes indicate environmental concerns.

[5] *The Brownfields Resource Team is an inter-agency staff team (consisting of the Environmental Affairs Department, the Community Development Department, the Community Redevelopment Agency, the Mayor's Office, and the Chief Legislative Analyst) that provides program coordination for the City's Brownfields Program.*



Six contamination-related data sets were queried with respect to industrial properties in the City of Los Angeles:

- California Department of Toxic Substances Control (DTSC)
- Cortese List - Hazardous Waste and Substances Site List
- Leaking Underground Storage Tanks (LUSTs)
- Spills, leaks investigations and clean-ups (SLIC)
- Oil Wells
- Toxic Release Inventory (TRI)

The classification scheme described herein relies on existing data only. Many additional sites throughout the City would be added to the list if and when they are evaluated. Additional sites currently evaluated include landfill sites throughout the City, along with sites that have received some level of attention from the City's Brownfields program.

***Table 4.7**, Site Data Highlights*, provides a summary of the number of industrial parcels currently classified as Sites A, B, and C throughout the industrial regions of the City of Los Angeles. A total of 1,732 sites, or a little over 8% of the total industrial parcels, were classified as A, B, and C sites. Of these, 2% are classified as A sites, 4% as B sites, and 3% as C sites.

Table 4.7

Site Data Highlights

	Industrial Parcels	A Sites		B Sites		C Sites	
		Industrial Sites	Ratio	Industrial Sites	Ratio	Industrial Sites	Ratio
Central Valley	2,243	22	1%	24	1%	11	0%
Harbor	3,003	86	3%	660	22%	323	11%
Metro Los Angeles	11,361	149	1%	69	1%	146	1%
North Valley	1,857	14	1%	11	1%	16	1%
West Los Angeles	1,359	60	4%	11	1%	26	2%
West Valley	1,296	27	2%	8	1%	10	1%
No Region Specified	38	11	29%	37	97%	11	29%
TOTALS	21,157	369	2%	820	4%	543	3%
Non-Industrial Total		435		670		3,552	

**The regional totals do not add up to the overall total since some of the sites could not be geographically coded. In general, the percentages provide a lower-end estimate of environmentally impacted industrial land due to the one-site-equals-one-parcel assumption and the non-exhaustive inclusion of data sources.*
Source: City of Los Angeles Environmental Affairs Department

The largest number of classified sites is concentrated in the Harbor industrial region, with 1,069 total sites. This represents nearly 36% of all industrial parcels in the Harbor region. The Metro Los Angeles region contains the largest number of A sites with a total of 149 sites. This number represents only 1% of the Metro Los Angeles region's industrial parcels, yet reflects 40% of the A sites in all industrial regions throughout the City. The number of classified sites in the San Fernando Valley is generally much lower. The North Valley region has the fewest classified sites with 41 total sites.

Landfills

Other industrial sites that trigger major redevelopment barriers are closed landfills. In the City of Los Angeles, landfills have been used for municipal solid waste disposal. Landfills are sites where non-hazardous solid wastes were spread in layers, compacted to the smallest practical volume, and covered at the end of each operating day. Landfills typically cannot support major structural development because they settle over time and generate potentially explosive methane gas, which must be safety vented and flared or used for energy production. Landfills are regularly inspected by regulatory agencies to prevent health and safety problems which might affect adjacent businesses or the community. Typical past closure uses have been open space, energy recovery, parking, container storage, automotive dismantling and salvaging.

As of 2003, the City of Los Angeles has forty-one landfills classified as follows:

Category A: Operating (one site)
Category B: Closed, requiring active monitoring (20 sites)
Category C: Closed, requiring periodic monitoring (20 sites)

Potential reuse of landfill sites range from recreational purposes to solar power sites. Innovative uses might include eco-industrial parks, solid waste related recycling, and waste transfer operations sites. Nevertheless, it is difficult for landfills to support major development because of the geophysical, environmental and additional financial challenges that must be resolved.

Environmental Justice Concerns

Environmental justice issues are highly relevant in discussions of industrial development policy, given the history of the disproportionate impact that industrial activity has had on adjacent neighborhoods, which are often lower-income communities. The burdens of industrial uses on such communities include various forms of environmental pollution (e.g., poor air quality, transportation-related impacts, soil toxicity, odors, blight and noise). Impacted communities have become increasingly active in the public hearing process and are more actively demanding mitigation of environmental impacts caused by proposed projects.

Currently, any proposed economic development project must contain the following elements in order to address potential environmental impacts:

- Cumulative impact analysis
- Participatory stakeholder process
- Well-planned notification/outreach efforts
- Mitigation/community benefits planning

Table 4.8

Data Used to Identify Sites with Environmental Concerns*

Name	Description	Potential Concern (A, B, C)
Brownfields ('03)	Approximately 60 sites in LA Brownfields Program—data are maintained by EAD. Program sites only - not inventory-based.	A-C, assigned individually
CA DTSC Sites ('03) CAL Sites	Contains properties where hazardous substance releases have been confirmed. These sites are considered to pose the greatest threat to the public and the environment. These confirmed sites are generally high priority, high potential risk, and include military facilities, state "funded" or Responsible Party (RP) lead, and National Priorities List (NPL). The data are maintained by the California Department of Toxic Substances Control (DTSC).	A
No Further Action Determination	This category contains properties at which DTSC has made a clear determination that the property does not pose a problem to the environment or to public health. This determination is typically based on findings of a PEA.	C
Properties Needing Further Evaluation	This category contains properties that are suspected of being contaminated. These are unconfirmed contaminated properties that need to be assessed using the PEA process.	B
Referrals	This category contains properties where contamination has not been confirmed and were determined as not requiring direct DTSC Site Mitigation Program action or oversight. Accordingly, these sites have been referred to another state or local regulatory agency.	B
School Property Evaluation Program	This category contains proposed and existing school sites that are being evaluated by DTSC for possible hazardous materials contamination. In some cases, these properties may be listed in the CalSites category depending on the level of threat to public health and safety or the environment.	"A" for sites not included elsewhere
Voluntary Cleanup Program	This category contains low threat level properties with either confirmed or unconfirmed releases and the project proponents have requested that DTSC oversee investigation and/or cleanup activities and have agreed to provide coverage for DTSC's costs.	A
Cortese List ('03) *(also known as Hazardous Waste and Substances Site List)*	The list is a planning document used by the State, local agencies and developers to comply with the California Environmental Quality Act requirements in providing information about the location of hazardous materials release sites. Government Code section 65962.5 requires the California Environmental Protection Agency to develop at least annually an updated Cortese List. DTSC is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List.	A, in accordance with SCS recommendation
Landfills ('03)	Open and closed landfills inspected by the Local Enforcement Agency.	A-C, assigned individually
Leaking Underground Storage Tanks (LUSTs)('01)	Data are provided by County and maintained by the State Water Resources Control Board as part of the Leaking Underground Storage Tank Information System/GEIMS	A-C, assigned according to status code
Oil Wells ('02)	Monthly production and injection databases for all district offices from 1977 to the present from the local California Division of Oil, Gas, and Geothermal Resources (DOGGR) district.	A-C, assigned according to status code
SLIC Sites ('02)	The Spills, Leaks, Investigations, and Cleanups (SLIC) are non-UST sites where soil or groundwater contamination have occurred. Many of these sites are former industrial facilities and dry cleaners, where chlorinated solvents were spilled, or have leaked into the soil or groundwater. The SLIC Program is set up so that reasonable expenses incurred by the State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (RWQCBs) in overseeing water quality matters can be recovered from the responsible party.	A, in accordance with SCS recommendation
Toxic Release Inventory (TRI) ('01)	TRI is a publicly available EPA database that contains information on toxic chemical releases and other waste management activities reported annually by certain covered industry groups as well as federal facilities. This inventory was established under the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and expanded by the Pollution Prevention Act of 1990.	C, in accordance with SCS recommendation

** These databases represent a priority subset of the public data typically reviewed under a Phase I environmental site assessment. A Phase I can also include: other databases, site visits, insurance record review, aerial photo review, and permit review. The databases selected here represent the most important data which were readily available for the entire City. The brownfield and landfill data were acquired from EAD's internal records. The SCS study was performed on the Adelante-Eastside area and developed a methodology that was adapted here to assign rankings of concern.*

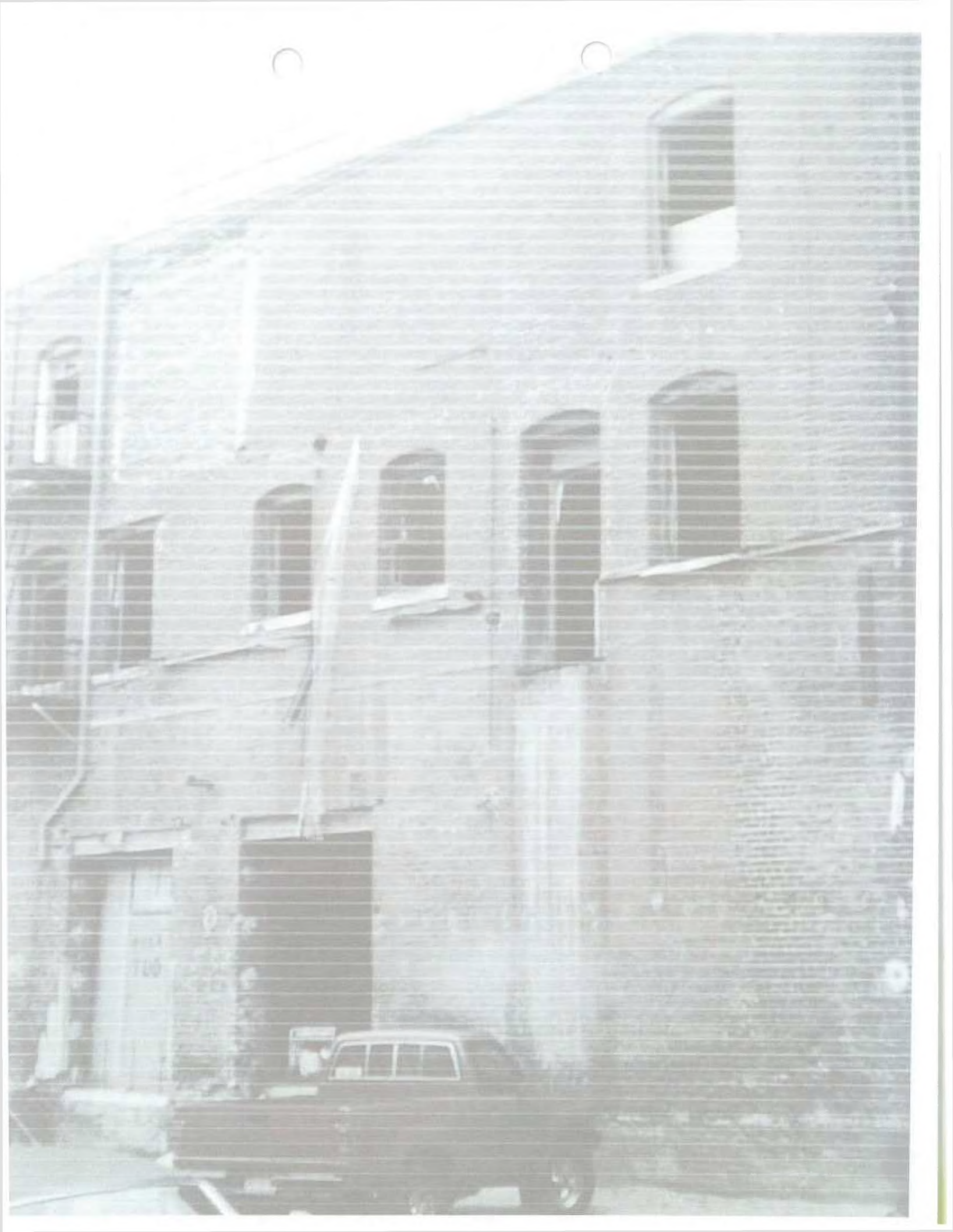


PART I

Key Findings: The Industrial Land Base of the City of Los Angeles

CHAPTER 5

Issues Affecting the Redevelopment and Revitalization of Industrial Land



CHAPTER 5

Issues Affecting the Redevelopment and Revitalization of Industrial Land

5A. The Paradox in Industrial Land Development in Los Angeles
5B. Land Development Issues in Community Redevelopment Areas
5C. Industrial Development Project Assistance

This chapter examines the key market forces and public policies that impact industrial development, including the apparent economic paradox in industrial land development in the City of Los Angeles, land development issues in the City's redevelopment areas, and industrial development project assistance currently offered by the City of Los Angeles.

5A. The Paradox in Industrial Land Development in Los Angeles

An economic paradox is at work in the industrial land development market in Los Angeles, both in the City and in many areas of the County. "Paradox" in this context refers to the apparent contradictory economic forces at work.

Earlier chapters of this report have documented the loss of manufacturing jobs for the greater Los Angeles region and City over the past ten years and beyond. This loss has paralleled reductions in the number of manufacturing firms operating in Los Angeles. Normally, the loss of jobs and businesses results in a marked increase in industrial vacancies, both in land and buildings, as demand for space decreases. However, the opposite trend has been occurring in Los Angeles. Industrial vacancy rates throughout the County and City are currently in the 2 - 4% range and have been in that range since the late 1990s.

Such low vacancy rates should result in higher rental rates. However, this trend has not occurred in the City of Los Angeles. Rents for industrial space have remained relatively flat for almost a decade, in the $0.45 - $0.50/sq ft. range, or even lower. Low rents normally result in low land prices; yet, again, the opposite has occurred in Los Angeles. Prices for industrial zoned land have been increasing and in some cases have risen as high as $35-$50/sq. ft. These prices make industrial development projects financially infeasible, especially at the prevailing rents.

How can these paradoxical trends be explained?

With regard to related job losses as a result of reduced industrial activity, two factors appear to be at work. The actual reduction of manufacturing jobs may not have been as large as reported due to the great influx of undocumented workers, who are employed in large numbers in apparel and furniture manufacturing. The growth of such industries supports demand for industrial space without

corresponding documentation of job growth. This phenomenon, although difficult to substantiate with data, is perceived to be commonplace in the Los Angeles market.

Secondly, industrial space formerly occupied by manufacturers has increasingly been used for non-industrial activities. Some of it has been converted to non-industrial uses. For example, the site formerly occupied by General Motors in Van Nuys has been largely converted to retail, with some new, smaller industrial space. Similar reuses have occurred with other sites in industrial areas of the City, as reported by various City departments and the private sector.

Additionally, industrial land has been recycled for warehousing, in large part due to the City of Los Angeles' significant role in regional and international trade. Warehousing is typically characterized by low employment levels and high land consumption. Thus, warehousing activity has diminished the amount of space available for manufacturing and assembly uses, which helps explain the prevalence of low vacancy rates despite decreased manufacturing activity.

The data collected on the City's industrial zoned land indicates that much of the industrial inventory is aging, considerably blighted and surrounded by deteriorated infrastructure. Such sub-standard conditions, coupled with the growth of industries that are under considerable price competition from abroad, have exerted downward pressure on rents. This relationship partially explains why industrial rents have been flat for many years.

A summary of industrial vacancy rates compiled by three major Los Angeles area real estate brokerage companies is provided in ***Table 5.1***, *Industrial Vacancy and Lease Rates in Los Angeles County and City, 1st Quarter 2003*. The data demonstrates how tight the industrial market is at this time.



Table 5.1

Industrial Vacancy and Lease Rates in Los Angeles County and City, 1st Quarter 2003

Sub-Markets	Total Inventory (in Millions of Sq. Ft.)	Vacant Space Incl. Sub-let (in Millions of Sq. Ft.)	Vacancy Rate
Daum Commercial Real Estate Services			
Central - LA	105.4	3.3	3.20%
Commerce Area	77.7	4.3	5.60%
Mid-County LA	88	4.3	4.90%
Vernon Area	83.8	1.9	2.20%
LA Central / SE Totals	354.9	13.8	3.90%

Sub-Markets	Total Inventory (in Millions of Sq. Ft.)	Lease Rates	Vacancy Rate
CB Richard Ellis			
Commerce	82.7	$ 0.42	3.10%
Vernon	74.7	$ 0.40	1.20%
Los Angeles	128.8	$ 0.47	0.70%
Mid-County	103.1	$ 0.49	3.00%
San Fernando Valley	83.1	$ 0.62	4.30%
San Gabriel Valley	129.7	$ 0.47	1.50%
South Bay *(incl. Harbor)*	219.3	$ 0.53	4.50%
Los Angeles County	895.9	$ 0.50	2.90%
Grubb & Ellis			
Los Angeles County		$ 0.52	3.80%

Source: Daum Commercial Real Estate Services, CB Richard Ellis, Grubb & Ellis

Despite the low and flat industrial rents, industrial land prices are high. The market for the reuse of industrial land for warehousing, retail, commercial and residential uses explains the high land values. The use of industrial zoned land for non-industrial uses that have higher rental or resale values plays an active role in the development of industrial land. Thus, when an industrial property is sold, its pricing is often based on its reuse value for non-industrial land uses.

The documentation and analysis of the City's industrial land conditions, uses, performance and trends will empower policy makers to make well-informed decisions regarding industrial development and generate policies that are relevant to the sometimes paradoxical market forces.

5B. Land Development Issues in Community Redevelopment Areas

The mission of the Los Angeles Community Redevelopment Agency (CRA/LA) regarding the City's industrial areas is to remove blight, attract investment, create and/or retain employment, and help revitalize the City by applying key tools of tax increment financing and land assembly. Thirty-four redevelopment areas have been adopted by the City Council. Several of them incorporate major areas of industrial land and, collectively, all thirty-four comprise approximately 25% of the City's industrial acreage (excluding the Port and LAX).

Table 5.2

Industrial Zoned Land in 34 Redevelopment Project Areas

CRA Industrial Project Areas	Totals
Industrial Zoned Acreage	4,792 acres
Industrial Buildings in Project Areas*	5,296 buildings
Industrial Square Footage	201,833,632 sq. ft.
Average Industrial Building Size	38,082 sq. ft.

**Includes industrially used buildings in CRA/LA project areas NOT on industrial zoned land*
Source: City of Los Angeles Community Redevelopment Agency

The six CRA/LA Project Areas with the largest amount of industrial land are listed below:

Table 5.3

Percentage of Total Industrial Zoned Land in Industrial Redevelopment Project Areas

Redevelopment Project Area	% of Total Excluding Right-of-Ways
Los Angeles Harbor	84.6 %
CD 9 Corridors	54.9 %
Adelante Eastside	47.3 %
City Center	31.9 %
Central Industrial	85.9 %
N.E. Valley Study Area *(estimate)*	41.0 %

Source: City of Los Angeles Community Redevelopment Agency

By definition, blighting conditions are the common characteristic of redevelopment areas. The percentage of total industrial buildings needing rehabilitation in the six key CRA/LA industrial project areas are summarized in ***Table 5.4***, *Blighting Conditions of Industrial Buildings in Industrial Redevelopment Project Areas.*

Table 5.4

Blighting Conditions of Industrial Buildings in Industrial Redevelopment Project Areas

Redevelopment Project Area	Total Industrial Buildings	% of Which Need Rehab
Los Angeles Harbor	93	34.4%
CD 9 Corridors	1500	76.8%
Adelante Eastside	1033	60.6%
City Center	547	39.0%
Central Industrial	947	39.1%
N.E. Valley Study Area	1176	8.7%

Source: City of Los Angeles Community Redevelopment Agency

The CRA/LA Redevelopment Project Area with the largest number of industrial buildings and with the greatest need for rehabilitation is the CD 9 Corridors. The CD 9 Corridors, City Center, Central Industrial and Adelante Eastside Project Areas are all contained within the Metro LA industrial region. This region, which surrounds Downtown Los Angeles, contains 4,027 industrial buildings and 2,361 or 58.6% of them need rehabilitation. The redevelopment area in the best relative condition is the N.E. Valley Study Area, a newer area relative to others in the City of Los Angeles. Only 8.7% of the buildings in the N.E. Valley Study Area need rehabilitation.



Blighting conditions in CRA/LA Project Areas are characterized not only by dilapidated buildings, but also by deteriorated infrastructure, inadequate parcel sizes and obsolete buildings. The following conditions are identified by the CRA/LA as impediments to industrial development in the City of Los Angeles:

Impediments to Industrial Development

Basic Infrastructure and Access/Capacity Limitations

- Lack of curbs, gutters and storm drains
- Poor road conditions
- Insufficient roadway capacity

Land Availability

- Lack of convenient parcels for business expansion
- Time and cost considerations in public land assembly
- Inner city land title encumbrances
- Inadequate sized parcels for modern industrial development
- Limited availability (ownership/expenses)
- Site difficulties for various uses

Building and Site Limitations

- Lack of truck staging facilities
- Excessive site coverage
- Building obsolescence
- Lack of truck parking
- Lack of loading docks
- Lack of employee parking

Brownfield Uncertainties

- Cost uncertainty
- Regulatory uncertainty
- Time uncertainty
- Legal uncertainty

Market Demands and Public Policy Influences

- Competition from non-industrial development, including retail and housing

Demand for Public Facilities

- Regional competition
- High real estate costs
- The cost of local vs. regional tax policies
- The cost of regional public incentives vs. local public disincentives

The Cost of Regional Business-Friendly vs. Local Unfriendly Business Environments

- The cost of the long entitlement process in the City of Los Angeles vs. elsewhere.

National and Global Economic Influences

- Labor cost competition
- Import vs. export demands

One of the main issues affecting the redevelopment and revitalization of industrial land citywide and in CRA/LA Redevelopment Areas is the conversion of industrial land to non-industrial uses. ***Table 5.5***, *Industrial Zoning and Land Uses in Industrial Redevelopment Project Areas*, provides a summary of non-industrial uses on industrial zoned land, and vice versa, for industrial zoned land uses in the six heavily industrial Redevelopment Project Areas.

Table 5.5

Industrial Zoning and Land Uses in Selected Industrial Redevelopment Project Areas

Redevelopment Project Area	Industrial Zoned Land					Industrial Uses on Non-Industrial Zoned Land
	Industrial Zoned Acres	Industrial Use		Non-Industrial Use		
		Acres	%	Acres	%	Acres
Los Angeles Harbor	132	118	89%	14	11%	0
CD 9 Corridors	1,068	750	70%	318	30%	60
Adelante Eastside	779	668	86%	111	14%	131
City Center	185	115	62%	70	38%	53
Central Industrial	487	361	74%	126	26%	0
N.E. Valley Study Area	1,692	1,111	66%	581	34%	55
Totals	4,343	3,123	73%	1,220	27%	298

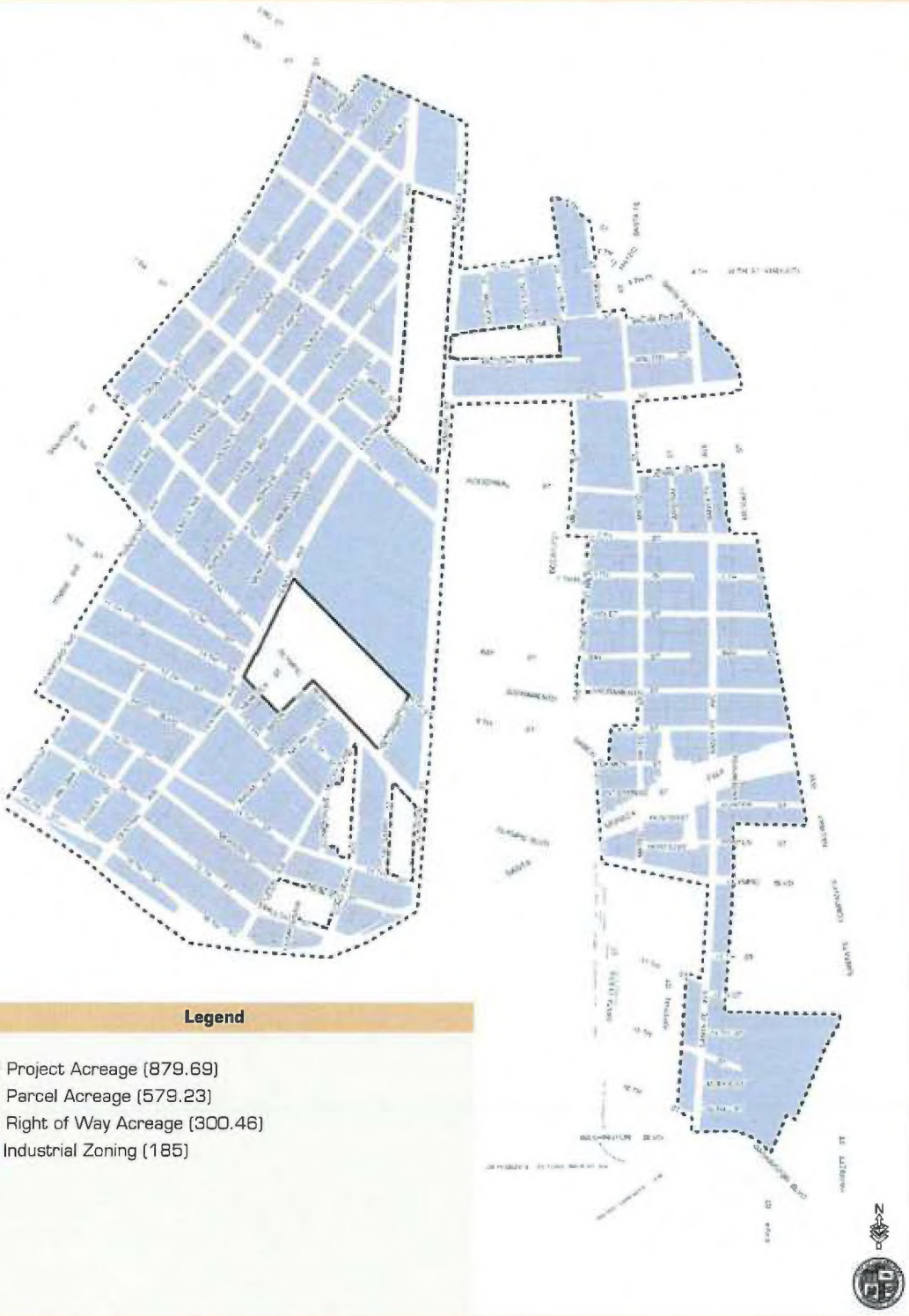
Source: City of Los Angeles Community Redevelopment Agency

At least 27% of the industrial zoned land in the six CRA/LA Project Areas is being used for non-industrial activities, for a total of 1,173 acres or 51 million square feet of land. If built out at an FAR of 0.50, this land would theoretically provide over 25 million square feet of industrial space. This is the rough equivalent of 25% of all the industrial space in Central Los Angeles, based on the inventory figures provided by Daum Commercial Real Estate Services (see ***Table 5.1***, *Industrial Vacancy and Lease Rates in Los Angeles County and City, 1st Quarter 2003*). The Redevelopment Project Areas with the greatest rates of such non-industrial uses on industrial zoned land are City Center and the N.E. Valley Study Area, at rates of 38% and 34% respectively. Both areas are attractive for alternative residential and commercial uses. The Harbor area has the lowest rate of non-industrial use, at 11%, and is perhaps the least likely region for attracting non-industrial activity.

The following maps in ***Figures 5.1*** through ***5.12***, *Non-Industrial Use Maps*, graphically illustrate the degree to which industrial land is used for non-industrial purposes in the six heavily industrial Redevelopment Project Areas.

Figure 5.1

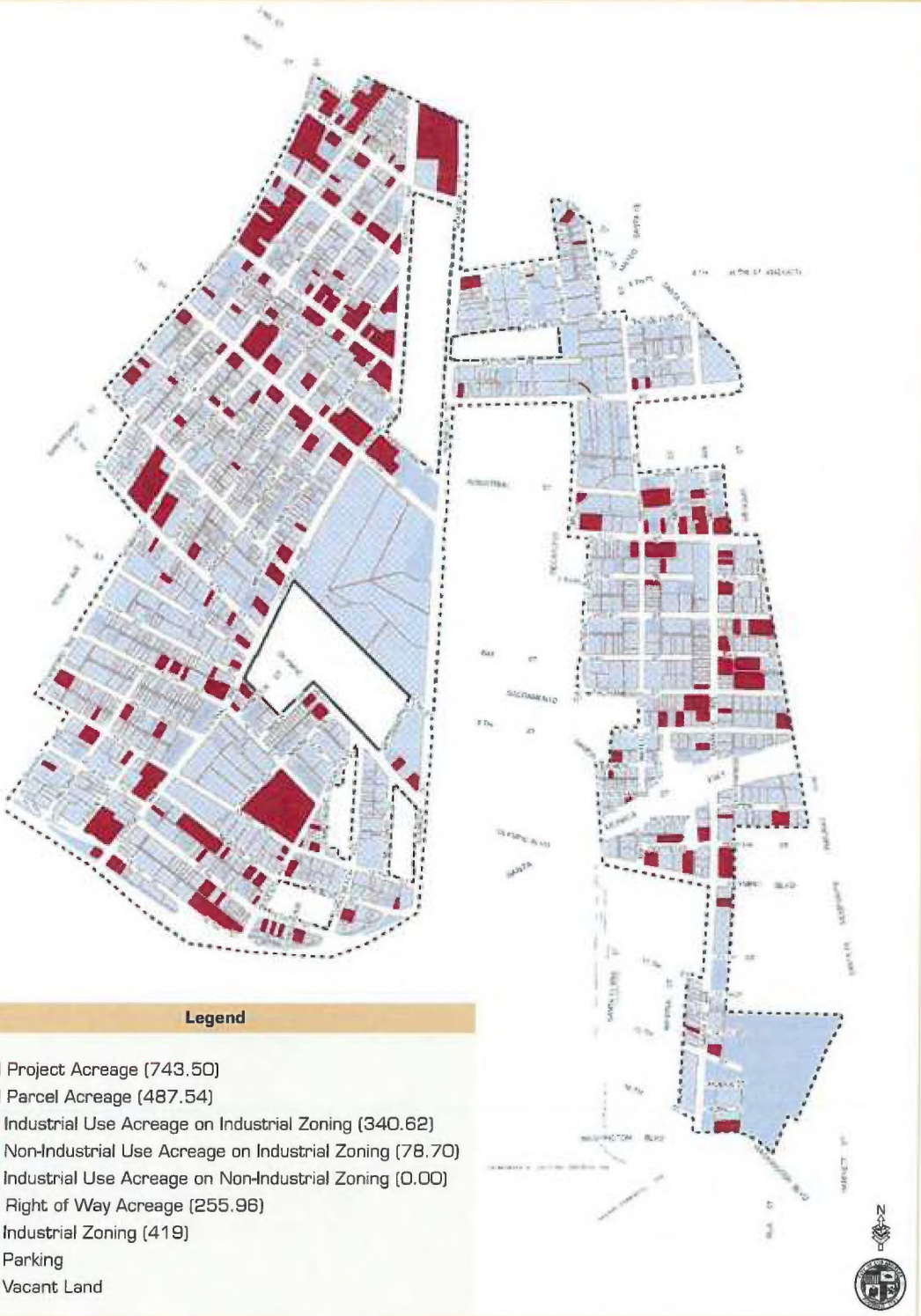
Central Industrial: Industrial Zoned Parcels



Source: City of Los Angeles Community Redevelopment Agency - Redevelopment Project

Figure 5.2

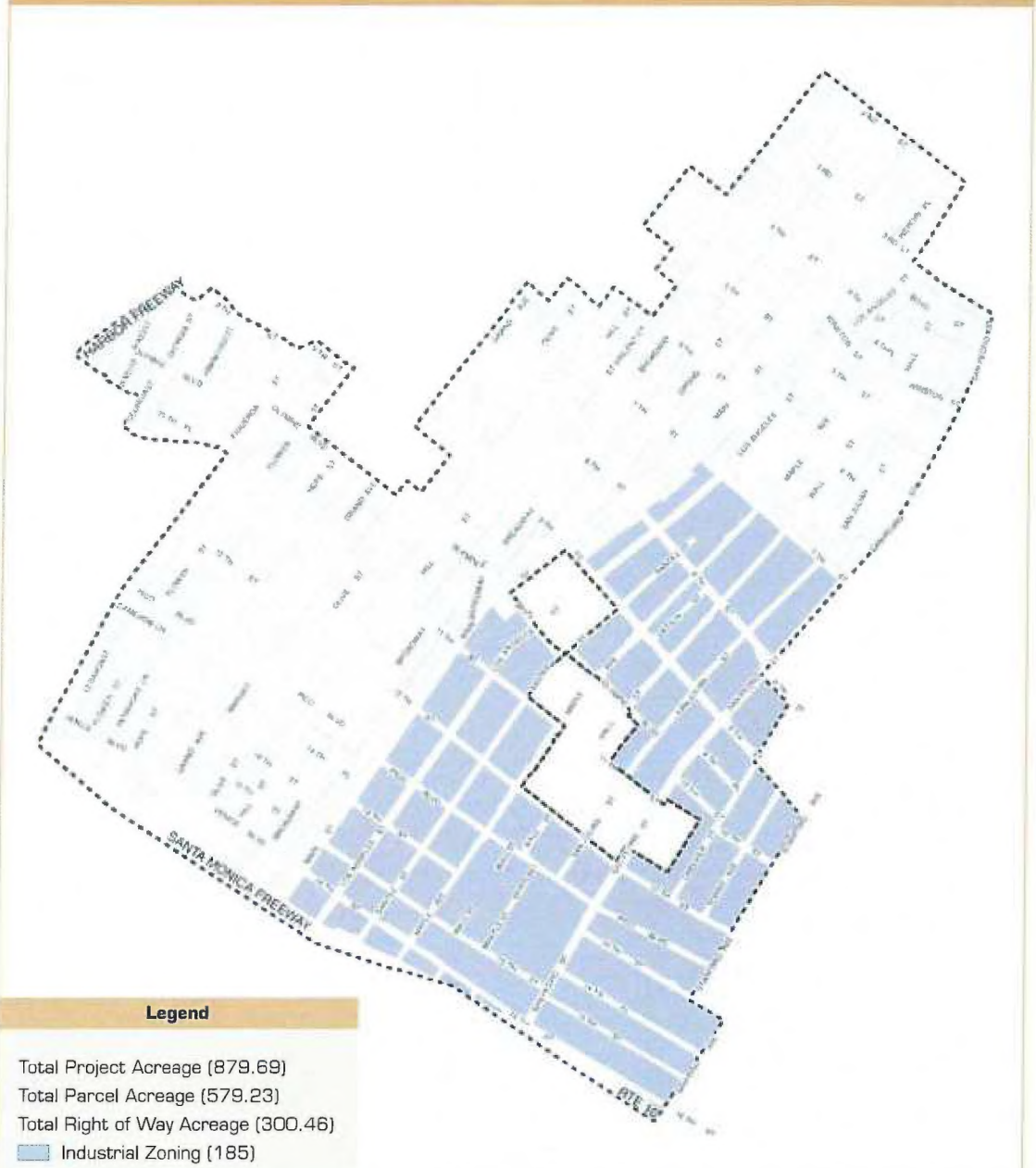
Central Industrial: Industrial Uses



Source: City of Los Angeles Community Redevelopment Agency - Redevelopment Project

Figure 5.3

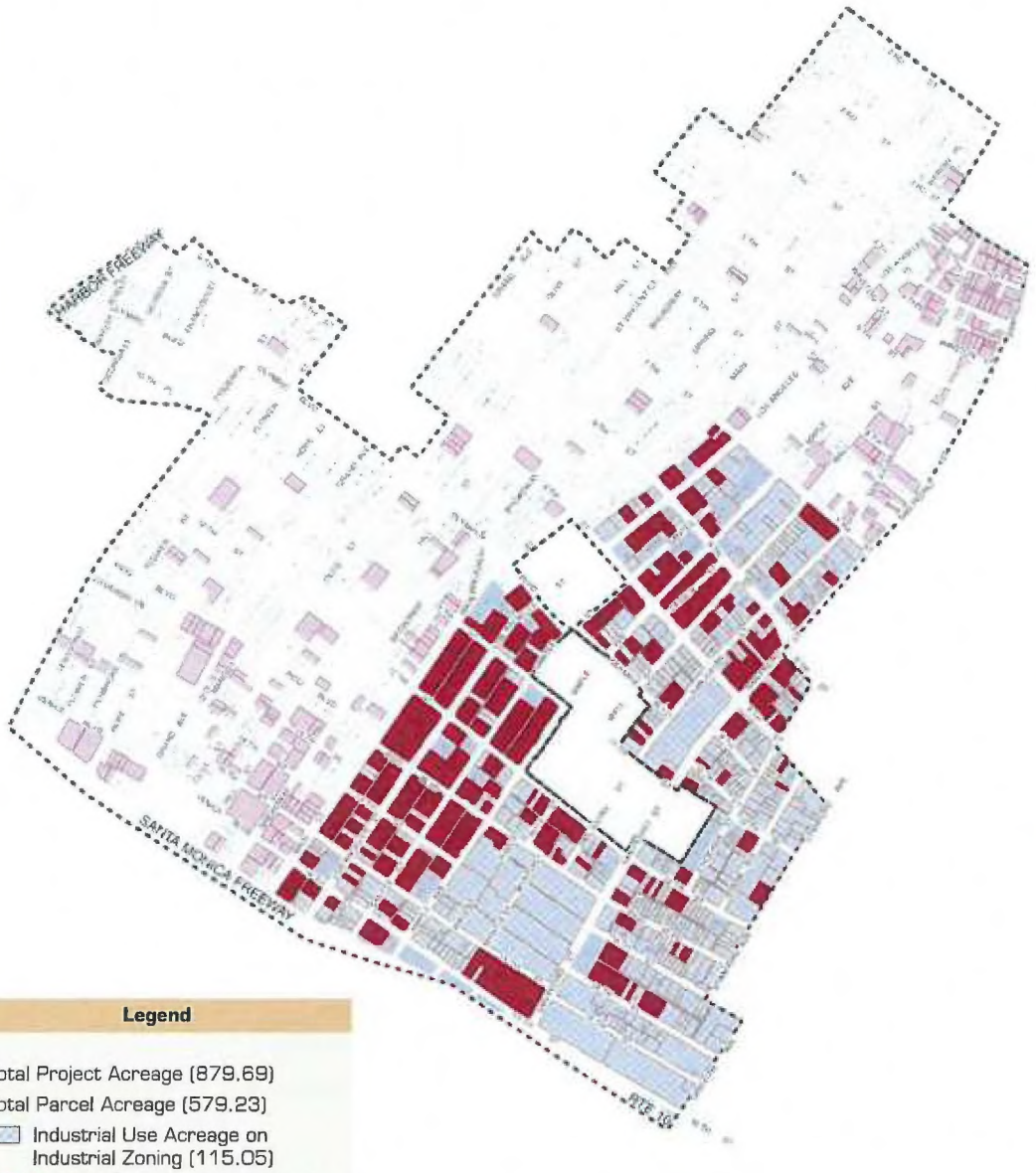
City Center: Industrial Zoned Parcels



Source: City of Los Angeles Community Redevelopment Agency - Redevelopment Project

Figure 5.4

City Center: Industrial Uses



Legend

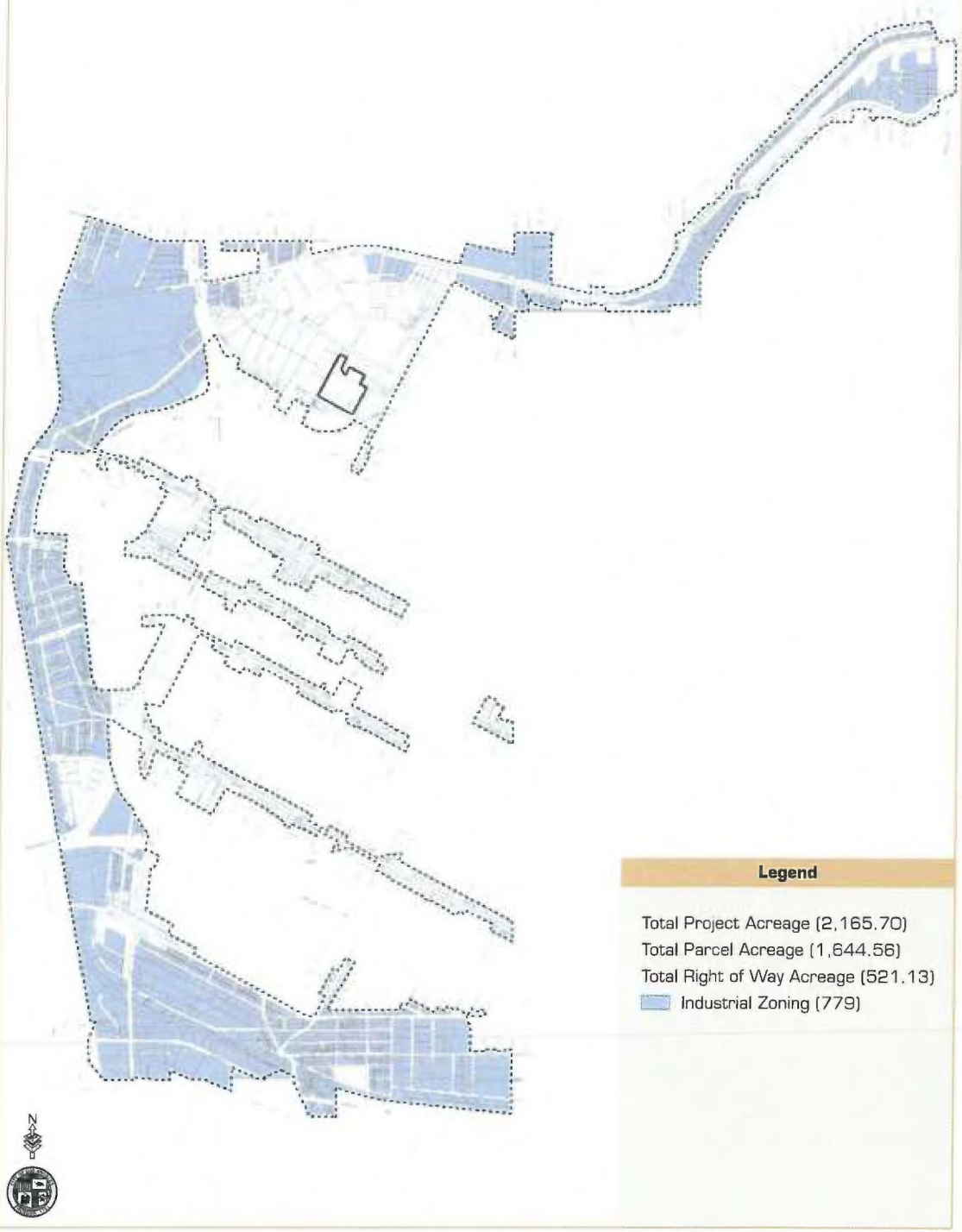
Total Project Acreage (879.69)
Total Parcel Acreage (579.23)
Industrial Use Acreage on Industrial Zoning (115.05)
Non-Industrial Use Acreage on Industrial Zoning (69.97)
Industrial Use Acreage on Non-Industrial Zoning (52.99)
Total Right of Way Acreage (300.46)
Industrial Zoning (185)
P Parking
V Vacant Land

N

Source: City of Los Angeles Community Redevelopment Agency - Redevelopment Project

Figure 5.5

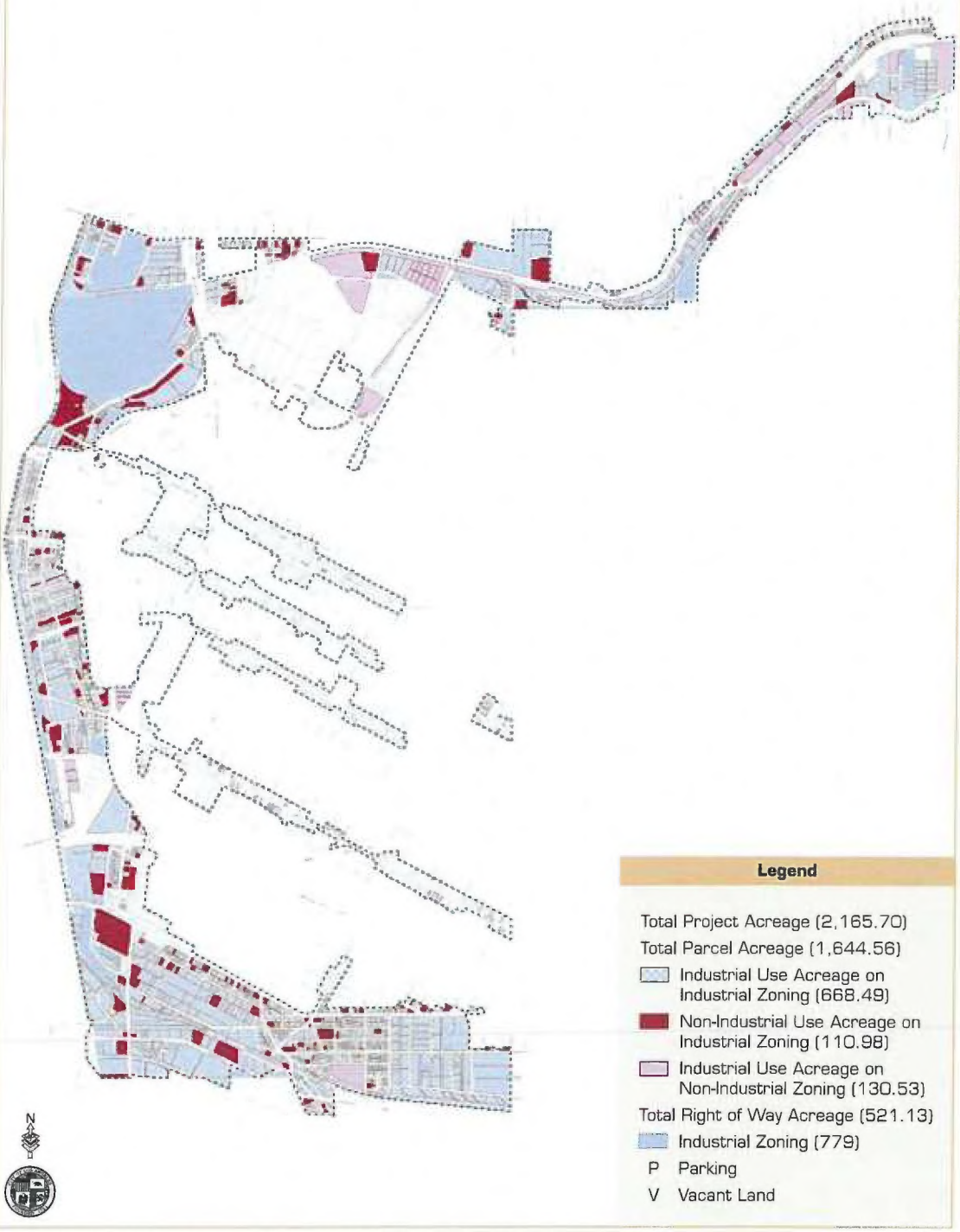
Adelante Eastside: Industrial Zoned Parcels



Source: City of Los Angeles Community Redevelopment Agency - Redevelopment Project

Figure 5.6

Adelante Eastside: Industrial Uses



Source: City of Los Angeles Community Redevelopment Agency - Redevelopment Project

Figure 5.7

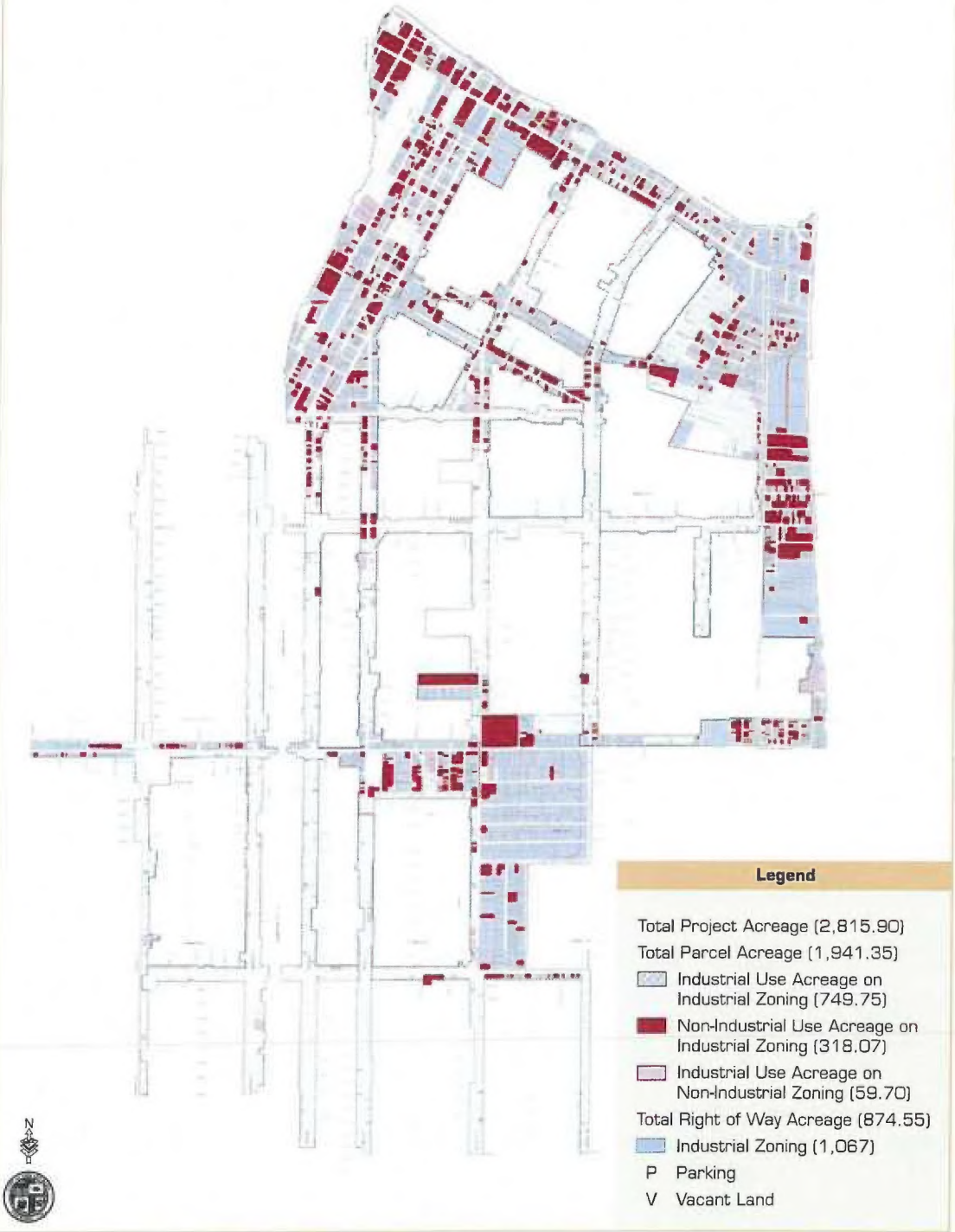
Council District 9 Corridors: Industrial Zoned Parcels



Source: City of Los Angeles Community Redevelopment Agency - Redevelopment Project

Figure 5.8

Council District 9 Corridors: Industrial Uses



Source: City of Los Angeles Community Redevelopment Agency - Redevelopment Project

Figure 5.9

Los Angeles Harbor: Industrial Zoned Parcels



Legend

Total Project Acreage (230.70)
Total Parcel Acreage (155.94)
Total Right of Way Acreage (74.76)
Industrial Zoning (132)

Source: City of Los Angeles Community Redevelopment Agency - Redevelopment Project

Figure 5.10

Los Angeles Harbor: Industrial Uses



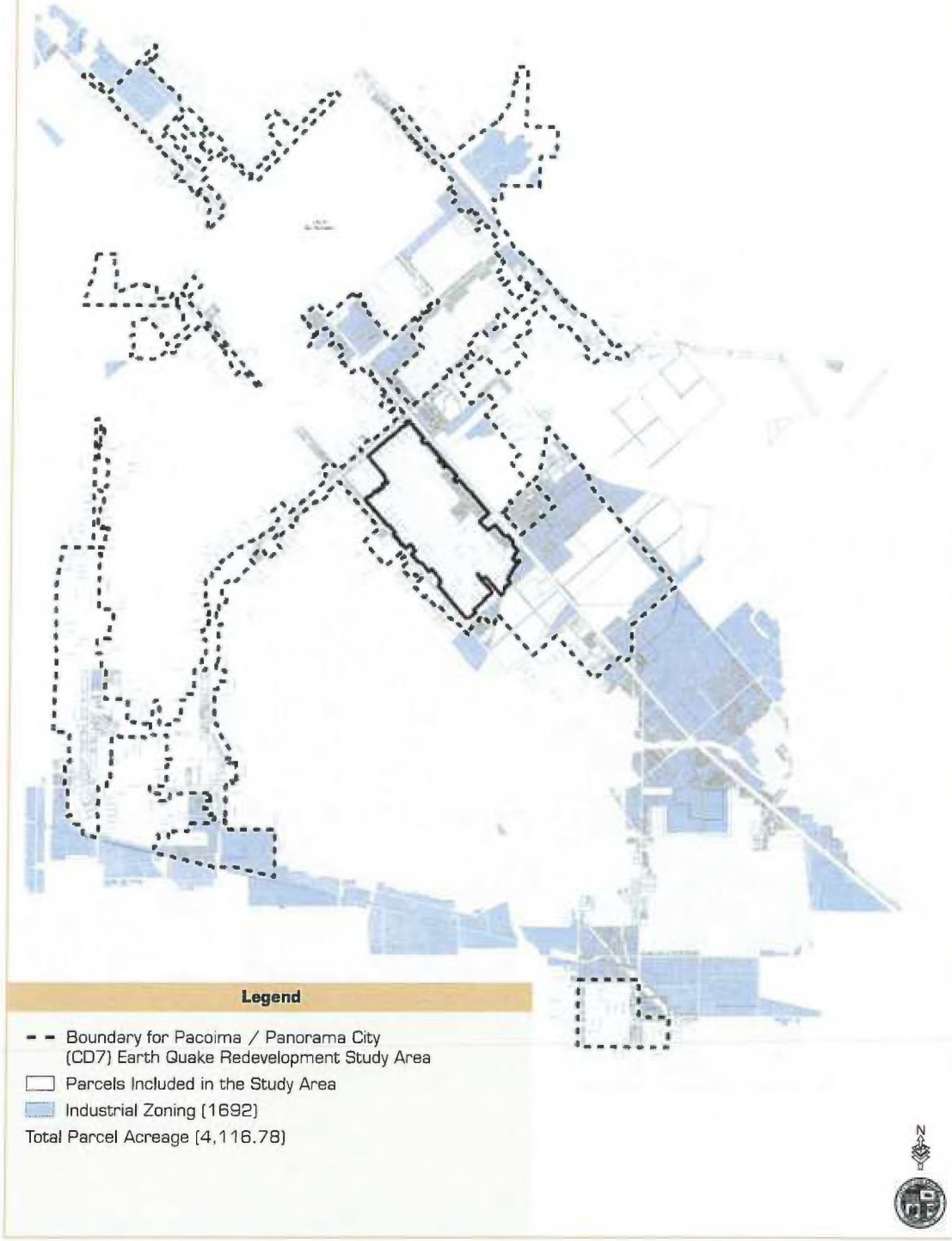
Legend

Total Project Acreage (230.70)
Total Parcel Acreage (155.94)
Industrial Use Acreage on Industrial Zoning (117.43)
Non-Industrial Use Acreage on Industrial Zoning (14.39)
Industrial Use Acreage on Non-Industrial Zoning (0.00)
Total Right of Way Acreage (74.76)
Industrial Zoning (132)
P Parking
V Vacant Land

Source: City of Los Angeles Community Redevelopment Agency - Redevelopment Project

Figure 5.11

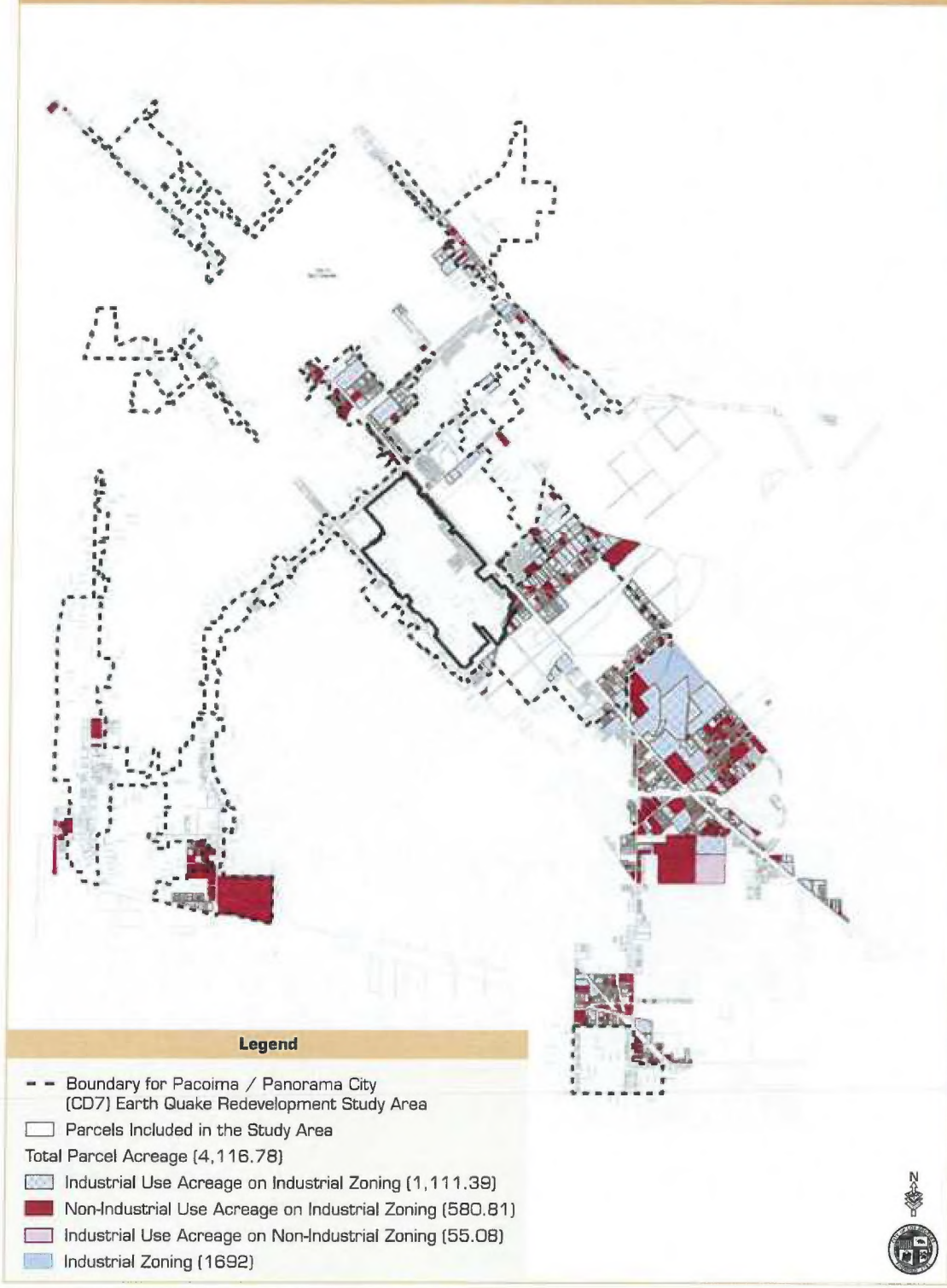
San Fernando Valley Area: Industrial Zoned Parcels



Source: City of Los Angeles Community Redevelopment Agency - Redevelopment Project

Figure 5.12

San Fernando Valley Area: Industrial Uses



Source: City of Los Angeles Community Redevelopment Agency - Redevelopment Project

5C. Industrial Development Project Assistance

Low-cost financing tools are key in the ability of a city to attract industrial development and to assist with business expansion. In the City of Los Angeles the Community Development Department (CDD) administers a variety of financing tools and other business assistance programs. These tools include the U.S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantees, Industrial Development Bonds, Empowerment Zone bonds, State Enterprise Zone incentives, and Community Development Block Grant Float Loans. Business assistance programs include WorkSource Centers, the Recycling Manufacturer Development Zone (RMDZ) and the New Markets Tax Credits.

The uses and characteristics of some of these tools are summarized below. Some of these programs cannot be used on a citywide basis and must be applied only to specific zones in the City.

Section 108 Loan Program

The Section 108 Loan Program of the U.S. Department of Housing and Urban Development was established to facilitate large real estate projects that result in the physical and economic revitalization of the City of Los Angeles. Its major goal is to expand economic opportunities by providing jobs and maintaining or increasing the availability of goods and services to the City's lower- and moderate-income residents. The program primarily targets projects in Federal Empowerment Zones, Federal Renewal Communities and State Enterprise Zones. Funds are intended to finance real estate acquisition, construction, renovation, fixtures and equipment and other related project costs. Section 108 funds may also be used to assemble land as a component of project predevelopment. The City prefers projects that have already secured a commercial loan and owner equity participation.

Section 108 loan amounts range from $0.5 million to $5 million. Generally the maximum allowable loan amount is 30% of the project's total cost and cannot exceed $5,000,000. An owner equity minimum contribution of 10% of the total project cost is required. The minimum goal for job creation under the Section 108 Loan Program is one permanent full-time job for every $35,000 in loan proceeds. A minimum of 51% of the jobs must be made available to lower- and moderate-income persons.

Industrial Development Bonds and Empowerment Zone Bonds

Industrial Development Bonds (IDBs) finance industrial projects exclusively. IDBs are securities issued by the State of California, certain governmental agencies or authorities, local municipalities or a development corporation. Proceeds may be used to finance the construction of industrial plants, the purchase of equipment or the expansion and/or relocation of qualified manufacturing facilities. The interest paid to investors who purchase IDBs is generally tax-exempt. The borrower's advantage is the lower cost of funds borrowed.

[6] *Federal Empowerment Zone information and maps may be found on the U.S. Department of HUD's web site, www.hud.gov.*

Empowerment Zone Bonds (EZBs) are similar to IDBs and are available to companies residing within Los Angeles' Federal Empowerment Zone[6]. EZBs finance retail, commercial and industrial projects. As of January 1, 2002, there is no limitation on project size. The tax-exemption component, however, is capped at $20 million. 35% of all project jobs are required to be filled by empowerment zone residents. Terms for tax-exempt IDBs are from 10 – 20 years, amortized over 30 years, and range from $1 million up to a maximum of $10 million. Interest rates for tax-exempt IDBs have historically been at least 2.5 percentage points lower than conventional loans. In some instances, taxable bond financing is also available. Taxable bonds are not restricted by dollar amount or project purpose. A combination of tax-exempt and taxable bonds can be used to meet a company's financial needs.

Projects must result in public benefits, such as job creation for low and moderate- income residents. State law requires that at least one job must be created for every $50,000 of tax-exempt IDB proceeds. Manufacturers and other operating companies located either in the Federal Empowerment Zone (to qualify for EZBs) or outside the zone (to qualify for IDBs) may apply directly to the City of Los Angeles Community Development Department.

Los Angeles Business Assistance Program (LABAP)

The Los Angeles Business Assistance Program (LABAP) provides business and technical assistance to the following three target categories:

1. Micro-enterprise/Entrepreneur
2. Retail/Service Business
3. Growth Business

(For the purposes of IDPI and this report, the Retail/Service Business category is not discussed given the IDPI's focus on industrial businesses and programs that assist this sector).

The Micro-enterprise/Entrepreneur Program supports the survival and growth of micro-enterprises and helps to develop new entrepreneurial business ventures. The training focuses on micro-enterprise owners and entrepreneurs. A qualified entrepreneur is any individual who wants to start a business and seeks help in formulating and implementing a business plan and obtaining access to capital. A qualified micro-enterprise is any existing company consisting of five or fewer employees (one or more of whom owns the enterprise), has been operating for less than five years, generates annual sales of up to $200,000 and serves and/or is located in a lower-income community.

Training is provided for micro-enterprises and start-ups using high quality, reasonably priced technical services, so that access to these resources will provide start-ups with more growth and stability. Training for entrepreneurs includes the screening and assessment of participants to determine business aptitude and level of commitment. In addition, course work is offered in a variety of areas, including formulation of a business plan, obtaining a business license and incorporating a business.

The Growth Business Program assists companies in achieving expansion and gaining market share in sectors that are considered to have the greatest growth potential in the City of Los Angeles[7]. The growth sectors identified are:

- Apparel Design/Manufacturing Distribution
- Auto Design
- Bio-medical Technology
- Distribution/Logistics
- Entertainment/Motion Picture/TV Production
- Food Production/Manufacturing
- International Trade
- Metal Fabrication
- Tourism
- Toy Design/Distribution

WorkSource Centers

WorkSource services are funded through the Workforce Investment Act, and are designed with the goal of making a business or industry more competitive in the marketplace. WorkSource Centers are workforce development centers that serve businesses by providing prescreening, customized training, applicant referral, labor market information, and other placement services, all at no cost. WorkSource Centers serve Los Angeles residents through job training programs, referral and information services, and employment search assistance. Industry or trade groups can work with the WorkSource Network to develop targeted, specific training programs that teach skills that industry employees need for growth and upward mobility.

[7] *The "Economic Recovery Action Plan for Specific Growth Industries", Final Report, April 1997 analyzes eight industries targeted as likely candidates to lead the City's recovery from the economic challenges resulting from the Northridge earthquake, defense-industry downsizing and real estate losses. The report was prepared by PS Enterprises and funded by the U.S. Department of Commerce, Economic Development Administration.*



PART II

Summary of Industrial Development Policies in Selected Cities

CHAPTER 6

Industrial Development Policies of Selected Cities in the United States and in the Los Angeles Region

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Industrial Development Policies of Selected Cities in the United States and in the Los Angeles Region

The industrial development policies of other major American cities and those in the Los Angeles region can provide the Industrial Development Policy Initiative with important insights on issues relevant to the City of Los Angeles. Eight national cities and six local cities were selected and their industrial development policies reviewed. Selection was based on either the cities having some degree of similarity to the industrial base of the City of Los Angeles, or their being in competition with the City of Los Angeles for industrial firms. Information was gathered summarizing the key industrial development policies of each city. The cities selected were:

Major U. S. Cities:

Philadelphia	Phoenix
Chicago	Las Vegas
Baltimore	Seattle
San Jose	Houston

Selected Local Cities:

South Gate	Vernon
Industry	Hawthorne
Commerce	Ontario

A summary of major U.S. cities' industrial development policies for the eight major US. Cities and six regional cities are provided below in outline form.

MAJOR U.S. CITIES:

A. Development and Development Assistance

Assistance to developers and industrial firms in site location
(Philadelphia, Chicago, Baltimore, San Jose, Phoenix, Las Vegas)

Site assemblage and conveyance to developers and industrial firms
(Philadelphia, Baltimore)

Creation of an industrial development corporation to acquire and develop sites and formation of joint ventures with developers
(Philadelphia, Baltimore, Las Vegas)

Redevelopment Agencies
(Philadelphia, Chicago, Baltimore, San Jose)

Inventory the supply of industrial land and buildings
(Philadelphia, Chicago, San Jose, Las Vegas)

Prepare environmental impact reports
(San Jose)

B. Financial Assistance and Incentives

Issuance of tax-exempt industrial development bonds
(Philadelphia, Chicago, Baltimore, San Jose, Phoenix, Houston)

Empowerment and Enterprise Zones
(Philadelphia, Chicago, Baltimore, San Jose, Phoenix, Houston)

Creation of foreign trade zones
(Baltimore, San Jose, Phoenix, Las Vegas)

Tenant improvement financial subsidies for vacant industrial buildings
(San Jose)

Low interest loans to developers and industrial firms
(Philadelphia, Chicago, Baltimore, San Jose, Seattle, Houston, Las Vegas)

Assistance in economic feasibility analysis and structuring funding
(Philadelphia)

Lender risk reduction on loans to businesses and developers through collateral deposit reserves and by paying a portion of interest premium
(Phoenix)

Tax Exemption and Abatement Programs
(Houston, Las Vegas)

C. Regulatory Policies

Zoning restrictions on use of industrial land for non-industrial uses
(Philadelphia)

Creation of industrial districts for special uses: manufacturing, hi-tech, "green"
(Philadelphia, Baltimore, San Jose)

Streamlining the development and permitting approval process
(Philadelphia, San Jose, Phoenix, Las Vegas)

Technical assistance in approval and regulatory processing
(Philadelphia, San Jose, Seattle, Las Vegas)

D. Infrastructure Improvements

Improve streets, utilities in industrial districts
(Philadelphia, Chicago, San Jose, Seattle, Houston, Las Vegas)

Develop, high speed Internet connections
(Baltimore, San Jose, Las Vegas)

Manufacturing and industrial council
(Seattle)

Alternative energy development
(Las Vegas)

Transportation improvements - road, rail, air and/or sea
(Seattle, Houston, Las Vegas)

E. Targeted Business Assistance

Create retention, expansion, and financing programs for small industrial firms
(Philadelphia, Baltimore, San Jose, Seattle, Houston)

Create business incubators of start-up industrial and high tech businesses
(Baltimore, San Jose, Houston)

Technical assistance for firms in import-export industry
(Baltimore, San Jose, Seattle)

Employer visitation program
(Phoenix)
Targeted assistance for industry clusters
(Phoenix & State of Arizona, Seattle)
Web-based information resources
(Seattle)
Foreign trade assistance programs
(Baltimore, San Jose, Phoenix, Seattle, Las Vegas)

F. Brownfields and Industrial Ecology

Assess, remediate Brownfield sites
(Chicago, Baltimore, Houston)
Identify end user, turn over remediated sites for development
(Chicago)
Create ecological business parks
(Baltimore)
Provide and assist developers with technical info on regulatory issues
(Baltimore, Phoenix, Seattle, Houston)
Create "Green Industry District" or promote energy conservation
(San Jose, Seattle)
Reduction of delinquent property taxes on contaminated properties
(Phoenix)

G. Marketing Industrial Sites, Districts and City

Promote industrial corridors and sites
(Chicago, Phoenix, Seattle, Houston, Las Vegas)
Identify and recruit firms from industry clusters
(Baltimore, San Jose, Phoenix, Seattle, Houston, Las Vegas)

H. Workforce Development Programs

Participate in regional resource network for employers and workers
(San Jose, Phoenix, Seattle, Houston, Las Vegas)

I. Regional Cooperation for Economic Development

Participate in regional efforts in business recruiting, site selection, resource application and relocation
(Phoenix, Seattle, Houston)
Labor market analysis, financial contacts, coordination of State and local services
(Phoenix)
Foreign trade development cooperation
(Seattle, Houston)
Comprehensive Economic Development Strategy Studies
(Philadelphia, Baltimore, San Jose, Phoenix, Seattle, Houston)

Selected Cities in the Los Angeles Region

A summary listing of the policies of selected cities in the Los Angeles region is provided below. These are summarized by city rather than by policy category to provide a holistic insight into how cities that are competitive with Los Angeles are structuring their industrial development policies.

South Gate
- Redevelopment Agency Assistance
- Zoning Restrictions on Residential Land Use
- Technical Assistance
- Financial Assistance Programs
- Industrial Market
- Industrial Uses and Employment

City of Industry
- Industrial Business Assistance
- Redevelopment Agency
- Industrial - Commercial Adaptive Reuse and Mixed Use
- Zoning

City of Commerce
- Amenities for Industrial Businesses
- Processing Assistance
- Financial Incentives
- Accessibility
- Workforce Assistance
- Technical Assistance for Small Businesses

City of Vernon
- Focus on Industry
- Low Cost Utilities
- Environmental Health Services for Industrial Needs
- Fire Protection and Hazardous Materials Handling
- Parcel Tax on Warehouse and Distribution Facilities
- Zoning and Conditional Use permits

City of Ontario
- General Policy Orientation
- Marketing and Promotion
- Affordable Land and Buildings
- Business Assistance and Fast Track Development
- Regional Cooperation for Business Assistance
- High-Technology Report on the Inland Empire
- Ontario Manufacturer's Database
- Foreign Trade Zone
- Transportation and Logistics
- Site Search and Selection
- Ontario Airport

City of Hawthorne
- Land Availability for Industrial Development
- Low Cost of Doing Business
- No Cost Parking
- Affordable Housing
- Free Trade Zone
- Industry Manufacturer's Council
- Transportation and Logistics
- Site Search and Selection
- Pacific Palms Conference Resort



PART III

Key Policy Implications of Phase 1 Findings

CHAPTER 7

Emerging Industrial Development Policy Issues

CHAPTER 7

Emerging Industrial Development Policy Issues

7A. Land Use Conversion and Availability
7B. Infrastructure Issues
7C. The Changing Industrial Base of the City
7D. Workforce Development Issues
7E. Environmental Challenges

Several industrial development issues emerge based on the data and analysis provided in the previous chapters. These include the use of industrial zoned land for non-industrial purposes, the use of the non-industrial zoned land for industrial activity, the associated market and regulatory basis for such conversions, the availability and unavailability of under-performing and underutilized land including vacant land, infrastructure challenges, the changing industrial base of the City, workforce issues related to work readiness and skills training, and regulatory and environmental challenges. Each of these policy issues is highlighted below.

7A. Land Use Conversion and Availability

Phase 1 findings include the following four conclusions regarding industrial land:

1. *A significant amount of the City's industrial zoned land has been, and continues to be, converted to non-industrial uses.*

2. *A significant amount of vacant and underutilized industrial parcels exists in industrial districts throughout the City.*

3. *It is interesting to note that a significant amount of industrial uses, as defined by the County Assessor, exists on the City's non-industrial zoned land.*

4. *Land assembly and current land use characteristics are prime impediments to industrial development.*

The data developed by the IDPI Data Team confirms the existence of a large number of non-industrial uses on industrial zoned land. Of the City's estimated 19,045 acres of industrial zoned land, approximately 4,922 acres or about 26% have been converted to non-industrial uses (see ***Table 4.2***, *Industrial Zoned Land Use Summary*). Ten percent of total industrial zoned land is institutional, 8.1% is retail, 4.1% is residential and 3.2% is commercial, as measured by acres occupied. Data from DWP utility accounts and Office of Finance business license files confirm these findings. New construction permits indicate that an even higher conversion rate is occurring in the City of Los Angeles in recent years.

Market forces and a permissive zoning code and entitlement process are the prime drivers of this conversion. Land converted to non-industrial uses is assessed on average at a value that is 29% higher than for industrial uses, with retail and commercial use representing 2 - 2.5 times the average assessed values (see ***Table 4.3***, *Comparison of Average Assessed Land Values*).

The City's non-industrial zones are also accommodating a significant amount of "industrial" uses, according to definitions used by the County Assessor. Initial data shows that 7,272 acres of non-industrial zoned land, as defined by the County Assessor, is being used for some type of "industrial" activity. This amount is actually greater than the amount of industrial zoned land being lost to non-industrial uses (see ***Table 4.4***, *Sum of Industrial Uses on Non-Industrial Zoned Land*). The use of non-industrial zoned land for industrial activities may raise several industrial policy issues. As "industrial" practices evolve, can the City in effect offer non-industrial zoned sites to certain light "industrial" uses, thereby effectively expanding its available industrial land, and countering some of the negative effects of the conversion of industrial-zoned land to other uses?

Data from the Los Angeles County Assessor and County Flood Control files indicate that as many as 1,786 acres of vacant industrial zoned land exist within the City. In addition, the Department of Water and Power reports significant numbers of "zero consumption" water and electricity accounts throughout the City's industrial areas. This indicates the presence of structures and a meter but with no consumption of water and power. Both sources of data imply that the City has considerable amounts of underutilized and/or vacant land with potential for development.

Surveys conducted among members of IDPI's Industrial Land Use Red Team (ILURT)[8] and findings from the CRA identify the prevalence of small parcels as a prime impediment to industrial development. Thus, land assembly is a key issue to address during policy formulation.

All four findings regarding land use conversion and availability have important bearing on the creation of industrial development policy.



[8] *A voluntary group of private sector professionals, including industrial developers, business owners and real estate brokers that provides information and expertise on industrial issues to the IDPI process.*

7B. Infrastructure Issues

The most serious infrastructure issues currently limiting industrial activity are roadways and freight movement constraints. If not addressed, they will negatively impact future industrial development and raise further environmental justice concerns.

Evaluations of the City's infrastructure yield several conclusions that should be considered:

1. In 2003, the Bureau of Engineering gave the City's overall infrastructure a C+ grade. This evaluation considered roadways, highways, bridges, storm and wastewater systems, solid waste facilities, street lighting, water quality, parks and the Port of Los Angeles.

2. Streets and highways were rated a D+, an evaluation that carries with it an estimated system upgrade cost of $1.5 billion for re-pavement and $0.7 billion for congestion reduction over the next ten years. Forty-four percent of the intersections studied had traffic flow rated "D" or "F".

3. Goods movement by truck, a fundamental element in the health of the Los Angeles economy, is experiencing increasing challenges, including:
   - Freeway access delays
   - Industrial site access delays
   - Deficiencies in loading and unloading facilities
   - Slowing of through traffic
   - Delays at railroad crossings
   - Left and right turns in inner city intersections

4. Goods movement by freight, also a core component of the Los Angeles area economy is facing growing challenges connected to the growth of population and trade in the region. These challenges include:
   - Congestion
   - Environmental issues
   - Safety and security
   - A complex regional decision-making environment

5. Stormwater facilities have been rated by the Bureaus of Engineering and Sanitation as a "C". Limited regional landfill capacity plagues solid waste collection and management, which for industrial businesses is handled by private haulers. Adequate funding is necessary to address local drainage problems and pollution abatement requirements for urban runoff mandated by the Regional Water Quality Control Board.

The challenge for the future is to identify a sustainable and strategic funding source to construct improvements to the transportation infrastructure deficiencies.

7C. The Changing Industrial Base of the City

Over the past ten years, 229,000 manufacturing jobs have been lost in Los Angeles County due to local, regional and international market forces. The City of Los Angeles represents 59% of the County's manufacturing jobs, so it may be concluded that the City lost over 135,000 manufacturing jobs in the same period. Notwithstanding this loss, the Southern California region remains a strong industrial economic center and the IDPI seeks to build on this foundation.

The Planning Department has indicated that a significant amount of heavy manufacturing in the City has been replaced with light manufacturing, warehousing and service industries. ***Table 1.2***, *Los Angeles County Manufacturing Industry Change*, describes the changing industrial base, showing that many industries are losing employment.

The Los Angeles County Economic Development Corporation has identified seven industries that it considers to have high growth potential. These are:

Motion pictures
Transportation
Printing, publishing and allied industries
Motor freight transportation and warehousing
Transportation by air
Water transportation
Local/suburban transit, interurban highway

The Community Development Department has focused business assistance on ten industries identified by the 1997 "Economic Recovery Action Plan for Specific Growth Industries". This report analyzes eight industries as likely candidates to lead the City's recovery from economic challenges resulting from the Northridge earthquake, defense-industry downsizing and real estate losses. These industries are:

Apparel Design/Manufacturing Distribution
Auto Design
Bio-medical Technology
Distribution/Logistics
Entertainment/Motion Picture/T.V. Production
Food Production/Manufacturing
International Trade
Metal Fabrication
Tourism
Toy/Design/Distribution

Given these existing efforts by various departments and agencies, the challenge for the IDPI is how to strengthen the City's efforts in attracting industrial businesses that reflects the changing nature of industry, and the City's and the region's changing industrial base.

7D. Workforce Development Issues

The City and County of Los Angeles remain strong manufacturing centers and employ a significant number of workers, yet the challenge for the City is to prepare its workforce for growth industries that demand higher skills. In the City of Los Angeles, each of the following industries employ 2% or more of the City's workforce; collectively, they represent over 50% of the City's manufacturing workforce:

Wholesale trade for durable and non-durable goods
Motion picture production
Apparel manufacturing
Printing, publishing and allied products
Transportation, communication & utilities

Manufacturing, wholesale trades and motion picture production employ 28.5% of the City's total workforce. Small businesses provide the bulk of industrial employment in the City of Los Angeles, with 54% of all manufacturing workers employed in companies of 250 or fewer employees. Furthermore, almost 31% of all industrial workers are employed in businesses with fewer than 100 employees.

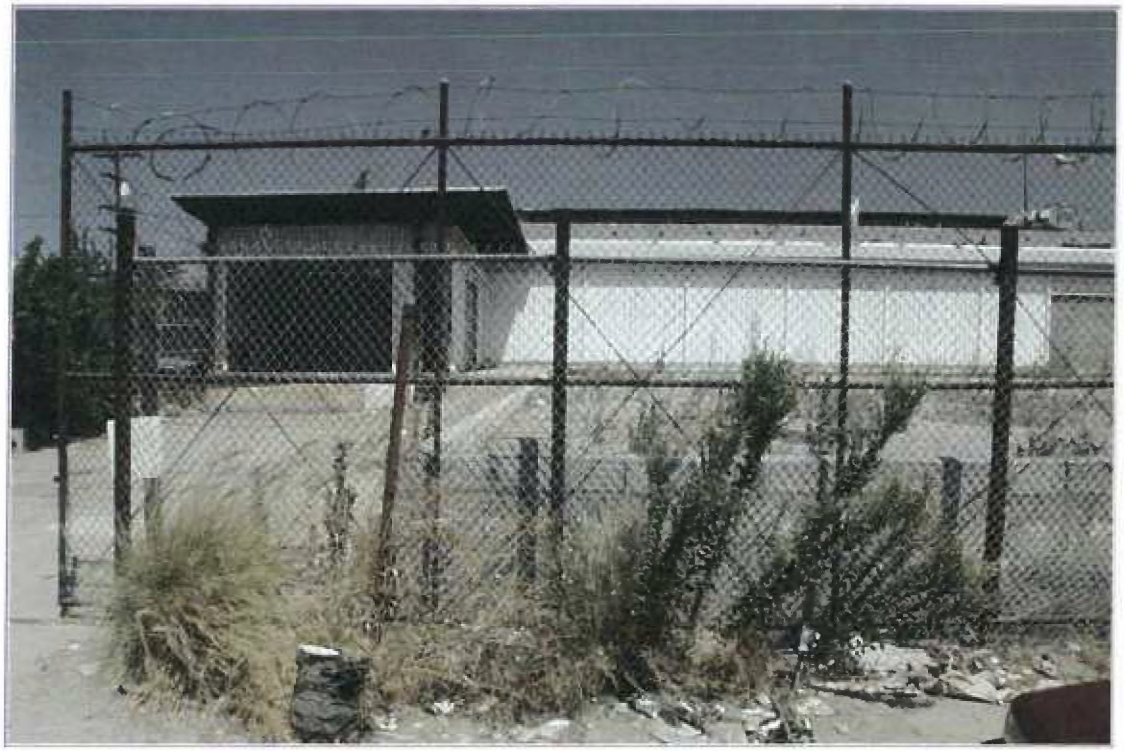
A challenge for the future, if the City is to remain a global competitor, is to address workforce readiness and specialized training as it relates to industrial development. The City of Los Angeles administers a variety of programs and has access to quality educational institutions that may be better leveraged to address this challenge. The K-12 public educational system may provide an opportunity to prepare the local workforce for contemporary manufacturing jobs by including operation of machinery, understanding of industrial processes and other industrial skills in the curricula. The City of Los Angeles, along with major cities in the United States, cannot compete with low cost labor countries on wages. Therefore, the challenge facing the City and the City's labor pool is to compete in the workforce quality and work readiness.

7E. Environmental Challenges

There are physical and social environmental challenges facing industrial development in the City of Los Angeles. Brownfields are contaminated sites that create barriers to new investment and reuse. From a social perspective, environmental justice concerns demand that we address the consequences of overall pollution on neighborhoods.

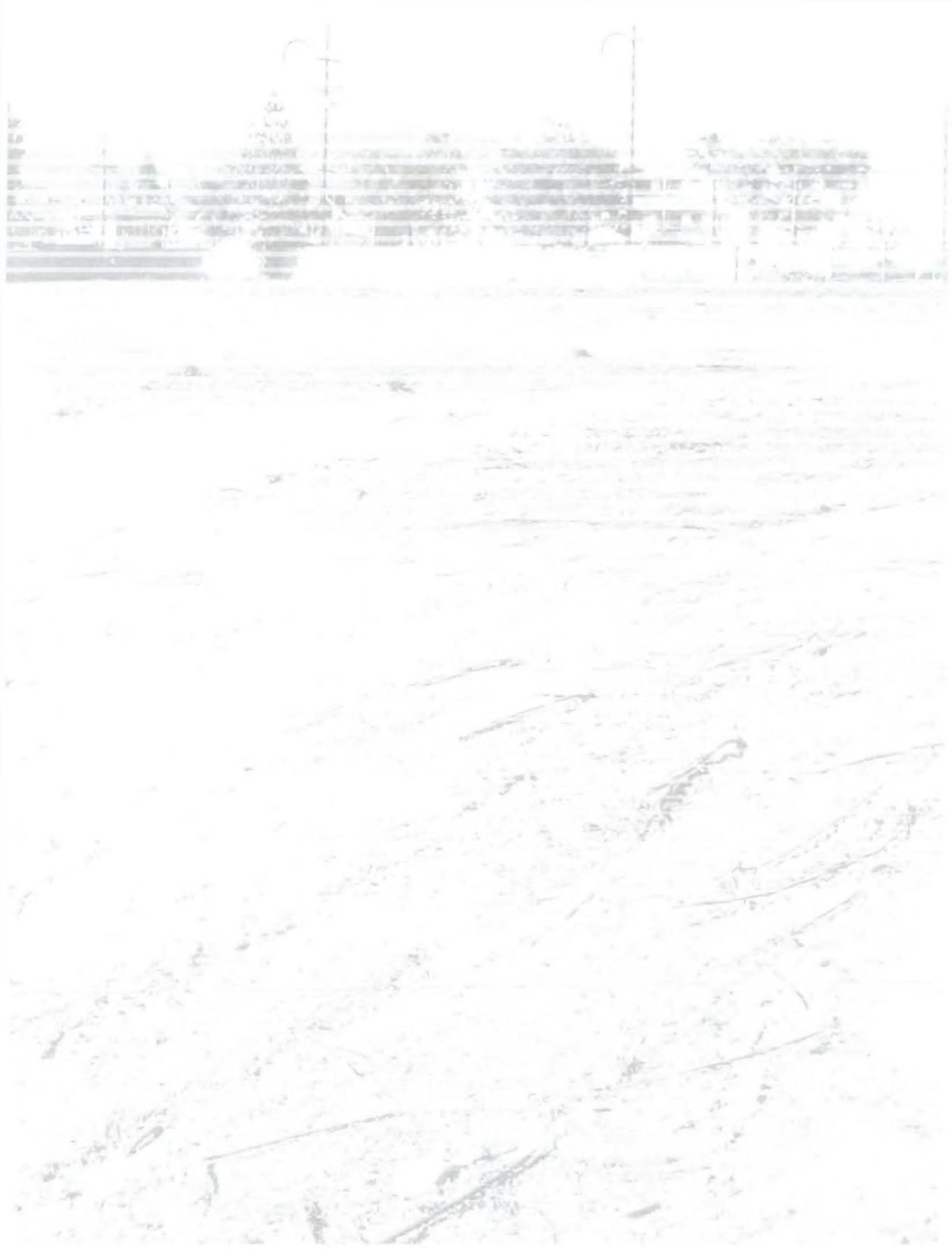
Brownfields represent a number of barriers to development. The City of Los Angeles Brownfields Program aims to reduce the uncertainty associated with contamination mitigation and the liability issues that property owners and developers must deal with. Other cities in the U.S. have gone to the extent of preparing Phase I and Phase II studies and making these available to developers (as has Los Angeles). Still other cities have gone so far as to take control of Brownfield sites, conduct mitigation and convey the sites to developers. A few cities have even created eco-industrial parks or have begun to implement eco-industrial practices where waste products are recycled and alternative energy sources are utilized.

Environmental justice issues are highly relevant in discussions of industrial development policy, given the history of the disproportionate impact that industrial activity has had on lower-income communities. The burdens of industrial uses on such communities include pollution, poor air quality, transportation-related impacts, soil toxicity, odors, blight and noise. At the same time, environmental justice issues can inhibit industrial development if industrial firms turn away from established communities to avoid near-by residential areas.





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MEMORANDUM

DATE: JANUARY 3, 2008

TO: STAFF, DEPARTMENT OF CITY PLANNING
STAFF, COMMUNITY REDEVELOPMENT AGENCY

FROM: S. GAIL GOLDBERG, AICP, DIRECTOR OF PLANNING,
DEPARTMENT OF CITY PLANNING

CECILIA V. ESTOLANO, CHIEF EXECUTIVE OFFICER,
COMMUNITY REDEVELOPMENT AGENCY

RE: STAFF DIRECTION REGARDING INDUSTRIAL LAND USE AND POTENTIAL CONVERSION TO RESIDENTIAL OR OTHER USES

I. INTRODUCTION

This memorandum provides direction and guidance to staff of the Department of City Planning (DCP) and Community Redevelopment Agency (CRA/LA) regarding industrial zoned land in the City of Los Angeles. ***It underscores that the City's adopted policy is to retain industrial land for job producing uses***, as established in the adopted General Plan Framework and Community Plans, reinforced in several Redevelopment Plans, and consistent with the Mayor's economic development strategy. The instruction provides guidance to implement the adopted policy, and is directed to staff responsible for evaluating entitlement applications as well as those developing new Community Plans, Specific Plans, Overlay Districts, Redevelopment Plans or Plan Amendments, Designs for Development, and other long range planning efforts.

We expect staff to implement the City's adopted industrial land use policies using the directions and guidance contained herein.

Industrially zoned lands in Los Angeles are occupied by active and productive businesses that provide employment and services to thousands of City residents, and are an essential component of the City's diversified economic base. The industrial vacancy rate in Central

Los Angeles is less than one percent, by far the lowest of any major metropolis in the nation. These industrial/employment lands are vital for the City's long term economic sustainability and mechanisms should be implemented to improve their quality, effectiveness and aesthetics.

The direction and guidance to staff contained in this memorandum is based on a number of factors, including the 24-month-long Industrial Land Use Policy project (the "ILUP Project") conducted by DCP and CRA/LA staff to re-evaluate the viability of the City's industrial districts, particularly those areas experiencing the greatest pressure to convert to other uses – industrial districts located in the Central City, Central City North, Boyle Heights, South Los Angeles, Southeast Los Angeles, Hollywood, Wilshire and West Los Angeles Community Plan Areas, and the Adelante Eastside, Central Business District, Central Industrial, Chinatown, City Center, CD9 Corridors South of the Santa Monica Freeway, Hollywood and Wilshire Center-Koreatown Redevelopment Project Areas. The ILUP Project included extensive data analysis, evaluation of community input, and field surveys of these industrial areas. In November 2006 the ILUP Project staff released a set of preliminary conclusions; these were presented to community members, residents, business owners, developers, advocacy groups and City staff for review and comment over a period of six months. Project staff subsequently completed additional analysis and further research to address issues raised during the review process and drafted revised implementation guidelines for staff, which are set forth in this memorandum.

The ILUP Project:

- Establishes guidance to staff of DCP and CRA/LA in processing individual applications for land use changes and for development of future Community Plan updates and CRA/LA redevelopment plans.
- Identifies short- and long-term directions to staff regarding specific geographic areas.
- Identifies areas where industrial uses and zoning should be retained pursuant to existing Plans, along with industrial areas that, for a variety of reasons, may no longer be viable or appropriate for industrial/employment use and should be considered for conversion to other uses.
- Identifies Community Benefits to mitigate the loss of industrial/employment land.
- Identifies the need for new land use and zoning code categories that better address evolving industrial/employment issues as well as the need to revise some of the City's existing zones as part of a longer-term industrial land use strategy.
- Reiterates both the City's adopted land use policy and the CRA/LA's adopted redevelopment plans for areas outside of those studied.

Neither the ILUP Project nor our direction to staff contained in this memorandum takes any action that changes current land use designations or alters the City's existing policy with respect to industrial land.

This memorandum is organized into the following sections:

A. Land Use and Zoning Determinations
B. Community Benefits
C. DCP – CRA/LA Long Term Work Program Goals and Directions

In addition, there are three attachments: Attachment A, Geographically-Specific Staff Directions; Attachment B, the ILUP Project Background Report *"Los Angeles' Industrial Land: Sustaining a Dynamic City Economy"*, and Attachment C, Supporting Materials.

This memorandum provides both short- and long-term guidance. In the short term, staff should apply the geographically-specific directions in Attachment A in evaluating entitlement applications, including general plan amendments, redevelopment plan variations, zone changes and live/work applications. In the long term, staff should use these directions along with the materials in Attachments B and C when formulating comprehensive planning recommendations related to industrially-zoned land, including the work program (Section C) to update Community Plans, Redevelopment Plans and the Zoning Code, along with other policies to accommodate the changing nature of industrial land uses. Together, this guidance will help protect Los Angeles' current and future economic base and enhance industrial/employment lands throughout the City.

II. STAFF DIRECTION

The General Plan Framework, Community Plans and Redevelopment Plans have been adopted by the Mayor and City Council to establish the City's vision and implementing policies. These policies guide City decision-making, capital expenditures and annual budget allocations. They are comprehensive in nature and any modification to them requires thorough analysis and broad based community participation. Recognizing that the process to change adopted plans is lengthy, this memorandum provides direction to staff for both **short- and long-term** approaches to industrial/employment districts.

A. LAND USE AND ZONING DETERMINATIONS

ILUP Project staff studied industrial districts located in the Central City, Central City North, Boyle Heights, South Los Angeles, Southeast Los Angeles, Hollywood, Wilshire, and West Los Angeles Community Plan Areas as well as the Adelante Eastside, Central Business District, Central Industrial, Chinatown, City Center, CD9 Corridors South of the Santa Monica Freeway, Hollywood and Wilshire Center-Koreatown Redevelopment Project Areas; studied lands were categorized into the following four typologies:

1. **"Employment Protection Districts"** - Areas where industrial zoning should be maintained, and where adopted General Plan, Community Plan and Redevelopment Plan industrial land use designations should continue to be implemented. Residential uses in these Districts are not appropriate.

2. **"Industrial Mixed Use Districts"** - Areas that should remain as predominantly industrial/employment districts, but which may support a limited amount of residential use.
3. **"Transition Districts"** - Areas where the viability of industrial use has been compromised by significant land use conversions or the adoption of "Alternate Policies" (AP) such as Specific Plans or Transit Oriented Districts (TOD), and where this transition to other uses should be continued. Unlike "Industrial Mixed Use Districts," stand-alone housing or mixed-use developments containing housing and commercial uses may be appropriate in "Transition Districts."
4. **"Correction Areas"** - Areas where earlier land use decisions resulted in inappropriate land use patterns. A change in zoning and land use designations to correct existing land use conflicts is appropriate and should be encouraged.

*See Section C: **DCP – CRA/LA Long Term Work Program Goals** for additional direction and **Attachment A**: **Geographically-Specific Staff Directions** for maps and corresponding detailed staff direction.*

1) EMPLOYMENT PROTECTION DISTRICTS

Short Term:

- Recommendations for change of use or zone should not be made in these areas. Staff should generally recommend that applications for residential uses be denied.

Long Term:

- Identify mechanisms, standards and means to improve the physical and operating environment for industrial users, address land use incompatibilities and address the interface between industrial/employment areas and adjacent neighborhoods.
- Identify through the Community Plan update process the capital and infrastructure needs and the actions necessary to assure the long-term viability of these areas for jobs and industry. These should include a capital improvement program that will improve conditions for industrial businesses (streets, access and loading, lighting, sewerage, drainage, design, etc.) to generate confidence among industrial users in the long term viability of these Districts.
- Revise zoning in these Districts to prohibit non-industrial uses and uses that compromise job-producing potential.
- Support the development of a business attraction/investment strategy that includes improvements to zoning regulations and identifies targeted future uses such as "clean technology" by coordinating with the Mayor's Business Team and other City Departments.

2) INDUSTRIAL MIXED USE DISTRICTS

Short Term:

- Staff should generally recommend denial of applications for conversion of industrial to other uses.
- To ensure that Industrial Mixed Use Districts remain primarily job-producing lands, staff should recommend approval of a residential development only with a jobs-producing component and other Community Benefits (see Section B). Where staff can make the findings for a project's approval, Community Benefits should be applied to address the loss of economic activity and jobs, and to offset the impact of the permanent loss of employment land.

Long Term:

- Prioritize in DCP and CRA/LA work programs key areas designated as industrial mixed use districts, such as the Cornfields Arroyo Seco Specific Plan (Chinatown) and the Artist in Residence District, so that appropriate zoning and General Plan changes can be made expeditiously.
- Use Community Plan updates, Specific Plans, Overlay Districts, Designs for Development, Redevelopment Plan Amendments and other comprehensive planning efforts to most effectively address the need for specific investment, amenities, design regulations and mitigations in areas that allow for the introduction of a broader mix of uses but which remain primarily industrial districts.
- Identify through the Community Plan update process the capital and infrastructure needs and the actions necessary to assure the long-term viability of these areas. These should include a capital improvement program that will enhance conditions for industrial businesses in areas that will continue to be predominantly industrial (streets, access and loading, lighting, sewerage, drainage, design, etc.) while addressing the needs of allowed non-industrial uses.
- Incorporate in the Community Plan updates measures or Community Benefits (see Section B) to address the loss of employment lands and the need to provide amenities in areas that have not previously been planned for non-industrial use.
- Revise zoning in these districts to identify and encourage industrial and employment uses that complement one another and support the development of an Industrial Mixed Use district.

3) TRANSITION DISTRICTS

Short Term:

- Staff should generally recommend approval of applications for changes of use or zone provided Community Benefits are incorporated to facilitate the successful integration of uses and to compensate for the loss of industrial/employment land, consistent with any Alternate Policy (if one exists for the area) such as a Transit Oriented District (TOD), Specific Plan or Design

for Development (Where such are in place or in process, they are noted on the individual maps in Attachment A).

Long Term:

- Make key targeted planning efforts a high priority, such as the Washington Boulevard Request for Proposal (RFP) Area, the Boyle Heights/1st and Mission and 1st Street/Alameda/Little Tokyo TOD areas.
- Use Community Plan updates, Specific Plans, Overlay Districts, Designs for Development, Redevelopment Plan Amendments and other comprehensive planning efforts to most effectively address the need for specific investment, amenities, design regulations and mitigations in areas that convert from industrial zoning and land use.
- Incorporate measures or conditions in the Community Plan update process to address the loss of employment lands and the need to provide amenities in areas that have not previously been planned for non-industrial use. The Community Benefits list (Section B) should be used for guidance in identifying conditions that could be considered.
- Develop a capital improvement strategy that provides appropriate infrastructure where there will be a new mix of uses.
- Revise zoning in these districts to promote uses that are compatible, prohibiting heavy industrial and/or other noxious uses.

4) CORRECTION AREAS

Short Term:

- Projects that convert industrial zoning to non-industrial zoning are generally appropriate. In such cases, Community Benefits related to industrial displacement are not required, although specific conditions may be required to address particular use juxtapositions on a site-by-site basis.

Long Term:

- Staff should seek to remedy these land use situations by establishing the proper land use and zoning through the Community Plan update process. Community Benefits related to industrial displacement are not required.
- New Community Plans should identify actions and City departments and agencies responsible for providing amenities and infrastructure in areas that have not previously been planned for non-industrial use.

5) INDUSTRIAL LAND NOT IN ILUP PROJECT STUDY AREAS

Short Term:

- Staff should continue to implement current City policy to preserve industrial zoning for employment uses. Retain industrial land designation, pursuant to adopted City policy. Applications in industrial zones outside of the ILUP Project Study Areas should be handled in the same manner as those in Employment Protection Districts (see Section A1).
- Provide more thorough analysis of projects including consistency with the General Plan Framework's Industrial Land Use and Economic Development policies, principles and criteria (Attachment B), as well as Community Plan and Redevelopment Plan goals and objectives related to job retention and expansion.
- Consider applications for live/work conversions and adaptive reuse entitlements on an area-by-area, rather than only on a project-by-project basis, i.e., consider district- or area-wide impacts of the introduction of new uses on existing industrial operations along with the discussion, analysis, and criteria contained in this memorandum.

Long Term:

- Use and build upon the body of research and recommendations contained herein during the Community Plan update process. Except in unique situations, only consider land use changes in conjunction with a comprehensive planning update effort. It is recognized that some industrial districts may have been compromised or are no longer optimal for industrial use. The Community Plan update process, in which a comprehensive planning effort can address appropriate land use and zoning in conjunction with the need for infrastructure and Community Benefits, is the appropriate mechanism for addressing such circumstances.
- When evaluating areas for industrial/employment potential:
    - Retain and improve industrial/employment districts for current and future employment uses until and unless otherwise designated through the Community Plan update process.
    - Avoid the creation of non-conforming and incompatible uses or juxtapositions of incompatible uses.
    - Explore the use of Designs for Development or Overlay Districts to institute standards and regulations to guide development.
    - Explore ways in which displaced businesses can most effectively be relocated and/or their employees directed to new employment or employment opportunities.
    - Explore design standards and approaches wherein existing industrial uses can be retained even when other non-industrial uses are introduced.
    - Work to incorporate these recommendations into other initiatives that affect industrial lands such as the City's Green Building Program, Los Angeles River Revitalization efforts, and CRA/LA's Healthy Neighborhoods Policy.

B. COMMUNITY BENEFITS

When considering approval of projects within **"Industrial Mixed Use"** and **"Transition" Districts**, staff recommendations should include Community Benefits set forth below. Such Community Benefits would be in addition to any other requirements set forth in the Los Angeles Municipal Code (LAMC), adopted Community or Redevelopment Plans, the project's environmental evaluation and clearance, or other conditions that might be appropriate based on the characteristics of the subject site and its surroundings.

If staff determines that unique circumstances suggest that approval of an application for change of use or zone in an Employment Protection District or an area not studied is appropriate, the findings for such determination must be clearly articulated[1] and the project should be required to incorporate Community Benefits to ensure compatibility and to compensate for the permanent loss of employment land. If Community Benefits are not assessed, staff must provide findings as to why the project does not require such Community Benefit(s).

The use of development agreements is strongly encouraged as a means of effectuating appropriate Community Benefits.

a. Relocation Consultation for Displaced Business

- Require the use of a relocation consultant, paid for by the applicant, to identify sites, needed entitlements at relocation sites, and other conditions which would need to be met to effectuate the relocation.

b. Job Training Assistance Fund

- Require a $15,000 payment[2] for each industrial job displaced into a City approved job training assistance fund. Assistance will be targeted to employees of displaced businesses wherever possible.

c. Minimum Job-Producing Space

- Require and appropriately design (with regard to floor to ceiling heights, clearances, access to loading docks, etc.) a minimum percentage of project floor area equivalent to at least one (1) story or 0.5 FAR, whichever is less, to be permanently maintained for industrial/employment use and occupancy.

d. Affordable Housing

- Require a minimum number of on-site affordable units in residential, mixed-use, artist housing or live/work projects, based on the following percentages: 10% very low, 15% low, or 20% moderate income. A density bonus may be used towards satisfying this requirement.
- Use covenants to restrict affordability for a minimum of 55 years; provide for shared equity recovery if the units are developed as for-sale units.

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[1] The General Plan Framework Land Use Policies 3.14.6 should be addressed in such instances.

[2] Conservative costs for assistance for displaced jobs are at least $15,000 per job, comprised of $10,000 for retraining, case management and job placement services; $2,500 for supportive services (childcare, transportation, tools/equipment); and $2,500 for wage support during training and placement. Enrollees may also need an on-the-job training subsidy to obtain specific skills for that particular employer.

- If on-site affordable units are infeasible, assess a fee for or require offsite units within a reasonable proximity to the site, but not on parcels that would exacerbate the loss of industrial land.

e. Open Space

- Require an open space fee equivalent to the Quimby fee in high-density residential (R5) zones for all housing types (including rental units), regardless of the density of the project.
- Allow offsets to the open space fee for privately created and maintained, but publicly accessible, open space.

f. Infrastructure Improvements

- Require appropriate infrastructure improvements such as sidewalks, curbs, gutters, trees, street lighting, etc. to create residential amenities in conjunction with changes to land use and/or zoning to provide residential uses. Such improvements should be designed to advance urban design, access and walkability standards appropriate to the particular site and its environs.

g. Additional Conditions Within the Artist in Residence District Only (including the potential expansion thereto):

- Require that the applicant covenant all residential or live/work units for artists[3] with a valid business license.
- Prohibit private covenants, conditions and restrictions (CCRs) that restrict "hot arts" and artists that manufacture art.
- Include a certain percentage of floor area to be designated for communal work, gallery or other artist-related uses. (This can be credited toward the Community Benefit Minimum Job Producing Space requirement).

Exceptions:

Deviations (hardship exemptions) from above Community Benefit requirements should be considered only with appropriate documentation of the hardship or unique circumstances.

[3] Per code section 12.13A,2(a)(27) Occupations limited to those that may be practiced in live/work units: accountants; architects; artist and artisans; attorneys; computer software and multimedia professionals; consultants; engineers; fashion, graphic interior and other designers; insurance, real estate and travel agents; and photographers. Similar occupations, as determined by a Zoning Administrator, may also be practiced in live/work units.

C. DCP - CRA/LA LONG TERM WORK PROGRAM GOALS AND DIRECTIONS

In addition to the geographically-specific directions set forth in Attachment A, staff should integrate the following guidance into future work programs.

1. COMMUNITY PLAN AND REDEVELOPMENT PLAN UPDATES

The City's adopted policy is to retain industrial land for job producing use. All of the City's industrial districts must regularly be evaluated and strategies developed to improve their current conditions. The premise of this regular evaluation is that the City's industrial districts should be retained and improved as centers of employment and production.

- *Revise Plans for Consistency*
  An initial step would be to employ the process used in the ILUP Project in examining industrial lands in other parts of the City. The application of this methodology should result in the classification of the City's remaining industrial lands into the typologies identified in this memorandum (see Section A). Incorporate new zoning and general plan land use designations in Community Plans and Redevelopment Plans or Plan Amendments (see section on Zoning & Building Code Revisions).

- *Identify new Industrial/Employment Districts*
  Identify and evaluate areas not currently designated for job producing uses (including areas zoned for public facilities) that could be added to the industrial/employment land supply. Determine if any such areas should be converted to new industrial/employment districts (review the typology in Section A), especially if zones are amended as discussed below.

- *Increase Industrial Floor Area Ratio (FAR)*
  Explore permitting a FAR greater than 1.5:1 in targeted higher density areas such as those located in or near planned TODs, Specific Plans or Design for Development Areas, especially where such additional density can assist in producing more jobs or job-producing space, such as residential-industrial or office-industrial mixed-use environments. If it is determined that additional FAR adds sufficient value to potential projects, this can be achieved through a floor area ratio payment such as that calculated pursuant to the formula for Transfer of Floor Area Rights (Los Angeles Municipal Code, Chapter 1, Article 4.5) so that the City receives funds to finance public improvements in these districts.

2. ZONING & BUILDING CODE REVISIONS

While manufacturing processes have changed over time, zoning regulations have not kept pace with changes in technology and industrial operations. The Zoning Code should be revised to create more refined industrial/employment districts: zones that are exclusively employment; zones that permit commercial and/or retail uses by design; those that permit other uses that can co-exist with employment uses, etc. Appropriate minimum design and performance standards should be developed for each.

- *Amend Existing Industrial Zones and Update the Range of Uses Allowed in Industrial/Employment Zones*
    - Create exclusive industrial or employment zones by revising current zones and drafting new zones. Minimize the current permissiveness in M zones that allow other uses (i.e., commercial big box and free-standing office uses by right), and apply mixed zoning only where a particular mix of uses is specifically intended or appropriate. Where non-industrial uses appear appropriate, consider permitting such uses under a conditional use process so that mitigations and performance standards can be applied to avoid their adverse impact on the by-right industrial uses. Industrial and mixed use zones should provide a hierarchy of industrial/employment and non-industrial uses, along the following lines:

        Heavy industrial/employment – for uses that involve processes which result in noxious products or by-products; involve substantially noisy processes, vibrations or smells; create substantial demand for truck and rail movements and/or operate at hours that are detrimental or adverse to other uses. Prohibit most other uses in these areas so that they are reserved for these types of production.
            - Rezone certain M2 areas to M3 areas where these heavier impact uses exist and are appropriate. Such areas include those industrial zones in the vicinity of the Harbor, areas immediately proximate to major freight transportation hubs and those with excellent access to rail and freeways.

        Moderate industrial/employment – for uses that involve processes which are generally not noxious or objectionable but whose material movement, hours of operation or transport needs make their isolation from other uses desirable, and for which the intrusion of other uses could economically result in their displacement. These may be considered appropriate buffer zones between heavy and light zones. Examples include sound stages and warehouses.

        Light industrial/employment – for uses that involve processes or procedures that generally are compatible with other (non-industrial)

uses but which could likely be adversely affected economically by allowing a substantial number of non-industrial uses in the zone. Examples include garment manufacturing, electronic assembly and research and development uses.

Industrial/employment mixed – for uses that involve processes or procedures that generally are compatible with non-industrial uses and for which a mix of limited commercial and residential uses may be reasonable. In specific areas, the mix may be limited through the use of performance standards, Qualifying ("Q") Conditions or by requiring conditional use permits. In all cases the industrial/employment use shall be a by-right use.

Service industrial/employment – for uses that are generally not compatible with neighborhood or regional commercial uses, but which provide basic business and personal services and therefore need to be located proximate to business and residential consumers. Examples include lumber yards that serve entertainment industry studios, animal hospitals and kennels, plumbing and electrical supply, and small-scale automotive repair and service.

- *Create More Dense Industrial Zones*
  - Allow increased floor area ratio (FAR) in certain industrial zones to accommodate emerging uses and changes in building typologies. Many industrial areas are limited to a 1.5:1 FAR. Increasing the allowable floor area may provide the incentive developers need to improve properties and operations. Such increase may facilitate research or office uses above or adjacent to warehouse or production areas or allow for more seamless continuity from research to production to distribution of certain products.
  - Consider a floor area or density increase in Industrial Mixed Use areas where specific types of worker housing or work-live housing may be desirable because such housing would promote more effective and efficient employment activity. Consider a floor area or density bonus for preferred industrial uses (such as projects with a high number of skilled/job ladder and living wage and higher paying jobs).

- *Amend Existing Commercial Zones*
  - Update the list of allowable uses in certain commercial (C) zones to reflect modern types of industrial uses. This would result in a broadening of areas in which compatible employment and support service uses can be located. Allow a greater range of commercial and light industrial activities within certain commercial zones in specific geographic areas.
  - Expand uses allowed in some commercial zones to include services, light industrial uses and animal hospitals, which are currently only

allowed in industrial zones, where those uses can be compatible with other commercial uses. Identify minimum design and performance standards to ensure integration of new allowable uses. Explore the use of Qualifying ("Q") conditions, conditional use permits, or performance standards to ensure compatibility of new allowable uses in C zones in specific geographic areas.

- Amend the Commercial Manufacturing (CM) Zone or develop a new zone(s) that would allow a broader range of uses such as creative office, software development, and the like, and would allow residential to coexist with these uses within new buildings. Such a zone would require a minimum number of jobs or job producing uses or spaces integrated into new housing development. This recommendation may require that both the LAMC and the Building Code be amended to allow greater vertical integration of uses.[4]

- *Address Non-Conforming Use Regulations*
  - Address the LAMC provisions governing nonconforming uses to support an orderly transition to any new land use.

- *Develop Urban Design Standards*
  - Adopt standards that promote unified, attractive industrial and employment districts. DCP and CRA/LA staff should collaborate to develop minimum standards for setbacks, massing, blank walls, landscaping, fencing, street and sidewalk dimensions, turning radii, loading zones and docks and streetscapes that enhance industrial districts and contribute to the attractiveness and effectiveness of these areas. Connections to adjacent districts should be encouraged through pedestrian and bicycle linkages where appropriate. Appropriate buffers should be developed to avoid adverse and incompatible juxtapositions of uses at the edges of such districts. Green Building Program and Healthy Neighborhood principles should be evaluated for applicability.

[4] The Building Code does not currently allow the mixing of residential and industrial occupancies within the same "unit" in a new building; such mixing is only permitted within a unit in industrial buildings converted to residential or joint live/work quarters.

3. ECONOMIC INVESTMENT STRATEGIES

The City's industrial lands cannot be revitalized and improved by planning and zoning efforts alone. A comprehensive City strategy must be developed, which may include the following activities:

- Implement the following Industrial Development Policy Initiative (IDPI) Recommendations (*refer to IDPI Phase 1 and 2 Reports for additional discussion of potential strategies*):
  - develop an economic development strategy,
  - revise the tax structure for industrial businesses,
  - appoint an ombudsman for industrial retention and attraction, and
  - enhance workforce development strategies, employee retraining and funding for such programs.
- Develop infrastructure analyses and capital improvement plans for industrial/employment areas.
- Provide relocation assistance to businesses in identified Employment Protection Zones.
- Consider concerted effort to attract industries that develop green technologies.
- Cooperate with other agencies to identify and implement economic development strategies. For instance, the Community Development Department oversees the implementation of state and federal Enterprise and Empowerment Zones in the City. These economic incentive zones provide business tax relief, reduced water fees, reduced parking requirements and increased allowable heights within designated areas. Designated areas retain these incentives only when a certain minimum percentage of industrial uses are present.
- CRA/LA should enhance its work program to acquire and prepare sites for industrial development (for example, the bio-medical park currently being formed in the CRA/LA Adelante Eastside Redevelopment Project Area, adjacent to the Los Angeles County Whiteside Redevelopment Project Area).
- Consider the creation of mechanisms to foster additional industrial clusters such as studio and entertainment production, creative industry, logistics, "green industries" and so forth.
- Consider the creation of publicly-owned Industrial Parks to ensure affordable space for industrial tenants, and to allow the creation of industrial buildings that the market may not be able to deliver such as multi-story structures.
- Pursue University Industrial Partnerships: Industrial districts present a unique opportunity to develop a technology campus where research and development, and academic instruction can be co-located. A limited amount of housing to directly support academic research and visiting staff /employees could be developed in a new zone or overlay area.

- Pursue Private/Public partnerships to provide new public facilities in conjunction with new development.
- Develop a City-CRA/LA Team to monitor the inventory of industrial/employment land and to evaluate the effectiveness of the City's industrial/employment land use policies.
- Explore the establishment of funding strategies such as impact fees to pay for capital improvements and offset impacts of transition from industrial uses.
- Expand CEQA analyses of industrial zone changes to better address impacts to public services, land use, transportation and infrastructure.

Attachment A:
GEOGRAPHICALLY-SPECIFIC STAFF DIRECTIONS (see Map Packet)

1) Citywide Industrial Land Index Page (map of Studied Areas)
2) Sub Area Index Map & Summary Statistics: Acreage and Employment Data, and Typologies Description
   Sub Areas:
   - Central City - Alameda
   - Central City - Downtown
   - Boyle Heights
   - Southeast Los Angeles
   - Central City North - Chinatown
   - West Los Angeles
   - Hollywood
3) Analysis Area Maps & Detailed Staff Directions: Acreage and Employment Data, Existing Land Use Summary, Plan Overlay & Special Districts (*30 map pages*)

Attachment B:
LOS ANGELES' INDUSTRIAL LAND: SUSTAINING A DYNAMIC CITY ECONOMY

Introduction and Background

I) Industrial Land and Zoning In Los Angeles

- Industrial Zones and the Industrial Sector
- Industrial Land Supply in Los Angeles
- Evolving Industrial Districts
- Strategic Importance of Downtown Los Angeles
- Land for Emerging Industry Sectors

II) The Importance of Industrial Land to the Los Angeles Economy

- Los Angeles' Industrial Workforce
- "Ripple Effects" to the Los Angeles Economy

III) Real Estate Economics Shaping Industrial Land Uses in Los Angeles

- Current Industrial Demand and Vacancy Rates
- Demand for Housing in Industrial Districts
- Opportunities for Housing Development throughout Los Angeles
- Economic Impact of Conversion to Housing on the City's General Fund
- Impacts of Industrial-to-Residential Conversion on the City's Long Term Development

Conclusion

Appendices

1. Methodology / Analytical Framework
2. General Plan Framework—Land Use and Economic Development Excerpts
3. Other Existing Policies That Shape Industrial Districts
4. Other Cities' Industrial Land Use Policies

Attachment C:
SUPPORTING MATERIALS

1) Memo from Bud Ovrom, Deputy Mayor, to General Managers requesting recommendations and strategies to preserve city's industrial zones, December 12, 2005.
2) ILUP Research Memorandum, "Downtown Housing – Relative Affordability of Downtown Core and Industrial Units," Keyser Marston Associates, October 27, 2006.
3) ILUP Research Memorandum, "Industrial to Residential Land Use Conversion – Comparative Land Value Analysis," Keyser Marston Associates, January 27, 2007
4) ILUP Research Memorandum, "Industrial Land Use Conversion – San Jose Experience," Keyser Marston Associates, March 27, 2007.
5) ILUP Research Memorandum: "Residential and Industrial Area Comparison," Keyser Marston Associates, June 26, 2007.

COPIES TO: Honorable Mayor Antonio Villaraigosa
Honorable City Councilmembers
City Planning Commissioners
Community Redevelopment Agency Commissioners
Deputy Mayor Bud Ovrom
Deputy Mayor Helmi Hisserich
Deputy Mayor Larry Frank
Chief Legislative Analyst Gerry F. Miller

RICHARD PLATKIN BIOGRAPHICAL STATEMENT

Richard (Dick) Platkin is a retired city planner with 30 plus years of experience working in the public sector (Seattle and Los Angeles), as well as the private and nonprofit sectors in Los Angeles.

Since retiring from the LA City Planning Department, he has taught planning classes at the University of Southern California and California State University - Northridge, consulted to many community groups in Los Angeles, and joined the boards of the Beverly Wilshire Homes Association, East Hollywood Neighborhood Council Planning Committee, and Planners Network. He also writes a regular column on planning issues in Los Angeles for City Watch LA, and previously for Ron Kaye's LA. He also has edited two special issues of Progressive Planning, the journal of the Planners Network.

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EDUCATION

1981	Candidate in Philosophy (C. Phil.) in Sociology, University of California, Los Angeles
1977	Master of Arts (M.A.) in Sociology, University of California, Los Angeles Focus: Urban Sociology, Race and Ethnic Relations, Political Sociology, Survey Research, Religion
1972	Master of Urban Planning (M.U.P.), University of Washington, Seattle Focus: Housing Policy and Programs, Economic Development, Community Planning
1968	Bachelor of Arts (B.A.) in History, University of Michigan, Ann Arbor Focus: 20th Century United States, Cinema

TEACHING INTERESTS

Urban	Planning for the Natural and Built Environment, Sustainable Cities, The Urban Scene, Third World Cities, Policy Making for Planners, Communities Neighborhoods and Planning, Planning for Community Development, Planning Careers, Planning in the Public Sector, Los Angeles-Enduring Pueblo, Los Angeles: Past, Present, Future, Automobile and the City, Community Organization, Internship Advising, Growth and Development of Cities, Planning the Multi-Ethnic City
Sociology	Environmental Sociology, Introduction to Sociology, Social Problems, Race and Ethnic Relations, Urban Sociology, Political Sociology, Stratification, Economic Sociology, Mass Media, Religion, Jewish Community, National Movements and States, Modern Middle East

TEACHING EXPERIENCE

2013	California State University Northridge, URBS 380 - Los Angeles: Past, Present, Future (Summer 2013).
2011- 2014	University of Southern California, Sol Price School of Public Policy, Adjunct Instructor for PPD 461, Sustainable Communities, Policy and Planning. (Spring 2011, 2012, 2013, and 2014. Fall 2012 and 2013).
2010	Course on Los Angeles Planning Issues and Processes for Sunland-Tujunga Neighborhood Council (May - September 2010).

2010	Course on Los Angeles Planning Issues and Processes for Valley Village Neighborhood Council and adjacent community organizations (February - March 2010)
1984	Instructor, California State Polytechnic University - Pomona Department of City Planning: Infrastructure and Community Facilities
1982	Lecturer, Diaspora Museum, Tel Aviv, Israel: Sociology of American Jewish Community
1976-1978	Graduate Teaching Assistant, University of California - Los Angeles, Department of Sociology: Urban Sociology, Political Sociology, Economic Sociology, Race and Ethnic Relations Introduction to Sociology, American Jewish Community
1971-1972	Graduate Teaching Assistant, University of Washington Department of Urban Planning: Introduction to Urban Planning, Urban Social Problems, Ethnic Communities

GUEST LECTURES AND PRESENTATIONS

Anti-Mansionization Strategies, Plan Check - Neighborhood Councils, Los Angeles, California, February 2015.

The Slow Collision - US and Israeli Government at Odds, Interfaith Communities United for Justice and Peace, Los Angeles, California, December 2014.

The Growing Schism between the U.S. and Israeli Governments, US Campaign National Conference, San Diego, California, September 2014.

US Government Foreign Policy Regarding Gaza, Levantine Cultural Center, Los Angeles, California, August 2014.

The Urban Growth Machine and Climate Change, Planners Network National Conference, New York City, June 2013 (in press for Progressive Planning)

Impact of Arab Spring on Modern Middle East, University of LaVerne, June 2012.

Specific Plans in Los Angeles, Strategic Actions for a Just Action (SAJE) Workshop, Los Angeles, March 2012.

The Community Plan Update Process in Los Angeles, Planning 120, UCLA, March 2012.

Evaluation of the Hollywood Community Plan Update, Neighborhood Council Alliance, Los Angeles, February 2012.

Occupy Wall Street and U.S. Foreign Policy, Levantine Cultural Center, Los Angeles, December 2011

Sociological Analysis of the Occupation Movements, University of California - Irvine, November 2011

Deterioration of the Planning Process in Los Angeles, York University, Toronto, Canada, October 2011.

Evaluation of Occupy Los Angeles and Related Protest Movements, York University, Toronto, Canada, October 2011.

Israeli Policy Responses to the Arab Spring, LaVerne College, May 2011

Updating Community Plans, PlanCheckNC, April 2011

Updating the Los Angeles General Plan, PlanCheckNC, February 2011

Introduction to Planning - Planning 101, Valley Alliance of Neighborhood Councils, November 2010

Roots of Israeli and Palestinian Nationalism, Pierce College Sociology Department, May 2010

Planning and Zoning Issue in Los Angeles, PlanCheckNC (Los Angeles Neighborhood Council Alliance), May 2010

The Israeli-Palestinian Conflict and U.S. Policy in the Middle East, San Diego State University, April 2010

Overview of the Planning Process in Los Angeles for Masters Students, University of Southern California, March 2010

Gears of War Series, Prospects for War and Peace in the Middle East, University of California-Irvine, March 2010

L.A.'s Planning Crisis and What Should be done about It, Harbor Alliance of Neighborhood Councils, January 2010

How Local Communities can be Proactive on Planning Cases, Sunland-Tujunga Neighborhood Council, December 2009

Effect of the Great Recession on the Infrastructure Crisis, LaCanada-Flintridge Democratic Club, November 2009

Assumptions behind the Community Plan Update Process in Los Angeles, series for Hollywood area neighborhood councils, Los Angeles, October-November 2009

Recession and Recovery for American Cities, West Los Angeles College Associated Student Organizations, Culver City, California, June 2009

Poor Enforcement of Conditions on City Planning Cases -- Causes and Proposals, Valley Regional Neighborhood Congress, Panorama City, Los Angeles, May 2009

Social Construction of Israeli and Palestinian Nationality, Pierce College Sociology Department, Los Angeles, May 2009

The U.S. Infrastructure Crisis: Its Causes, Consequences, and Possible Solutions, Democratic Club of Claremont, Claremont, California, March 2009

Report on Visit to Israel during Gaza War, Interfaith Communities United for Justice and Peace, Los Angeles, March 2009

Gears of War Series: Middle East Policy of the Obama Administration, University of California-Irvine, February 2009

A Call for Peace in Israel and Palestine, University of Southern California Social Work Caucus, Los Angeles, February 2009

Dynamics of U.S. Policy in the Middle East after Bush, University of Southern California, Los Angeles, February 2009

Los Angeles's Neo-liberal Growth Machine: How City Planning Really Works in the City of Angels, Department of Geography, Ben Gurion University of the Negev, Be'er Sheva, Israel, January 2009

The Presidential Elections and U.S. Military Strategy in the Middle East, West Los Angeles College, November 2008

U.S. Strategic Interests in Middle East Oil and Gas Reserves and the 2008 Elections, Pierce College Sociology Club, October 2008

The 2008 Elections and U.S. Energy Interests in the Middle East, Santa Monica Friends Congregation, October 2008

U.S. Strategic Interests in the Middle East and the 2008 Elections, Los Angeles Valley College AFT Chapter, October 2008

U.S. Interests in the Middle East and the Presidential Elections, Interfaith Communities United for Peace and Justice, September 2008

U.S. Energy Interests in the Middle East, University of California - Davis, May 2008

U.S. Strategic Interests and the 2008 Elections, University of California - Irvine, Department of Sociology, April 2008

Analysis of The Israel Lobby by Steve Wald and John Mearsheimer, Orange County Cousins Club, February 2008

History and Dynamics of the Israeli-Palestinian Conflict, University of California - Irvine, November 2007

Comments on The Israel Lobby by Steve Wald and John Mearsheimer, University of Southern California, November 2007

Designing Livable Communities, University of Southern California's School of Policy, Planning, and Development, October 2007

Dynamics of the Israel-Palestinian Conflict, University of California - Irvine Department of Sociology, April 2007

Social Construction of Ethnicity, Pierce College, Department of Philosophy and Sociology, February 2007

Was the Los Angeles 1992 Civil Disturbance an Urban Rebellion or a Race Riot? University of Southern California Planners Network Film Series Panel, November 2006

Political and Economic Factors in Designing Livable Communities, University of Southern California, School of Policy, Planning, and Development, October 2006

Forum on the Second Gulf War, University of California - Irvine, Department of Sociology Department, May 2006

Sociology of Nationalism - The Case of the Middle East, Pierce College's Department of Philosophy and Sociology, March 2006

Neoliberalism Alive but not So Well in the City of Angels, University of Southern California Planners Network Series on Urban Issues, Los Angeles, February 2006

The Energy Crisis and the Design of Livable Cities, University of Southern California, School of Policy, Planning, and Development, November 2005

History and Dynamics of the Israeli-Palestinian Conflict, University of California - Irvine, Sociology Department, October 2005

Second Gulf War, University of California - Irvine, Department of Sociology, February 2004

Overview of Modern Middle East Politics, University of California - Irvine, Department of Sociology, November 2003

Social Construction of Ethnicity, Pierce College, Department of Philosophy and Sociology, January 2005

Domestic Civil Liberties in the United States during World War I, Pasadena Community College, Department of English, October 2004

Overview of Planning in Los Angeles, California State University - Northridge, Department of Geography, March 2001

Los Angeles Civil Disturbance of 1992, University of Utrecht (The Netherlands), Department of Geography, February 1993

PROFESSIONAL EXPERIENCE

2013	Adjunct Instructor, California State University Northridge
2011-date	Adjunct Instructor, Sol Price School of Public Policy, University of Southern California
2007-date	City Planning and Land Use Consultant
1999-2007	City Planner, Department of City Planning, City of Los Angeles
1988-1999	City Planning Associate, City of Los Angeles Department of City Planning
1987	Planning Associate II, Los Angeles Department of Transportation
1984-1987	Senior Planner, Commuter Computer/Commuter Transportation Services
1984	Instructor, California State Polytechnic University, Pomona
1982-1984	Senior Research Associate, The Planning Group
1979-1981	Research Director, South Central Economic Research and Development Associates
1979-1980	Evaluation Research Consultant, B'nai Brith District Six, Los Angeles
1976-1978	Graduate Teaching Assistant, UCLA Department of Sociology
1974-1975	Associate Editor, Viewpoint Magazine, Jerusalem, Israel
1972-1973	Program Coordinator II, City of Seattle Department of Community Development
1971-1972	Graduate Teaching Assistant, University of Washington Department of Urban Planning
1968-1970	VISTA Volunteer at Seattle Housing Authority, Volunteers in Service to America, Federal Department of Economic Opportunity

AWARDS AND COMMENDATIONS

2007	Commendation from Los Angeles Mayor Antonio Villaraigosa for Economic Development Planning in the San Fernando Valley
1998	Commendation from Los Angeles City Council for the Department of City Planning's South Central Task Force
1997	American Planning Association's Donald G. Hagman Award for the South Central Task Force
1996	Commendation from the Los Angeles City Council for the General Plan Framework
1992	Commendation from the Los Angeles City Council for the Ventura/Cahuenga Boulevard Corridor Specific Plan
1988	Commendation from the Los Angeles City Council for the San Fernando Valley Light Rail Blue Ribbon Committee

PUBLICATIONS AND CONFERENCE PAPERS

Platkin R., How the Planning Profession Contributes to Climate Change, Progressive Planning, Summer 2013.

Platkin R. and Kennedy, M, Co-editors of Special Issue of Progressive Planning on Los Angeles, July 2012. Author of Introduction to the Special Issue and article on Los Angeles's 1992 Civil Disturbance.

Platkin R., The 1992 Los Angeles Civil Disturbance: Riot or Rebellion? Planners Network National Conference, Memphis, Tennessee, May 2011.

Platkin R., Causes, Impacts, and Response to Fiscal Crisis in American Cities, Chair of Panel at Planners Network National Conference, UC Berkeley, June 2010.

Platkin, R., Los Angeles Throws General Plan Overboard, Progressive Planning, June 2010

Platkin, R., Prospects for Major American Cities in the Age of Obama, Progressive Planning, October 2009

Platkin, R., The Urban Policy of the Obama Administration: Cash-infused neo-Liberalism or another New Deal, Roundtable at American Sociological Association, San Francisco, August 2009

Platkin, R., Neo-Liberal Governance in Los Angeles, Planners Network National Conference, University of Minnesota, 2005

Platkin, R. Urban Infrastructure Disinvestment: A Los Angeles Story, Planners Network National Conference, University of Massachusetts - Lowell, 2001

Platkin, R. and Rosenbloom, B. (eds) Alternatives to the Urban Growth Machine, Special Issue of Progressive Planning, Journal of the Planners Network, 1999

Platkin, R., Review of When Work Disappears by William J. Wilson, Progressive Planning, Journal of the Planners Network, 1998

Platkin, R., Accounting for Market Factors in City Planning Municipal Practice, Planners Network National Conference, Pratt Institute, Brooklyn, N.Y., 1997

Platkin, R., Recent Ridesharing Research and Policy Findings, Transportation Research Record, Transportation Research Board of the National Research Council, 1988, 1130:20-27

Platkin, R., Accounting for Anti-Semitism: Perspectives of Jewish Defense Organizations, Sociology of the Jewish Community, Pacific Sociological Association, Anaheim, California, 1987

Platkin, R., Business Profile of the Los Angeles Special Impact Area, South Central Economic Research and Development Associates (SCERDA), 1979

CERTIFICATIONS

1987	American Institute of Certified Planners (AICP), professional city planning certification through American Planning Association

COMMUNITY AND PROFESSIONAL SERVICE

2014-date	Planners Network Advisory Board
2014-date	Israeli Committee Against House Demolitions - USA, National Board.
2011-date	East Hollywood Certified Neighborhood Council, Planning and Land Use Committee
2009-2012	Interfaith Communities United for Justice and Peace, Board of Directors
2007-date	Beverly Wilshire Homes Association, Board of Directors
2000-2004	Editorial Board of Progressive Planning, journal of the Planners Network Co-editor of Progressive Planning issues on the *Urban Growth Machine* (1999) and *Los Angeles* (2012)
1995-2003	Engineers and Architects Association elected and appointed positions, including Board of Governors (Steering Committee), contract negotiating committees, unit councils, and task forces for municipal budget and governmental relations

1998-2003	Hamilton High School Shared Decision Making Council
1997-2000	Planners Network National Steering Committee, elected member
1997	Planners Network, host committee for annual national conference at California Polytechnic University - Pomona
1980	American Planning Association, host committee member for national conference in Los Angeles

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Version 041415

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- Professional recognition through AICP, awards, and commendations.
- College level classroom instruction and lectures in Urban Planning and Sociology.
- Professional planning experience in public, non-profit, and private sectors, including advocacy planning.
- Strong academic training, including Masters in Urban Planning (MUP) and Masters (MA) and Candidate in Philosophy (C. Phil.) in Sociology.
- Eleven years of managerial and supervisory city planning positions.
- L.A. City Planning Department assignments for neighborhood councils and public participation, General Plan elements, Community Plan updates, personnel issues, project management, case processing and appeals, Community Design Overlay (CDO) and Specific Plan preparation and adoption, Streetscape Plans, Design Review Boards, and public hearings and zoning cases.
- Experienced liaison with Los Angeles City Council offices, City departments, outside agencies, private consulting firms, media, citizen boards, and community groups.
- Recognized written and oral communication skills.

PROFESSIONAL EXPERIENCE

University of Southern California, Sol Price School of Public Policy.
Instructor for PPD 461, Sustainable Communities, Policy and Planning, 2010-11 to date.

California State University – Northridge. Instructor in URBS 380: Los Angeles: Past, Present and Future, Summer 2013.

City Planning and Land Use Consultant (2007 to date)
Los Angeles-based consulting specializing in urban planning, applied social research, land use and urban design, and community development projects. Clients include Silverstein Law Corporation, Sunland-Tujunga Neighborhood Council, Harbor Gateway Neighborhood Council, Old Granada Hills Neighborhood Group, South Granada Hills Neighborhood Council, Fix the City, Valley Village Neighborhood Council, La Mirada Avenue Neighborhood Association, East Hollywood Neighborhood Council, La Brea Coalition, Los Angeles Neighbors United, North Hills Community Council (directed development plan), Community Health Councils, Inc., and UNIDAD/SAJE (Strategic Actions for a Just Economy) to coordinate with City planning initiatives.

City Planner, Los Angeles Department of City Planning (1999 - 2007)
North Valley Unit (2001-2003, 2005-2007) -- Supervised preparation, adoption, and implementation of Specific Plans, Design Guidelines, Interim Control Ordinances, Community Design Overlays, Streetscape Plans, and preparation and adoption of Sphere of Influence. Hearing Officer. Coordinated inter-departmental planning process for Van Nuys Corridor, include MTA grant applications.
Neighborhood Council Liaison Unit (2003-04) – Developed and presented training materials to Certified Neighborhood Councils (CNCs), replied to oral and written questions, maintained Early Notification System data base, and compiled monthly CNC contact data.
Specific Plan Unit (1999-2001) Administration of the Mulholland and Ventura/Cahuenga Boulevard Specific Plans. Supervised preparation of CDOs and Streetscape Plans for Van Nuys, Canoga Park, Panorama City, and Pacoima communities.

City Planning Associate, Los Angeles Department of City Planning (1987 - 1999)
General Plan Framework Element -- Conducted citizen participation and public outreach for development and adoption of Framework and EIR. Reviewed consultant work. Coordinated SCAG's Access planning data base project.
Citywide Planning - Scoped, researched, and wrote sections of Transportation Element. Represented Planning Department at San Fernando Valley Blue Ribbon Light Rail Committee.
Community Planning - Project manager of Ventura/Cahuenga Corridor Specific Plan. Lead preparation, adoption, implementation, and revisions of plan. Approved Specific Plan and ICO cases. Liaison with City Council offices, City departments, press, and EIR and transportation consultants. Chaired Citizen Advisory Committee (CAC) and established Plan Review Board (PRB). Presented to CAC, PRB, GPAB, CPC, PLUM, and Council. Wrote workshop materials, ordinances, staff reports, findings, procedures manual, and sections of DEIR and FEIR. Revisions of Southeast and South Central community plans.
Design Review Boards - Prepared case analyses, Directors Determinations, plan approvals, design and

streetscape guidelines and ordinance amendments. Advised applicants; Council Offices; and City departments on Specific Plans. Administered case files, agendas, notices, and annual calendar.

L.A. City Department of Transportation, Transportation Planning Associate II (1987)
Administered transit contracts. Conducted workshops for contractors.
Served on Interdepartmental Prop. A - Prop. C Allocation Committee.

Commuter Transportation Services/Commuter Computer, Senior Planner (1984 - 1987)
Directed technical studies for SCAG, regional commuter surveys, monthly Caltrans reports, and site-specific transportation demand management plans.
Managed annual work programs and budgets; defined, monitored, and supervised projects; wrote and edited reports; hired, trained, and assigned professional staff; conducted personnel reviews and evaluations; designed and trained staff on computer systems; office space planning. Co-prepared agency's five-year strategic plan.

The Planning Group, Senior Research Associate (1982 - 1984)
Managed projects and supervised work products related to Metrorail Milestones and Environmental Impact Study (EIS), freeway construction, and economic development.
Prepared and presented responses to RFPs, RFQs, and grant applications.

South Central Economic Research and Development Associates (SCERDA) (1977 - 1981)
Research Director for Department of Commerce funded agency.
Designed, conducted, and applied original research on South Central Los Angeles for economic development programs, including employer surveys and industrial land use inventories.
Directed applied research unit, including staff recruitment and training.

City of Seattle Department of Community Development, Program Coordinator II (1972 - 1973)
Liaison with Federal Housing Authority and local affordable housing developers in Seattle's downtown.
Prepared comprehensive report on downtown housing conditions, trends, and policies.

Volunteers in Service to America (VISTA Volunteer) (1968 - 1970)
Community liaison for Seattle Housing Authority and Seattle School District.

AWARDS AND COMMENDATIONS

American Institute of Certified Planners (AICP)
Mellon Fellow at University of Washington Department of City Planning
Commendations from Department of City Planning for Ventura Specific Plan, Framework, South Central Task Force, and San Fernando Valley Light Rail Blue Ribbon Committee
City Council Commendations for Ventura Specific Plan and General Plan Framework
Donald G. Hagman award from APA for City Planning's South Central Task Force
Mayoral Commendation for economic development projects in Panorama City

ACADEMIC TRAINING AND CONTINUING EDUCATION

University of California, Los Angeles. M.A. and C. Phil. in Sociology,
University of Washington, Seattle. Masters in Urban Planning (MUP)
University of Michigan, Ann Arbor. B.A. in History
Classes in supervision, project management, administration, citizen participation, business writing, public speaking, computer software, emergency response.
Professional conferences of American Planning Association, American Sociological Association, Planners Network, Ethnopolis, Livable Communities, and Operation Mainstreet.

COMMUNITY SERVICE

- East Hollywood Certified Neighborhood Council, Planning and Land Use Committee (2011-date)
- Beverly Wilshire Homes Association, Board of Directors (2007 to date)
- Interfaith Communities United for Justice and Peace, Board of Directors (2009 to 2012)
- Planners Network, elected member of national steering committee (1997 - 2000)
  Host Committee for 1997 Planners Network national conference at Cal Poly Pomona
  Host Committee for 2012 Planners Network events in Los Angeles
- Engineers and Architects Association, Board and other elected positions (1995 - 2003)

EXHIBIT A

Executive Office

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

April 8, 2015

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

FROM: Michael LoGrande, Director of Planning

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

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

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

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

Please submit the following materials:

1. A brief 1-2 page cover letter describing the development proposal, the existing land use designation and zoning, the proposed General Plan Amendment request, other requested entitlements, existing site conditions, and the surrounding uses and neighborhood character.

2. 8 1/2 x 11 color maps indicating the existing and proposed land use designations and zoning.

3. Any additional exhibits including site plans, renderings or photographs that will assist the Department's Management Team in their initial review of your proposal.

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

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

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

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

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

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

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

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

EXHIBIT B

LA WEEKLY

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

BY STEVEN LEIGH MORRIS WEDNESDAY, FEBRUARY 27, 2008 | 8 YEARS AGO

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

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

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

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

"This is disastrous for the city.

"Disastrous.

"Zoning has to mean something in this city."

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

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

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

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

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

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

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

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

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

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

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

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

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

Rena Kosnett

(Click to enlarge)

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

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

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

Their template could force urbanism onto all but the most protected enclaves of Los Angeles. The truly protected spots are "R1-zoned" – or single-family-residential only – 318,602 of the city's roughly 1.4 million housing units. The other 75-plus percent of housing units in Los Angeles – including thousands of homes in single-family neighborhoods that residents assume are R1 when they are not – could potentially be "up-zoned" for apartment towers and condos. Some of the most vulnerable areas are the eastern and western ends of the San Fernando Valley – the last quadrants containing some open space.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Quan consults her computer, tapping buttons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

But they're not.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Contact: Steven Leigh Morris Follow: L.A. Weekly L.A. Weekly

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EXHIBIT C

CITY OF LOS ANGELES
CALIFORNIA

WALTER C. THIEL
CITY CLERK

OFFICE OF
CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIF. 90012
MADISON 4-5211

WHEN MAKING INQUIRIES
RELATIVE TO THIS MATTER,
REFER TO FILE NO.

132460

SAM YORTY
MAYOR

December 21, 1966

Los Angeles County Grand Jury for 1966
548 Hall of Justice
Los Angeles, California 90012

Planning Committee

In accordance with Council Rules, communication from the Los Angeles County Grand Jury for 1966, submitting zoning study report on zoning case in West Valley section and recommending that study be made in zoning matters, was referred to the Planning Committee.

Walter C. Thiel

City Clerk

km

Planning Commission

DEC 21 1966

ZONING STUDY REPORT & RECOMMENDATIONS

On November 22, 1966, this Grand Jury completed its investigation with respect to a complex zoning case in the West Valley section of Los Angeles. The evidence before us indicated that a developer had represented to his partners that he could secure favorable zoning treatment from the City of Los Angeles in exchange for payment of monies. While this jury could not legally conclude that such monies were actually paid for the very favorable zoning obtained by the developer, there were many circumstances in the case that caused us grave concern. Mainly, this body heard evidence indicating that the zoning sought in this case had adverse recommendations from every city agency that considered the application from its inception and, yet, when the matter was finally appealed to the Los Angeles City Council, the developer was successful in reversing all of these agencies that had previously considered the application. As a result of our concern generated by this case, we undertook a supplemental zoning study and heard testimony from several knowledgeable and informed persons in the field of zoning. We regretfully report that evidence we heard demonstrated that influence can and has been and in all probability will be exerted through the medium of campaign contributions, political obligations and friendships. This Grand Jury feels that it might be of assistance to issue certain recommendations as a result of conclusions reached from considering this evidence. Therefore, in the spirit of hope for continuing progress in the field of efficient and honest government practices at all levels and in all fields, the following recommendations are made:

DECEMBER 21 1966

PLANNING COMM.

1. That specialists in the field of zone problems who have been identified by various terms such as land consultants, expediters, zoning advisors, etc., be required to register as practitioners in that line of work and that certain minimal ethical standards be established for the conduct of their affairs. It appears that these men perform a valuable function for persons desiring land zoning changes, but that representation is totally unregulated and that community interests would be better served by knowledge of who performs these types of services, when their services are performed and by whom they are employed.

2. While there is no doubt that the zoning and classification of property is a complex field encompassing a multitude of applicable laws, it is nonetheless a function of government that should allow an individual owner an opportunity to apply for desired zoning without necessarily employing a specialist to represent him at great additional cost. It would appear compatible with sound governmental practices to provide ample public information through knowledgeable governmental employees to that individual seeking a zoning change by his own individual efforts. This information should minimally include advice on applicable standards and guidance in the procedures to be followed in prosecuting an application.

3. While we discuss zoning as a general term, we, of course, also wish to include different forms of zoning which would embrace Conditional Use Permits. The evidence before us indicates that in most forms

of zoning reclassification, the Mayor, as an elected public official, has veto power. However, in a Conditional Use Permit no such veto power exists and the ruling of the City Council is final. It is, therefore, recommended that appropriate legislation be passed to authorize veto power on the part of the elected executive officer of the city on all property reclassification cases and that such an additional check and balance would serve in the best interest of the community.

Evidence further disclosed that rulings of the Board of Zoning Adjustments are final and not appealable other than by expensive recourse to the courts. It is submitted that the interests of the community would be better served if the ruling of this agency were appealable to the City Council with veto power by the Mayor, and it is so recommended.

4. A growing area of concern in all levels of government has been in the field of conflicts of interest, that is, where an official called upon to act in a given field might have some interest in that field which would inhibit that official from acting in a wholly objective and uninfluenced manner. Certainly, the field of zoning administration ranks high as a field of governmental activity calling for regulation of the officials practicing in said field to be free of any conflicting interest. For one example, it is certainly plain to see the disservice to the public interest if an official called upon to vote on some zoning matter,

passage of which would obviously enhance the value of surrounding land, did, in fact, own an interest in some of that surrounding land. Therefore, it is recommended the immediately upon appointment and/or election, whichever applies, and every six months thereafter while on the City Planning Commission, Board of Zoning Adjustments, or City Council, each member of those bodies shall file a sworn affidavit with the Mayor and City Attorney of Los Angeles listing all real estate properties, their location, zone and use, in which he has any direct or beneficial interest and any part of which are within the city limits of Los Angeles or within five hundred feet outside its borders, except that only his percentage ownership of total stock outstanding need be reported in companies owning more than ten parcels of land so located. These lists shall be confidential and for official reference of the Mayor and City Attorney and any duly authorized law enforcement agency only, unless clear cause has been demonstrated for indirect reference to or release of the lists in whole or in part by the City Attorney. The lists submitted by each member of the City Planning Commission, Board of Zoning Adjustments, and City Council shall be returned to him within ten days after he no longer serves on the Commission.

5. In the spirit of promoting greater public knowledge and awareness of what different governmental units are doing, it is recommended that except in public meetings or in the regular governmental offices of the City Planning Department and City Council in City Hall, discussion of zone changes by applicants, their representatives, and other directly

interested parties with members of the City Planning Commission and members of the City Council be incorporated as part of the Brown Act.

6. At any formal hearing wherein the advisability of granting, changing, or modifying zoning is under consideration, both the proponents and opponents shall be placed under oath.

7. The applicant shall, under penalty of perjury, file with the City Clerk a detailed list of any campaign contributions made or promised to any elected official who may vote on the application, said affidavit must be made at least five days before the hearing and must be a part of the file.

8. Finally, in view of our concern over the evidence in the case which gave rise to this zone study, to wit rejection of the zoning application until it was finally passed upon at the Councilmanic level, it is recommended that when the recommendation of the City Planning Commission on any matter before it under the provisions of the City Charter is 1) in accordance with the Master Plan adopted by the Commission, and 2) substantially the same as the recommendation of the City Planning Department to the Commission, a four-fifths vote of the City Council shall be required to reject the recommendation of the Commission; or, if the zoning requested is 1) not in accord with the Master Plan adopted by the Commission, and 2) the application is rejected by the Planning Department and the Planning Commission, a four-fifths vote of the City Council should be required to reverse the rejection of the

City Planning Department and the City Planning Commission.

CONCLUSION: In conclusion, the Grand Jury has heard much evidence that demonstrates existing wrongs in the field of zoning administration which are subject to correction. Yet our study was one limited to evidence growing out of only one case. It is apparent that a projected and in-depth study of this field is not only overdue, but one which would be invaluable to the interests of our community. It is our recommendation that such a study be undertaken as soon as possible. While it is not within our purview to set forth guidelines for such a study, common sense dictates that such a study should be undertaken by an agency which is in no way answerable to any of the city agencies which are objects of the study itself.

EXHIBIT D

West Valley Property Owners' Association

P. O. Box 170 Canoga Park, California A Non-profit Corporation

February 11, 1969

Mr. L.E. Timberlake
President, City Council
Room M-45
City Hall
Los Angeles, Calif.

Ref: Citizens Committee on Zoning Practices and Procedures
Council File #132,460, dated January 21, 1969

Gentlemen:

It is respectfully requested that the following statement be read into the record of the deliberations presently being conducted by the City Council on the abovementioned Council File item.

In 1966 a mandate was delivered by the Grand Jury to enact proper zoning practice reforms to prevent a re-occurance of the shocking scandals surrounding certain zoning cases. Since that time, we have seen several public officials brought to trial and convicted on various charges. One case, still before the courts, involves a member of the Los Angeles City Council.

The Citizens Committee on Zoning Practices and Procedures has proposed a number of recommendations, which we as homeowners feel constitutes a "Bill of Rights" that would go a long way toward guaranteeing us reasonable assurance that the Master or General Plan in each area will be upheld.

We have recently conducted a survey of homeowners in the West San Fernando Valley on a number of subjects. Among the results of this survey, one fact stands out: the confidence on the part of the public in their elected officials has been severely shaken. Homeowners are becoming increasingly critical of the local government that enacts legislation and zoning decisions that adversly effects their property.

The homeowners in the West Valley feel that the Citizens Committee recommendations be placed on the ballot intact, allowing the voters to decide who should have the final authority on zoning matters. We feel that it should be a judicial matter, rather than a legislative decision. It is our considered opinion that the City Council has a moral obligation to the public to allow this matter to be presented to the electorate in the form in which it was written, rather than having it emasculated through the elimination of the recommendations on the procedures covering conditional use.

RECEIVED
FEB 13 1969
L. E. TIMBERLAKE

Sincerely,

Byron Slater, President

EXHIBIT E

A PROGRAM TO IMPROVE PLANNING AND ZONING IN LOS ANGELES

SUMMARY

CITIZENS COMMITTEE ON ZONING PRACTICES AND PROCEDURES

FIRST REPORT TO THE MAYOR AND CITY COUNCIL

LOS ANGELES, CALIFORNIA / JULY 1968

MAYOR
Sam Yorty

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Ninth District	Gilbert W. Lindsay
Tenth District	Thomas Bradley
Eleventh District	Marvin Braude
Twelfth District	Robert M. Wilkinson
Thirteenth District	Paul H. Lamport
Fourteenth District	Arthur K. Snyder
Fifteenth District	John S. Gibson, Jr.

MEMBERS OF THE CITIZENS COMMITTEE ON ZONING PRACTICES AND PROCEDURES

Fletcher Bowron, Chairman
Mayor, City of Los Angeles, 1938-1953
Judge, Superior Court, 1926-1938, 1956-1962

Rudolph Ostengaard, Vice Chairman
Vice President, United California Bank

Dr. John C. Bollens
Professor of Political Science, University of California, Los Angeles
Director, Study of Los Angeles City Charter and Government, 1962-1963

J. Robert King
President, King Nutronics Corporation, aerospace research and development

Mrs. Robert Kingsley
Member, 1955 and 1966 Los Angeles County Grand Juries
Volunteer, Legal Aid Foundation of Los Angeles, 1952-1968
Director, Women's Division, Los Angeles Chamber of Commerce, 1951-1959

Averill H. Munger
President, Munger Oil Information Service
Foreman, 1966 Los Angeles County Grand Jury

Gordon Whitnall
Planning Consultant
Instructor of Planning, University of Southern California, 1921 to present
First Director of Planning, City of Los Angeles, 1920-1930

Citizens Committee on Zoning Practices and Procedures
Room 375, City Hall, Los Angeles, California 90012

SUMMARY REPORT

INTRODUCTION

The Citizens Committee on Zoning Practices and Procedures was appointed early in 1967 by the Mayor and City Council to make an in-depth study of planning and zoning practices in the City of Los Angeles.

The Committee's formation resulted from a special report and recommendations on zoning practices issued by the 1966 Los Angeles County Grand Jury. That report was issued after the Grand Jury's investigation into a zoning case in which it was alleged there had been improper influence exerted on officials to obtain a favorable decision. After having reviewed all evidence, the Grand Jury stated that many of the circumstances in the case caused it grave concern and that the evidence it had heard clearly demonstrated influence had been and would continue to be exerted through campaign contributions, political obligations and friendships. The report concluded that a comprehensive study of planning and zoning practices was long overdue and would be of invaluable benefit to the people of Los Angeles.

After formation of the Citizens Committee, initial meetings were held with the Mayor and City Councilmen, who made it clear that the Committee should feel free to investigate all aspects of planning and zoning in Los Angeles.

The Committee's first report to the Mayor and City Council, "A Program to Improve Planning and Zoning in Los Angeles," has been prepared and published after more than a year of hearings and investigation. This separate summary document is issued concurrently to enable citizens to quickly and easily take note of the most significant changes recommended by the Committee.[1]

The Committee believes that its first report provides the general guidelines which, if followed, will insure good planning and zoning practices in the City of Los Angeles. In one or more later reports it will present suggested texts of proposed Charter amendments and significant changes to the present Zoning Code which should be enacted as soon as possible.

GENERAL CONCLUSIONS

As a result of the Committee's investigation, it has become clear that the basic solution to the problem of improper zoning practices is two-fold:

A greater adherence to the principles of planning and zoning

The clarification of laws and procedures so as to clearly differentiate the legislative, administrative and quasi-judicial processes of government.

Many present problems can be attributed to deviations from the basic principles involved in each.

[1]Persons requiring a more detailed knowledge should refer to the full report. Such persons should make a request in writing to the Committee, Room 375, City Hall, Los Angeles.

There can be no adequate consideration of zoning practices without considering, at the same time, the principles and practices of city planning in general. The Committee's findings and recommendations take into account this essential relationship.

Planning authorities agree that individual zoning actions by the legislative body must have reference to an over-all zoning plan, and such plan must, in turn, relate to a **master plan**—the newer, more descriptive term for which is **comprehensive general plan**—for the future physical development of the city.

A comprehensive general plan deals with intermediate and long-range goals and objectives. It is a frame of reference which is used to guide the future physical development and growth of the city. The General Plan for Los Angeles should be the result of a complete and detailed analysis of the City. Its content should include not only maps showing the desirable trends for future development, but also statements of policy with respect to each element of the Plan.

Zoning, on the other hand, is a tool which is used to regulate specifically the use of land and to put into effect the principles and patterns set forth in the General Plan. Zoning cannot take the place of planning—it must be based upon the results of sound plans carefully developed.

Zoning is the process of authorizing, by districts designated as zones, the uses to which land may be put. Uniform regulations within a zone are fundamental to proper and legal zoning. The courts have held that the essence of zoning is territorial division recognizing the character of land and buildings particularly suitable for specific uses and the establishment of uniform regulations for uses within a zone. Rezoning, therefore, should be accomplished by areas or districts, rather than piecemeal or by spot zoning. The courts of practically every state condemn spot zoning as contrary to the general public interest, and in most instances, contrary to the basic legal provisions for zoning.

The term "zoning" has lost much of its significance in the City of Los Angeles, for it has come to mean promiscuous changes in in the zoning pattern rather than adherence to consistent, comprehensive zoning. Procedures in actual practice have frequently become so loose that even the limited requirements of the City Charter have not been met in numerous variance cases.

The practice in Los Angeles is not unique in this respect. In cities of almost every state, cases are reported where property owners seek to increase the value of their property by applying for zone changes, variances or conditional use permits, in a great many instances to the detriment of other property. In these cases, the approval of a change in permitted use or other regulations constitutes a special privilege.

Basically, there are three principal means for the operation of municipal government in the regulatory field: (1) the legislative process for determining policy, (2) the administrative process for applying the policies and (3) the quasi-judicial process for reviewing and adjusting matters equitably under the policies.

A great number of abuses described before the Committee have come through action of the quasi-judicial Board of Zoning Adjustment in reviewing appeals from decisions of the Office of Zoning Administration. The Committee is particularly concerned that actions of the Board of Zoning Adjustment have been improperly used as an alternative to legislative action by the City Council, thus allowing an applicant to select his forum. There have been many instances cited in which an application for rezoning was denied both by the Planning Commission and by the City Council on appeal. In some of these instances a subsequent request to a Zoning Administrator for a variance was also denied, but on appeal to the Board of Zoning Adjustment, all previous decisions were reversed and the use granted.

The net effect is a rezoning which constitutes a misappropriation of the legislative power which properly belongs only to the Mayor and Council. The Committee has concluded that there should be only one correct route to follow for each type of zoning action. There are at present two such routes, either legislative or quasi-judicial. The quasi-judicial route (variance) should never be used to produce an end result that should properly only be accomplished by a legislative change. A variance should not (and cannot legally) be a substitute for a legislative zone change.

SOME BASIC PRINCIPLES UNDERLYING THE RECOMMENDATIONS IN THE REPORT

The purpose and justification for the planning function in government, including zoning, are to develop plans, programs and standards that will permit utilization of land in order to achieve the greatest potential benefits for the community as a whole. Through this planning process, an environment conducive to the highest level of living, commerce and industry can be produced. In the final analysis, the extent to which these objectives are attained or lost must be the measure by which the success or failure of employing the planning function is judged.

It is also essential that any form of regulation, including zoning, adhere to those principles of justice, fair play and public participation upon which our system of government is based.

Specifically, with regard to zoning in the City of Los Angeles, there are basic questions that need answers. Providing these answers has represented a major assignment for the Committee.

The first question is whether the Zoning Map reflects the intended land use pattern of the City as defined by the comprehensive General Plan.

The City Planning Department is currently engaged in revising elements of the General Plan which are out of date and in developing new elements of the Plan which have heretofore been missing. Land use plans have been progressively adopted for some areas of the City, and plans are in progress for other areas. Completion of the General Plan should be a matter of high priority for the Department if the City is to have the necessary guide for better zoning.

The second question is whether zoning actions, either for zone changes, conditional uses or variances, stabilize the comprehensive land use pattern. Or do they represent an abandonment of the principles of comprehensiveness and substitute therefor isolated grants of special privilege, the effect of which is to destroy public confidence in the reliability of zoning and severely reduce any real value that zoning may have?

A third question is whether basic policies of land use control have been defined, including matters of procedure, and if so whether the administration of zoning has adhered to such policies. If adequately defined policies appear not to exist, how can they be established? In the event that adequate policies have been established, has the administrative process strengthened the policies or weakened them?

It must be recognized that the many criticisms which have been brought to the Committee's attention do not apply to all elected and appointed officials having responsibilities in planning and zoning matters. But these officials must be relieved of the great pressures exerted upon them; they must be afforded more time and opportunity for constructive planning. However, the Committee found that over the years the career staff of the Planning Department has performed its duties with competence, dedication and persistence. The staff has met the unprecedented rapid growth of this City with a consistently high quality of research, analysis, plan preparation and planning administration — the essential foundations for sound city planning efforts.

The City of Los Angeles pioneered in the regulation of land use. Through the years there have been many significant decisions of the Supreme Court of this State and the United States Supreme Court that have upheld imaginative zoning procedures originating in Los Angeles. But this community in recent years has fallen behind in practical and farsighted municipal control of land uses. Los Angeles is now the third largest city in the nation and the center of the second largest metropolitan area, with constantly growing potentialities. It should be second to none in planning and zoning policies and procedures.

After fourteen months of exhaustive hearings, meetings, research and analysis of the extensive information received, the Committee is making thirty-six recommendations for the improvement of planning and zoning in Los Angeles. The recommendations in the full report are set forth in five chapters, each covering a major topic. In this summary report these five topics and the most significant of the thirty-six recommendations are discussed.

A SOUND LEGISLATIVE AND POLICY BASE FOR PLANNING AND ZONING

GENERAL OBJECTIVES

To establish and maintain adequate legal authority for planning.

To establish and maintain an adequate legislative and policy basis for land use control.

A community's physical development relies upon planning to set forth objectives and to coordinate efforts to reach these objectives. Zoning is a primary means of implementing city development plans and policies.

GENERAL PLAN

Objectives for a community are commonly compiled in a general plan—currently known in Los Angeles as the Master Plan. It is a policy statement, not a law or ordinance, but its purpose and method of adoption should be specified in the basic law of the City—the City Charter. A general plan should be comprehensive with respect to geographic area covered, subject matter included, objectives sought and the time periods to which the plan applies.

In Los Angeles, the basic purpose of the General Plan is not stated in the City Charter, and as a result the relationship of zoning legislation to the General Plan is vague. Also, the procedure for adopting and implementing the General Plan is poorly defined.

Recommendations[2]

- Amend the City Charter to set forth the purpose and nature of the General Plan, as well as general procedure for its development and adoption. Supplement the Charter with a Municipal Code section defining the content, form and specific procedure for adoption of the General Plan. (Recommendation 1)
- In the procedure for the adoption and amendment of the General Plan, include
  - A Planning Commission hearing
  - Submission to the Mayor for comments
  - A public City Council hearing.

  (Recommendation 2)
- Review and revise the General Plan on the basis of an area-by-area review and a regular schedule established by the City Council following City Planning Commission recommendation. (Recommendation 3)
- Amend the Charter to require both the Council and the Planning Commission to make specific findings showing conformance to the General Plan when adopting or amending any zoning regulations or zoning maps. (Recommendation 4)

ZONING

The Zoning Code should implement the General Plan so as to promote the best over-all community development, prevent unnecessary conflicts between land uses and provide for the orderly functioning of the community. Long established legal principles require that zoning regulations be reasonable, consistent and nondiscriminatory.

Zoning practices in Los Angeles do not now sufficiently reflect sound planning objectives. Piecemeal or spot zoning is resorted to in place of zoning on an area-wide basis. Individual rights are sometimes restricted or privileges are granted on the basis of personal circumstance and pressure, rather than on the basis of serving the public interest.

[2]Throughout this summary report, the recommendations of the Committee are stated in abbreviated form. For the complete text of the recommendations, see the full report of the Committee. The recommendation numbers in parentheses refer to the numbering used in the full report.

The Zoning Code lags, rather than leads, City development. There has been no comprehensive, over-all review of the Code since 1946. Since then there have been over 300 amendments to the text of the Code and several thousand changes in the Zoning Map, mainly as a result of individual requests and specific problems.

Recommendations

- Initiate a complete revision of the Zoning Code including consideration of

  Classifying land uses with more regard to compatibility

  Providing a means of designating future zoning classifications

  Updating development standards

  Clarifying the roles of the different agencies involved in zoning processes.
  (Recommendation 5)

  However, pending completion of the over-all Code revision, some immediate corrective amendments to the existing Code should be made as recommended in the Committee report.

- Amend the Zoning Map through an area-by-area review procedure rather than on a piecemeal request-by-request basis.
  (Recommendation 6)

UNRAVELING THE LEGISLATIVE, ADMINISTRATIVE AND QUASI-JUDICIAL FUNCTIONS

GENERAL OBJECTIVES

To clearly establish the proper distinction between legislative, administrative and quasi-judicial functions as they pertain to planning and zoning matters.

To prevent improper deviations from the land use plan and standards established by the General Plan and the Zoning Code.

The separation of powers concept of government assures all citizens fair and equal treatment before the law. The legislative branch establishes the law; the administrative branch applies and enforces the law; and the quasi-judicial branch interprets the law, makes findings of fact and determines equities under Charter and ordinance provisions.

With regard to planning and zoning, separation of powers is essential. The legislative body must clearly set forth the objectives, conditions and standards of the zoning regulations. The administrative agencies must apply the law equitably, and the quasi-judicial bodies must adjudicate on the basis of the law itself, not according to their own preferences.

In Los Angeles, the separation of powers has become blurred in the implementation of the zoning regulations. Legislative powers are properly and legally a function only of the City Council but sometimes in effect have been assumed by the Board of Zoning Adjustment. The City Planning Commission, City Planning Department, Office of Zoning Administration, Board of Zoning Adjustment and City Council all exercise some administrative powers. And quasi-judicial powers are found in the Office of Zoning Administration, Board of Zoning Adjustment and the City Council. This duplication of functions results in much uncertainty and confusion.

Most of the problems stem from deficiencies in the Zoning Code and Charter. Both documents contain ambiguities. They create confusion among agencies by providing for different agencies to make similar types of interpretations and decisions. (See the figure entitled "Present Assignments.") Discretion in decision-making is allowed without supplying adequate guiding criteria and standards.

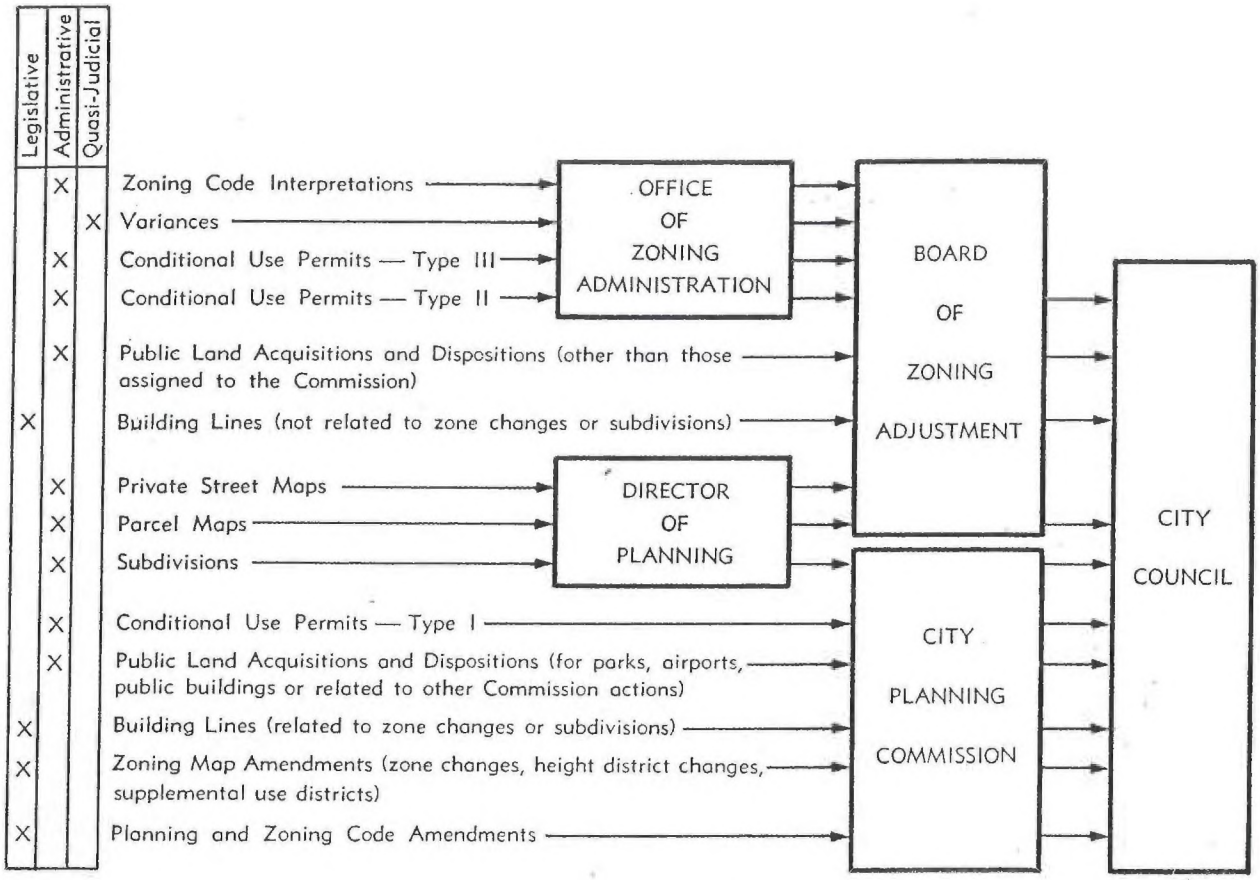
The legislative body should establish adequate and stable standards and thus prevent usurpation of legislative authority by administrative and quasi-judicial agencies. (See the figure "Proposed Assignments.")

"Q" ZONE

An improper assignment of functions is illustrated by the proposed "Q"-qualified zone ordinance. Under the provisions of this proposal, the legislative body would be assuming administrative and quasi-judicial powers and exercising them on a case-by-case basis.

The "Q" zone has been proposed because of deficiencies in the existing regulations. At present, incompatible uses are permitted within the same zoning classifications. In rezoning cases, proposals for desirable developments are made but there is difficulty in insuring that these proposals are carried out. The use of the proposed "Q" zone would permit the City Council to grant a rezoning for a specific use subject to individually tailored regulations.

The purpose of this proposal is good, but the Committee believes the means proposed are unsound. The "Q" zone is undesirable because it (1) circumvents the necessity of following uniform standards, (2) does not correct the deficiencies in the existing regulations, (3) in effect would create a separate zoning classification for each parcel of property to which it is applied, (4) would authorize a new form of spot zoning, and (5) would permit



Present Assignments for Determination of Planning and Zoning Matters

discriminatory action. The intended result can be accomplished in a proper way by providing stable and uniform guidelines for each type of use in each zone. This is the essence of the revised conditional use permit concept recommended in the report.

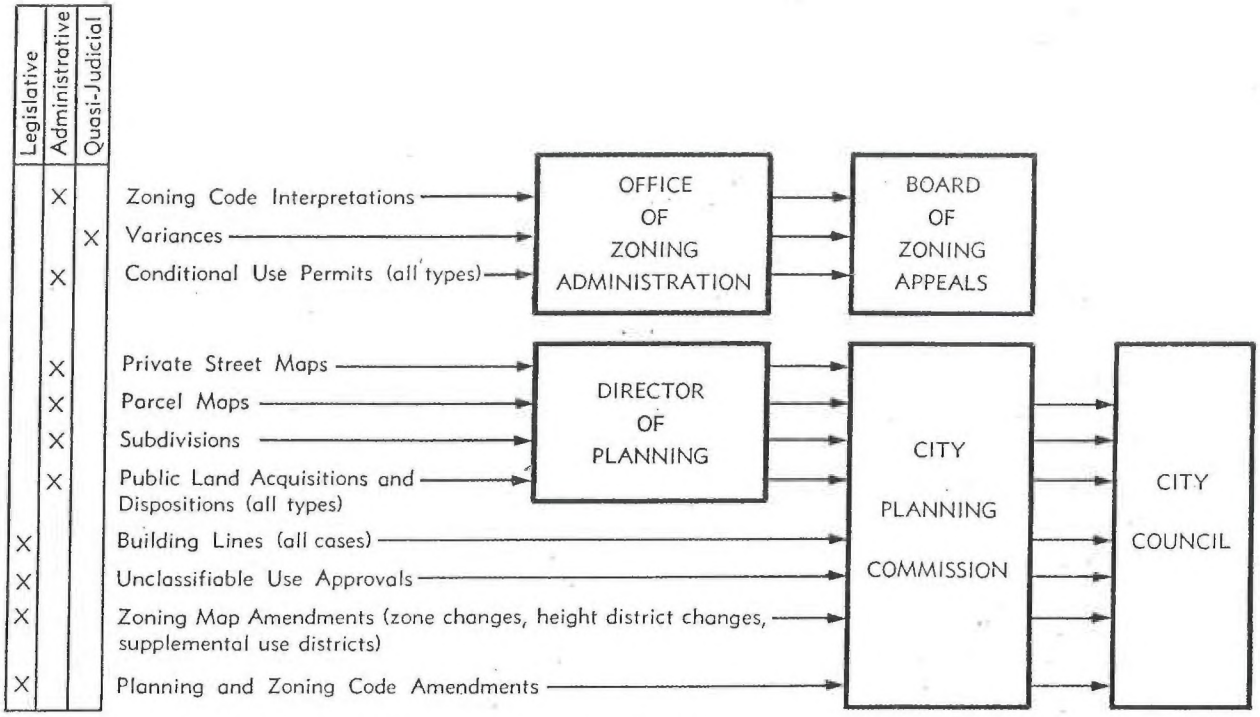
Recommendation

- Expand and clarify the provisions for conditional use permits to better accomplish the intended purpose of the "Q"-qualified zone concept. (Recommendation 10)

CONDITIONAL USE PERMITS

The Zoning Code intentionally provides for the exercise of administrative discretion under specified circumstances, as in the case of conditional use permits. The conditional use permit procedure is applied to certain types of public service and other unusual land uses for which compatibility with surrounding land use is dependent upon particular site conditions. These uses are neither prohibited nor permitted automatically in designated zones, but may be considered on a case-by-case basis. At present there are no codified standards for the approval and control of such uses. The danger of improper discrimination is apparent.

Another problem is that the jurisdiction for consideration of conditional use permits is divided. For some classes of use determinations are made by the City Planning Commission with appeal to the City Council. However, most are determined by the Office of Zoning Administration with appeal to the Board of Zoning Adjustment; but of the latter group some types may be appealed further to the City Council while other types are not subject to such appeal.



Proposed Assignments for Determination of Planning and Zoning Matters

The Committee finds that the Board of Zoning Adjustment has too frequently reversed determinations of the Zoning Administrators on conditional use cases, and that many of these actions by the Board have constituted a usurpation of legislative and administrative authority.

Recommendations

- Amend the Zoning Code to establish uniform regulations and criteria for conditional uses within designated zoning classifications. Assign consideration and determination of such uses to the Office of Zoning Administration as matters of administrative and quasi-judicial interpretation. (Recommendation 7)
- Treat planned developments as conditional uses with uniform conditions specified in the Zoning Code. (Recommendation 9)
- Provide for individual legislative action on certain "unclassifiable" uses such as airports and universities, which because of unusual characteristics cannot be suitably classified by zone. (Recommendation 8)

QUASI-JUDICIAL FUNCTIONS

The Office of Zoning Administration and the Board of Zoning Adjustment are named by the City Charter as the agencies to act upon variances—a quasi-judicial device intended to assure equal treatment under conditions which cannot be identified in advance in the adopted regulations. Variances are properly used to modify the application of zoning laws in order to bring the privileges of a particular piece of property to a parity with other similarly located and classified properties, but without granting special privileges.

The policies of the two responsible agencies have differed. The Office of Zoning Administration (which has original jurisdiction in all variance cases) has consistently made specific and pertinent findings for each case. The Board of Zoning Adjustment (which is the appeal body for variances) has sometimes ignored the findings of the Zoning Administrators and has failed to make its own adequate findings when reversing Zoning Administrators' decisions.

Also, the Board of Zoning Adjustment has acquired a mixture of unrelated powers. Basically it is an appellate body. But it has had delegated to it certain administrative functions. And in many cases it has developed its own standards rather than using those established by the Zoning Code, thus in effect making legislative determinations which the Board does not have authority to do. This mixing of functions makes it difficult for the Board to give adequate recognition to its basic quasi-judicial function as intended in the original Charter provisions.

Recommendations

- Amend the City Charter and Zoning Code to set forth more clearly the requirements for granting variances and require that the appeal body adhere to these requirements. (Recommendation 12)
- By Charter amendment, change the name of the Board of Zoning Adjustment to the Board of Zoning Appeals and limit its jurisdiction to appeals from decisions of Zoning Administrators, with no other administrative functions assigned to it. (Recommendation 15)

The Committee's recommendations for handling zoning cases are illustrated by the figure entitled "Types of Zoning Cases."

Function	Type of Zoning Case	Decision-Making Agency		Issue Involved
		Initial Consideration	Final or Appeal Agency	
Legislative	Zoning Map Change Unclassifiable Use Approval Supplemental Use District	City Planning Commission	City Council	What regulations should be applied in various districts to serve the community interest and carry out the General Plan?
Administrative	Conditional Use Permit	Office of Zoning Administration	Board of Zoning Appeals	What is the correct application of the law to the property involved?
Quasi-Judicial	Variance	Office of Zoning Administration	Board of Zoning Appeals	What adjustment of the general regulations is necessary to treat an individual property fairly and as **intended** by the law?

Types of Zoning Cases (as Recommended)

INSURING FAIR, UNDERSTANDABLE AND EFFECTIVE PROCEDURES

GENERAL OBJECTIVE

To maintain procedures which guarantee due process and equal treatment, which are simple and easily understood, and which lead to decisions in accord with legislative intent and policies.

Zoning issues involve both individual rights and community interests. As a safeguard for maintaining balance between these interests, due process should be assured by recognizing the right of petition, the right of notice, the right of public hearing, the need for competent technical and professional analysis, the need for sound judgment, the necessity to reach timely decisions and the right of appeal. Sound and logical procedure is needed for all three types of governmental action—legislative, administrative and quasi-judicial.

PROCEDURES

At present the procedural requirements for each type of zoning case are treated separately in different parts of the Zoning Code and differ in detail because of past piecemeal amendment of the Code. Some provisions relating to time limits and appeals are contained in still other sections of the Code.

There are currently fifteeen different forms used for filing various types of zoning applications and appeals. The rules for submittal of applications—including forms, information required, eligibility to apply and the need for affidavits—are determined by three different agencies.

Notification methods are not entirely adequate. Hearings on applications are announced by mail to all property owners within 300 feet of the subject property but sometimes these notices are received too late for action, are difficult to understand, and do not reach all parties who properly have an interest in the matters being considered. Notices are also published as legal advertising in a newspaper of general circulation but these are not read by most citizens and again the descriptions may be difficult to understand.

The manner of conducting public hearings has been criticized. Proceedings are difficult for the layman to follow. Full information is not always disclosed at the original hearing, and unverified information may be received. Sometimes both sides in a case have not been given equal opportunity to present their points of view.

Recommendations

- Amend the Municipal Code to incorporate, in one section, simplified requirements governing
  - Applications
  - Notification
  - Hearings
  - Time limits
  - Appeals

  for all types of planning and zoning cases.
  (Recommendation 16)
- Provide timely and effective notice of hearings to interested parties through
  - Improvement of property ownership and mailing address records by using data processing procedures
    (Recommendation 17)
  - Establishment of a subscription service for parties not otherwise notified.
    (Recommendation 18)
- Require testimony to be under oath at all zoning hearings.
  (Recommendation 19)

FINDINGS IN ZONING CASES

Decisions of governmental bodies on planning and zoning matters should be based upon evidence presented. The decisions and reasoning involved should be subject to examination, appraisal and appeal.

Written findings should serve (1) for purposes of analysis and evaluation of evidence, (2) as an explanation to the public of the reasons for decisions, and (3) as a basis for appeal.

In Los Angeles findings on zoning appeals have been too often confined to generalities and vague or nebulous conclusions.

Recommendation

- Amend the Charter and the Zoning Code to require written findings based on evidence presented and showing conformance or nonconformance to required criteria. Decisions must be based on these findings. (Recommendation 21)

APPEALS

Appeal proceedings should be designed to correct possible errors in decisions. They are not intended to duplicate the original proceedings, nor should they expand original hearings by receiving new or additional evidence. Appeals should not be decided by using different policies and standards than those prescribed for the agencies possessing original jurisdiction. The Committee found that appeals have been granted in disregard of these principles.

Recommendation

- Standardize zoning appeal procedures to include

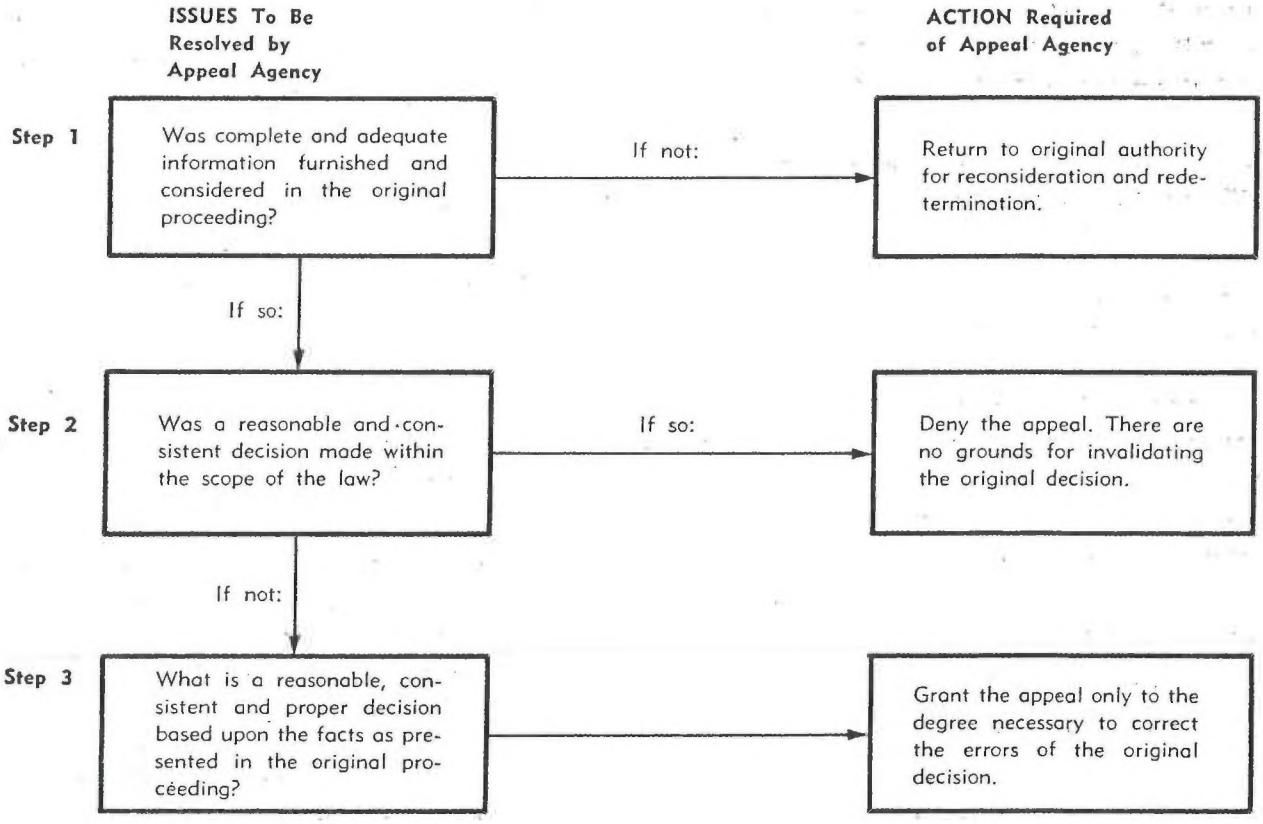
  A longer time to file appeals so that they may be more carefully prepared

  Requiring specific showing wherein the original findings and determination are not supported by the facts.

  Consideration of appeals only on the record of the original hearing and determination

  A requirement that reversals be based only on specific findings of error in the original determination. (Recommendation 22)

To reduce apparent inconsistencies in granting appeals, the procedure illustrated by the figure entitled "Guide for Recommended Appeal Procedure" is recommended by the Committee.



Guide for Recommended Appeal Procedure

RESOLVING THE PUBLIC INTEREST — A DEFINITION OF ROLES

GENERAL OBJECTIVE

To organize and define the roles of the various officials involved in the planning and zoning process in a way that leads to full recognition of the public interest.

To insure that planning and zoning procedures serve the public interest, responsibility should be distributed among (1) political representatives—Mayor and City Council, (2) a non-political "civic conscience" which should be reflected by the City Planning Commission and the Board of Zoning Appeals, and (3) the professional-technical-administrative staff of the City Planning Department under the Director of Planning and the Chief Zoning Administrator.

Alleged abuses of authority can be traced to a partial breakdown in the checks and balances among these groups and an overlapping of roles among the elected officials, citizen appointees and professional staff.

CITY PLANNING COMMISSION AND BOARD OF ZONING APPEALS

As an important advisory agency, the Planning Commission should display innovation and independent judgment and be assured of continuity as contemplated by the Charter. The Board of Zoning Appeals should play a strictly quasi-judicial role, which requires independence from both political and bureaucratic influences; the law alone should be the Board's primary guide.

Recommendations

Strengthen current provisions for

- Appointing the best qualified persons to the City Planning Commission and Board of Zoning Appeals (Recommendation 24)
- Providing appointees with specific information on the nature, scope and limitations of their roles (Recommendation 25)
- Scheduling policy review meetings on a regular basis (Recommendation 26)
- Maintaining overlapping terms of office to assure continuity by amending the Charter. (Recommendation 27)

MAYOR AND CITY COUNCIL

The Mayor and City Council are elected to provide representation of the public as a whole and to assume final legislative and policy-making responsibility.

Recommendations

Clarification and strengthening of legislative and policy-making powers have recommended in the report pertaining to

- The General Plan (Recommendations 1 and 2)
- Conditional uses (Recommendations 7 and 9)
- Unclassifiable uses. (Recommendation 8)

The Committee has recommended further that

- Matters that are legislative in character be clearly identified as such in the Charter and Code and therefore be adopted by ordinance with the right of veto by the Mayor. (Recommendation 29)

PROTECTING THE PUBLIC INTEREST

GENERAL OBJECTIVE

To insure that the broad public interest is fully recognized and to insure that official acts are not improperly influenced by special or private interests.

PUBLIC INFORMATION

Planning and zoning matters are often complex both as to the objectives sought and the factors involved in making decisions. It is difficult for the general public to understand these complexities and thus these matters are susceptible to possible influence by special interests.

To protect against this, citizens should be aware of the General Plan, zoning pattern and other programs affecting their area, should understand the basic principles and procedures relating to these matters and should know where further information is available so that effective action can be taken when changes are proposed.

Recommendation

- Strengthen the City's public information program concerning planning and zoning through

  Clear explanation of adopted plans, policies and regulations

  Capable personnel in public contact positions

  Branch office services

  Printed explanation of public hearing procedures.

  (Recommendation 30)

CODE OF ETHICS

Maintaining high ethical standards in planning and zoning requires clearly written laws and rules of procedure and the highest degree of integrity in Commission and Board appointees. A code of ethics would provide a useful guide and regulatory measures to supplement the above essential requirements.

Recommendation

- Devise and adopt a code of ethics for City officials involved in planning and zoning matters.
  (Recommendation 31)

CONFLICT OF INTEREST

The intent of the Charter and State law is that City officials not act upon matters in which they have a personal or private interest. However, it is difficult to establish a suitable legal definition of conflict of interest together with a means of enforcing it.

Recommendation

- Amend the City Charter and Municipal Code to strengthen requirements that City Planning Commissioners and members of the Board of Zoning Adjustment declare any conflicts of interest:

  Require such declaration prior to becoming involved in each planning or zoning matter

  Extend the definition of conflicts to personal or private interests not now covered under the City Charter and State law.

  (Recommendation 32)

PRIVATE COMMUNICATIONS

Existing State law prohibits two or more members of a public body from reaching a decision in secret but does not specifically prohibit an individual Commission or Board member from privately conferring with interested parties.

Recommendation

- By ordinance and Charter amendment, prohibit private communications between interested parties and members of the Planning Commission or Board of Zoning Appeals concerning any matter pending before the Commission or Board.

  (Recommendation 33)

CAMPAIGN CONTRIBUTIONS

Campaign contributions to candidates for local office must now be publicly reported only if made directly to the candidate and then only the total amount of all contributions is required to be reported. At present contributions need not be reported if they are made to independent committees, campaign management firms or other assisting organizations.

Recommendation

- By ordinance and Charter amendment, supplement the present requirements for reporting of campaign contributions by requiring

  Itemized lists of donors and amounts from each donor

  Reporting of indirect contributions made to independent committees or other organizations.

  (Recommendation 35)

EXHIBIT F

PROGRAM TO IMPROVE PLANNING AND ZONING IN LOS ANGELES

FINAL REPORT

CITIZENS COMMITTEE ON ZONING PRACTICES AND PROCEDURES
FINAL REPORT TO THE MAYOR AND CITY COUNCIL

LOS ANGELES, CALIFORNIA/MAY 1969

FILED
MAY 29 3 50 PM '69
FRANK C. CLAYTON
CLERK
BY Spencer DEPUTY

MAYOR
Sam Yorty

CITY COUNCIL

First District	Louis R. Nowell
Second District	James B. Potter, Jr.
Third District	Thomas D. Shepard
Fourth District	John Ferraro
Fifth District	Edmund D. Edelman
Sixth District	L. E. Timberlake, Council President
Seventh District	Ernani Bernardi
Eighth District	Billy G. Mills
Ninth District	Gilbert W. Lindsay
Tenth District	Thomas Bradley
Eleventh District	Marvin Braude
Twelfth District	Robert M. Wilkinson
Thirteenth District	Paul H. Lamport
Fourteenth District	Arthur K. Snyder
Fifteenth District	John S. Gibson, Jr.

MEMBERS OF THE CITIZENS COMMITTEE ON ZONING PRACTICES AND PROCEDURES

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Mayor, City of Los Angeles, 1938-1953
Judge, Superior Court, 1926-1938, 1956-1962

Rudolph Ostengaard, Vice Chairman
Vice President, United California Bank

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Professor of Political Science, University of California, Los Angeles
Director, Study of Los Angeles City Charter and Government, 1962-1963

J. Robert King
President, King Nutronics Corporation, aerospace research and development

Mrs. Robert Kingsley
Member, 1955 and 1966 Los Angeles County Grand Juries
Volunteer, Legal Aid Foundation of Los Angeles, 1952-1968
Director, Women's Division, Los Angeles Chamber of Commerce, 1951-1959

Averill H. Munger
President, Munger Oil Information Service
Foreman, 1966 Los Angeles County Grand Jury

Gordon Whitnall
Planning Consultant
Instructor of Planning, University of Southern California, 1921 to present
First Director of Planning, City of Los Angeles, 1920-1930

*Deceased

Copies of the Committee's first report dated July 1968
and of this final report available while the supply lasts from:

City Administrative Officer
Room 380, City Hall, Los Angeles, California 90012

May 1969

Honorable Sam Yorty, Mayor

Honorable Council
of the City of Los Angeles

Council File No. 132,460

Gentlemen:

We are pleased to submit our final report on planning and zoning policies and practices in Los Angeles. Our first report issued in July, 1968 gave basic recommendations. This report contains specific proposals for legislative action—by vote of the people on Charter amendments and by action of the City Council on ordinances. In addition, non-legislative actions required to carry out our recommendations are summarized.

The proposed legislative actions can only create an improved framework; successful implementation depends upon the will of the people involved—elected and appointed officials, civil servants and the citizenry. We note that some improvements in procedure and approach are already under way. However, continuing attention by all parties concerned will be required to achieve the objectives of our recommendations and of the proposed legislation.

Upon the issuance of our first report, the City Council referred it to the City Planning Commission for its consideration. Two joint meetings of the Planning Commission and the Citizens Committee were held to discuss our recommendations. There was found to be general agreement between the Citizens Committee and the Commission on 21 of our 36 recommendations, minor disagreement on five, and basic disagreement on six of them. The Commission took no position on the remaining four.

During the Fall of 1968 we prepared proposed revisions to the city planning provisions of the Charter and, because of the time schedule required to place matters on the municipal election ballot in the Spring of 1969, we submitted a tentative draft of our revisions to the Mayor and Council on December 3, 1968. A more comprehensive draft was submitted on December 30, 1968, and a complete draft with explanatory comments was presented on January 21, 1969. The Planning Commission also sent to the Council its recommendations for revisions to our draft. The Planning and Charter and Administrative Code Committees of the City Council held joint hearings on these proposals and submitted their report to the Council containing further changes on January 30, 1969. Subsequently the Council as a whole conducted a hearing and deliberated at length on the proposals. After further altering the Charter proposals, the Council acted to place a Charter amendment on the ballot at the May 27, 1969 general municipal election.

The Charter amendment to be considered by the voters differs from our proposals as contained in this report in the following major respects:

1. The requirement that there be specific findings of conformance to the General Plan in approving zone changes and other plan implementation matters has been weakened by (a) permitting nonconforming actions to be taken if reasons for such action are stated, and (b) referring only to "findings" rather than "specific findings."

2. The proposed requirement that changes in the zoning map be considered on an area-by-area basis has been rejected.

3. The placing of all conditional use and planned development approvals under the jurisdiction of the Office of Zoning Administration and Board of Zoning Appeals was rejected. The Council-adopted version would continue the present situation which allows the jurisdiction over these matters to be assigned by ordinance. The Council expressed its desire to retain for itself final authority over most if not all conditional use decisions.

4. The proposed jurisdiction of the Board of Zoning Appeals as a strictly quasi-judicial appeal body has been weakened by (a) permitting appeals from agencies other than the Office of Zoning Administration to be assigned to the Board and (b) permitting further appeals on land use variances to be taken to the City Council in those cases where the Board has granted a variance.

While we are seriously concerned over the weakening effect of these changes, we support the Charter amendment as it will appear on the May 1969 ballot in the belief that it will be an improvement over the present provisions. Under the Charter amendment approved by the Council it will still be possible to carry out our remaining recommendations by ordinance. We urge the Council to consider such ordinances.

We have also prepared suggestions for Charter and ordinance provisions concerning ethics, conflicts of interest, campaign contributions and private communications. These were submitted to the Mayor and Council on December 4, 1968. The Governmental Efficiency Committee of the Council is now considering these suggestions.

In rendering this final report, we are gratified that the recommendations are unanimously supported by the members of the Citizens Committee, representing as we do, a variety of backgrounds and viewpoints. Although serving as a lay citizens group, it may be pointed out that among those on the Committee and serving it there is represented considerable experience related to municipal planning and government. The Committee also wishes to acknowledge the invaluable assistance of Mr. Richard W. Roether, Planning Consultant.

In addition to recommending immediate Charter amendments, we are providing copies of our proposals to the Los Angeles City Charter Commission for its consideration in connection with its study of the entire City Charter.

The Citizens Committee on
Zoning Practices and Procedures

Rudolph Ostengaard, Chairman

John C. Bollens

J. Robert King

Mrs. Robert Kingsley

Averill H. Munger

Gordon Whitnall

The Committee dedicates this Final Report to the memory of Fletcher Bowron and Brysis N. Whitnall who made major contributions to the concepts and principles embodied in the Committee's work.

FLETCHER BOWRON

August 13, 1887 - September 11, 1968

Mayor, City of Los Angeles, 1938-1953
Judge, Superior Court, 1926-1938, 1956-1962
Director, Los Angeles Metropolitan History Project, 1962-1968
Chairman, Citizens Committee on Zoning Practices and Procedures, 1967-1968

BRYSIS N. WHITNALL

August 20, 1902 - February 7, 1969

Executive Secretary, Town Hall, 1935-1941
Instructor in Planning, University of Southern California, 1956-1969
Member, American Institute of Planners, American Society of Planning Officials, American Society of Consulting Planners
Planning Consultant, 1941-1969
Volunteer technical assistant to the Citizens Committee on Zoning Practices and Procedures 1967-1969

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INTRODUCTION

This is the final report of the Citizens Committee on Zoning Practices and Procedures. Our first report, issued in July, 1968, contains 36 general recommendations. This final report contains specific proposals for action in the form of Charter amendments, ordinances, and administrative and policy actions.

The Citizens Committee was appointed by the Mayor and the President of the City Council in March 1967 in response to a recommendation of the 1966 County Grand Jury that an in-depth study of the field of zoning administration be undertaken. After initial discussion with the Mayor and members of the City Council, we set forth the objectives of our study as follows:

> The Committee considers that the reasons for its existence are to inquire into the entire subject of zoning in the City of Los Angeles, including the adequacy or inadequacy of applicable law, policies and practices whether legally sanctioned or not; to identify and reveal, if possible, the original purposes that motivated establishing the practice of zoning; to determine, if possible, whether these purposes are being realized or not and, if not, why; and, finally, to recommend such changes in law or practice as it believes necessary to justify public confidence in the practice of zoning, but equally important, to make available to the public an understanding of the subject so clear and comprehensible as to make it increasingly difficult for anyone, serving in any capacity, to deviate from proper and effective policies and practices.

The Mayor and Councilmen made it clear that, in addition to the problems mentioned in the Grand Jury report, we should feel free to look into any aspect of planning and zoning in Los Angeles. It was also suggested that we study the problems of ethics, conflict of interest and campaign contributions. Certain files of the City Council containing various proposals on these subjects were transmitted to us for consideration.

The emphasis in this report is upon changes in the City Charter to establish a stronger legal base for sound planning and zoning processes. However, our specific proposals for Charter amendments are supplemented by outlines of ordinance provisions required to implement the proposed new Charter provisions as well as to carry out recommendations which do not require Charter revision.

Our proposals for Charter and ordinance provisions are divided into two main categories —those dealing with the city planning function itself (Chapters 1 and 2); and those dealing with the problems of ethics and conflict of interest, which we have grouped under the heading "conduct in office" (Chapter 3). Although our immediate concern with conduct in office is in relation to planning and zoning activities, it is obvious that legislation on this subject has implications relating to the conduct of all public business.

Another of our recommendations deals with the terms of office on City commissions and boards. Since this involves amendment to a separate section of the Charter, we discuss the proposal separately in Chapter 4.

Finally, a number of our recommendations require administrative or policy actions either as a supplement to legislative action or as a matter not involving legislative action. These proposed actions are summarized in Chapter 5.

In preparing our Charter proposals on city planning, we have carefully considered suggestions made by the City Planning Commission and discussions held by the Planning and Charter and Administrative Code Committees of the Council. We concur in many of the suggestions and these are incorporated in our proposal.

The cold, informal language of the recommended Charter changes do not, on their face, reveal the real significance of our assignment and what we discovered in carrying out that assignment. We were given the mandate to inquire into the entire functioning of the City's planning program and to discover, if possible, wherein present practices and procedures have permitted or encouraged the circumstances which attracted the attention of the Grand Jury in 1966 and which led to the continuing interest of subsequent Grand Juries in certain zoning matters in Los Angeles.

We find three major areas of the planning program, as now constituted, which account for most of the important criticisms brought to our attention.

CONDITIONAL USES

The first of these relates to the concept of and the manner of dealing with conditional use permits. There is a fundamental weakness in the present practice of processing certain types of conditional use permits through the Planning Commission and the City Council. This is true notwithstanding the expressed desire by some that matters of this kind should be appealable to the elected representatives of the public. There is and should be no higher authority in the structure of local government than the City Council, but the dignity and responsibility of that body demand that basic policies pertaining to conditional use permits be defined and unequivocably established.

One of our most significant findings is that such clearly defined policies do not now exist and, as a consequence, the present practice flagrantly violates the basic principles of sound, effective zoning. The result is that each individual conditional use permit represents a special grant of privilege, often unrelated to previous cases, and probably unrelated to future cases. In many instances the granting of such permits produces a breakdown in the integrity of the zoning pattern. In these cases, where conditional use permits are authorized by action of the legislative body, we found some of the most flagrant examples of what amounts to spot zoning, a situation consistently frowned upon by the courts. It should be the end results of this practice by which the practice is judged, and our judgment is that the manner in which conditional use permits have been dealt with largely defeats the basic and legitimate purpose of zoning.

Not only does this practice destroy the integrity of zoning, but the economic advantages that accrue to owners of property granted special privileges through conditional use permits offer incentive for the employment of persuasion in questionable forms.

We strongly believe that the only workable and just solution to the problem calls, first, for the Planning Commission and City Council to establish the basic policies, criteria and standards governing all conditional uses by means of appropriate amendments to the Zoning Code. The function of granting all conditional use permits should then be delegated to the Office of Zoning Administration which has a proven record of consistent and fair administration of such matters. In addition, the Board of Zoning Appeals, which under our further recommendations would operate as a truly quasi-judicial appeal agency,

will ensure that the Office of Zoning Administration operates within Council-prescribed policies.

Related to our recommendations on conditional uses is the recommendation that a few, special types of land use which cannot be classified according to zones, be designated as "unclassifiable" and made subject to individual legislative authorization by ordinance. Great care should be taken not to circumvent the distinction between unclassifiable uses and conditional uses; uses should not be listed as unclassifiable when in fact they can be adequately classified by zone and treated as conditional uses within the appropriate zoning classifications.

ZONING ADMINISTRATION APPEALS

A second area of concern relates to the Office of Zoning Administration and the Board of Zoning Appeals. The original purpose of these two related agencies, as provided for in a 1941 Charter amendment, was to establish a quasi-judicial process for making essential adjustments under the zoning ordinance when the literal application of the zoning regulations proves discriminatory and, to some extent, confiscatory. Until 1963 the process worked as perfectly as human practices permit, and attained an enviable nationwide reputation for excellence in dealing with the matters involved. In 1963, by means of another Charter amendment, the status of the Board of Appeals was changed. It was renamed the Board of Zoning Adjustment and delegated certain additional administrative and advisory duties assertedly to relieve the burden on the Planning Commission. But this change violated a basic concept of good organization and administration in that it divided both the authority and the responsibility in certain matters. It is an axiom in the field of administrative organization in private business, government and the military, that when authority is divided, authority is lost, and when responsibility is divided there is no responsibility.

Many difficulties resulted from the operation of the Board of Zoning Adjustment because, in practice, the Board abandoned the basic principle of considering appeals on the basis of the record of proceedings before the Zoning Administrators. Our inquiries revealed that the Board's prevalent practice was to try each case de novo; that is without reference to the previous proceedings in the case. In some cases the result was the granting of appeals overriding not only the findings and decision of a Zoning Administrator, but also overriding previous denials by both the Planning Commission and the City Council of requests for zone changes which would have produced the same result. There are numerous instances in which the action of the Board of Zoning Adjustment authorized the use of a given piece of property for an activity specifically prohibited in the zone in which the property was located.

Our recommendation is to establish the Board of Zoning Appeals in its original form, and with its original duties and authority, which is to deal exclusively with appellate matters originating with the Zoning Administrators, but retaining the present five Board members rather than the original three.

It should be pointed out that the present Board of Adjustment appears to be sincerely endeavoring to function as that Board should function. The significance of our recommendation lies in the fact that the proposed reconstituted Board of Appeals would serve exclusively in a quasi-judicial capacity, with the additional provision that, just as in the normal judicial process, an appeal must be considered on the basis of evidence of record emanating from the lower court—which in this case is the Office of Zoning Administration.

We do not believe that creating another level of appeal from the Board to the City Council would be a satisfactory remedy for improper Board action. This would place the Council in a quasi-judicial position—adjudicating the individual application of its own laws; and would increase the potential for discriminatory actions. The additional appeal procedure would create an unwarranted additional uncertainty and procedural burden for both applicants and interested citizens.

SPECIFIC PLANS

The third area of particular interest has to do with the broader planning program as distinguished from zoning. We discovered that under the present Charter provisions the City of Los Angeles confuses the two basic tools involved in carrying on a planning program. The first tool is what the present Charter refers to as the Master Plan. It should be an overall policy statement and guide for City development, not a set of detailed regulations. We recommend that the name "Master Plan" be changed to the more descriptive and generally accepted title of "General Plan." We further recommend that the Charter adequately define the purposes, content, and procedures relating to the General Plan.

The other tool, essential to the effectuating of the General Plan, is known under California law as the specific plan. But the present Charter refers only to "regulatory measures," and in rather vague language implies that such measures can be considered as part of the Master or General Plan, a concept contrary to sound and accepted city planning practice.

The Los Angeles Charter does refer to one type of specific plan, namely, the zoning ordinance. Technically, the zoning map, which is a part of the zoning ordinance, is the specific land use plan of the City. It is a regulatory ordinance and therefore controlling.

We discovered considerable confusion concerning the proper relationship between the General Plan and specific plans, and their respective functions. Without the authorization and use of specific plans there is no means of assuring the effectuation of the General Plan which is and should be outlined only in general terms. Therefore, we recommend that the various forms of specific plans be clearly identified and authorized in the Charter.

* * *

In making our recommendations for action, we believe the following fundamental issues are at stake:

1. **Environmental Quality.** The health, safety, convenience and beauty of our urban environment depends upon the net effect of a vast array of public and private decisions regarding the development and use of land. The kind of environment each citizen would prefer can be achieved by mutual support of policies, plans, procedures and regulations designed to serve the community as a whole. It can be largely destroyed by a relatively few individual actions which disregard the interest of the community. We believe that our recommendations will help to assert the community interest while protecting individual rights.

2. **Justice and Equality Before the Law.** At the very heart of our constitutional system is the legal theory that no agency of government has the right to apply laws unequally or unfairly among those affected. But in zoning law, the tendency has grown to apply regulations on an individualized, parcel-by-parcel, case-by-case basis by means of spot zone changes, conditional use permits, variances and other devices. Strong safeguards must be maintained to insure that these devices are used soley in the public interest and without favoritism or discrimination. We believe this can best be accomplished by making a clear distinction between the legislative, administrative and quasi-judicial functions involved in zoning, with recognized checks and balances among these functions.

3. **Effective Management of Public Affairs.** In a city of three million people and one million parcels of real estate, municipal management is obviously a large and complex enterprise. Effective management of this enterprise requires that the top level of government—the Mayor and City Council—concentrate on overall policy and legislation, and that individual decisions regarding the application of policy and law to specific situations be delegated and decentralized. We believe the Mayor and Council cannot adequately deal with the serious and growing problems of urban development if they continue to be burdened with making a large number of individual administrative and quasi-judicial decisions in response to each property owners petition. At the same time, it is essential that

there be an effective system by which the results of administrative and quasi-judicial actions are monitored so that the Mayor and Council can insure that their policies are being carried out and can make adjustments in guiding policy and legislation as necessary to achieve desired objectives.

4. **Private Ownership of Property.** To a large extent, ownership is the right of control. The right of the public to limit the use of property for the good of the community is well established, but when governmental control over the use of property is determined on an individual basis rather than in keeping with a community-wide policy the institution of private property itself is placed under attack. If there is nothing in the law upon which the individual owner can rely as to what he may or may not do with his property, but rather must petition for an individual determination, then the concept of private ownership is substantially invalidated—the owner becomes merely a tenant.

One of our critical findings is that a certain perspective is lacking on the part of both developers and officials in viewing the zoning process. Zoning has largely but improperly come to be viewed as something to be changed, to be bargained over and to be influenced, sometimes legitimately, sometimes illegitimately. Aside from the injustices inherent in such a practice, this approach to zoning can provide little more than an impediment to the economic forces of urban development. It hardly provides a means by which the community can effectively shape its future through basic political decisions designed to supplement and guide rather than impede economic forces.

If adopted, we believe the proposals contained in this report will permit the Mayor and Council to continuously exercise effective policy and regulatory control over City development through the General Plan, the Zoning Code and other specific plans. Fair and consistent application of the zoning regulations to unusual situations can best be accomplished by the Office of Zoning Administration, and should there be error or abuse in the decisions of this office, a reconstituted Board of Zoning Appeals will provide a readily available "court of appeal."

CHAPTER 1
AMENDMENTS TO CHARTER PROVISIONS ON CITY PLANNING

This chapter presents our recommendations for changes in the City Charter relating to planning and zoning.

The material presented consists of Charter provisions together with explanatory comments. The Charter text is indented and identified by the symbol # at the left margin. Within the Charter text, proposed additions to the existing provisions are in boldface type and proposed deletions are shown by strikeout type.

The complete text of the Charter provisions, with the recommended changes indicated in the same manner, is repeated in continuous form in Appendix A. A cross-reference between the present and proposed Charter provisions is provided in Appendix C.

GENERAL COMMENTS

Article VIII of the City Charter is presently entitled "Department of City Planning" and consists of Sections 94 through 99½. These are the only Charter provisions which deal exclusvely with city planning matters. However, it is Section 70 which actually creates the Planning Department (and Commission) along with other departments, and Section 2(11) (o) provides the basic authorization for zoning legislation. All of the planning and zoning Charter changes proposed by the Citizens Committee can be accommodated within Article VIII.

ARTICLE VIII

~~DEPARTMENT OF~~ CITY PLANNING

TITLE

It is suggested that the title for Article VIII be simply "City Planning" rather than "Department of City Planning" in order to put the emphasis on the function rather than the organization. In fact the City Council and other City agencies are involved in these provisions. In particular, the General Plan should be thought of as a basic City document, and the planning process as involving the entire City government, rather than either being solely within the purview of one department.

NUMBERING

Through additions over the years, several of the Charter sections have fractional numbers—94½, 99¼, etc. In this revision it is proposed to eliminate these fractional numbers by consolidating material relating to the same subject and by adopting decimal numbering where necessary. Subject titles have been added for convenience.

POWERS AND DUTIES OF THE PLANNING DEPARTMENT

Sec. 94. **Department of City Planning**

As used in the Charter, "Department of City Planning" includes the City Planning Commission together with the Director of Planning and the Department staff. The Office of Zoning Administration and the Board

of Zoning Appeals (Adjustment) are also presumed to be part of the Department.

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

The wording of this general statement of the powers and duties of the City Planning Department is clarified to avoid any conflict between City and State law and to make it clear that any provisions of State law which are not mandatory for chartered cities would only be exercised if approved by the City Council. The Planning Department is primarily a staff agency, one of whose major purposes is to provide advice concerning land development in the City. We believe that additions to the functions and workload of the Planning Department should be made, not on its own initiative, but through the proper administrative and legislative approvals of the Mayor and Council. There is always the possibility of further amendments to the State law which might prescribe policies and practices inappropriate for Los Angeles. The City should protect itself against automatically accepting such provisions by requiring that such future changes in State law shall only apply when specifically adopted by local ordinance. Failure to so provide would lead to further erosion of home rule. Therefore, we deem it important to provide for the proper local administrative and legislative jurisdiction over the program of the Department.

The State Planning and Zoning Law provisions are basically for general law cities, rather than for chartered cities although a chartered city is permitted by Sections 65700 and 65803 the option of using State law provisions, if its charter so provides. These State law provisions were developed primarily for these smaller cities as guidelines for their planning functions. In some cities, the city council is designated as the planning agency and, therefore, the council determines whether to adopt optional features permitted by State law. In Los Angeles, the Planning Department is designated as the planning agency and, under present Charter provisions, the City Attorney states that the Planning Department might utilize powers and duties prescribed by State law, so long as not in conflict with Charter provisions, even though not specifically authorized by the Mayor and Council.

Following are some of the California Government Code sections which are related to this discussion:

Section 65302 enumerates the required elements of a general plan for general law cities. Effective July 1, 1969 a new element is added to the required elements, namely a housing element. This is to consist of standards and plans for improvement of housing and provision of adequate sites for all economic segments.

Section 65303 enumerates other elements which a city may adopt if it so chooses. This section also provides that the planning agency may adopt on its own initiative such additional elements as it wishes relating to the physical development of the city.

Section 65400 provides that the planning agency may make reports on financial matters and capital budgets. The City of Los Angeles now has a Capital Improvement Ordinance which does not contemplate such a procedure. In a large city such as Los Angeles, the Mayor and Council should determine what functions they wish the Planning Department to perform with respect to such matters.

Section 65102 states that the planning agency has the powers necessary to carry out the planning functions provided by the State law. This provision is desirable and necessary for general law cities, particularly where city councils are designated as the planning

agency; but for Los Angeles, such powers should be specifically authorized in the Charter or by ordinance approved by the Mayor and Council.

Comprehensive changes in State law since 1965 make it highly desirable for Charter Section 94 to be amended as recommended. Section 94 was originally adopted over twenty-five years ago when State law provisions were less comprehensive than at present.

~~subject, however, to the provisions of Article VIII of this Charter~~.

The present Charter wording refers only to Article VIII of the City Charter, but since other sections of the Charter also affect the functions of the Planning Department, this reference to Article VIII is unnecessarily restrictive, and should be replaced by the reference to the Charter as a whole as contained in the proposed wording above.

DIRECTOR OF PLANNING

~~Sec. 94½.~~

Sec. 95. Director of Planning

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

Charter Section 94½ has been restated as proposed Section 95(1).

Note that under present Charter Section 70(c), control and management of the Department is vested in the Director, and Section 79(b) provides that the Director shall be appointed by the Mayor. No change is proposed in these provisions of Sections 70 and 79 which apply to other departments as well as the Planning Department.

~~Sec. 95.~~

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

In view of the present provisions of Section 70(c) as mentioned above and our proposed provisions in Section 96 relating to the advisory role of the Planning Commission, the wording here should be changed to be consistent.

(a) With the advice of the ~~Coordinating~~ **General Plan Advisory** Board,

The name of the Coordinating Board was changed to Master Plan Advisory Board in 1967 by amendment of Section 95½. The name should now become the General Plan Advisory Board to correspond to the change from "Master Plan" to "General Plan" as discussed below.

he shall prepare ~~a master plan~~ **the General Plan**

Throughout these proposed Charter revisions the term "General Plan" has been substituted for "Master Plan" (Recommendation 1).[1] This is consistent with the present provisions of State law and with currently accepted city planning practice throughout the nation.

~~for the physical development~~ of the City, ~~as such term is defined by State law, in so far as such definition is applicable to the City~~, and from time to time extend and modify the same; and he shall prepare all maps, diagrams, charts and reports which may be necessary or advisable in the making of said ~~master plan~~ **General Plan**.

The only description or definition of the Master or General Plan presently contained in the Charter is in this section. Since the subject of the General Plan is proposed to be thoroughly covered in the new Section 96.5, we

[1]Recommendation numbers refer to the recommendations of the Citizens Committee as contained in its July 1968 report entitled **A Program to Improve Planning and Zoning in Los Angeles.**

propose that the existing description in Section 95 be deleted.

(b) Subject to the approval of the City Planning Commission, he shall prepare all proposed zoning regulations and requirements, ~~establishing~~ **including** the necessary districts or zones in connection therewith, and he shall prepare all maps, charts and diagrams which may be necessary or advisable in the making of such zoning regulations.

This minor clarification of wording is proposed in order to refer to the Director of Planning as preparing the zones and districts rather than establishing such districts. These districts can be established only by ordinance adopted by the City Council.

(c) He shall make investigations and report on the design and improvement of all proposed subdivisions of land and shall have such powers and perform such duties as are required by the Subdivision Map Act of the State of California.

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

This editorial change is proposed merely to eliminate unnecessary words.

GENERAL PLAN ADVISORY BOARD

~~Sec. 95½.~~

Sec. 95.5. General Plan Advisory Board

There is hereby created a ~~Master~~ **General** Plan Advisory Board

The term "General Plan Advisory Board" has been substituted throughout these provisions in place of the existing term "Master Plan Advisory Board" in order to conform with the change of title from "Master Plan" to "General Plan" as referred to above in connection with Section 95(2) (a).

which shall be composed of the Director of Planning, the Mayor, a member of the Council designated by the President of the Council, the City Administrative Officer, the City Engineer, the Executive Director of the Housing Authority, the Executive Director of the Community Redevelopment Agency, and the general managers of each of the following departments; namely, Building and Safety, Fire, Police (or the bureaus thereof), Public Utilities and Transportation, Recreation and Parks, Traffic, **Airports, Harbor,** and Water and Power (or the bureaus thereof),

The General Managers of the Airports and Harbor Departments are proposed to be added to the listed members of the Board in response to a suggestion of the City Planning Commission. These officers are now members of the Board and they are concerned with important regional activities which have a significant impact upon surrounding areas and the City as a whole.

together with ~~such other~~ **not to exceed three additional** officers of the City **or heads of City agencies** as the Mayor may **designate** from time to time ~~designate~~.

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

In the case of officers of the City designated by the Mayor, the designation of the alternate shall be made by the Mayor. Only a member of the Council may be designated as an alternate by the President of the Council and only an officer of the City may be designated as an alternate for those officers of the City designated by the Mayor to serve on said Board.

A limitation is proposed to permit not more than three additional members to be appointed to the Board by the Mayor. This is also a suggestion of the City Planning Commission intended to keep the size of the Board within workable limits and to maintain stability in the representation on the Board.

Also at the suggestion of the Planning Commission revised wording is proposed to provide for the appointment to the Board of agency heads. This would permit such persons as the head of the Community Analysis Program or the Model Cities Program to participate. Under the present provision these persons might be considered as neither officers nor heads of departments and therefore ineligible for such appointment.

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

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

CITY PLANNING COMMISSION

Sec. 96. **City Planning Commission**

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

The present Charter Section 96 deals only with the name of the Commission. Our proposal adds a general statement to indicate the basic function of the Planning Commission as:

1. **Advisory** to both elected officials and department staff.

2. Oriented toward **policy and legislation** rather than toward administration, with particular emphasis on the General Plan and the Zoning Code as the two most important instruments of planning.

This addition is intended to emphasize that the basic role of the Commission is to

reflect broad-gauge lay understanding of community needs and goals, and that the Commission should be concerned primarily with the overall view and review of planning functions rather than with administrative detail.

~~Sec. 96½. The City Planning Commission shall advise the Director of Planning in the preparation of the master plan, including the preparation of zoning, land subdivision and building line regulations, and other regulatory measures related to the master plan or the physical development of the City, and shall hold all public hearings which may be required by law for the adoption, extension or modification thereof. Upon adoption by the City Planning Commission of said master plan or any part thereof, or any regulatory measure referred to above, the same shall be presented to the City Council by the Director of Planning, with the recommendations of the City Planning Commission. Upon receipt of the master plan, or any part thereof, or any such regulatory measure so adopted by the City Planning Commission, the City Council shall consider the same and may adopt such plan, or any part thereof, or any such regulatory measure as it may deem advisable.~~

The present Charter Section 96½ deals in a general way with Planning Commission responsibilities for both general planning and regulatory measures. The language is confusing since it implies that the regulatory measures are part of the Master Plan, when in fact and according to accepted practice regulatory measures are not part of the Master or General Plan. We propose that such regulatory measures, which are intended to carry out the General Plan, be identified as specific plans to be adopted by ordinance. This is provided for in our proposed Charter Sections 97.1 through 97.4.

GENERAL PLAN

One of the fundamental concerns of the Citizens Committee, as expressed in its first report which was issued in July 1968, is the apparent confusion regarding the preparation, adoption and use of the General Plan; another concern is the insufficient recognition of the General Plan as an important City document providing the basic policy guide for City development activities.

It is, therefore, recommended that the Charter be amended "to set forth the purpose, comprehensive nature and essential procedural requirements for the development and adoption of the General Plan of the City." It is further recommended that this Charter provision be supplemented by more detailed code provisions (Recommendation 1). Proposed Charter Section 96.5 implements this recommendation.

Sec. 96.5. General Plan

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

This proposed opening statement indicates the essential characteristics of a general plan. It must be comprehensive if it is to serve its intended coordinating function; it must include a declaration of purposes if it is to be a direction-setting document. It is a set of policy statements, not a set of regulations.

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

The first area of confusion found by the Citizens Committee concerns the purpose and importance of the General Plan. Proposed Charter Section 96.5(1) makes it clear that

the Plan is to be an important policy document for use throughout City government, and beyond that it is to be a useful coordinating tool for the private sector and for government at other levels. The need for continuous utilization of the Plan is emphasized in the proposed Charter provision. This will require that the Plan be maintained as part of a continuing planning process.

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

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

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

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

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

The second area of confusion about the General Plan concerns the content of the Plan. At present, Section 95(a) of the Charter merely refers to "a master plan for the physical development of the City, as such term is defined by State law, insofar as such definition is applicable to the City." Who determines what is applicable to the City?

The proposed Charter Section 96.5(2) outlines the minimum subject matter of the General Plan and permits other subjects to be included upon approval of the Planning Commission and the City Council. Subparagraphs (a) and (b) are similar to the requirements of the State Planning Law, and these are generally recognized by the planning profession as basic elements which must be part of any comprehensive General Plan. The State law includes "other local public utilities and facilities" within the circulation element. However, at the suggestion of the City Planning Commission, with which we concur, utilities and other public services are more logically included as a separate service-systems element.

It is not intended to define exactly what types of facilities should be included within the circulation element. The words "other facilities and features" would permit collector streets to be included, for example, even if it were argued that such streets could not be classed as "major thoroughfares."

The word "general" is used in the Charter provisions describing the nature of each of the mandatory elements. This is deemed necessary to emphasize that the General Plan is an overall policy guide, not a regulatory device. The inclusion of precise locations or designs as part of the General Plan is likely to detract from this basic function. Such precise plans, together with specific regulations to effectuate them, are separately provided for in our proposals under the heading of Specific Plans (see proposed Charter Sections 97.1 through 97.4).

A recent amendment to the State Planning Law has added a housing element as a mandatory part of a general plan for general law cities. We recognize that such an element might be highly desirable. However, the various professional and governmental organizations which are concerned with this new requirement have not yet formulated a clear understanding of what should be included within the housing element and, therefore, we conclude it would be premature to establish a housing element as a Charter requirement in Los Angeles. Nevertheless, our proposed

Charter provision would permit a housing element to be included in the General Plan at any time if so determined by the Planning Commission and City Council.

The third area of confusion arising under present Charter provisions about the General Plan concerns procedures for its adoption and amendment. In the present provisions there are only minimal procedural requirements for adopting the General Plan. For example, no specific provision is made for public hearings and the responsibility of the City Council to adopt the plan is not entirely clear. No provision is made for participation by the Mayor except as a member of the Master Plan Advisory Board.

Because the General Plan is an important public policy statement, it needs to be considered and adopted by resolution of the City Council after public hearing. All responsible public officials should provide the leadership and resources to make the Plan effective, and the responsibilities of the Mayor and Council for the General Plan should not be left in doubt (Recommendation 2).

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

The first paragraph of proposed Charter Section 96.5(3) summarizes the general procedure to be followed. More detailed requirements are contained in the proposed provisions which appear below. It is made clear that a General Plan must eventually be adopted, that final action is by the City Council, and such action is by resolution rather than ordinance since the Plan is a policy statement rather than a regulatory measure. The authorization for including land outside the City is in accord with sound planning practice and parallels a provision in the State law.

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

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

To be truly comprehensive, the General Plan must cover the entire City and interrelate all of the pertinent subject matter. However, because Los Angeles is so large and complex, it is necessary as a practical matter to break the Plan into logical units for consideration and adoption. On the other hand, it would be entirely inconsistent with the comprehensive nature and coordinating purpose of the General Plan for it to be adopted or amended in small bits and pieces. In order to prevent such piecemeal consideration, a limitation must be placed upon the extent to which the Plan can be divided for purposes of adoption or amendment.

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

(c) After receipt of the General Plan or any part thereof or amendment thereto as approved by the Planning Commission, and upon receipt of

the recommendations by the Mayor relative thereto, or the expiration of 30 days, whichever first occurs, the Council shall conduct a public hearing before acting thereon, and thereafter may adopt such Plan, or part thereof or amendments thereto provided the consideration of any such part or amendment conforms to the limitations set forth in Subsection (3) (a) hereof.

As representatives of the public, both the Planning Commission and the City Council should conduct public hearings before acting upon the General Plan. This would correspond to the requirements of the State Planning Law.

Provision is made in our proposal for the Mayor to play a key role in the recommending and approval of the General Plan, whereas, in the existing Charter no reference is made to participation by the Mayor other than as a member of the Master Plan Advisory Board. Under the proposed provisions the Mayor would have a power similar to that which he has in approving ordinances, but with the difference that he would review General Plan matters prior to their being acted upon by the Council, instead of only having a veto power afterwards as in ordinance matters. This proposed procedure would tend to insure final coordination of General Plan proposals with other basic City policies and programs under the Mayor's executive authority.

\# **(d) If the Council proposes any change from that which is approved by the Planning Commission, such proposed change must be referred to the Director of Planning, the Planning Commission and the Mayor for recommendation. The Planning Commission and the Mayor must act thereon within a period determined by ordinance, or such longer period as the Council may designate. Failure to act within such time shall be deemed to be an approval.**

Proposed subsection (d) is designed to assist the Council in understanding the impact of any changes on other aspects of the Plan and to avoid isolated, piecemeal or conflicting features being adopted within the Plan. Thus, the function of the General Plan as an interrelating and coordinating document would be protected.

\# **(e) Upon conclusion of its public hearing if no changes are proposed by the Council, or after receipt of the Mayor's and Planning Commission's recommendations on any proposed change, or the expiration of their time to act thereon, final action by the Council shall be taken within a period determined by ordinance.**

Final action on General Plan matters should be taken by the Council within a reasonable time. Unreasonable delay in adopting a part of the General Plan could mean that such a portion of the Plan would no longer be in proper coordination with other elements of the Plan. In the event an extended delay occurs, a General Plan matter should at least be referred back for review and report by the Planning Commission and Mayor before being again considered for adoption.

\# **(f) Adoption of the General Plan or any part thereof or amendment thereto shall be by majority vote of the entire Council if not contrary to the recommendations of either the Planning Commission or the Mayor. A two-thirds vote shall be required if contrary to the recommendations of either the Planning Commission or the Mayor, and a three-fourths**

vote shall be required if action of the Council is contrary to the recommendations of both the Planning Commission and the Mayor.

Since the General Plan is a major policy document of the City, the Mayor should have at least the same degree of authority and responsibility with reference to it as he has in legislative matters.

As previously explained, the General Plan is not suitable for adoption by ordinance. However, proposed Subsection (f) would establish for the General Plan the same relative voting and veto power among the Planning Commission, Mayor and City Council as now exists with respect to those planning-related legislative matters which are adopted by ordinance.

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

The first sentence of proposed subsection 96.5(4) is presently contained in Section 96½ of the Charter. The second sentence is a reasonable minimum requirement designed to answer the complaint that it is now difficult if not impossible for the public to determine exactly what constitutes the officially adopted Plan.

Our Recommendation 30 emphasizes the need for improvement in the City's public information program concerning planning matters. Reports and information concerning the General Plan should be a vital part of such a program.

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

One of our key recommendations is that the Charter be amended "to require that in adopting or amending any zoning regulations or zoning maps, the City Planning Commission and City Council shall make **specific** findings showing that the action is in substantial conformance with the purposes and intent of the General Plan. If the City Council does not adopt the Commission's findings, the Council shall adopt specific findings showing that **its** action is in conformance with the General Plan." (Recommendation 4.)

We found that too often the General Plan had not been brought to bear in the legislative adoption of zoning regulations. Testimony we received pointed out numerous cases where zoning actions were apparently influenced far more by individual arguments, circumstances and pressures than by a consistent and logical retionale for achieving a long-range community plan.

At present the Charter merely requires that zoning legislation be referred to the City Planning Commission for report and recommendation as to its relation to and effect upon the Plan, but contains no requirement that zoning legislation should in fact be consonant with the Plan.

The proposed Charter provision has been written to include not only zoning matters but all those city development matters which are subject to review by the Planning Commission.

Thus, this new and vital requirement is designed to give the General Plan some teeth by requiring that any plan implementation

matter must be based upon findings of substantial conformance with the General Plan. Any significant deviation from the Plan would be subject to invalidation by the courts. Consequently, before any such deviation could be made it would be necessary to amend the General Plan and this in turn would require a rethinking of the broader impact of such change upon other features of the Plan. Since under these new provisions the General Plan would be adopted after hearings and with participation by the Mayor more in the manner of a legislative action, these stronger requirements are justified in order to give effect to this important policy document.

AREA-BY-AREA REVIEW OF GENERAL PLAN AND ZONING MAP

\# **Sec. 96.6. General Plan and Zoning Areas**

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

In accordance with two of our key recommendations, this provision is designed to create an orderly processing of both General Plan and Zoning Map changes (Recommendations 3 and 6). Such a procedure should go a long way to eliminate piecemeal or spot zoning, and to insure that the various features of both the General Plan and the zoning pattern are properly interrelated with one another. In addition, this procedure should be much more efficient, both for the City and for the general public than the present case-by-case procedure.

Effective planning must be a continuing process. A general plan which no longer reflects the aims of the people, the realities of existing situations or the latest reliable social, economic and technological forecasts is a useless plan. In view of the size and diversity of the City of Los Angeles, it is apparent that much of the material which should constitute the City's General Plan can be adequately maintained only through a continuing area-by-area process of study and revision.

With respect to zoning, a unique feature is that the individual property owner is given the relatively unrestricted privilege of applying for a legislative change and then is able to force consideration of his particular request through the entire legislative process. Although valid reasons can be found for this arrangement, it is doubtful that it was originally intended to be more than a rarely used provision which would serve to protect the individual property owner from grossly unfair zoning. The fact that zone changes by owners' applications rather than by City initiative has become so prevalent is substantial evidence that the City is failing in its responsibility to keep its zoning pattern up to date.

Particularly in rapidly changing areas, reliance upon owners' applications to initiate zone changes often results in inefficient, repetitious consideration of the same areas. For example, three separate zone change applications might be filed within several weeks and involve properties within a few blocks of each other. Unless a special study of the whole area has been initiated, the Department staff and Commission have no choice but to make separate field investigations and reports, hold separate hearings and make separate decisions on these three cases even though most of the information and issues involved are the same.

Furthermore, we received numerous complaints from citizens concerning the difficulties

of keeping track of zoning applications affecting their communities since each application is scheduled for consideration separately. Grouping zone change requests by area and considering them according to a pre-announced schedule will greatly alleviate this problem.

More importantly, there is not always the opportunity to consider separate requests affecting an area for their combined interrelationships and impact upon the community before making a decision on any one of them. Obviously with this piecemeal procedure the public is unnecessarily inconvenienced and less able to grapple effectively with the basic community issues which may by involved than would be the case if all the changes for an area are considered at one time. However, the proposed procedure should not preclude acting on special cases on an individual basis when unusual and acceptable reasons to do so are present. Criteria should be established by ordinance to assist in determining when these exceptional circumstances exist. Such out-of-turn zone change proceedings should occur only to meet pressing public needs and not for the special convenience of particular property owners. The determination as to whether or not the required public interest criteria are met in order to justify out-of-turn consideration of a zoning case should be made by the Planning Commission. Such determination could be appealable to the City Council.

Obviously, many principles, policies, and standards contained in the General Plan would apply throughout the City and would not lend themselves to area-by-area consideration. Therefore such City-wide matters should be exempted from the area-by-area procedure.

With respect to zoning, note that this procedure would apply only to legislative changes in the Zoning Map, and not to the consideration of conditional uses, planned developments, variances and other administrative or quasi-judicial matters.

PLAN IMPLEMENTATION

~~Sec. 97~~.

Present Charter Section 97 deals with a variety of plan implementation matters. These existing provisions are rearranged together with some new provisions as follows:

Subject	Present Section No.	Proposed Section No.
Public land acquisition and public works referrals	97(1)	97.6
Zoning	97(2)	97.2
Hearings and investigations	97(3)	97.9
Delegation of authority to Board of Zoning Adjustment	97(4)	Deleted
Delegation of authority to Director of Planning	97(5)	97.8
Specific plans	None	97.1
Building lines	None	97.3
Public projects	None	97.4
Development regulations referrals	None	97.7

SPECIFIC PLANS

Sec. 97.1. Specific Plans

A specific plan is a precise statement of policies, standards and regulations together with a map or description defining the exact locations where such policies, standards and regulations are applicable.

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

(2) Content. Such specific plans may include:

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

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

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

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

Present Charter provisions fail to make a clear distinction between the General Plan and the regulatory measures which may serve to carry out the General Plan. There also appears to be some confusion as to the degree of precision appropriate for the General Plan as compared to the precision of a zoning map or a building line regulation, for example. Instances of undue precision in the present Master Plan are found in certain land use plans which have been adopted as part of the Master Plan but are in effect precise zoning maps. When a general plan becomes a repository for all sorts of regulatory detail, it tends to lose its essential function of conveying overall guiding principles, policies and relationships.

In order to clarify this distinction, we propose that provision be made, as it is in State law, for a category of precise plan—called specific plans—which may be enacted as regulatory measures to carry out the General Plan. Proposed Charter Section 97.1 is an overall statement indicating the nature of such plans and providing authority for their enactment. Under this heading of Specific Plans should be included planning tools now in use such as zoning—which is an ordinance regulating the use of land—as well as new planning regulations which may be developed in the future. One form of new specific plan regulation which we suggest is the protection of planned rights-of-way and other land needed for public purposes as enumerated here in proposed Subsection (2) (b) and provided for in greater detail in proposed Charter Section 97.4.

Since specific plans are intended to be regulatory, they are clearly legislative in character and therefore must be enacted by ordinance (Recommendation 29).

ZONING

The Zoning Code meets the definition of a Specific Plan as provided in Section 97.1. However the present provisions of Section 97(2) of the Charter, which authorize citizens to apply for changes in the Zoning Code and require that all Zoning Code matters be reported upon by the Planning Commission, should be retained; therefore these existing provisions are revised as necessary to conform with our various recommendations and are renumbered as Section 97.2.

\# **Sec. 97.2 Specific Plans—Zoning**

(1) ~~(2)~~ No ordinance, order or resolution shall be adopted by the Council involving (i) the creation or change of any zones or districts for the purpose of regulating the use of land, density of population, the height, bulk, location or use of buildings or structures therein, or the size of yards, open spaces or setbacks adjacent to buildings or structures, or (ii) **the authorization of location and regulation of uses of land which may be designated in the zoning ordinance as unclassifiable according to zones or districts,**

A clause is inserted to identify the approval of an "unclassifiable use" as a legislative zoning action which is subject to report and recommendation by the Planning Commission prior to Council action.

In connection with our consideration of conditional use matters, we recommend that certain of the uses presently handled as conditional uses under the jurisdiction of the City Planning Commission be placed in a new category called unclassifiable uses, with each such use subject to legislative approval. This category would be limited to certain large-scale unique land uses such as airports, cemeteries, higher educational institutions, land reclamation projects, and natural resource developments, since these uses cannot be satisfactorily assigned to any particular zoning classifications (Recommendation 8). At present these uses are handled administratively by the Planning Commission and only reach the City Council if appealed.

If these matters are to be handled legislatively, they should be subject to the same Charter provisions as other zoning legislation.

or (iii) the establishment, change or repeal of regulations applying within any of said zones, districts, yards, open spaces, or setbacks, unless ~~and until~~ it shall have first been submitted to the ~~City~~ Planning Commssion for report and recommendation concerning the following:

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

Reference to specific plans is added here in recognition of this new terminology and the Planning Commssion's responsibilty to coordinate properly all applicable plans.

Also note that under proposed Section 96.5(5), the Commission and Council would be required to make findings of conformance to the General Plan in addition to considering the relation to and effect upon the General Plan as required in the existing prrovsions.

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

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

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

~~When an application involving any of the proceedings mentioned in subsection (2) hereof is filed with the City Planning Commission, it shall be the duty of the Commission to act thereon within fifty (50) days of the date of such filing. This period may be extended for an additional period of not to exceed twenty one (21) days by mutual consent of the applicant and the Commission. The Council may, by ordinance, prescribe time limits, conditions and procedures under which the Commission may withhold action on any application for change of zone beyond the periods hereinabove specified when the application pertains to land located within an area in which the Commission is conducting a general survey or study. Should~~

(3) If the Commission recommends approval ~~of the matter involved,~~ in whole or in part, **of any matter mentioned in Subsection (1) hereof,** or fails to make any recommendations within the ~~above specified period~~ **time limits prescribed by ordinance**, an ordinance, order or resolution in conformity ~~therewith~~ **with the action of the Commission, or in conformity with the request to the Commission if the Commission has failed to act,** shall be prepared and presented to the Council

which may adopt same by majority vote of the whole Council. ~~Should~~ **If** the Commission recommends against the approval ~~thereof~~ **of any matter mentioned in Subsection (1) hereof,** in whole or in part, its action thereon shall be final except that an appeal may be taken to the Council within the time and in the manner prescribed by ordinance. **Upon such appeal,** the Council shall review the action of the Commission and may adopt an ordinance, order or resolution ~~effectuating same~~ **granting such appeal, in whole or in part,** only upon a two-thirds vote of the whole ~~of the~~ Council.

The present Charter provisions on zoning procedure deal separately with cases initiated by the City Council and those initiated by a property owner's application. This repetition of essentially the same procedure seems unnecessary, especially since it is proposed that the details concerning time limits and appeals be prescribed by ordinance.

The present provisions authorizing the withholding of action on cases within study areas is deleted since an area-by-area procedure is provided in proposed Section 96.6.

These provisions have been further shortened by eliminating the specific time limit (50 days with a possible 21 day extension) presently included in the Charter. Simply requiring that time limits be prescribed by ordinance will permit the area-by-area procedure (covered in Section 96.6) to be established and will allow future adjustments in exact time limits to be made as changing procedures and circumstances in the City might require.

BUILDING LINES

\# **Sec. 97.3. Specific Plans — Building Lines**

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

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

There are no specific provisions for building line regulations in the present Charter provisions. Proposed Charter Section 97.3 would remedy that omission. Building lines should be treated separately from zoning regulations since they are not established on the basis of the same legal principle. Zoning involves uniform regulations applied by district, whereas building lines are not necessarily uniform in application and relate to linear patterns along a street or highway.

PUBLIC PROJECT PROTECTION

\# **Section 97.4 Specific Plans—Public Projects**

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

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

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

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

Proposed Charter Section 97.4 would authorize a type of regulation not now utilized in Los Angeles. It would provide for regulations similar to the official map technique which is used in many places in the United States and which is provided for in California law.[2] These provisions could possibly be used for civic center and historical site control in addition to protection of other public sites. The actual regulations which might be adopted under this provision would, of course, be limited to reasonable restrictions. With respect to future public lands, a time limit would probably need to be established beyond which either the City must acquire the property and pay compensation or release the property from further regulation.

Since specific plans are to be precise, they must be based upon detailed project designs prepared by the appropriate agencies. Thus, a specific plan could only be prepared after design work has been initiated by the responsible agency. Furthermore, since specific plans would be effective only upon adoption of an ordinance, any inter-departmental differences could be resolved by the Mayor and Council prior to giving their approval.

[2]**California Streets and Highway Code,** Sections 740 through 742, provides such regulations pertaining to State Highways. **California Government Code,** Section 65451(a), authorizes such regulations with respect to any existing or planned right-of-way.

Note: Section No. 97.5 is not utilized, but could be used in the future in connection with provisions for some additional type of specific plan.

PUBLIC USE REFERRALS

\# **Sec. 97.6. Referrals—Public Uses.**

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

(a) The acquisition, establishing, opening, widening, narrowing, straightening, abandoning or vacating of any public street, road, highway, alley, square, park, playground, airport, public building site, or other public way, ground or open space, but not including easements for local sanitary sewers, storm drains or slopes.

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

Proposed Charter Section 97.6 incorporates the present provisions of Section 97(1) relating to the review of public land acquisitions and public works projects by the Planning Commission in order to insure their

conformity with the General Plan and to coordinate with other plans and public development activities. Reference to "any applicable specific plans" is added in keeping with the proposed provisions for such plans and the intended coordinating role of the Planning Commission.

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

The specific time limit of 50 days for Planning Commission action is deleted in order that the exact time limits may be set and adjusted by ordinance as necessary to accord with current procedures and circumstances in the City.

OTHER REFERRALS

Sec. 97.7. Referrals—Other Development Regulations

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

(a) Subdivision regulations.

(b) Private street regulations.

(c) Such other types of regulatory measures related to the General Plan or the development of the City as may be defined for this purpose by ordinance.

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

Land subdivision and private street regulations are now included within the city planning section of the Municipal Code and tentative or preliminary approvals of subdivision tract maps and private street maps are administered by the City Planning Department. However, the present Charter makes no specific provision for the Planning Commission to participate in the establishment or amendment of these regulations. It is proposed that such regulations be referred to the Planning Commission before City Council adoption with the two-thirds partial veto power such as is applied to zoning and other planning matters.

A provision is proposed to be added to permit other forms of city planning regulation which may be developed in the future also to be brought under the review powers of the Planning Commission.

This section would be a replacement for the vague provisions of present Charter Section 96½ which refers to the broad subject

of regulatory measures to carry out the General Plan.

The proposed procedural requirements for referral of such matters to the Planning Commission would be the same as now applied to public land acquisitions and public works projects.

DELEGATION OF COMMISSION AUTHORITY

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

Section 97(4) of the present Charter provisions authorizes functions to be transferred from the Planning Commission to the Board of Zoning Adjustment if ordered by ordinance upon a two-thirds vote of the Council. Currently, matters relating to building lines, private streets, parcel maps, public land acquisition and public works referrals have been so transferred.

We strongly recommend that the Board be limited to its primary quasi-judicial function of handling zoning administration appeals (Recommendation 15). Prior to 1963 the Board was exclusively a zoning administration appeal body and operated successfully in that role. The other matters which have since been assigned to the Board involve either administrative planning decisions or advice to the City Council on legislative and policy questions. The result is that the Board's responsibilities have become so mixed that the Board has tended to lose sight of its basic quasi-judicial role.

The present delegation to the Board of nonquasi-judicial functions violates the principle of centering responsibility and authority for a function in one agency. Divided authority and responsibility produce ineffective, confusing, and inconsistent administration. But such divided authority prevails in the present situation where, for example, the Planning Commission retains jurisdiction over building line cases related to zoning cases but has delegated other building line cases to the Board. Subdivision tract maps, involving division of land into five or more parcels, are appealable to the Planning Commission, while parcel maps, involving division of land into four or less parcels, are appealable to the Board. The possibilities for inconsistent policies and actions as between the two agencies are apparent.

Another principle involved here is that the Board, as a quasi-judicial appellate agency, is intended to operate as an "appeal court" for certain specialized matters where the fair and consistent adjudication of individual rights and privileges is a paramount consideration, just as the regular court system is the final arbiter for the proper application of general laws to individual situations. In both cases, it is important that the court processes function independently from the political decision-making processes. In order to maintain this separation of functions, the Board should not also become involved as an intermediate decision-making or recommending body with respect to matters that must finally be acted upon by the City Council.

This principle may be illustrated by the procedure for approving subdivision tract maps. The basic procedure is defined by State law which specifies that the City Council must have final appeal authority. The local subdivision ordinance may supplement the State law by designating an administrative official to make initial approvals of tract maps and may further designate an intermediate appeals body. It would not be proper for a quasi-judicial body such as the Board of Zoning Appeals to perform this type of intermediate appeal function wherein the Board's actions would be subject to being overruled by the City Council. To put the Board in this position would be comparable to authorizing the legislative branch of government to overrule the individual decisions of the courts. Rather, a judicial or quasi-judicial body should only be called into play to adjust or adjudicate a matter after the final administrative or legislative action has been taken.

It is therefore proposed to delete Section 97(4) which contains the present Charter authority for transferring nonquasi-judicial functions to the Board.

\# **Sec. 97.8. Delegation of Authority**

~~(5)~~ The City Planning Commission may authorize the Director of Planning to approve **or disapprove** for the ~~City Planning~~ Commission ~~or the Board of Zoning Adjustment,~~ any ordinance, order or resolution which ~~he finds~~ **is subject to the provisions of Sections 97.1 through 97.7 of this Charter. In exercising any such authority, the Director must find that his action** conforms with ~~the latest approved~~ **all** applicable portions of the ~~master plan,~~ **General Plan and with all applicable specific plans** or ~~which conforms to~~ **with** the ~~last~~ **latest** action of ~~said~~ **the** Commission ~~or Board,~~ **on the same matter. An action of the Director under this authority shall be subject to the same** ~~within the~~ time limits and ~~with~~ **shall have** the same effect as if ~~they~~ **the Commission** had acted directly thereon.

Proposed Section 97.8 is a clarification of language contained in present Charter Section 97(5). The present provision only refers to delegation of approvals to the Director of Planning while the proposed language would permit the Director to either approve or disapprove a matter when so authorized by the Planning Commission. The Commission could, of course, impose whatever policy limitations it wishes upon any such authority delegated to the Director.

In view of our proposal to remove all matters from the Board of Zoning Appeals which are not taken to that Board on appeal from a Zoning Administrator's decision, a workload problem for the Planning Commission would be created unless the Planning Commission is able to delegate some matters to an administrative official. This proposed revision would permit such routine administrative matters as the approval of public land acquisitions and public works referrals to be handled directly by the Director of Planning.

Effective management of a large Planning Commission workload requires that adequate policies be defined; and then decisions delegated to an appropriate administrative official operating under these policies. To simply shift a portion of the workload to another agency, such as the Board of Zoning Adjustment, merely divides and dilutes authority and responsibility, but does nothing to increase efficiency nor to secure adherence to a stable policy.

HEARINGS AND INVESTIGATIONS

\# **Sec. 97.9. Hearings and Investigations**

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

This is a restatement of the provision presently contained in Charter Section 97(3).

OFFICE OF ZONING ADMINISTRATION

One of our major concerns is the proper exercise of the quasi-judicial functions involved in zoning. Essentially, quasi-judicial actions involve the application of judgment to achieve fair and equal treatment among affected individuals within the intent of legislated regulations even though some deviation from the literal or normal requirements may be involved. The danger in the exercise of quasi-judicial authority is that, unless adaquately limited and controlled, such authority may be used to grant special privileges.

Los Angeles has pioneered the zoning administrator system whereby quasi-judicial decisions initially are made by professional administrators on the basis of careful analysis and consistent interpretation of the law. We believe this system has worked well over the years and therefore the Office of Zoning Administration should retain its basic powers and semi-independent status (Recommendation 13), but with added emphasis on its quasi-judicial role and with clarification of the proper scope of its decision-making authority (Recommendation 14). Our proposed revision of Charter Section 98 is directed toward these ends.

Sec. 98. **Office of Zoning Administration**

(1) There is hereby created **as a quasi-judicial agency** the Office of Zoning Administration.

The term "quasi-judicial" is proposed to be inserted to emphasize the proper role of this agency.

The functions and duties of this office shall be performed by one or more Zoning Administrators as authorized by the Council**,** **and** who shall be appointed by the Director of Planning subject to the Civil Service provisions of this Charter. If more than one Zoning Administrator is authorized, a position of Chief Zoning Administrator shall be established, the appointment to which shall be made by the Director of Planning**,** and such others shall be Associate Zoning Administrators.

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

A paragraph of the present provisions is deleted at this point since it pertains only to the initial appointment of a Chief Zoning Administrator, an event which occurred in 1957.

(2) Subject to such rules and regulations as the Council may prescribe by ordinance, the Chief Zoning Administrator and Associate Zoning Administrators shall have the following powers and duties:

(a) ~~(1)~~ To investigate and make a determination upon appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision or determination made by the Department of Building and Safety in the enforcement or administration of the provisions of any ordinance ~~adopted by the Council~~ creating zoning districts or regulating the use of property in the City.

There is no change proposed in this appellate authority over Building Department decisions in the administration of the Zoning Code.

(b) To investigate and make a determination upon all applications for conditional use

permits (which uses generally require a special degree of control to assure their compatibility with other surrounding uses) or any similar administrative determination required by the zoning ordinance to be considered and acted upon under criteria, standards and limitations established by ordinance. The granting of a conditional use permit or similar administrative determination shall not adversely affect the various elements and objectives of the General Plan. A Zoning Administrator may impose restrictions and limitations beyond those specified in the zoning ordinance where, for reasons cited in his findings, such restrictions and limitations are necessary to assure compliance with the purposes, intent and provisions of the criteria, standards and limitations established by ordinance.

At present, the subject of conditional use permits is not mentioned in the Charter. However, for many years this device has been provided for in the Zoning Code as a means by which a specific land use may be authorized at a specific location and controlled by special regulations imposed as conditions of approval. The present Code provisions on conditional uses are confusing since some types are under the original jurisdiction of the City Planning Commission appealable to the City Council, while others are handled directly by the Office of Zoning Administration. Of those handled by the Office of Zoning Administration, all are appealable to the Board of Zoning Adjustment, but some of these are further appealable to the City Council while others by implication are reviewable only by the courts. Also, at present, there are no codified standards for the approval and control of such uses.

Some testimony we received advocated that conditional uses be appealable to elected representatives of the people—the City Council. We completely disagree with this premise. We point out that the zoning cases which have attracted the attention of recent grand juries all involved final action by the City Council. This does not imply a criticism of the Council; rather it condemns the practice which results in an individual determination in each case in the absence of ordinance defined standards, criteria and guidelines which would permit proper administrative action.

Most of the conditional use cases we examined involved the granting of a high degree of special privilege. Significant deficiencies in these cases are found not only in the fact that the City Council passes final judgment but also in the fact that each case is handled individually with resulting inconsistencies and the consequent uncertainty as to what may happen in the whole zoning program. The primary remedy is to be found in the adoption by ordinance of adequate standards, criteria and guidelines to be applied in all cases so that individual cases will be viewed not as individual legislative acts, as at present, but as administrative acts based upon Council-determined requirements. The dignified and important position of the legislative body dictates that it should clearly define its policies in these matters.

Another serious weakness of the present system is that these individual determinations, made without reference to any clearly defined policy, produce in a most aggravated form the equivalent of spot zoning—a device consistently frowned upon and invalidated by the courts.

The question now is whether the Planning Commission and City Council should continue the time-consuming process of handling these cases individually and without consistent guidelines; or could the Commission and Council be more effective by using their time to develop general policies, criteria and standards to guide others in acting upon conditional uses? We strongly believe the latter is the only legal, proper and efficient course.

One of our most important recommendations, therefore, is that adequate regulations and criteria be established in the Code for

the approval of conditional uses and that the consideration and approval of such uses be under the jurisdiction of the Office of Zoning Administration with appeal to the Board of Zoning Appeals and any further appeal only to the courts (Recommendation 7). It may be pointed out that, for general law cities, the State Planning and Zoning Law also clearly assigns conditional uses to the quasi-judicial agency by providing that: "The board of zoning adjustment or zoning administrator shall hear and decide applications for conditional uses or other permits when the zoning ordinance provides therefor and establishes criteria for determining such matters, ..."[3]

\# **(c) To investigate and make a determination upon applications for planned unit development projects (which are generally large-scale projects adhering to the policies and standards described in the General Plan and inherent in the requirements of the zoning ordinance, but allowing flexibility in design of open spaces, height and placement of buildings and incidental uses) by the same procedures provided for considering and approving conditional uses, subject to the restrictions, requirements and limitations consistent herewith established for planned unit developments by the zoning ordinance. The planned unit development procedure may be utilized for residential, commertial, or industrial projects.**

A matter of special interest and controversy in the City is the question of how to treat large-scale planned developments—particularly planned residential developments. These are developments usually created by a single developer, to be maintained as a unit, and sometimes involving a combination of land uses—for instance, a complex of residential buildings together with commercial buildings and community facilities to serve the residential population of the development. Although attention has been focused on planned residential developments, the principles involved could apply to planned commercial developments and planned industrial developments as well.

At present, planned residential developments may be authorized as conditional uses by the Planning Commission with appeal to the City Council. It was the 1966 County Grand Jury investigation of such a case which led to the formation of our Citizens Committee.

We concluded in our first report of July 1968 that planned developments, if properly controlled, should comply with the intent of the zoning regulations applicable to the area where such development occurs. The justification for requiring special approval of such developments lies only in the need to adjust the details of the regulations to fit the characteristics of large-scale developments. This is a function which can best be performed fairly and consistently by a Zoning Administrator by procedures similar to those which we propose for conditional uses (Recommendation 9). All of the dangers in the present conditional use procedure, as discussed above in connection with proposed Section 98(2) (b), apply in even greater degree to planned unit developments if they continue to be handled on an individual basis rather than under a consistent administrative procedure as recommended.

\# **(d)** ~~**(2)**~~ To investigate and make a determination upon all applications for variances from any of the regulations and requirements of the zoning ordinance~~s~~.

The primary quasi-judicial function in zoning is the granting of variances. This device is intended to assure equal treatment under conditions which cannot be identified in advance in the adopted regulations. Variances are properly used to modify the application of zoning laws in order to bring the privileges of particular pieces of property to a parity

[3]**California Government Code,** Section 65901.

with other similarly located and classified properties, but without granting special privileges.

Testimony from several sources indicated to us that the wording of the present Charter-defined required showings for validating variances, if literally applied and without defining reasonable and workable interpretations of intent, would make the granting of many justifiable variances technically difficult. In order to alleviate this problem, we propose that a new authority distinct from the variance authority, and with its own set of criteria, be established to deal with slight modifications in yard and area requirements of the Zoning Code. This authority is contained in proposed Section 98(2)(f). With these yard and area matters removed from the variance category it then becomes possible to amend the variance criteria in order to more adequately and properly control the use of this device for making equitable adjustments of the zoning regulations in unusual situations (Recommendation 12).

Before granting an application for a variance, a Zoning Administrator must find:

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

This continues the present requirement that, before a variance may be granted, there must be some unintended effect of the zoning regulations which works contrary to the apparent purpose of those regulations.

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

This provision is proposed to be modified to deal only with special circumstances applicable to the property involved. Considerations relating to the "intended use or development of the property" are now covered in the next provision. The kinds of special circumstances contemplated are more fully explained by example.

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

This is a proposed additional provision to help insure that equality of rights and privileges are maintained. A variance is justified only if substantial injury would otherwise occur, but should not be justified merely on grounds of convenience or financial gain.

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

No substantial change is proposed in this requirement.

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

It is proposed to change the wording, but not the basic intent, of this provision in order to be more inclusive as to the scope of General Plan consideration and to provide language similar to that used in other Charter sections regarding the relationship to the General Plan.

In granting a variance a Zoning Administrator ~~may~~ **shall** impose such conditions as **will remedy disparity of privileges and which** are necessary to

protect the public health, safety or welfare, and to assure compliance with the objectives of the ~~master plan,~~ **General Plan** ~~in accordance with~~ **and** the purpose and intent of the zoning ordinance. **A variance shall not be used to grant a special privilege inconsistent with the limitations upon other properties in the vicinity and same zone in which subject property is located, nor may it be used to grant relief from self-imposed hardships.**

A revision of this paragraph is proposed to clarify the basis for imposing conditions in granting variances while emphasizing that there is no authority for going beyond that which is necessary to provide equal treatment among property owners. In the past it has been generally understood by Zoning Administrators and by the courts that self-imposed hardships do not constitute grounds for approving a variance. Language is added to clarify and emphasize this point.

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

It is proposed to add authority for a Zoning Administrator to classify land uses which are not specifically listed in the zoning ordinance. The Office of Zoning Administration now exercises this authority under Code provisions[4] only.

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

[4]**Municipal Code,** Section 12.21A2.

At present, a Zoning Administrator may grant slight yard and area modifications only if he finds that all the circumstances required for granting a variance are present. We found that a strict literal construction of these requirements would make it almost impossible to grant many worthy and proper yard or area modifications. In order to solve this problem, a new provision is proposed which would not be subject to the limitations of variances but would require that standards and criteria for such modifications be established by ordinance.

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

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

Although the wording is revised and strengthened, no basic change is proposed in the requirement for written findings by Zoning Administrators. A partial explanation of the enviable record established since the inception of the Office of Zoning Administration in Los Angeles is found in the policy and practice of developing specific and pertinent findings upon which decisions are based. This practice has established an ever-increasing foundation of record precedents assuring consistent decisions by the Office of Zoning Administration (Recommendation 21).

\# A Zoning Administrator shall make ~~his decision~~ **a determination** on any matter under his jurisdiction as expeditiously as possible ~~and in any event within 50 days from the date the matter is filed, except that this~~

~~time limit may be extended by mutual consent of the applicant and the Zoning Administrator then having jurisdiction of the matter.~~ **The City Council shall by ordinance provide time limits within which a Zoning Administrator must act for each type of case under his jurisdiction.** If no determination is made **by a Zoning Administrator** within ~~these~~ **the prescribed** time limit~~s~~, the applicant may request **that the matter be transferred to the jurisdiction of** the Board of Zoning ~~Adjustment~~ **Appeals.**

It is proposed that the present Charter-specified time limit of 50 days be deleted in favor of a requirement that such time limits be prescribed by ordinance. This would make it possible for the City Council to adjust exact time limits as changing procedures and administrative circumstances may require.

\# ~~for a transfer of jurisdiction to said Board and for a determination of the original application, in which case the Board of Zoning Adjustment shall assume jurisdiction and the Zoning Administrator shall lose jurisdiction, except that the matter may be remanded to the Zoning Administrator or the Board may accept applicant's request for withdrawal of such transfer of jurisdiction, in which case the Zoning Administrator shall regain jurisdiction for the time and purpose specified by the Board. If the Board does not remand the matter to the Zoning Administrator, it shall consider the matter in the same manner as provided for the consideration of appeals; however, the Office of Zoning Administration shall make such investigations and furnish such reports upon such matters as the Board may request.~~

The details concerning the transfer of jurisdiction procedure are proposed to be removed from this section and incorporated in Section 99 concerning the Board of Zoning Appeals, since it is the Board that takes action under such procedure.

\# Upon making a determination upon any matter under his jurisdiction, a Zoning Administrator shall forthwith place a copy of his findings and determination on file in the ~~City Planning~~ Department **of City Planning** and furnish a copy of the determination to the applicant~~,~~ **and** the ~~Board~~ **Department** of Building and Safety ~~Commissioners and the Director of Planning~~. Such determination shall be final, except that ~~an appeal may be taken as hereinafter provided. No variance granted~~ **no determination** by a Zoning Administrator, other than a slight modification ~~from~~ **in yard or** area requirements, shall become effective until the the expiration of an elapsed period after mailing notice **to the applicant,** which period shall be specified by ordinance. During this period an appeal from the determination ~~of a Zoning Administrator~~ may be taken ~~to the Board of Zoning Adjustment by any person aggrieved, or by an officer, board, department or bureau of the city,~~ as **hereinafter** provided ~~in this chapter~~. An appeal shall stay all proceedings in furtherance of the action appealed from pending its ~~determination~~ **disposition**.

The proposed revision of this paragraph simplifies it without change in its substance. The enumeration of those who may file an appeal is proposed to be deleted since we propose that it be covered in Section 99 concerning the Board of Zoning Appeals.

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

This proposed provision authorizes the Office of Zoning Administration to establish its own rules (Recommendation 16). Although there is probably no question but what this

authority exists in any case, this provision will parallel a similar provision now in the Charter pertaining to the Board of Zoning Adjustment.

BOARD OF ZONING APPEALS

The present Charter Sections 98½, 99 and 99¼ all pertain to the Board of Zoning Adjustment. It is proposed that these provisions, as revised, be consolidated in one new Section 99.

A basic recommendation in our first report is that the Charter be amended "to change the title of the Board of Zoning Adjustment to its original designation as the Board of Zoning Appeals and to limit the jurisdiction of the Board to appeals from determinations of Zoning Administrators. The Board should not have jurisdiction over matters outside the proper scope of its appellate function." (Recommendation 15.)

We are seriously concerned with the manner in which the Board of Zoning Adjustment has functioned in recent years and with the present assignment of jurisdiction and functions to the Board.

In 1941 a Charter amendment created a Board of Zoning Appeals consisting of three citizens with the sole function of considering appeals from decisions of the Zoning Administrator. A 1963 Charter amendment expanded the Board to five members, changed its name to the Board of Zoning Adjustment and provided that the City Council may, by ordinance, transfer certain functions from the City Planning Commission to the Board. Pursuant to this provision, the Board has been delegated the responsibility for acting upon building lines and reviewing public property acquisitions and dispositions, parcel maps and private street maps in addition to its basic responsibility for zoning administration appeals.

While recognizing that these changes were designed to relieve the City Planning Commission of a heavy workload of minor decisions and enable it to deal more effectively with major planning issues, this change has produced a confused pattern of decision-making and handling of appeals among the various categories of planning and zoning matters. The assignment of these additional duties makes it difficult for Board members to distinguish clearly the differing criteria for decision on the various types of cases.

The essential function of the Board is to consider appeals in quasi-judicial matters. A proper judicial approach is limited to reviewing decisions made by others (in this case by Zoning Administrators) and interpreting the legislatively established regulations according to the criteria set forth in the regulations.

The proposed Charter revisions are designed to re-establish and protect the Board of Zoning Appeals as a strictly quasi-judicial body functioning only for the purpose of correcting any improper action by the Office of Zoning Administration. Our comments on pages 25 and 26 concerning the proposed deletion of Charter Section 97(4) are also pertinent to our proposed revision of Section 99 which follows.

\# ~~Sec. 98½.~~

Sec. 99. Board of Zoning Appeals

(1) There is hereby created **as a quasi-judicial body** a Board of Zoning ~~Adjustment~~ **Appeals**

The name of the Board is proposed to be changed as recommended — from Board of Zoning Adjustment to Board of Zoning Appeals. It is proposed that the term "quasi-judicial" be used to emphasize the proper role of the Board.

\# consisting of five ~~(5)~~ members~~,~~ who shall be appointed by the Mayor subject to confirmation of the Council~~, one of whom may be a member of the City Planning Commission~~. The terms of the members of said Board shall be ~~for~~ five ~~(5)~~ years~~, except that the terms of the present members of the Board of Zoning Appeals on the effective date of this section shall continue for the balance of the respective terms for which they were appointed~~. One such term shall expire on June

30 of each year~~, except that the initial terms shall be of the following duration: one shall expire on June 30, 1963, one shall expire on June 30, 1964, one shall expire on June 30, 1965, one shall expire on June 30, 1966, and one shall expire on June 30, 1967~~. In case of any vacancy, **other than one resulting from the expiration of a term,** a successor shall be appointed for the period of the unexpired term ~~vacated~~. The members of the Board of Zoning ~~Appeals~~ **Adjustment** in office on the effective date of this amendment shall continue in office as members of the Board of Zoning ~~Adjustment~~ **Appeals** for their then unexpired terms.

Present provisions relating to the initial terms on the existing Board are proposed to be deleted since they are no longer needed. Provision should be made for continuity of the existing membership of the Board of Zoning Adjustment as it shifts over to become the new Board of Zoning Appeals.

Three members shall constitute a quorum of the Board of Zoning Appeals, and the concurring vote of at least three members shall be necessary in the determination of any matter.

This provision is presently contained at the end of Section 99¼.

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

There is no change in this provision.

~~Sec. 99.~~

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

It is proposed that the word "only" be added to clearly limit the powers of the Board to appeals or transfers of jurisdiction from the Office of Zoning Administration and nothing else. This wording is essential to prevent additional functions from being assigned to the Board as has been done under present Charter provisions.

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

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

The enumeration of the Board's powers may be simplified since under our recommendation all matters must come to the Board from the Office of Zoning Administration and can be brought to the Board only by appeal or transfer of jusisdiction.

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

Proposed Subsection (3) contains various Charter limitations on appeal proceedings (Recommendation 22).

Those persons who are eligible to file an appeal are enumerated. Since either an applicant or a person aggrieved might not include those who are concerned with broad City-wide implications of a Zoning Administrator's decision, provision is made for either the Director or the City Planning Commission to file appeals. This prerogative might be exercised, for example, if an element of the General Plan were threatened by a Zoning Administrator's decision or if there were other plans being prepared by the Department or Commission which had not been properly evaluated in the initial consideration.

We have considered suggestions that any officer or board of the City be empowered to file appeals. However, we believe that any such officer or board, other than the Director of Planning or the Planning Commission, who might justifiably have reason to appeal would be a person aggrieved and therefore would be included within the scope of our proposed Charter provision.

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

The purpose of appeals is frequently misunderstood. The only reason for conducting appeal proceedings is to correct the possible errors of an agency or office which has been given power to take certain actions—to insure that such an agency continues to operate within its assigned authority and responsibility. It is not the proper function of an appeal agency to duplicate the functions of the agency from which the appeal is made. To do so is wasteful of time and money and opens the door to inconsistency and unfairness between the actions of the two agencies.

The first determination by the appeal body should be whether or not the original decision-maker had sufficient information upon which to base a decision. If pertinent facts were not disclosed in the original application, investigation and hearing, there has not been a full opportunity for reaching a sound decision in the first instance. In this circumstance the original proceeding is incomplete

rather than erroneous. Rather than substitute its own judgment based on different information, the appeal body should, in such a situation, return the matter to the original authority for reconsideration in light of the full facts of the case. To do otherwise is to invite the withholding of information simply for the purpose of justifying an appeal—in effect bypassing the agency having original jurisdiction.

The next question for the appeal body is whether or not the original decision has exceeded the bounds of the law, regardless of whether the appeal body agrees with the decision. For this purpose, the findings of the original authority must be examined to determine if they demonstrate a suitable relationship between the facts of the case and the conclusions reached. If the decision is found to be reasonable and proper in the circumstances, the appeal body is not justified in substituting its own judgment for that of the original authority.

The key requirement to maintain proper appeal procedure, therefore, is to prohibit the appeal body from considering matters de novo, that is, on the basis of new information or arguments. Instead, each appeal should be considered entirely on the basis of the record of the original proceeding.

Finally, if the appeal agency determines that the original decision was in error, it must be guided in reaching its own decision by the same laws, policies and standards established to guide the Zoning Administrators.

We found that in the past the Board of Zoning Adjustment has granted too many appeals in disregard of these principles—hence, these proposed Charter restrictions.

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

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

A stronger emphasis on written findings is necessary in order for zoning procedures to operate as they should. For appeal decisions which modify or reverse previous decisions, there must be two types of findings: first, those showing error in the original determination; and second, those supporting whatever revised decision is made.

This proposed Charter provision is more stringent than the present provision which merely authorizes the Board to make such determination "as it shall deem proper in the premises." The new provision would require that the Board of Appeals thoroughly explain the reasoning for its decisions and would assist the courts in adequately reviewing actions of the Board and invalidating unwarranted appeals should they be granted.

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

with the Board a statement of facts pertaining to the matter, and shall transmit to the Board the files in the case.

The transfer of jurisdiction procedure is intended to enforce timely completion of proceedings and decisions by the Zoning Administrators. This proposed provision is essentially the same as that presently contained in Charter Section 98.

In the past there have been some abuses of this transfer procedure wherein the Board has not applied the same care to the consideration of transferred cases as normally would have been exercised by the Office of Zoning Administration. In order to protect against such abuses, this revised provision emphasizes the Board's responsibility to follow the same procedures as are applicable to Zoning Administrators (Recommendation 23). Provision is also made for a Zoning Administrator to file information with the Board even if such information is not requested.

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

Present Charter Section 99(c) which refers to other powers which may be assigned to the Board is proposed to be deleted since we strongly recommend that the Board not have powers outside its basic quasi-judicial appellate function (Recommendation 15). This subject is discussed on pages 25 and 26 in connection with our proposed deletion of present Section 97(4).

~~Sec. 99¼.~~

(5) The Council, **within the limitations established by this Charter,** ~~shall~~ **may** prescribe by ordinance rules and regulations providing for the time, manner, method and procedure for the hearing and determining of the matters under the jurisdiction of ~~said board;~~ **the Board of Zoning Appeals.** ~~provided, however, that~~ **The** Board may adopt such ~~other and additional~~ rules as it may deem necessary to carry out the rules and regulations prescribed by ordinance and which are not in conflict or inconsistent therewith. All ~~said~~ **such** rules and regulations shall be ~~kept posted~~ **available for inspection** in the office of the Board ~~and a copy thereof furnished to any applicant~~.

There is no substantive change proposed in this paragraph, except to require that the rules of the Board be available for inspection rather than requiring that they be posted and a copy furnished to any applicant. Public posting of notices seldom has proven to be an effective way of furnishing information. It is expected that copies of official rules would ordinarily be available for public distribution, but this depends upon budgetary resources which cannot be guaranteed (Recommendation 16).

~~Three members shall constitute a quorum, and the concurring vote of at least three members shall be necessary in the determination of any matter.~~

It is proposed that this sentence referring to a quorum and vote for decision be incorporated in our proposed Section 99(1).

~~Sec. 99½. In the event of the adoption of a charter amendment creating a Board of Administrative Appeals all appeals which are to be taken to the Board of Zoning Appeals, as hereinabove provided, shall be taken to the said Board of Administrative Appeals, and wherever the term "Board of Zoning Appeals" is hereinabove used it shall be taken to mean "Board of Administrative Appeals," and Section 98½, creating said Board of Zoning Appeals, shall be inoperative for any purpose.~~

This existing section contemplated the possible establishment of a Board of Administrative Appeals to handle various appeal matters throughout the City government. However, since such a Board has never been created, and could only be created by further Charter amendment, there is no need to retain this ineffective Charter provision.

CHAPTER 2
AMENDMENTS TO PLANNING AND ZONING PROVISIONS OF THE MUNICIPAL CODE

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

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

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

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

GENERAL PLAN CODE

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

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

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

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

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

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

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

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

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

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

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

PROCEDURAL CODE

We recommend the amendment of the Municipal Code "to provide simple and uniform procedural requirements governing applications, notices, hearings, time limits and appeals for all types of planning and zoning cases." (Recommendation 16.) This could be accomplished by placing standard provisions on procedure in Article 9 of Chapter 1 of the Municipal Code—an article which at present deals primarily with fees for planning matters. Once such a procedural code is available, many other sections of the planning and zoning regulations could be greatly simplified. It is desirable that the Procedural Code be adopted at an early date so that its provisions can be relied upon in preparing Municipal Code amendments to carry out other recommendations, thus avoiding the need to repeat procedural provisions as part of these other amendments. The Procedural Code should include provisions to carry out our specific recommendations concerning a notification subscription service (Recommendation 18), testimony under oath (Recommendation 19), verbatim records (Recommendation 20), written findings (Recommendation 21), appeals (Recommendation 22), transfers of jurisdiction (Recommendation 23), and City Council action (Recommendation 28).

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

Chapter 1—Article 9
PROCEDURES AND FEES

Sec. 19.00 APPLICABILITY

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

Sec. 19.01 DEFINITIONS

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

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

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

Sec. 19.02 FILING OF APPLICATIONS

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

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

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

Sec. 19.03 NOTIFICATION

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

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

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

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

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

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

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

Sec. 19.04 HEARINGS

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

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

C. **Record**

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

2. **Other Evidence.** Written and graphic evidence may be introduced at any hearing and shall be identified with the file on the matter. At the request of any party or interested person, to the extent feasible, and upon the payment of the costs involved and any fee required by ordinance, reproductions of such evidence may be made and delivered to the requestor.

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

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

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

Sec. 19.05 FINDINGS

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

Sec. 19.06 DETERMINATIONS

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

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

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

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

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

Sec. 19.07 APPEALS

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

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

C. **Filing Period.** When a determination is subject to appeal, any such appeal must be filed within 20 days of the date on which the determination is issued except that when the final day for filing an appeal falls on a Saturday, Sunday or legal holiday, the time for filing such appeal shall be extended to the close of business on the next succeeding working day.

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

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

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

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

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

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

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

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

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

Sec. 19.08 TRANSFERS OF JURISDICTION

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

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

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

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

Sec. 19.09 ADDITIONAL RULES

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

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

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

Sec. 19.10 CITY COUNCIL ACTION

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

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

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

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

12.24 B3, C3, (Conditional Uses)[5]
12.27 A, B1-5 (Zoning Administrators)[5]
12.28 A2-9 (Board of Zoning Adjustment)[5]
12.32 B, C, D4-7, E (Zone Changes)
13.00 C2-5, 13.01 H (Supplemental Use Districts)
14.01 A-D (Building Lines)
15.00 D (Public Use Approvals)

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

Applications—who can file?

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

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

Any other special requirements.

ZONING MAP CHANGES

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

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

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

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

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

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

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

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

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

OFFICE OF ZONING ADMINISTRATION

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

Sec. 12.27 OFFICE OF ZONING ADMINISTRATION

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

Section 98(4) of the City Charter provides that: "The Office of Zoning Administration may adopt such rules as it may deem necessary to carry out the rules and regulations prescribed by ordinance and which are not in conflict or inconsistent therewith. All such rules and regulations shall be available for inspection in the Office of Zoning Administration."

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

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

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

C. **Variances.**

1. **Findings Required** . . . [Copy requirements for findings from proposed Charter Section 98(2)(d).]

2. **Continuance of Variance or Exception** . . . [Copy present Code Sec. 12.27B6.]

3. **Discontinuance** . . . [Copy present Code Sec. 12.27B7.]

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

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

1. **Applications** . . . [See existing Code Sec. 12.27B2.]

2. **Hearings** . . . [Specify when required and the type of notification required. See present Code Sec. 12.27B3.]

3. **Determinations** . . . [See present Code Sec. 12.27B4.]

   a. **Regular** . . .

   b. **Slight Modification** . . .

   c. **Rulings** . . . [Copy present Code Sec. 12.27D.]

F. **Foster Care Homes and Day Care Homes.** [Copy present Code Sec. 12.-27E. Eventually these provisions should be incorporated in the conditional use or similar sections of the Code.]

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

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

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

BOARD OF ZONING APPEALS

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

Sec. 12.28 BOARD OF ZONING APPEALS

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

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

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

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

B. **Procedure.**

1. Proceedings under the jurisdiction of the Board shall be in accordance with the provisions of Article 9 of Chapter 1 of the Municipal Code.

2. In each case appealed to the Board, notifications of Board hearings and distribution of Board determinations shall be the same as that made in the original proceeding; provided, however, that the Board may authorize such additional notification and distribution as it may deem appropriate.

3. All determinations of the Board shall be final and may not be appealed to any other agency of the City.

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

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

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

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

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

CONDITIONAL USES

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

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

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

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

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

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

Sec. 12.25 CONDITIONAL USES

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

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

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

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

1. The matters subject to conditional use consideration should be those which require some degree of discretion or judgment in determining whether or not the use is to be permitted in a given situation. By comparison, if it is possible to write a very specific set of standards and it is intended that the use be permitted in every case where these standards are met, then the use should not be subject to a conditional use permit. Such uses should be listed as permitted uses in the appropriate zones, subject to the desired standards, and the Building and Safety Department should automatically permit such uses when the standards are met. An example of such a "limited use" under the present Zoning Code is an automobile laundry or wash rack for which definite noise standards are provided to be directly administered by the Building and Safety Department (Section 12:14A6(b)).

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

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

Functional relationship with surrounding uses including such consdierations as:

Possible joint use of common facilities such as parking.

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

Public need for the proposed use in the proposed area.

Availability of suitable access:

Rail.

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

Public Transportation.

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

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

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

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

Parking—not less than a specified number of spaces.

Landscaping—types and extent of planting.

Building arrangement and height limitations.

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

Fencing requirements.

Control of signs, lighting, etc.

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

Hours of operation.

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

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

Name of use.

Zoning classifications in which the use may be permitted.

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

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

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

C. **General Criteria.** In addition to the requirements for each type of use as provided above, a Zoning Administrator must find that the following criteria and policies are satisfied before granting any Conditional Use Permit:

1. . . [General Plan conformance.]

2. . .

[etc.]

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

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

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

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

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

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

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

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

PLANNED DEVELOPMENTS

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

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

\# Sec. 12.25.1 PLANNED DEVELOPMENTS

A. **Purpose** . . .

B. **Requirements.**

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

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

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

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

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

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

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

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

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

UNCLASSIFIABLE USES

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

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

Sec. 12.24 UNCLASSIFIABLE USES

A. **Purpose** . . .

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

1. **Airports,** subject to the following requirements:

   a. . .

   b. . .

   [etc.]

2. **Cemeteries** . . .

3. **Educational Institutions** . . .

4. **Land Reclamation Projects** . . .

5. **Natural Resource Developments** . . .

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

1. . . [General Plan Conformance.]

2. . .

[etc.]

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

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

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

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

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

BUILDING AND SAFETY DEPARTMENT

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

Add to Section 12.26A:

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

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

Amend Section 12.26B to read:

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

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

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

SUGGESTED CHANGES IN TERMINOLOGY

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

12.00	13.00
12.02	13.01H
12.04E	13.03A
12.24A[7]	17.50

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

Municipal Code. At many places in the present Code, reference is made to "this Code," meaning the Municipal Code. In a number of such cases the reference is to a section of the Building Code. It is suggested that such references say "Municipal Code" or "Building Code," etc., in order to make it clear that the reference is not to another part of the Zoning Code.

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

12.02	12.32A
12.03 (Highway—Major)	12.37
12.03 (Highway—Secondary)	13.00C
12.04F	14.00
12.07 C4	15.00E
12.07.01 C4	17.02 (Highway—Major) (Highway—Secondary) (Master Plan)
12.07.1 C4	17.05C
12.08 C4	17.50
12.21 C1(h)	17.52 A2, A3
12.22 A5	18.01 (Major Highway)
12.24A[7]	18.05A, K
12.24 B2, C1, C1(q), C1.5, C1.5(d), C2[7]	

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

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

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

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

Section 17.00 also refers to the subdivision regulations as part of the "City's Community Design Plan." This apparently refers to the Community Design Element of a General Plan as mentioned in the State Planning Law; but, since the subdivision regulations should not be considered as part of the General Plan, this reference to a "Community Design Plan" should be dropped. The first paragraph of Section 17.01B also refers to "Community Design Plan" and this should be changed to "General Plan."

CHAPTER 3
CONDUCT IN OFFICE—CHARTER AND CODE AMENDMENTS

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

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

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

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

In our first report of July 1968 we made four general recommendations about ethics, conflict of interest, private communications and campaign contributions, all in relation to planning and zoning matters (Recommendations 31, 32, 33 and 35). Although our study has been limited to planning and zoning matters, the City Council also referred to us for report and recommendation certain files on the general subject of ethics, conflict of interest, and campaign contributions.[8]

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

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

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

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

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

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

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

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

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

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

CODE OF ETHICS

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

\# CONDUCT IN OFFICE

Sec. 64.1. Ethics

The Council shall establish a Code of Ethics for all officers and employees of the City, whether elected or appointed, paid or unpaid. The purpose of this Code shall be to establish ethical standards of conduct for all such officers and employees and to define those acts and actions that are incompatible with the best interests of the City. Such Code may be supplemented by codes of ethics adopted by the various departments, boards and agencies of the City, providing such supplementary codes are not inconsistent with the Council-adopted City-wide Code.

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

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

CONFLICT OF INTEREST

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

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

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

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

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

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

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

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

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

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

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

Sec. 64.2. Conflict of Interest

(1) Intent

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

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

(2) Definition of Conflict

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

(a) Current or prospective ownership of property involving substantial interest or control.

(b) Current or prospective financial transactions.

(c) Current or prospective employment.

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

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

(f) Any similar influence.

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

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

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

(3) Disclosure and Disqualification

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

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

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

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

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

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

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

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

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

(4) Implementing Regulations

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

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

CONFLICT OF INTEREST

Purpose

Definitions

- Conflict of Interest
  - Substantial
  - Minor
- Interests
  - Ownership
  - Financial
  - Employment
  - Organizational
  - Personal
- Relationship
  - Direct
  - Indirect
  - Family
  - Friendship

Regulations

- Matters affected
  - Contracts
  - Sales
  - Purchases
  - Other transactions
  - Regulatory measures
  - Policy actions
- Persons affected
  - Officers
  - Employees
- General disclosure—when required
- Disqualification—when required
- Detailed disclosure—when required
- Communications
  - Scope
  - When prohibited

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

- General disclosure
- Detailed disclosure
- Disqualification
- Transfer of jurisdiction
  - To appellate agency
  - To Board of Referred Powers

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

\# Sec. 64.3. Board of Referred Powers

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

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

\# Sec. 64.4. Transfer of Jurisdiction

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

to the rules governing the agency having original jurisdiction.

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

CAMPAIGN CONTRIBUTIONS

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

\# Sec. 64.5. Contributions, Gifts and Gratuities

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

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

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

CONTRIBUTIONS, GIFTS AND GRATUITIES

Purpose

Definitions

Regulations

Affected parties

Elected officials

Candidates for elective office

Appointed officers and employees

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

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

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

Individuals, firms and organizations must make reports to beneficiaries.

Beneficiaries must file complete report with City Clerk

City Clerk to retain for five years

Information to be available to public

PRIVATE COMMUNICATIONS

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

\# Sec. 64.6. Private Communications

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

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

PRIVATE COMMUNICATIONS

Purpose

Definitions

Affected parties

Commissioners and Board members.

Persons communicating with Commissioners and Board members.

Regulations

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

If prohibited communication occurs:

Disclosure by officer involved.

Disqualification or vote against interest of party initiating prohibited communication.

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

ENFORCEMENT

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

\# Sec. 64.7. Misconduct in Office

(1) Violations

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

(2) Discipline

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

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

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

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

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

ENFORCEMENT

Enforcing agencies designated

Department managers and Civil Service Commission for civil service employees.

Appointing authorities for noncivil service officers and employees.

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

Provision for advisory opinions and interpretations by City Attorney.

Disciplinary action

Procedures for bringing charges and determining guilt

Civil service employees

Noncivil service officers and employees

Penalties
Suspension
Discharge or removal
Fine

Penal action

Jeopardy under other provisions of State law and Municipal Code.

Enumeration of provisions of this ordinance subject to misdemeanor or felony prosecution.

Civil action

Damages

Validity of City actions even though misconduct may be discovered.

OFFICERS OF THE CITY

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

CHAPTER 4
CHARTER AMENDMENT CONCERNING TERMS OF OFFICE ON COMMISSIONS AND BOARDS

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

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

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

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

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

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

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

recommendation in the following respects:

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

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

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

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

CHAPTER 5
ADMINISTRATIVE AND POLICY ACTIONS

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

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

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

Zoning Code Revision
(Recommendation 5)

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

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

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

Conditional Uses
(Recommendation 7)

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

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

"Q"—Qualified Zone
(Recommendation 10)

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

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

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

Zoning Enforcement
(Recommendation 11)

We recommend that the Building and Safety Department provide adequate staff for regular inspections and follow-up on compliance with zoning regulations, particularly the special requirements of conditional use and variance approvals. We urge the Building and Safety Department to evaluate its effectiveness in this regard and to make known any requirements for fully carrying out our recommendation.

Notification of Hearings
(Recommendation 17)

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

1. Improve the format and wording of hearing notices.

2. Resume the practice of having City personnel prepare property ownership lists for mailing of notices, rather than relying upon the submission of such lists by applicants.

3. Adopt a definite policy of notifying owners of nearby property in those instances where a matter is under consideration but no formal hearing is to be held.

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

Subscription Service
(Recommendation 18)

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

Commission and Board Appointments
(Recommendation 24)

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

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

Orientation of Commission and Board Members

(Recommendation 25)

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

Policy Reviews

(Recommendation 26)

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

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

Public Information

(Recommendation 30)

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

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

2. Placing capable personnel in public contact positions.

3. Maintaining adequate records and staff at branch offices.

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

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

Field Inspections by the Board of Zoning Appeals

(Recommendation 34)

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

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

Grand Juries

(Recommendation 36)

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

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

APPENDIX A
PROPOSED CHARTER AMENDMENT
RE: CITY PLANNING

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

ARTICLE VIII
~~DEPARTMENT OF~~ CITY PLANNING

Sec. 94. **Department of City Planning**

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

~~Sec. 94½.~~

Sec. 95. Director of Planning

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

~~Sec. 95.~~

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

(a) With the advice of the ~~Coordinating~~ **General Plan Advisory** Board, he shall prepare ~~a master plan~~ **the General Plan** ~~for the physical development~~ of the City, ~~as such term is defined by State law, in so far as such definition is applicable to the City,~~ and from time to time extend and modify the same; and he shall prepare all maps, diagrams, charts and reports which may be necessary or advisable in the making of said ~~master plan~~ **General Plan.**

(b) Subject to the approval of the City Planning Commission, he shall prepare all proposed zoning regulations and requirements, ~~establishing~~ **including** the necessary districts or zones in connection therewith, and he shall prepare all maps, charts and diagrams which may be necessary or advisable in the making of such zoning regulations.

(c) He shall make investigations and report on the design and improvement of all proposed subdivisions of land and shall have such powers and perform such duties as are required by

the Subdivision Map Act of the State of California.

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

~~Sec. 95½.~~

Sec. 95.5. General Plan Advisory Board

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

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

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

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

Sec. 96. **City Planning Commission**

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

~~Sec. 96½. The City Planning Commission shall advise the Director of Planning in the preparation of the master plan, including the preparation of zoning, land subdivision and building line regulations, and other regulatory measures related to the master plan or the physical development of the City, and shall hold all public hearings which may be required by law for the adoption, extension or modification thereof. Upon adoption by the City Planning Commission of said master plan or any part thereof, or any regulatory measure referred to above, the same shall be presented to the City Council by the Director of Planning, with the recommendations of the City Planning Commission. Upon receipt of, the master plan, or any part therof, or any such regulatory measure so adopted by the City Planning Commission, the City Council shall consider the same and may adopt such plan, or any part thereof, or any such regulatory measure as it may deem advisable.~~

Sec. 96.5. General Plan

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

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

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

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

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

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

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

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

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

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

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

(c) After receipt of the General Plan or any part thereof or amendment thereto as approved by the Planning Commission, and upon receipt of the recommendations by the Mayor relative thereto, or the expiration of 30 days, whichever first occurs, the Council shall conduct a public hearing before acting thereon, and thereafter may adopt such Plan, or part thereof or amendments thereto provided the consideration of any such part or amendment conforms to the limitations set forth in Subsection (3) (a) hereof.

(d) If the Council proposes any change from that which is approved by the Planning Commission, such proposed change must be referred to the Director of Planning, the Planning Commission and the Mayor for recommendation. The Planning Commission and the Mayor must act thereon within a period determined by ordinance, or such longer period as the Council may designate. Failure to act within such time shall be deemed to be an approval.

(e) Upon conclusion of its public hearing if no changes are proposed by the Council, or after receipt of the Mayor's and Planning Commission's recommendations on any proposed change, or the expiration of their time to act thereon, final action by the Council shall be taken within a period determined by ordinance.

(f) Adoption of the General Plan or any part thereof or amendment thereto shall be by majority vote of the entire Council if not contrary to the recommendations of either the Planning Commission or the Mayor. A two-thirds vote shall be required if contrary to the recommendations of either the Planning Commission or the Mayor, and a three-fourths vote shall be required if action of the Council is contrary to the recommendations of both the Planning Commision and the Mayor.

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

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

Sec. 96.6. General Plan and Zoning Areas

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

Sec. 97.1. Specific Plans

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

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

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

(2) Content. Such specific plans may include:

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

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

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

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

Sec. 97.2. Specific Plans—Zoning

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

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

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

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

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

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

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

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

Sec. 97.3. Specific Plans—Building Lines

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

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

Sec. 97.4. Specific Plans—Public Projects

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

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

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

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

Sec. 97.6. Referrals—Public Uses.

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

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

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

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

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

Sec. 97.7. Referrals — Other Development Regulations

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

(a) Subdivision regulations.

(b) Private street regulations.

(c) Such other types of regulatory measures related to the General Plan or the development of the City as may be defined for this purpose by ordinance.

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

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

Sec. 97.8. Delegation of Authority

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

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

Sec. 97.9. Hearings and Investigations

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

Sec. 98. **Office of Zoning Administration**

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

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

(2) Subject to such rules and regulations as the Council may prescribe by ordinance, the Chief Zoning Administrator and Associate Zoning Administrators shall have the following powers and duties:

(a) ~~(1)~~ To investigate and make a determination upon appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision or determination made by the Department of Building and Safety in the enforcement or administration of the provisions of any ordinance adopted by the Council creating zoning districts or regulating the use of property in the City.

(b) To investigate and make a determination upon all applications for conditional use permits (which uses generally require a special degree of control to assure their compatibility with other surrounding uses) or any similar administrative determination required by the zoning ordinance to be considered and acted upon under criteria, standards and limitations established by ordinance. The granting of a conditional use permit or similar administrative determination shall not adversely affect the various elements and objectives of the General Plan. A Zoning Administrator may impose restrictions and limitations beyond those specified in the zoning ordinance where, for reasons cited in his findings, such restrictions and limitations are necessary to assure compliance with the purposes, intent and provisions of the criteria, standards and limitations established by ordinance.

(c) To investigate and make a determination upon applications for planned unit development projects (which are generally large-scale projects adhering to the policies and standards described in the General Plan and inherent in the requirements of the zoning ordinance, but allowing flexibility in design of open spaces, height and placement of buildings and incidental uses) by the same procedures provided for considering and approving conditional uses, subject to the

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

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

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

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

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

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

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

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

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

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

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

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

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

Upon making a determination upon any matter under his jurisdiction, a Zoning Administrator shall forthwith place a copy of his findings and determination on file in the ~~City Planning~~ Department **of City Planning** and furnish a copy of the determination to the applicant~~,~~ **and** the ~~Board~~ **Department** of Building and Safety ~~Commissioners and the Director of Planning~~. Such determination shall be final, except that ~~an appeal may be taken as hereinafter provided. No variance granted~~ **no determination** by a Zoning Administrator, other than a slight modification ~~from~~ **in yard or** area requirements, shall become effective until the expiration of an elapsed period after mailing notice **to the applicant**, which period shall be specified by ordinance. During this period an appeal from the determination ~~of a Zoning Administrator~~ may be taken ~~to the Board of Zoning Adjustment by any person aggrieved, or by an officer, board, department or bureau of the city,~~ as **hereinafter** provided ~~in this chapter~~. An appeal shall stay all proceedings in furtherance of the action appealed from pending its ~~determination~~ **disposition**.

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

~~Sec. 98½.~~

Sec. 99. Board of Zoning Appeals

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

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

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

~~Sec. 99.~~

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

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

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

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

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

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

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

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

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

~~Sec. 99¼.~~

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

~~Sec. 99½. In the event of the adoption of a charter amendment creating a Board of Administrative Appeals all appeals which are to be taken to the Board of Zoning Appeals, as hereinabove provided, shall be taken to the said Board of Administrative Appeals, and wherever the term "Board of Zoning Appeals" is hereinabove used it shall be taken to mean "Board of Administrative Appeals," and Section 98½, creating said Board of Zoning Appeals, shall be inoperative for any purpose.~~

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

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

Amend Section 5 as follows:

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

A Mayor,
The Members of the Council,
A City Attorney,
A City Clerk,
A Controller,
A City Engineer,
A City Administrative Officer,
A Purchasing Agent,
A Secretary of the Board of Public Works,
A Treasurer,
The Members of the Board of Education,
A City School Superintendent,
The Members of the Boards of the Departments and the Chief Administrative Officer of each Department,

The Members of the Board of Referred Powers,

The Members of the Board of Zoning Appeals.

Such other officers as shall be named by ordinance.

* * *

Repeal Sections 28 and 28.1 which read as follows:

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

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

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

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

* * *

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

CONDUCT IN OFFICE

Sec. 64.1. Ethics

The Council shall establish a Code of Ethics for all officers and employees of the City, whether elected or appointed, paid or unpaid. The purpose of this Code shall be to establish ethical standards of conduct for all such officers and employees and to define those acts and actions that are incompatible with the best interests of the City. Such Code may be supplemented by codes of ethics adopted by the various departments, boards and agencies of the City, providing such supplementary codes are not inconsistent with the Council adopted City-wide Code.

Sec. 64.2. Conflict of Interest

(1) Intent

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

(2) Definition of Conflict

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

(a) Current or prospective ownership of property involving substantial interest or control.

(b) Current or prospective financial transactions.

(c) Current or prospective employment.

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

(e) Personal relationships, through friendship, family or other relationship, which involve a compelling

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

(f) Any similar influence.

(3) Disclosure and Disqualification

(a) An officer or employee who has a conflict of interest shall publicly disclose the general nature of the conflict prior to participating in or acting upon the matter involved on behalf of the City. If, after having participated in a matter but prior to final City action upon the matter, an officer or employee discovers that a conflict of interest exists, he shall immediately disclose that fact.

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

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

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

(4) Implementing Regulations

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

Sec. 64.3. Board of Referred Powers

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

Sec. 64.4. Transfer of Jurisdiction

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

Sec. 64.5. Contributions, Gifts and Gratuities

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

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

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

Sec. 64.6. Private Communications

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

Sec. 64.7. Misconduct in Office

(1) Violations

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

(2) Discipline

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

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

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

APPENDIX C

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

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

Subject	Citizens Committee Recommendation Number	Present Charter Section	Proposed Charter Section	Page Nos. in This Report
Referrals				
Public Uses		97(1)	97.6	23
Development Regulations		None	97.7	24
Office of Zoning Administration				
Status	13	98	98(1)	27
Functions	14	98	98(1), (2)	27
Rules	16	None	98(4)	32
Findings, Determinations	21	98	98(3)	31
Board of Zoning Appeals/Adjustment				
Title, Appointment, Terms	15	98½	99(1)	33
Jurisdiction	15	99	99(1), (2)	33
Delegation of Authority to	15	97(4)	None	25
		99(c)	None	37
Rules	16	99¼	99(5)	37
Findings	21	99(b)	99(3)	35
Appeals	22	98	98(3)	32
		99(a), (b)	99(2)(a)	34
			99(3)	35
Transfers of Jurisdiction	23	98	98(3)	32
			99(2)(b)	34
			99(4)	36
Board of Administrative Appeals		99½	None	37
Terms of Office on Commission and Board	27	73	73	64
Legislative Matters Identified	29	None	97.1(1)	19
			97.4(3)	23
Conduct in Office				
Code of Ethics	31	None	64.1	55
Conflict of Interest	32	28,28.1	64.2	55
Board of Referred Powers		28.1	64.3	56, 99
Transfer of Jurisdiction		28.1	64.4	56, 59
Private Communications	33	None	64.6	60
Campaign Contributions	35	None	64.5	60
Misconduct in Office		None	64.7	61

APPENDIX D
STATUS OF CITIZENS COMMITTEE RECOMMENDATIONS

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

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

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

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

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

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