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November 4, 2024

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**SUPPLEMENTAL REPORT FOR THE DOWNTOWN LOS ANGELES COMMUNITY PLAN
AND THE NEW ZONING CODE; CF NO. 22-0617; CASE NO. CPC-2017-432-CPU;
CPC-2014-1582-CA; ENV-2017-433-EIR**

At its meeting on May 3, 2023, the Los Angeles City Council (City Council) voted unanimously to approve the new Downtown Los Angeles Community Plan (Downtown Plan) and Chapter 1A of the Los Angeles Municipal Code (New Zoning Code). Upon completion of the Form & Legality process, the City Attorney will return both items to the City Council for final approval and adoption. Subsequently, the New Zoning Code provisions will take effect in the Downtown Plan Area.

This report provides an overview of the revisions made to the Downtown Plan and New Zoning Code subsequent to City Planning Commission (CPC) approval on September 23, 2021. **Section I** of this report summarizes the City Council's amendments to the Downtown Plan and New Zoning Code as part of their previous approval on May 3, 2023. **Section II** of this report summarizes key technical changes made by the Department of City Planning, in coordination with the City Attorney, during the Form & Legality process. These Form & Legality changes reflect non-substantive edits for clarity, accuracy, and consistency that do not amend policy. The Section also describes additional modifications to incorporate City Council direction, such as the approval of Chapter 1 ordinances which City Council directed to be incorporated into the New Zoning Code during Form & Legality.

This report also provides background on recommended actions for City Council and includes modifications for City Council consideration. **Section III** of this report highlights two recommended actions pertaining to processes for making corrections and the limited authority

for City Planning to make minor technical remedies subsequent to the New Zoning Code becoming effective. **Section IV** of this report shows new recommended edits to Chapter 1A beyond the scope of Form & Legality that require the City Council's approval. These recommended edits are technical changes to better align the New Zoning Code with the original policy intent adopted by City Council and provide corrections to aid with implementation.

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I. Overview of Previous Approval and Direction by the City Council

On May 3, 2023, the City Council approved the [City Planning Commission \(CPC\) Recommendation Draft of the New Zoning Code](#), as modified by the [Director of Planning's September 2022 Memo to the Planning and Land Use Management \(PLUM\) Committee](#) and [March 2023 Supplemental Memo](#), with additional amendments to the New Zoning Code including the following:

- A. Count above-grade parking towards a project's Floor Area if located within lots zoned Development District 5, which applies to a majority of the Downtown Plan Area with the exception of the industrial areas to the south.
- B. Remove the amendment to zoning Form District MN1 related to height limits in the [Director of Planning's Memo](#) dated September 27, 2022, N.3, and retain the five-story height limit as outlined in the CPC Recommendation Draft of the New Zoning Code.
- C. Modify Sec. 4C.6.4.C.3.a.iii. (Planting Specifications) of Chapter 1A (New Zoning Code) of the Los Angeles Municipal Code (LAMC) to mandate that when required trees are planted in a parkway in which the sidewalk is eight feet in width or greater, the minimum box size shall be 36 inches.
- D. Require a Class 3 Conditional Use Permit (CUP) for hotels/motels (defined as Lodging Uses in the New Zoning Code) in all areas where Lodging Uses are allowed within the Downtown Plan Area. Additionally, prohibit Lodging in portions of the Fashion District zoned with Use Districts IX3, IX2, I1, and I2.
- E. Amend the required Findings for a CUP for Lodging Uses within the Downtown Plan Area to the following:

Whether there is sufficient market demand for the proposed Lodging Uses or transient occupancy residential structure project;

The impact of the hotel/motel employees on the demand for housing, public transit, childcare and other social services taking into consideration the impact of the part-time or seasonal nature of work at the hotel/motel or transient occupancy residential structure project and of the hotel/motel employees' expected compensation;

Whether the applicant will take measures to employ residents of neighborhoods adjoining the hotel/motel or transient occupancy residential structure project in order to minimize increased demand for regional transportation and to reduce demand for vehicle trips and vehicle miles of travel;

Whether the applicant will take measures to encourage hotel employees and guests to use public transportation, cycling and other non-automotive means of transportation;

Whether the hotel/motel or transient occupancy residential structure project will support small businesses in the immediate vicinity and whether the applicant will

adopt any measures to increase demand for local goods and services; and

Whether the hotel/motel will negatively impact the availability of existing affordable and rent stabilized housing, and whether the project includes the replacement of any rent stabilized or restricted affordable housing existing on the site within the past 10 years with affordable housing and any non-restricted or rent stabilized housing with moderate-income housing.

II. Changes Incorporated into the New Zoning Code

This section describes changes that have been incorporated into the New Zoning Code after approval by the City Council on May 3, 2023, as part of the Form & Legality process by the City Attorney. See the November 2024 Chapter 1A Zoning Code Ordinance Exhibit in [Council File No. 22-0617](#) for reference. The Form & Legality changes are grouped into four categories: A) general changes, B) the incorporation of Chapter 1 (General Provisions & Zoning) ordinances into Chapter 1A (New Zoning Code) which were directed by Council to be incorporated into the New Zoning Code during Form & Legality, C) modifications requested by PLUM and Council in response to the report-backs provided by City Planning, and D) other notable changes and modifications within the scope of Form & Legality.

A. General Changes

General changes and modifications within the scope of the Form & Legality process were made to ensure clarity, accuracy, and consistency throughout the document and with other existing laws and to support the implementation of New Zoning Code regulations.

B. Chapter 1 Ordinance Incorporation into Chapter 1A

1. Los Angeles Responsible Hotel Ordinance (CF 22-0822-S2)

The City Council's approval of the Downtown Plan and New Zoning Code on May 3, 2023, included several amendments relating to hotel/motel uses described above in Sections I.D. to I.E. of this report. Subsequently, on December 1, 2023, the City Council passed the [Los Angeles Responsible Hotel Ordinance](#) (Hotel Ordinance), which established a Citywide Conditional Use Permit (CUP) requirement for Hotel Development Projects, Replacement Housing Requirements relating to the loss of dwelling units resulting from Hotel Development Projects, a Voluntary Housing Program to place unhoused individuals in vacant guest rooms at participating hotels, and a police permit requirement for hotels. The Hotel Ordinance amended Chapters I, IV, and X of the LAMC. As part of Form & Legality review, changes have also been made to Chapter 1A of the LAMC in order to incorporate the Hotel Ordinance into the New Zoning Code, as recommended by the CPC in their November 16, 2023, Letter of Determination on the matter and subsequently adopted by the Rules, Elections and Intergovernmental Relations Committee of the City Council on November 21, 2023.

The changes made to incorporate the Hotel Ordinance into the New Zoning Code include updating the CUP findings for Lodging Uses within Sec. 5C.2.4.C.1. (Supplemental Standards) of Chapter 1A to more closely align with the findings adopted in the Hotel Ordinance, with non-substantive differences to account for changes in style in nomenclature in the New Zoning Code.

In one aspect, the Hotel Ordinance differs from the direction the City Council provided regarding hotel policy for the Downtown Community Plan. Specifically, the Hotel Ordinance amended Sec. 12.24 U.4. of Chapter 1 of the LAMC to allow Hotel Development Projects in any zone through a Class 3 CUP if certain findings are made. By contrast, the City Council directed that hotels be prohibited from certain zones in the New Zoning Code as part of the Downtown Community Plan. In light of this direction, the Form & Legality Draft of Chapter 1A of the LAMC only allows Lodging Uses in those Use Districts for which the City Council authorized and does not incorporate the allowance of Lodging uses across all Use Districts in Downtown, in contrast to the Hotel Ordinance.

The definition of a Hotel Development Project in the Hotel Ordinance includes “the creation of hotel/motel guest rooms ... or an addition of 25 percent or more new hotel/motel guest rooms.” Under the Hotel Ordinance, all Hotel Development Projects meeting this definition would be subject to a Class 3 CUP process for approval. However, the Hotel Ordinance does not specify how additions of less than 25 percent of new hotel/motel guest rooms and other specified uses would be permitted. Should the City Council wish to exempt projects that increase the number of Lodging Units by less than 25 percent from the Class 3 CUP process and instead allow these projects by-right, see Section IV. (Zoning Code Text Modifications for Council Consideration), No. G., of this report.

2. Oil and Gas Drilling Ordinance (CF No. 17-0447-S2)

On December 2, 2022, the City Council adopted a set of instructions from the PLUM Committee relative to the adoption of the Oil Ordinance (Ordinance No. 187,709), which amended Chapter 1 (General Provisions & Zoning) of the LAMC, and which became effective on January 18, 2023. The Oil Ordinance amends the LAMC to prohibit all new oil and gas drilling activities and make any existing extraction a nonconforming use in all zones of the City.

One instruction was for the Department of City Planning to incorporate the Ordinance once adopted by the Council into Chapter 1A (New Zoning Code), subject to changes to conform with the format and style of the New Zoning Code. The amendments from the Oil Ordinance were incorporated into Articles 5 (Use), 8 (Supplemental & Special Zoning), 12 (Nonconformities), and 14 (General Rules) of the New Zoning Code during Form & Legality, and are described as follows:

- Article 5 (Use) was amended to update the definition, supplemental standards, and supplemental findings for Mineral and Ore Extraction as its own use category; and to delete Exploratory Core Hole and Off-Shore Oil Drilling Servicing Installation uses, including related definitions,

processes, and supplemental findings. Further, Article 5 (Use) was amended to create a new category for Oil, Gas, or Hydrocarbon Well uses, which are not permitted in any district.

- Article 8 (Supplemental & Special Zoning) was amended to delete provisions relating to the establishment and continuance of Oil Drilling Districts. The Applicability text in Sec. 8.2.4. (Oil Drilling Districts) was amended to remove exemptions for the Industrial 2 (I2) Use District; add oil, gas, or hydrocarbon wells regulated by the California Public Utilities Commission to the list of exemptions; and to clarify the application of standards. Additional updates related to terminology, organization, and use of language were made that are non-substantive and align with the policies with the original Oil Ordinance of Chapter 1.
- Article 12 (Nonconformities) was amended to include provisions for nonconforming oil, gas, or hydrocarbon wells and include a 20-year phase out period, which places limits on allowed maintenance, drilling, re-drilling, or deepening, except in instances where it is necessary to prevent or respond to a threat to public health, safety, or the environment, as determined by the Zoning Administrator. The amendments activate the 20-year phase out regulation in the original Oil Ordinance and require that any oil, gas, or hydrocarbon well be terminated if abandoned or discontinued for a continuous period of one year.
- Article 14 (General Rules) was amended to reflect the deletions and additions to terms in Chapter 1 and to link terms referenced in other Articles of Chapter 1A. Additional updates to terminology and definitions were incorporated to conform to the style and format of Chapter 1A while remaining consistent with the original Oil Ordinance in Chapter 1.

Applicability of Existing Zoning Administrator Memorandum No. 141 & Zoning Administrator Interpretation of Well Maintenance to Chapter 1A (New Zoning Code)

In conjunction with City Council's adoption of Ordinance No. 187,709, the Department of City Planning issued two zoning documents relating to provisions found in the Oil Ordinance and its restrictions that "[n]o existing well for the production of oil, gas or other hydrocarbon substances, which is a nonconforming use, shall be maintained, drilled, re-drilled, or deepened, except to prevent or respond to a threat to public health, safety, or the environment, as determined by the Zoning Administrator" (Sec. 12.23. C.4. (Oil Wells) of Chapter 1 of the LAMC):

- On January 17, 2023, the Chief Zoning Administrator issued Zoning Administrator Memorandum No. 141 (ZA Memo 141), which establishes a comprehensive set of procedures and policies for the acceptance and processing of applications for projects, at existing nonconforming sites, where drilling, re-drilling, deepening, or well maintenance is proposed to either prevent or respond to a threat to public health, safety, or the

environment, pursuant to Sec. 12.23. C.4. (Oil Wells) of Chapter 1.

- On October 4, 2023, pursuant to Case No. ZA-2022-8997-ZAI-1A (Well Maintenance ZAI), the City Planning Commission adopted (on appeal) the Chief Zoning Administrator's Interpretation of the term "well maintenance" for oil and gas extraction sites throughout the City. Specifically, the ZAI interprets the term "maintain" in the now deleted Sections 13.01. H. and I. of Chapter 1 and the term "maintained" in the current Sec. 12.23. C.4. (Oil Wells) of Chapter 1.

As part of the incorporation of the Oil Ordinance into the New Zoning Code, the provisions of Sec. 12.23. C.4. (Oil Wells) of Chapter 1 have been added to Sec. 12.5.4. (Nonconforming Oil, Gas, or Hydrocarbon Well Use Exceptions) of Chapter 1A. Accordingly, the applicable Oil Ordinance zoning implementation policies and interpretations of Chapter 1, including ZA Memo 141 and the Well Maintenance ZAI, are to be carried forward to the parallel provisions in Chapter 1A, and are applicable to both versions of the zoning code. This applicability is evidenced by ZA Memo 141's numerous references to both Chapter 1 and Chapter 1A of the LAMC, while the Well Maintenance ZAI is in itself a Citywide Zoning Administrator's Interpretation as needed for the land use regulation of drill sites Citywide, whether regulated under Chapter 1 or Chapter 1A.

The provisions set forth in ZA Memo 141, including the application and processing procedures for a health and safety exemption project, are applicable to the New Zoning Code. Where ZA Memo 141 only references a Chapter 1 provision, the equivalent Chapter 1A provision applies, as follows:

- A reference to Sec. 12.23. C.4. (Oil Wells) of Chapter 1 is a reference to Sec. 12.5.4. (Nonconforming Oil, Gas, or Hydrocarbon Well Use Exceptions) of Chapter 1A;
- A reference to Sec. 19.04. (Fees for Sign-off or Clearance Requests) of Chapter 1 is a reference to Sec. 15.3.2. (Ministerial Action Fees) of Chapter 1A; and
- A reference to Sec. 19.05. (Filing Fees for Environmental Clearances) of Chapter 1 is a reference to Sec. 15.3.9. (Environmental Fees) of Chapter 1A.

Similarly, all provisions of the Well Maintenance ZAI, including its interpretation of the term well maintenance, are applicable to the New Zoning Code. Any reference in the Well Maintenance ZAI to Sec. 12.23. C.4. (Oil Wells) of Chapter 1 shall be deemed a reference to the equivalent New Zoning Code provision, Sec. 12.5.4. (Nonconforming Oil, Gas, or Hydrocarbon Well Use Exceptions) of Chapter 1A.

On September 25, 2024, the Governor signed into law AB 3233 (Addis), the Local Environmental Choice And Safety Act, which will become effective on January 1, 2025. AB 3233 would expressly authorize the City of Los Angeles to

limit or prohibit oil and gas operations or development in its jurisdiction, as provided, notwithstanding any other law or any notice of, well stimulation treatment permit, or similar authorization issued by the supervisor or district deputy. In light of recent litigation concerning the Oil Ordinance, it is the intent of the City to rescind the Oil Ordinance, Well Maintenance ZAI, and ZA Memo 141, and readopt the provisions of the Ordinance in Chapter 1 upon the effective date of AB 3233. The Chapter 1A provisions related to the Oil Ordinance, as well as applicable references to the Well Maintenance ZAI and ZA Memo 141, as described above, would not be operative until after the effective date of AB 3233 and the Oil Ordinance is readopted. Should the Zoning Administrator Memorandum and Zoning Administrator's Interpretation described above be reissued upon readoption of the Oil Ordinance, the provisions of both zoning documents would continue to apply to the New Zoning Code as set forth above.

3. Permanent AI Fresco Ordinance (CF No. 20-1074-S4)

The AI Fresco Ordinance (Ordinance No. 188,073), which established permanent outdoor dining uses and development standards in Chapter 1 of the LAMC, was adopted by the City Council on December 15, 2023. To ensure the AI Fresco Ordinance will be implemented in the Downtown Community Plan in the New Zoning Code, the permanent outdoor dining provisions have been incorporated into Chapter 1A. Eventually, as the remaining Community Plans are updated using the New Zoning Code, the New Zoning Code shall also take effect within other Community Plan Areas, and the New Zoning Code version of the AI Fresco Ordinance will be necessary to implement the outdoor dining provisions in those other Community Plan Areas.

The AI Fresco Ordinance provisions in Chapter 1A are located across multiple sections and articles. In total, the AI Fresco Ordinance provisions are folded into Articles 1, 4, 5, 13, and 14 of Chapter 1A, as described below:

Policy from Chapter 1 to Chapter 1A

Section 1.6.5.C. (Regulatory Relief) describes special regulations that may apply during a declared local emergency. The AI Fresco Ordinance in Chapter 1A amends:

- Section 1.6.5.C.2.b. to replace the phrase “an area used for outdoor dining” with “outdoor dining area” to reflect that outdoor dining area is a defined term in Chapter 1A with associated supplemental standards.

Section 4C.4.1. (Automobile Parking Stalls) contains general provisions regarding automobile parking requirements, with exceptions outlined in Section 4C.4.1.E. The AI Fresco Ordinance in Chapter 1A adds:

- Section 4C.4.1.E.12. to allow for outdoor dining areas to replace required automobile parking stalls located in a parking area, except at least one automobile parking stall is provided for the associated eating and drinking

use.

- Section 4C.4.1.E.12.a.i. through 4C.4.1.E.12.a.iii. to provide the following exemptions from the one automobile parking stall requirement:
 - On a lot where no parking is required for the associated eating & drinking use, no automobile parking stall is required.
 - Where the associated eating and drinking use has a total floor area of 3,000 square feet or less, no automobile parking stall is required.
 - Where the outdoor dining area has a total area of 1,000 square feet or less, no automobile parking stall is required.
 - If otherwise permitted by state or federal law, no automobile parking stall is required.

Section 14.2.7. (Floor Area) describes the measurement of floor area and exceptions to the total calculation of floor area. The AI Fresco Ordinance in Chapter 1A adds:

- Section 14.2.7.A.1.c.ix. to exempt outdoor dining areas from being included in the total calculation of floor area.

Division 14.3. (Glossary) is the Glossary for Chapter 1A. The AI Fresco Ordinance in Chapter 1A adds:

- An updated definition of Board to add that the term refers to the Board of Building and Safety Commissioners when referencing Section 13.B.6.3. (Building Permit Revocation).
- A definition of Outdoor Dining Area.

Implementation of Policy from Chapter 1 to Chapter 1A

Part 5B. (Use Districts) of Article 5 contains Use Districts including permission level, use standards, and specifications associated with each use. The AI Fresco Ordinance in Chapter 1A adds:

- An asterisk to the permission column at the Eating & Drinking Use Group level in every use table where the Eating & Drinking Use Group is permitted to indicate that supplemental standards apply.
- Additional rows to every Use District table wherever the Eating & Drinking Use Group is permitted to indicate the Supplemental Standards in Sec. 5C.2.4.B. (Eating & Drinking: All) and the Amplified Sound Restrictions in Sec. 5C.1.10. (Amplified Sound Restrictions) apply whenever the asterisk is shown.
- An indented row to every Use District table wherever the Eating & Drinking Use Group is permitted to show that there is relief available for

the Amplified Sound Restrictions via a CU2.

- An asterisk and text that reads “see Eating & Drinking Use Group” to each of the individual Eating & Drinking uses to signify that the associated supplemental use standards for each use can be found in the “Eating & Drinking” Use Group row.

Division 5C.1. (General Use Standards) establishes general use standards for all uses in Part 5B. of Article 5. As such, standards in Division 5C.1. (General Use Standards) can potentially be applied to any specific use in a Use District table. In Chapter 1, restrictions on amplified sound are limited to outdoor dining areas, whereas this limitation has been incorporated as a more general standard in Chapter 1A that can be applied to any use, as determined necessary. Specifically, the AI Fresco Ordinance for Chapter 1A adds:

- Section 5C.1.10. (Amplified Sound Restrictions) to impose amplified sound restrictions to include the standard that background music and amplified sound is prohibited.

Section 5C.2.4. (General Commercial Uses) establishes supplemental use standards and findings for general commercial uses. A new Subsection B. (Supplemental Standards) is added to establish the outdoor dining area supplemental standards and provisions carried over from Chapter 1 that apply to Eating & Drinking uses.

Division 13B.6. (Non-Compliance) contains non-compliance processes and procedures. In Chapter 1, the enforcement and building permit revocation procedures are specific to outdoor dining areas and directly embedded within the AI Fresco regulations. However, Chapter 1A does not allow for processes that are specific to only one type of use, as that undermines the purpose and intent of a standardized and consistent set of administrative provisions established by Article 13. As such, the AI Fresco Ordinance for Chapter 1A instead establishes a new, generalized process in Section 13B.6.3. (Building Permit Revocation) that is not limited solely to AI Fresco projects, but can be applicable whenever the Zoning Code expressly authorizes a building permit revocation for violations of LAMC provisions specified in Subsection A. (Applicability).

Additionally, Section IV, No. I. of this report describes recommended policy changes for City Council consideration relative to the provisions in the Alcohol Sensitive Area and the Restaurant & Bar Nightlife Area to uphold the Downtown Community Plan's tailored alcohol policy.

4. Site Plan Review/Project Review Amendment Ordinance (CF No. 22-0268)

The Site Plan Review Amendment Ordinance became effective on August 16, 2023. The Ordinance amended Section 16.05 of Article 6.1 of Chapter 1 to refer to the processes set forth in Sec. 13B.2.4. (Project Review) of Chapter 1A, which were established by the Processes and Procedures Ordinance and replaces the Site Plan Review entitlement with the Project Review entitlement under the New

Zoning Code. The Site Plan Review Amendment Ordinance establishes exemptions to streamline affordable housing projects, including exempting restricted affordable units from the 50-unit project threshold that would otherwise trigger the Site Plan Review process. Additionally, the Ordinance exempts development housing projects that include nonresidential floor area from the Site Plan Review process as long as 50 percent or more of their total floor area is dedicated to restricted affordable housing. These housing projects are required to generate or contribute to an increase of no greater than 150,000 gross square-feet of nonresidential floor area. In addition to these exemptions, the Ordinance established a definition of “restricted affordable unit” within the threshold of Site Plan Review, as used in Chapter 1.

This Ordinance was approved as an initiative to enable streamlining of entitlement processes for affordable housing initiatives and alleviate the potential cost of Site Plan Review in order to advance affordable housing citywide. In order to ensure that these exemptions will be implemented in the Downtown Community Plan under the New Zoning Code, the enabling ordinance for Site Plan Review requires amendments to the New Zoning Code. A corresponding Ordinance reflecting these exemptions for affordable housing projects, the equivalent of those amended in Chapter 1, is introduced in the New Zoning Code.

Provisions for the Site Plan Review/Project Review Ordinance in Chapter 1A

The amendments in the Site Plan Review Ordinance for Chapter 1 of the current Zoning Code will be folded into Article 4. (Development Standards) of Chapter 1A of the LAMC, in Section 4C.14.1. (Development Review Threshold Packages). The intent of this Section is to require the discretionary Project Review for development projects when certain thresholds are met. The proposed Project Review Amendment Ordinance for Chapter 1A amends:

- Subsection D. (Measurement) of Section 4C.14.1. of Chapter 1A to exempt restricted affordable units from being counted toward the total number of dwelling units.
- Subsection E. (Exceptions) of Section 4C.14.1. of Chapter 1A to exempt certain projects from discretionary Project Review if they meet specific requirements. These include requirements that fifty percent or more of the total new floor area is dedicated to restricted affordable units and that the project maintain or increase the total number and square footage of preexisting restricted affordable units on the lot, provided that no more than 150,000 square feet of newly constructed floor area is dedicated to non-residential uses. Projects may also not be subject to Project Review if they do not meet the thresholds of each respective Development Review Threshold Package.

This new addition to Chapter 1A aligns with the intent of the Site Plan Review Ordinance for Chapter 1 of the LAMC to reduce the project review timelines for projects that otherwise comply with all zoning standards. The relocation of exemptions from Chapter 1 to Chapter 1A do not change the meaning or

applicability of the Project Review entitlement process for projects that are eligible.

The Site Plan Review Ordinance for Chapter 1 added a definition of “restricted affordable unit” to provide additional clarity and remove ambiguity caused by referencing the definition in Section 12.03 (Definitions) of Chapter 1. However, the term is already defined in Div. 14.3. (Glossary) of Article 14. (General Rules) of Chapter 1A and therefore, no new additions are recommended as part of the Project Review Chapter 1A Transition Ordinance.

5. Planning and Land Use Fees Update Ordinance (CF No. 19-0969-S4)

On December 5, 2023, the City Council acted on a [report](#) to the PLUM Committee submitted to the record ([CF No. 09-0969-S4](#)) on March 16, 2023, recommending the City Council to approve an amendment to Article 9 of Chapter 1 of the LAMC establishing three new planning and land use fees and a base fee model to implement the previously authorized Annual Inflation Adjustment; and a recommendation to the City Attorney to prepare an ordinance to amend Article 9 of Chapter 1 of the LAMC in accordance with the proposed fee changes and any changes necessary to implement Ordinance No. 187,712 (Processes and Procedures Ordinance) and Ordinance No. 187,237 (Annual Inflation Adjustment).

The March 16, 2023 report described how in the event that the City Council adopts the Downtown Plan and New Zoning Code, the fees established through CF No. 09-0969-S4 would be automatically incorporated into the New Zoning Code, to be codified as Article 15 (Fees). The report described several fees that would not be required in the New Zoning Code.

City Attorney directed changes:

The City Attorney directed the City Planning Department to make changes that include the removal of fee exemptions for Project Reviews in Enterprise Zones or an Employment and Economic Incentive Zone in Sec. 15.1.1.H.8. (Full Cost Recovery); and modification of the standard Indemnification and Defense language from “and” to “or” in Section 15.3.9.B.3. (Indemnification and Defense). This change facilitates broader language to include land use lawsuits in addition to CEQA specific lawsuits, which are covered under City Council's approval of an outside counsel program.

C. Modifications Incorporated After PLUM and Council Report-Backs

On May 3, 2023, the City Council approved the Downtown Plan and New Zoning Code, including amending motions that directed the Department of City Planning, in consultation with the City Attorney, to 1) prepare a report with recommendations to address modifications to the IX1 Use District and Downtown Community Benefits program; and 2) prepare a report with recommendations on productive space with retail and office uses in the IX3 Use District. On September 19, 2023, the Department of City

Planning submitted reports back to the PLUM Committee, including for both amending motions.

1. Report-Back on the IX1 Use District and Downtown CPIO (CF No. 22-0617-S3)

On October 15, 2024, the PLUM Committee heard the report from the Department of City Planning relative to the IX1 Use District and Downtown CPIO and approved the following actions:

Request the City Attorney to modify the proposed Chapter 1A ordinances and proposed Downtown Community Plan Implementation Overlay (CPIO) ordinance requested by the Council on May 3, 2023, to be prepared by the City Attorney's Office for Council consideration under CF No. 22-0617 as follows:

Amend the IX1 Use District in the Chapter 1A ordinances to allow for Housing Development Projects with a frontage located along streets with an Avenue II or greater (i.e., 5th Street, 6th Street, 7th Street, Central Avenue, and San Pedro Street), to utilize the Inclusionary Housing Affordability Set A; and

Amend the Downtown CPIO to expand the list of qualified Community Facilities to Grocery Stores (only in the IX1 area), Health Clinics and Legacy Small Businesses.

The IX1 Use District changes described above are reflected in the amended Chapter 1A Zoning Code Maps transmitted to CF No. 22-0617 in November 2024. Specifically, the Inclusionary Housing map for Downtown includes a change from Inclusionary Housing Affordability Set C to Set A for those lots facing streets with an Avenue II designation or higher. Additionally, the Downtown CPIO has been amended to include Grocery Stores (only in the IX1 area), Health Clinics, and Legacy Small Businesses as qualified Community Facilities.

2. Report-Back on the IX3 Use District (CF No. 22-0617-S4)

On October 15, 2024, the PLUM Committee heard the report from the Department of City Planning relative to the IX3 Use District and approved the following actions:

Request the City Attorney to modify the proposed Chapter 1A ordinances requested by Council on May 3, 2023, to be prepared by the City Attorney's Office for Council consideration as follows: Amend the IX3 Use District to allow the Productive Space requirement for new Housing Development Projects to be met in separate buildings located on a unified development campus, and to allow Office uses to count toward the Productive Space requirement on 15-acre or larger campus sites.

Request the Department of City Planning to modify the proposed Zone Change Map and Matrix previously requested by the City Council in its May 3, 2023, and June 14, 2023, actions to do the following: Apply the IX3 Use District to the entirety of properties located between 7th Street and Olympic Boulevard, and Central Avenue and Alameda Street.

To implement the above actions into the New Zoning Code, Sec. 5B.6.3. (Industrial-Mixed 3) of Chapter 1A has been modified, including adding “Campus Unified Development” as a use standard and an exempt project type under Manufacturing, Light uses; adding language to Sec. 5C.1.12.C.1. (Project Category Exceptions) to include Campus Unified Development as a project type where the applied Use District specifies “Project Exception”; and adding language to clarify Campus Unified Development in Sec. 5C.1.12.C. (Standards). Specifically, a Campus Unified Development is defined as a unified development meeting the following criteria: 1) the site comprises a total area of 15 acres or more, and 2) a total floor area equivalent to a Floor Area Ratio of 0.5, or greater, is designated to one or more of the following uses: Hospital: Regional, School: Post-secondary, Office, Manufacturing Light: All, and Research & Development. These modifications would facilitate the development of new residential spaces in campus-style unified developments in the Industrial-Mixed 3 Use District.

Additionally, the Zone Change Map and Matrices ordinance transmitted to CF No. 22-0617 in November 2024 reflects the change in zoning to the IX3 Use District for the properties specified above.

D. Other Notable Changes and Modifications Made During the Form & Legality Process

1. Zoning Code Maps

The New Zoning Code approved by the City Council on May 3, 2023, included Zoning Code Maps that enable the City to coordinate the application of zoning districts, lot lines, affordable housing incentives, and other designations on specific rights-of-way and parcels. The following changes to the Zoning Code Maps have been incorporated into Chapter 1A:

a. Special Lot Line Map

The Zoning Code Maps approved by the City Council did not include any alley special lot lines in the Special Lot Line Map. However, Sec. 14.2.12.C.3. (Special Lot Line) of the CPC Recommendation Draft of the Chapter 1A, as approved by the City Council, included provisions which clearly would apply alley special lot line rules to alley lot lines where a Character Frontage with such rules were applied. The November 2024 Chapter 1A Zoning Code Maps in CF No. 22-0617 maps the alley special lot lines for consistency with the mapping of other special lot lines, but it does not change where any regulations would apply.

b. Inclusionary Housing Map

The Department of City Planning, in its memo to the PLUM Committee dated September 27, 2022, introduced an inclusionary housing program. The recommended change would amend the zoning for IX1 Use District regulations to ensure that a minimum of 80 percent of the total housing units in a project are restricted affordable units. The Department determined this change could be achieved by amending the Inclusionary Housing Map and inclusionary housing program to include an additional affordability Set C. These changes are reflected in Art. 1 (Introductory Provisions) and Sec. 1.5.10. (Inclusionary Housing Map) of Chapter 1A of the LAMC, and an Inclusionary Program Set Designations table has been amended to reflect the addition of Set C in Sec. 5C.3.1.C. (Inclusionary Standards). The Inclusionary Housing Map has further been amended to reflect the IX1 Use District changes approved by the PLUM Committee on October 15, 2024 (CF No. 22-0617-S3) to instead utilize Inclusionary Housing Affordability Set A along specific rights-of-way.

c. Alcohol Permission Area Map

The Alcohol Permission Area Map is enabled by Sec. 1.5.9. (Alcohol Permission Area Map) of Art. 1 (Introductory Provisions). The Alcohol Permission Area Map presented in item G.1. of the [September 2022 Director of Planning's Memo to the PLUM Committee](#) was modified during Form & Legality to incorporate the revised boundaries adopted by resolution in [CF No. 17-0981](#). See the November 2024 Chapter 1A Zoning Code Maps Exhibit in [CF No. 22-0617](#) for reference.

2. Form District Naming Conventions

The New Zoning Code has naming conventions for its Form Districts based on Floor Area Ratio (Very Low, Low, Mid, Moderate, and High) and building width (Narrow, Medium, Broad, and Full) as established in Sec. 2A.1.4. (Form District Naming Convention) of Chapter 1A of the LAMC. Several Form Districts within the CPC Recommendation Draft approved by City Council with the Downtown Community Plan were inconsistent with these naming conventions, necessitating the following nomenclature updates as part of Form & Legality:

- Mid-Rise Broad 1 (MB1) has been updated to Low-Rise Broad 1 (LB1);
- Mid-Rise Broad 2 (MB2) has been updated to Low-Rise Broad 2 (LB2);
- Mid-Rise Broad 3 (MB3) has been updated to Mid-Rise Broad 1 (MB1);
- Mid-Rise Broad 4 (MB4) has been updated to Mid-Rise Broad 2 (MB2);
- and
- Mid-Rise Full 1 (MF1) has been updated to Moderate-Rise Full 1 (DF1).

The changes in nomenclature are non-substantive in nature and do not modify the regulations applied. A General Plan Amendment to reflect the updated names of these Form Districts within the General Plan Land Use Map for the Downtown Plan and the Framework Element is being addressed separately under [Council File No. 22-0617-S9](#).

3. Frontage District Requirements and Build-To Modifications

Article 3 (Frontage) of Chapter 1A establishes Frontage Districts that set forth standards for ground story height and ground floor elevation. In the CPC Recommendation Draft approved by City Council, the Frontage within General 1 (Sec. 3B.3.1.) had required a 10-foot minimum ground story height for residential uses and a higher 16-foot minimum ground story height for nonresidential uses. During Form & Legality, this requirement was changed to a 10-foot minimum ground story height for both residential and nonresidential uses.

The CPC Recommendation Draft approved by City Council also included different standards for residential and nonresidential ground floor elevation within the Multi-Unit 1 Frontage (Sec. 3B.2.1.) and the Frontage within Multi-Unit 2 (Sec. 3B.2.2.). During Form & Legality, the requirements for ground floor elevation were made the same between residential and nonresidential uses for these Frontage Districts.

These changes were made to support the ease of implementation of the Frontage standards and for consistency with the other Frontage Districts which do not differentiate ground story height or ground floor elevation requirements based on use.

In Article 3 (Frontage) of Chapter 1A of the LAMC, Section(s) 3C.1.2.2 (Build-To Depth), and 3C.1.3. (Build-To Width) were modified for clarification. In order to further clarify the depth of the build-to zone in 3C.1.2.2 (Build-To Depth) language was added to detail how the full width of the lot includes the area between the required setbacks of the lot; and in 3C.1.3. (Build-To Width) Language was added to describe the width of the area between the required setbacks for the lot at the frontage lot line.

4. Uses

Modifications to Part 5D. (Use Definitions) in Article 5 of Chapter 1A were incorporated in the Form & Legality Draft of the New Zoning Code. The following is a summary of the notable changes made to uses and use definitions that were necessary for internal consistency and clarity.

a. Consolidation of General Use Rules

The CPC approved draft of Article 5 included 33 general uses standards, which are standards that may be referenced in use district tables to assign use-related performance standards that can be applied to several different uses when the regulatory intent is the same, such as use screening, separation, size, and hours of operation. The intent was to standardize these use rules so they could be readily applied to different uses while ensuring consistency in the way rules are interpreted and applied to different uses and across different districts. Upon review of the CPC approved draft it was determined that several of the general use standards were redundant and could be consolidated to further improve

the organization and future application of general use standards. Additionally, several standards were no longer being used and could be removed.

An example of how several uses were consolidated into one general use standard is Sec. 5C.1.4. (Size). Previously size was regulated as three distinct standards, 1) size for an entire use, 2) size for a single tenant space, and 3) size as an average of dwelling unit floor area within a development. For organization purposes, all three standards were rehoused under a single general standard for regulating the size of uses, and within the general standard the variety of methods for regulating the size of a use are proved at the subsection level. This enabled future methods of regulating the size, if necessary, to be developed and then housed within an existing section without needing to establish an entirely new standard section. This meets a key objective of enabling the new code to be able to absorb future changes while still maintaining a coherent level of organization.

b. Consolidation of Supplemental Standards and Procedures

Previous drafts included all supplemental use standards and procedures applicable to a use district within the respective use district section in a part C. However, these supplemental standards and procedures contained identical language whenever applied to a district. Organizing standards in this manner meant that the language was being duplicative from district to district creating redundancy, risks of inconsistencies through drafting errors, and adding an unnecessary number of additional pages to Article 5. This issue was addressed by creating a single division, Div. 5C.2. (Supplemental Use Standards and Findings), where each supplemental standard and procedure could be housed and then reference through a section number by a use district, when applicable. This organizational update significantly reduces the number of pages in Article 5 and ensures that any updates to existing standards, or establishment of future standards, need only occur in one place.

c. Religious Assembly to Community Assembly

The term 'Religious Assembly' was changed to 'Community Assembly' in Section 5D.3.8 (Community Assembly). Community Assembly was further categorized under Local and Regional land uses, allowing "Community Assembly: Local" by-right and requiring a CUP for 'Community Assembly: Regional' in most zones.

The goal of regulating assembly is to permit or restrict the assembly of persons in large numbers due to potential impact on the surrounding area, regardless of the motive for assembly. Replacing 'Religious Assembly' with 'Community Assembly' in name and definition allows for regulating the temporary assembly of groups of people based on the square footage of the assembly area, rather than on the affiliation or denomination of the groups associated with the assembly use.

d. Retail: Temporary, Outdoor to Seasonal Market

The name and definition of ‘Retail: Temporary, Outdoor’ has been updated to Retail: Seasonal Market” to more closely reflect the specific activity being regulated, which is the temporary outdoor sale of ornamental holiday decor, primarily ornamental pumpkins and Christmas trees in Section 5D.6.12.I. (Seasonal Market) of Chapter 1A.

e. Sexually Oriented Business

The term ‘Striptease’ was added to be included under Sexual Oriented Business in each Use District Table. Additionally, language was added to Section 5C.2.4.G.1 (Supplemental Findings) of Chapter 1A providing where the Zoning Administrator shall allow a Sexually Oriented Business to be established and maintained if a site is not reasonably available elsewhere in the City so long as the business meets a list of criteria.

f. Commercial Vehicle

The use ‘Commercial Large Vehicle’ was changed to ‘Large Vehicle’ in Div. 5D.7 (Heavy Commercial Uses) of Chapter 1A to better align with the intent of the use, which is to limit size. Renaming the use to “Large Vehicle” with a supporting definition that provides a description of the type of vehicle based on number of axles directly identifies the physical features that correlate with potential impacts, namely wider turning radii and weight. These features serve more directly as the bases for having distinct permission levels and use standards from standard vehicles. These changes were made in each Use District table and Use Definition Sections.

g. Manufacturing, Light: Garment & Accessory

‘Manufacturing, Light: Garment & Accessory’ use was established to distinguish from “Manufacturing, Light: Textile” use in Section 5D.8.2. (Manufacturing, Light: Textile) Of Chapter 1A and all Use District tables. These changes were made in each Use District table and Use Definition section.

h. Truck Gardening removal

The use ‘Truck Gardening’ was removed from the District tables in Section(s) 5B.6.1. (Industrial-Mixed 1 (IX1)), and 5B.6.2. (Industrial-Mixed 2 (IX2)) of Chapter 1A. Under the Allowed Uses and Use Limitations in Section(s) 5B.6.1.B. 5B.6.2.B of Chapter 1A, Truck Gardening use was removed as a permitted use in agricultural districts.

‘Truck Gardening’ use was deemed redundant to ‘Farming’ uses in Article 5 because the only distinction feature for ‘Truck Gardening’ use was the prohibition of on-site sale of produce grown on site. However, the direct to customer sale of produce on-site is defined as Retail: Food & Beverage in

Article 5, and the use of a property to sell produce should be based on the permission level for Retail: Food & Beverage uses. Deferring to permission levels for retail leaves only “produce growing” as the use, which is accommodated by the definition of Farming. As such, ‘Truck Gardening’ is no longer distinct from Farming and therefore does not need to be defined and permitted separately.

i. Renaming of ‘Medical: Local’ and ‘Medical: Regional’ to ‘Hospital: Local’ and ‘Hospital: Regional’

The use name 'Medical' was updated to 'Hospital' to more closely convey the nature of the use as an inpatient healthcare facility with patient beds, whereas the term 'medical' can convey a broader range of services provided, including medical clinics and supportive housing providing long term medical services.

j. Renamed Transportation Uses

'Freight Terminal' was renamed 'Freight Transfer Facility' to more accurately convey the use as the transfer of freight cargo between different modes of transportation, rather than a terminus, which are often exclusively rail facilities and therefore overlap with the definition of freight railway facility. 'Railway Facility' was renamed 'Freight Railway Facility' to more firmly convey that the use involves railway facilities moving freight cargo, rather than passenger railway. 'Transit Station' was renamed 'Passenger Transit Facility' to more firmly characterize the use as involving passenger transit, rather than freight, and the use as any facility associated with passenger transit along a network, rather than a station. Definitions of the uses described above were updated to provide more clarity about the nature of each respective use.

k. Consolidation of Eating & Drinking Uses

'Eating & Drinking: Restaurant' and 'Eating & Drinking: Counter Service' have been consolidated into one use, 'Eating & Drinking: General' because both 'Restaurant' and 'Counter Service' were being permitted identically. There was also a lack of clarity communicated by Office of Zoning Administration staff about the distinction between the two uses as both uses allow on-site dining and take-away food service. 'Eating & Drinking: Alcohol Service' and 'Eating & Drinking: Bar' have been consolidated into one use, 'Eating & Drinking: Alcohol Service' in order to instead defer to the Alcohol Sales Special Use Program when requiring alcohol service with a restaurant rather than embedding this condition into the definition of alcohol service. Without the condition that alcohol service only be conducted within a restaurant embedded into the definition there was no longer a need to maintain a distinct definition for 'Bar' and 'Alcohol Service' as the only activity being defined was the serving of alcoholic beverages for on-site consumption.

l. Expanded ‘Personal Services’ definition

The definition of 'Personal Services' has been expanded to provide more detail and clarity regarding the specific uses included. The previous definition for personal services was intentionally broad but was not supported with enough examples of specific uses to capture the range of services that fall within the definition. The updated definition includes a more comprehensive list of example uses to help ensure accurate and consistent interpretation.

m. Expanded 'Retail: General' definition

The definition of 'Retail: General' has been expanded to provide more detail and clarity regarding the specific uses included. The previous definition for retail was intentionally broad but was not supported with enough examples of specific types of goods included within the definition. The updated definition includes a more comprehensive list of types of consumer goods as examples to help ensure accurate and consistent interpretation.

n. Renaming of 'Maintenance & Repair' to 'Machine Shop'

'Maintenance & Repair' has been renamed to 'Machine Shop', along with updated definition language to provide more clarity about the nature of the use and types of activities included. The intent of the definition is to accommodate a range of activities involving machine work involving fabrication and repair using metal and woodworking machinery and tools. The previous definition of 'maintenance & repair' did not clearly describe this.

o. Renaming of 'Waste Facility: Green Waste' to 'Waste Facility: Organic Waste'

'Waste Facility: Green Waste' has been renamed to 'Waste Facility: Organic Waste' to more accurately describe the range of material involved in the waste facility definition. Additionally, the term organic waste encompassing both green waste and food waste aligns with state law (SB 1383) requiring green waste and food waste to be processed together.

p. Moved Electronics Assembly under Light Manufacturing.

'Electronics Assembly' has been moved under the Light Manufacturing use group to more appropriately sort the use along with other defined Light Manufacturing uses. The use, as originally defined, involves the manufacturing and assembly of computer or electronic products and is therefore a type of light manufacturing and is now sorted accordingly.

q. Expanded 'Wholesale & Warehousing' definition.

The definition of 'Wholesale & Warehousing' has been expanded to provide more detail and clarity regarding the specific uses and activities included. The previous definition for retail was intentionally broad but was

not supported with enough examples of specific types of warehousing activities included within the definition, particularly with the growing prominence of fulfillment centers. The updated definition includes a more comprehensive list of types of warehousing uses as examples to help ensure accurate and consistent interpretation.

r. Detention Center

The definition of 'Detention Center' has been revised in response to recent case law, based on consultation with the City Attorney.

5. Change to Council-Approved Inclusionary Housing Map: Dwelling Unit Permission

In order to clarify the applicability of the Inclusionary Housing Program in Section 5B.6.1 (Industrial-Mixed (IX1)) District, the Dwelling related permissions were modified to "S" or "S*". This is not a policy change as the inclusionary map is already applied in these areas; these modifications make the rules more clear when looking at the permissions.

6. Wireless Standards

On April 24, 2023, the PLUM Committee adopted the instructions from the April 21, 2023 letter from [Council District 9](#) as part of CF 22-0617. One of the instructions was for the Department of City Planning (City Planning), in coordination with the City Attorney, to prepare a report with recommendations to ensure consistency between the Federal Communications Commission (FCC) regulations and the wireless standards in the New Zoning Code. The [report](#) was prepared and posted to CF 22-0617-S8, and during Form and Legality, City Planning, in coordination with the City Attorney, took steps consistent with those outlined in the report to ensure consistency with FCC regulations.

Of note, as Federal wireless laws are updated frequently, the City Attorney and City Planning determined that maintaining consistency with Federal wireless law necessitated the creation of a wireless handbook (Wireless Handbook) enabled by Sec. 4C.12.5. (Existing Wireless Telecommunications Facilities Spectrum Act Compliance Handbook) of the New Zoning Code so that the City's wireless regulations can be easily updated as Federal regulations shift. (See the November 2024 Exhibit included in CF No. 22-0617).

Additionally, the Council District 9 letter instructed the DCP to provide a report back on the status of the City's Zoning Code in relation to the Federal Communications Commission (FCC) regulatory standards and to clarify if the City's Zoning Code is up to date in its reflection of federal regulations. The letter also instructed the DCP, in consultation with the City Attorney, to prepare and present an ordinance and environmental review to: 1) update the use list for Chapters 1 (existing Zoning Code) and 1A (New Zoning Code) of the Los Angeles Municipal Code (LAMC) (which jointly comprise the City's Zoning Code) to allow wireless uses, including but not limited to: wireline and network telecommunications services facilities, including switching and exchange

facilities, data centers, cloud storage and internet-supporting facilities; 2) update Chapter 1 and 1A of the LAMC in order to utilize best practices for wireless uses and meet the City's goals for upgrading infrastructure; and 3) conduct public hearings whereby telecommunication/internet service providers and members of the public can provide their input when a proposed ordinance is ready to be vetted.

Based on the instructions provided by CD 9, City Planning will prepare a Zoning Code Amendment Ordinance to address instructions one and two. As part of the legislative code amendment process, City Planning will be conducting public hearings in order to ensure the wireless industry and members of the public can provide their input, which address instruction three. Regarding instruction one, given that the wireless uses listed in CD 9's instructions, including data centers, are not currently defined in the City's Zoning Code, these uses need to be researched further in order for City Planning to comprehend any potential land use and environmental impacts of allowing such uses in the Zoning Code. City Planning therefore recommends that these wireless uses, including data centers, be evaluated and added as a new use in Chapter 1 and Chapter 1A of the LAMC through the proposed Zoning Code Amendment Ordinance. Until the proposed Ordinance is adopted, the Zoning Administrator's Office of City Planning, in consultation with the Department of Building and Safety, will evaluate data centers on a case by case basis using certain parameters such as scale, intensity, and zoning. This interim approach, as well as the public engagement process, will provide the insight that is needed to better understand and define those uses outlined in the request. More details on City Planning's recommendations on CD 9's instructions are included in a supplemental report that will be transmitted to CF 22-0617-S8. It should be noted that the proposed code amendment would require additional resources in order to complete the CEQA analysis mandated by state law.

7. Applicability Changes

On April 24, 2023, the PLUM Committee recommended the City Council adopt the optional changes presented in the Department of City Planning report to PLUM, dated March 30, 2023 (CF No. 22-0617). The optional changes include: 1) revised applicability statements to support the ease of use and implementation of the New Zoning Code, and 2) modifications made to show which zoning standards are triggered by individual project activities.

Project Activities tables in Article 2 (Form) have been removed and added to zoning standards. Optional changes 1 & 2 have been incorporated into the Form & Legality Draft of Chapter 1A. Specifically, applicability statements in Articles 2-4 have been updated to maintain consistency across these articles. Additional detail has been incorporated to specify which project activities trigger the corresponding standards. Global edits made for applicability statements were non-substantive in nature.

8. Downtown Affordable Housing Trust Fund Ordinance

In adopting the Downtown Community Plan in May 2023, City Council established the graduated inclusionary system and established that any in-lieu payments made under either the inclusionary mandate, or the Community Benefits Program, would be deposited into the Citywide Affordable Housing Trust Fund. This requirement was made to prevent projects using the Community Benefits Program from splitting the payments between the Citywide Affordable Housing Trust Fund and the Downtown Affordable Housing Trust Fund.

Splitting affordable housing in-lieu payments between the Citywide Affordable Housing Trust Fund and the Downtown Community Affordable Housing Trust Fund can dilute their effectiveness by reducing the scale of investment, introducing administrative complexities, and limiting the ability to leverage resources efficiently. The City Council has already established that all affordable housing in-lieu fee payments under the Downtown Plan's inclusionary housing system, and its Community Benefits Program be deposited to the Citywide Affordable Housing Trust Fund, and no further action is needed. While the CPC Recommended Draft of the Downtown Community Plan had recommended approval of the Downtown Affordable Housing Trust Fund Ordinance, the City Council should take no action on that Ordinance, so it does not go into effect.

9. Bulk Plane

Originally intended to regulate building height based on proximity to site lot lines, the Bulk Plane tool (Sec. 2C.5.1. of the CPC Recommended Draft of the New Zoning Code) was never applied in the Downtown Community Plan approved by the City Council and therefore has been removed from the Form & Legality Draft of the New Zoning Code. The Department of City Planning is in development of an alternative to the Bulk Plane tool which will be introduced with a forthcoming community plan update.

10. Modifications to Division 9.5 (Accessory Dwelling Unit Incentive Programs)

The New Zoning Code previously approved by the City Council on May 3, 2023, included provisions in Article 9 (Public Benefit Programs) of Chapter 1A relating to Accessory Dwelling Unit (ADU) incentives. Some of those provisions have been rendered out of date by recent bills approved by the California State Legislature and signed by the Governor, specifically SB 897, AB 2221, SB 477, AB 2533, SB 1211, and SB 1077. The New Zoning Code instead incorporates the City's existing ADU Ordinance provisions in Chapter 1, which are supported by Zoning Administrator's memoranda and direction from the California Department of Housing and Community Development that collectively provide for implementation of the City's existing ADUs in compliance with State ADU law. It is expected that the Department of City Planning will undertake a comprehensive effort in 2025 to update the City's ADU Ordinance, at which point revised ADU provisions would be reintroduced into the New Zoning Code.

Under the Form & Legality draft of the New Zoning Code, Div. 9.5. (Accessory Dwelling Unit Incentive Program) of Chapter 1A points to Sec. 12.22. A.33. (Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)) of Chapter 1 of the LAMC for applicable ADU regulations. The following table provides guidance on how some of the Chapter 1 ADU provisions apply to lots subject to Chapter 1A of the LAMC, in instances where there is a difference in section references, terminology, or definitions used between the two zoning codes.

Chapter 1 ADU Provision	Guidance for Chapter 1A
<p>Sec. 12.22 A.33.(c)(1): “Comply with all applicable objective provisions required pursuant to Chapter 1 of this Code, including provisions stated in the underlying applicable zone and height district, Specific Plan, Historic Preservation Overlay Zone, Community Planning Implementation Overlay and other applicable zoning ordinances, policies or other documents established pursuant to Chapter 1, Article 3 of this Code. In any instance where there is conflict, this subdivision shall govern.”</p>	<p>An ADU subject to this development standard shall comply with all applicable objective provisions pursuant to Chapter 1A of the LAMC, notwithstanding anything to the contrary in this Subdivision 33.</p>
<p>Sec. 12.22 A.33 (c)(7): “No passageway for an ADU, nor space between buildings, as per LAMC 12.21 C.2. and LAMC 12.21 C.5.(d), is required in conjunction with the construction of an ADU. Building Code separation requirements still apply.”</p>	<p>The New Zoning Code does not include standards equivalent to Sec. 12.21. C.2. (Spaces Between Buildings - Passageways) or Sec. 12.21. C.5.(d) of Chapter 1. Similar to Chapter 1, neither of these provisions would apply or be required in conjunction with the construction of an ADU under Chapter 1A.</p>
<p>Sec. 12.22 A.33 (c)(12)(ii): “ADU Parking Location. ADU parking is allowed in any yard area or passageway. When located in a required front yard, the parking must be located on an existing driveway. Parking may be provided through tandem parking where two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another. Driveway access areas located in the required</p>	<p>The term passageway does not apply to lots in Chapter 1A as there are no passageway requirements in the New Zoning Code. Instead of Sec. 12.21. A.5. (Design of Parking Facilities) and Sec. 12.21 A.6. (Automobile Parking and Sales Area - Improvement), refer to Sec. 4C.4.3. (Parking Area Design) of Chapter 1A of the LAMC for all other objective parking and driveway standards that apply. Chapter 1A does not include any standards equivalent</p>

front yard shall not be expanded to provide required parking. Other objective parking and driveway standards in the LAMC apply, including those found in Sections 12.21 A.5. and 12.21 A.6. However, Section 12.21 A.6.(d) of this Code shall not apply to parking required for an ADU.”	to Sec. 12.21. A.6.(d) (Wall Required) of Chapter 1, which does not apply.
Sec. 12.22 A.33.(d): “Detached Accessory Dwelling Unit Requirements. Detached ADUs, except those described in Paragraph (f), below, must comply with all provisions of Paragraph (c) and all of the following provisions provided in this Paragraph (d). In addition, Detached ADUs must comply with all applicable provisions of Section 12.21 C.5. that are not in conflict with these Paragraphs (c) and (d).”	Instead of Sec. 12.21. C.5. (Location of Accessory Buildings and Tennis or Paddle Tennis Courts), refer to the applicable requirements of the applied zone, including Part 2B (Form) of Ch. 1A, that are not in conflict with Paragraphs (c) and (d).
Sec. 12.22 A.33 (d)(3)(i): “Detached ADUs shall not be located between a proposed or existing dwelling unit and the street adjoining the front yard, except in the following cases: (i) Where the ADU is on a Through Lot and complies with LAMC Section 12.21 C.5.(k)...”	Detached ADUs shall not be located between a proposed or existing dwelling unit and the frontage lot line, except in the following cases: On a through lot zoned with a Residential or Residential-Mixed Use District with no required rear setback that has a lot depth of 150 feet or more, an ADU shall not extend into either required primary street setback, except that it need not be more than 25 feet from both primary street lot lines.
Sec. 12.22 A.33 (e)(1): “If there is an existing primary dwelling, the Floor Area of an attached ADU may not exceed 50 percent of the existing primary dwelling.”	See Sec. 14.2.7. (Floor Area) of Chapter 1A for the definition and measurement standards of Floor Area.
Sec. 12.22 A.33 (f)(3): “The wheels and leveling or support jacks must sit on a paved surface compliant with LAMC 12.21 A.6.(c).”	The wheels and leveling or support jacks must sit on a paved surface compliant with Sec. 4C.4.4.C.1. (Surfacing) of Chapter 1A.
Sec. 12.22 A.33 (f)(10): “Movable Tiny Houses shall not be located	Movable Tiny Houses shall not be located between the proposed or

between the proposed or existing single-family dwelling unit and the street adjoining the front yard, except where the Movable Tiny House is on a Through Lot and complies with LAMC 12.21 C.5.(k)."	existing single-family dwelling unit and the street adjoining the front yard, except in the following cases: On a through lot zoned with a Residential or Residential-Mixed Use District with no required rear setback that has a lot depth of 150 feet or more, an ADU shall not extend into either required primary street setback, except that it need not be more than 25 feet from both primary street lot lines.
Sec. 12.22 A.33 (g)(2): "An ADU created pursuant to Section 65852.2(e)(1)(B) or (D) of the Government Code shall not be located on any lot that is located in both a Very High Fire Hazard Severity Zone designated by the City of Los Angeles Fire Department pursuant to Government Code Section 51178 and a Hillside Area as defined by the Hillside Area Map pursuant to Section 12.03 of this Code, unless it meets one of the exceptions stated in Subparagraph (4) of Paragraph (c) of this subdivision."	See Div. 14.3. (Glossary) of Chapter 1A for the definitions of Very High Fire Severity Zone and Hillside Area. Per direction from the California Department of Housing and Community Development, no ADU shall require fire sprinklers if they are not required for the primary dwelling.
Sec. 12.22 A.33 (c)(4)(ii)a,: "Notwithstanding Subparagraph (c)(10) below, the ADU is protected throughout with an approved automatic fire sprinkler system, in compliance with the Los Angeles Plumbing Code;"	Per direction from the California Department of Housing and Community Development, no ADU shall require fire sprinklers if they are not required for the primary dwelling.

As noted above, the existing ADU provisions in Chapter 1 are accompanied by Zoning Administrator's memoranda that support the implementation of the City's ADU Ordinance. On February 27, 2020, the Zoning Administrator issued ZA Memo 134 (Implementation of 2019 Accessory Dwelling Unit (ADU) Ordinance and State ADU Law) that summarizes the development standards and the requirements for ADUs under the ADU Ordinance and State law at the time, and provides answers to frequently asked questions. ZA Memo 134 is generally applicable to ADU projects on lots subject to the New Zoning Code, except as superseded by the conflicting portions of the subsequent ZA Memo 142 (Implementation of State Law SB 897 and AB 2221 Regarding ADUs and JADUs) issued December 29, 2022, or by subsequent State ADU law amendments. The tables below provide further clarity on how specific portions of

ZA Memos 134 and 142 would be applied under the New Zoning Code, until they are superseded or the City's ADU Ordinance is amended.

ZA Memo 134 Excerpt	Guidance for Chapter 1A
<p>Junior Accessory Dwelling Units (JADUs) Required to be Approved by State Law (Page 7)</p> <p>"A JADU shall be located on a Lot zoned for single-family residences (One-Family Dwellings) including A1, A2, RA, RE, RS, R1, RU, RZ and RW zones."</p>	<p>Under Chapter 1A, a lot zoned for single-family residences is a lot in a Residential Use District with Density District 1L.</p>
<p>How are square footage, square-feet and size calculated? (Page 10)</p> <p>"Square footage, square-feet and size are used in the ADU Ordinance to refer to various direct ADU size regulations (such as the 1,200 square foot limitation). These terms refer to the definition of Floor Area in LAMC 12.03, but does not include the definition of Residential Floor Area (RFA), nor does it include any non-conditioned spaces such as porches, patios or breezeways with solid or lattice roofs."</p>	<p>For the definition of Floor Area, refer to Sec. 14.2.7. (Floor Area) in Chapter 1A of the LAMC.</p>
<p>How is height measured for an ADU? (Page 11)</p> <p>"For the purposes of applying the 16 feet maximum height standard as required by state law (referenced in LAMC Section 12.22 A.33(c)(1)(iii), (g)(1), and GC Section 65852.2(e)(1)(D)), height shall be measured according to the standard Zoning Code definition of Height of Building or Structure in LAMC Section 12.03."</p>	<p>For standards pertaining to measurement of building height in feet, refer to Sec. 2C.4.2. (Height in Feet) of Chapter 1A of the LAMC.</p>
ZA Memo 142 Excerpt	Guidance for Chapter 1A

<p>“Notwithstanding anything to contrary, there shall be no ... (2) height limitation that does not allow heights for ADUs stated in California Government Code Section 65852.2(c)(2)(D), except that no ADU shall exceed two stories where otherwise prohibited by any objective provision pursuant to Chapter 1 of this Code.” (Page 6)</p>	<p>The reference to “Chapter 1 of this Code” shall be a reference to Chapter 1A of the LAMC instead if the lot is subject to the New Zoning Code.</p>
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III. Recommended Actions Related to Corrections Process for Council Consideration

This section provides a summary and additional background on two of the recommended actions for the City Council to take action on, as provided in the November 2024 City Planning “PLUM Committee Consideration Items for the Downtown Los Angeles Community Plan and the New Zoning Code” letter posted to CF 22-0617.

A. One-Year Post-Adoption Technical Amendments

The November 2024 “PLUM Committee Consideration Items for the Downtown Los Angeles Community Plan and the New Zoning Code” letter posted to CF 22-0617 includes the following recommended action that would allow City Planning to prepare and present to City Council non-substantive technical corrections to this Ordinance within a year.

Recommended Action Text:

As the City is adopting an entire New Zoning Code (Chapter 1A of the LAMC), and as City Planning will be taking on a new role as publisher of Chapter 1A of the LAMC, **authorize** City Planning within a year of the operative date of this ordinance to update Chapter 1A of the LAMC as follows:

- a. As deemed necessary by the Director, City Planning may prepare technical corrections to this ordinance that would fix citations and typographical errors that do not result in substantive changes to the policies adopted by the City Council through CF No. 22-0617 in their approval of this final ordinance, in consultation with the City Attorney. Such technical corrections may include:
 - i. Corrections to typographical errors and citations.
 - ii. Stylistic and formatting consistency edits
 - iii. Corrections to ensure consistency between provisions.
 - iv. Corrections to clarify the implementation of a provision.
 - v. Updates to illustrations or graphics to align with the text of Chapter 1A of the LAMC.
- b. City Planning will bring those corrections to the City Council for final approval.

B. Limited Publisher's Authority and City-Initiated Technical Corrections

Over the course of this year, Staff met with several other cities that have undergone similar Zoning Code transitions. Staff also researched a variety of cities and their respective authorities related to making Zoning Code text and formatting changes as the publisher a means to ensure accuracy. While Los Angeles is the first city of its size and scale to take on a comprehensive New Zoning Code, the lessons learned provided by and gleaned from all the other cities has resulted in an additional recommended action to ensure that City Planning is best positioned to successfully manage administering two Zoning Codes. This is of the utmost importance, given the impact the Zoning Codes has on development, both residential and nonresidential, to ensure we meet the demands of housing and job production within the City.

The lessons learned from San Diego, Denver, Cleveland, and Raleigh confirmed that just like other types of infrastructure, the Zoning Code needs regular maintenance, and importantly, that an efficient process for maintenance and upkeep is paramount given the sheer volume of new code text, and especially when administering two Zoning Codes over the course of several years.

To that end, Staff recommends returning through the legislative adoption process with a code amendment that provides this efficiency in two ways. The first is a limited authority as the publisher to make minor technical corrections to nonsubstantive typographical errors in the Zoning Code necessary to preserve the original meaning and in no case changing the effect of the original ordinance. The second is a technical correction process to the Zone Change, Zoning Code Amendment and other similar sections of the Code to ensure inadvertent errors are addressed in an efficient and timely manner while staying in alignment with the legislative intent.

In consulting other cities, it was estimated that 500 to 1,200 staff hours are needed to take minor and technical corrections through a full legislative process. Similarly, the Department's first maintenance ordinance of one Article (Processes and Procedures, Article 13 CF No. 12-0460-S8), which was recently referred to Form and Legality on October 15, 2024, required approximately 500 staff hours to fix over 80 minor technical errors, such as conjoined words, corrected section numbers, etc. As the City embarks on the administering and maintaining two Zoning Codes, the need for new, more efficient processes to handle non-substantive, non-policy matters in order to ensure the Code is working efficiently to serve the public will be imperative. The recommended action to come back before the legislative body through a transparent process will provide the Council further opportunities to evaluate and consider how best to build in time and cost savings in administering the Codes.

Efficient maintenance of the Zoning Codes on a regular basis with a consideration as to what does and does not require a full legislative process will also enable City Planning to better focus staff time and resources on ordinances proposing substantive policy amendments, including ways to maximize public engagement and feedback to help shape such policy decisions. It is City Planning's recommendation to provide these options in a forthcoming proposed code amendment and accompanying staff report for City Planning Commission and City Council's consideration.

The November 2024 “PLUM Committee Consideration Items for the Downtown Los Angeles Community Plan and the New Zoning Code” letter posted to CF 22-0617 includes the following recommended action for City Council consideration:

Recommend that the City Council **instruct** City Planning to prepare an amendment to the Zoning Code to allow for:

- a) Limited authority for City Planning to make minor nonsubstantive corrections and errors in the Zoning Code necessary to preserve the original meaning and in no case changing the effect of the original ordinance, and;
- b) A streamlined technical correction process to Zone Change, Zoning Code Amendment and other similar sections of Article 13 to ensure errors in adopted ordinances and zoning maps are addressed in an efficient and timely manner.

IV. Zoning Code Text Modifications for Council Consideration

This report includes, for City Council consideration, revisions to the City Council Approved Draft of the New Zoning Code. These recommended revisions further align the New Zoning Code with the original policy intent adopted by Council and aid with the implementation of standards. Revisions are organized by topic and are indicated by underlined text and deletions are indicated by ~~strike through~~. Defined terms are shown in *italics*.

A. Article 1 (Introductory Provisions), Sec. 1.4.4. (Successional Rights)

Recommended modification to support the transition to the New Zoning Code for operational clarity and consistency to ensure cases that have been filed prior to the effective date of this ordinance may proceed pursuant to Chapter 1 unless the applicant elects to proceed pursuant to Chapter 1A.

Modify Sec. 1.4.4. (Successional Rights) as follows:

Any *project* with an entitlement *application* ~~in the table below~~ that was filed and for which all applications fees were paid ~~deemed complete~~ prior to the effective date of this Zoning Code (Chapter 1A), where applied, may continue to use the zoning that was in effect at the time of *application*, provided that approvals are granted and used within the time limits established in Sec. 13A.2.7. (Scope of Decision), unless the applicant elects to utilize the provisions of Chapter 1A. ~~The Projects subject to Chapter I. (General Provisions and Zoning)~~ shall be subject to any subsequent amendments to Chapter I. (General Provisions and Zoning) of this Code unless the *application* has been vested pursuant to Sec. 1.4.5. (Vested Rights).

Delete Successional Rights Reference Table from Sec. 1.4.4. (Successional Rights).

B. Article 2 (Form), Sec. 2B.7.1. (Very Low-Rise Full 1 (VF1)), Sec. 2B.11.1 (Low-Rise Full 1 (LF1)), and Sec. 2B.11.2 (Low-Rise Full 2 (LF2))

Recommended modification to facilitate minimum lot access and street frontage requirements by including a 20-foot minimum lot width requirement under the Lot Size section.

Modify Sec. 2B.7.1. (Very Low-Rise Full 1 (VF1)), Sec. 2B.11.1. (Low-Rise Full 1 (LF1)), and Sec. 2B.11.2. (Low-Rise Full 2 (LF2)) as follows:

Lot Parameters	
Lot Size	
Lot width (min)	<u>20'</u>

C. Article 2 (Form), Sec. 2C.3.1. (Lot Amenity Space) & Sec. 2C.3.2. (Residential Amenity Space); Article 10 (Streets & Parks), Sec. 10.4.8.B. (Privately Owned Park & Recreational Facilities)

Recommended modifications to clarify that spaces which meet the standards of Sec. 2C.3.3.C.3. (Public Amenity Space) may be eligible for credit toward the park fee and land dedication requirements of Div. 10.4. (Park Fees & Dedications) of the New Zoning Code.

Modify Paragraph 6 of Sec. 2C.3.1.C. (Standards) as follows:

6. Lot amenity space provided in accordance with Sec. 2C.3.3.C.3. (Public Amenity Space) may be eligible for credit toward the fee and dedication requirements in Div. 10.4. (Park Fees & Dedications), according to Sec. 10.4.8.B. (Privately Owned Park & Recreational Facilities).

Modify Paragraph 7 of Sec. 2C.3.2.C. (Standards) as follows:

7. Residential amenity space provided in accordance with Sec. 2C.3.3.C.3. (Public Amenity Space) may be eligible for credit towards the fee and dedication requirements outlined in Div. 10.4. (Park Fees & Dedications), according to Sec. 10.4.8.B. (Privately Owned Park & Recreational Facilities).

Modify Paragraph 6 of Sec. 10.4.8.B. (Privately Owned Park & Recreational Facilities) as follows:

6. Credits shall not be given for any lot amenity space or residential amenity space required to be maintained by this Zoning Code (Chapter 1A), Specific Plan, or any other planning document, with the exception of public amenity spaces provided in accordance with Sec. 2C.3.3.C.3 (Public Amenity Space).

D. Article 2 (Form), Sec. 2C.4.3.C.2. (Maximum Height in Stories) and Sec. 2C.4.3.D.3. (Measurement)

Recommended modification deleting language to clarify base and bonus Maximum Height in Stories requirements for buildings.

Modify Sec. 2C.4.3.C.2. (Maximum Height in Stories) as follows:

2. Maximum Height in Stories

a. Base

*~~Buildings and structures~~ shall not exceed the base maximum *height in stories* without meeting Div 9.3. (Community Benefits Program).*

b. Bonus

*~~Buildings and structures~~ may exceed the base maximum *height in stories* up to the bonus maximum *height in stories* as allowed in Div. 9.3. (Community Benefits Program).*

Recommended modification to clarify rules of measurement to determine maximum allowed height requirements for uninhabitable structures or structures without stories.

Add Paragraph 3 to Sec. 2C.4.3.D. (Measurement) as follows:

3. Structures without Stories

a. For determining the maximum allowed height for structures that do not contain habitable stories when the applied form district does not also regulate *height in feet*, the maximum allowed height shall be determined by multiplying the maximum height in stories by 15 feet per allowable story. This resulting product shall be the maximum height allowed for a structure containing no habitable stories.

b. When the applied form district includes a bonus maximum *height in stories*, the number of bonus stories specified shall be used to determine the maximum allowable height of structures containing no habitable stories.

E. Article 4 (Development Standards), Sec. 4C.4.5. (Parking Structure Design)

Recommended modification to Sec. 4C.4.5.E. (Exceptions) to: 1) allow parking structures on the upper story of projects with a lot area less than 30,000 square feet that are required to meet the standards of Sec. 4C.4.5.C.3.d. (Wrapped Parking) to instead meet the requirements of Sec. 4C.4.5.C.3.c. (Adaptable Parking) for consistency with other applicable standards, rather than fully enclosing the building, and 2) establish an exception for existing parking structures that would otherwise be required to be reconstructed as adaptable parking structures when new floor area is

built above the existing parking structure. Recommended exception language ensures existing parking structures are improved with ground story activation and upper story screening, without requiring the complete reconfiguration or reconstruction of an existing parking structure.

Modify Paragraph 1 of Sec. 4C.4.5.E. (Exceptions) as follows:

1. *Lots* that have a total lot area of less than 30,000 square feet and contain *parking structures* where upper stories are required to comply with Sec. 4C.4.5.C.3.d. (Wrapped Parking) above, may design *upper story* portions of *parking structures* to comply with the following standards rather than with Sec. 4C.4.5.C.3.d. (Wrapped Parking) above:

a. *Upper story motor vehicle use areas* shall comply with Sec. 4C.4.5.C.3.c. (Adaptable Parking) ~~be in a fully enclosed building~~; and

b. The *parking structure* facades shall meet all standards specified by the applied Frontage District (Part 3B.).

Add Paragraph 4 to Sec. 4C.4.5.E. (Exceptions) as follows:

4. Projects adding additional floor area above an existing parking structure located on a lot where adaptable parking is required for applicable parking structures shall be exempt from the standards of Sec. 4C.4.5.C.3.c. (Adaptable Parking) for all portions of the existing parking structure and shall comply with all of the following:

a. Existing parking structures shall be improved to comply with the standards of Sec. 4C.4.5.C.3.d. (Wrapped Parking) along the ground floor of the existing street-facing parking structure facades and the standards of Sec. 4C.4.5.C.3.a. (Screened Parking) shall apply to the upper stories of the existing parking structure.

b. Any interior portions of the existing parking structure dedicated to existing ramps are exempt from the standards of Sec. 4C.4.5.C.3.d. (Wrapped Parking) up until there is sufficient space to accommodate a minimum floor-to-ceiling height of nine feet beneath the ramp.

F. Article 4 (Development Standards), Sec. 4C.14.1. (Development Review Threshold Packages)

Recommended modification to remove conflicts between Development Review Threshold Packages 1 and 2 and to remove conflicts with the new Lodging CU3 approval process.

Delete Sub-subparagraph ii. (Major Development Project Review Thresholds) from Sec. 4C.14.1.C.1. (Development Review Threshold Package 1) as follows:

~~ii. Any development project that creates or results in an increase of 250 or more lodging units.~~

~~iii. ii. Any development project that creates or results in an increase of 100,000 square feet or more of floor area in other non-residential or non-warehouse uses.~~

Modify Subparagraph b. (Major Development Project Review Thresholds) of Sec. 4C.14.1.C.2. (Development Review Threshold Package 2) as follows:

b. Major Development Project Review Thresholds

When the applied Development Standards District (Part 4B.) specifies Development Review Threshold Package 2, development *projects that create or result in an increase of 250,000 square feet or more of warehouse area having one or more of the characteristics below* are subject to Sec. 4C.14.1.C.3. (Supplemental Procedure) of this Subsection (Standards):

~~i. Any development project that creates or results in an increase of 250,000 square feet or more of warehouse floor area.~~

~~ii. Any development project that creates or results in an increase of 250 or more lodging units.~~

~~iii. Any development project that creates or results in an increase of 100,000 square feet or more of floor area in other non-residential or non-warehouse uses.~~

Exception: Development *projects* which obtain any development rights under Div. 9.3 (Community Benefits Program) are not subject to this Subparagraph (Major Development Project Review Thresholds).

G. Article 5 (Use), Sec. 5B.5.1. (Commercial-Mixed 1 (CX1)), Sec. 5B.5.2. (Commercial-Mixed (CX2)), Sec. 5B.5.3. (Commercial-Mixed 3 (CX3)), Sec. 5B.5.4. (Commercial-Mixed 4 (CX4)), and Sec. 5B.6.4. (Industrial-Mixed 4 (IX4))

As discussed in Section II.B.1. (Los Angeles Responsible Hotel Ordinance (CF 22-0822-S2)) of this report, the Hotel Ordinance does not specify how additions of less than 25 percent of new hotel/motel Lodging Units and other specified uses would be permitted. Should the City Council wish to exempt projects which increase the number of Lodging Units by less than 25 percent from the Class 3 CUP process and instead allow these projects by-right, the following modifications are recommended.

Modify Subsection B. (Allowed Uses & Use Limitations) of Sec. 5B.5.1. (Commercial-Mixed 1 (CX1)), Sec. 5B.5.2. (Commercial-Mixed (CX2)), Sec. 5B.5.3. (Commercial-Mixed 3 (CX3)), Sec. 5B.5.4. (Commercial-Mixed 4 (CX4)), and Sec. 5B.6.4. (Industrial-Mixed 4 (IX4)) as follows:

Lodging	CU3*	Supplemental findings:	Sec. 5C.2.4.B.1.
		<u>Project exceptions:</u>	
		<u>Intensification of use</u>	<u>Exempt</u>
		<u>Intensification threshold</u>	
		<u>Lodging Units</u>	<u>25% max</u>

H. Article 5 (General Use Standards), Sec. 5C.1.8. (Enclosure)

Technical modifications to clarify enclosure requirements for trucking and vehicular related uses.

Modify Paragraph 1 and add Paragraph 2 to Subsection B of Section 5C.1.8. (Enclosure) as follows:

B. Applicability

1. Enclosure standards apply to new construction, a major remodel, or a use modification when the applied Use District (Part 5B.) includes "Enclosure" in the Use Standard column of the Use District table.

2. Enclosure requirements shall not apply to motor vehicle parking and use areas, such as parking stalls, drive aisles, and maneuvering, loading, and staging areas, that serve the subject use.

I. Article 5 (Use), Sec. 5C.3.3.G.6. (Outdoor Dining Area Administrative Alcohol Authorization)

As referenced in Section II.B.3. of this report, this modification to the Permanent Al Fresco Ordinance excludes the Alcohol Sensitive Sales Area and the Restaurant & Bar Nightlife Area from being eligible for the Outdoor Dining Area Administrative Alcohol Authorization. This change upholds the Downtown Community Plan's tailored and context-specific alcohol policy.

With this modification, the Outdoor Dining Area Administrative Alcohol Authorization would not be available to an operator requesting to serve alcohol in an outdoor dining area within the Alcohol Sensitive Sales Area. The eligibility criteria and standards for the Outdoor Dining Area Administrative Alcohol Authorization are less restrictive than that of the Alcohol Sensitive Sales Area. This exclusion affirms the intent of the Alcohol Sensitive Sales Area which is to be more restrictive and uphold the public input and policy objectives initially reviewed and approved by Council and those engaged in the Downtown Community Plan update process.

Conversely, applying the Outdoor Dining Area Administrative Alcohol Authorization criteria and standards to the Restaurant & Bar Nightlife Area would impose more restrictions to alcohol sales than what is otherwise required administratively in the Restaurant & Bar Nightlife Area. This exclusion affirms the intent of the Restaurant & Bar Nightlife Area of being more permissive and to streamline alcohol approval.

Modify Sec. 5C.3.3.G.6. (Outdoor Dining Area Administrative Alcohol Authorization) as follows:

a. Eligibility Criteria & Standards

Alcohol service provided in conjunction with a restaurant may be provided in an outdoor dining area on private property and/or in the public right-of-way through an administrative alcohol authorization, pursuant to Sec. 13B.3.1. (Administrative Review), provided the establishment meets all of the following eligibility criteria and standards:

- i. The establishment is not located on a lot identified as being within an Alcohol Sensitive Sales Area or a Restaurant & Bar Nightlife Area.
- ii. The outdoor dining area complies with Sec. 5C.2.4.B. (Eating & Drinking: All) or is permitted on a public sidewalk by a revocable permit issued by the Department of Public Works, Bureau of Engineering
- iii. The eating & drinking establishment has a valid approval for the alcohol service use they wish to expand from the Department of City Planning or have existing alcohol sales with no conditional use approval prior to March 1, 1977;
- iv. The eating & drinking establishment has a license to sell alcohol from the California Department of Alcoholic Beverage Control;
- v. The eating & drinking establishment is not subject to any enforcement mechanisms set forth in Sec. 5C.2.4.B. (Eating & Drinking: All) that upon further investigation by the City, result in citation, the imposition of fines or penalties, or revocation;
- vi. The eating & drinking establishment has not been the subject of a wage claim, on or after January 31, 2024, under Chapter XVIII. (Employee Wages and Protections), Article 8. (Los Angeles Office of Wage Standards Ordinance) of this Code.

J. Article 5 (Use), Sec. 5D.1.4. (Use Examples), and Article 13 (Administration), Sec. 13A.1.7.2.a. (Zoning Administrator Interpretation)

Staff recommends the following modifications be incorporated within Article 5 (Use), Sec. 5D.1.4. (Use Examples) and Article 13 (Administration), Sec. 13A.1.7.2.b. (Zoning Administrator Interpretation) to enable the Zoning Administrator to maintain an external list of specified uses. The purpose of the list is to establish the ability of the Zoning Administrator to maintain a more comprehensive list of specified uses to be used as

illustrative examples to guide users and ease implementation and to maintain a consistent interpretation of Article 5's provisions.

Modify Sec. 5D.1.4. (Use Examples) to read as follows:

Sec. 5D.1.4. (Use Examples Specified Uses)

Use definitions may include a list of specific uses that share common attributes to support a definition's broader qualitative description. These specific *uses* are provided as illustrative examples to guide users in interpretation and implementation, but are not intended to represent an exhaustive list. The Zoning Administrator has the authority to establish and maintain a Specific Use List administratively as deemed necessary and appropriate for the purposes of ensuring consistent application and alignment of specific uses with *use* definitions in this code.

~~Use definitions may provide a list of example *uses* to support the qualitative description of the characteristic shared by a broad set of uses. Where a *use* definition contains a list of example *uses*, the *uses* listed are provided as illustrative examples to guide users, and not an exhaustive list.~~

Modify Subparagraph a. of Sec. 13A.1.7.D.2. (Zoning Administrator Interpretation) as follows:

~~a. For lots subject to this Chapter, the Zoning Administrator has the authority to determine the appropriate *use* definition and interpret specific uses and determine the appropriate *use* definition for each lot subject to this Chapter, in accordance with this *Paragraph* (Zoning Administrator Interpretation).~~

K. Article 8 (Supplemental & Special Zoning), Sec. 8.2.5.D.1. (Maintaining an Existing CDO)

Correction to Community Design Overlay District (CDO) amendment process in order to maintain consistency with the process from today's Zoning Code (Chapter 1 of the LAMC) and to enable the removal of CDO guidelines or reduction in CDO boundaries in Sec. 8.2.5.D.1. (Maintaining an Existing CDO).

Modify Sec. 8.2.5.D.1. (Maintaining an Existing CDO) as follows:

The City Planning Commission Council may amend an existing *CDO* in accordance with Sec. 13B.1.5. (Guidelines or Standards Adoption/Amendment) 2. (Specific Plan Adoption/Amendment), and as represented by the acronym "*CDO*" as part of the third bracket set of the zone of a lot. However, the *CDO* shall not be amended to expand the existing boundaries or establish new guidelines and standards.

L. Article 9 (Public Benefit Systems), Sec. 9.4.5. (Downtown Adaptive Reuse Program)

Amend the Downtown Adaptive Reuse Program to align with the 15-year eligibility criteria proposed for by-right approval in the Citywide Adaptive Reuse Ordinance (Implementation Programs 13 and 121 of the City's Housing Element (CF No. 21-1230)), as follows.

Modify Sec. 9.4.5.B.1. (Buildings That Are At Least 25 Years Old) as follows:

1. Buildings That Are At Least 15 25 Years Old

Buildings constructed in accordance with building and zoning codes in effect at the time they were built and for which at least 15 25 years have elapsed since the date of permitted and completed construction.

Modify Subparagraph a. of Sec. 9.4.5.E.1. (Department of Building and Safety Review) as follows:

a. *Adaptive reuse projects* involving *buildings* constructed in accordance with building and zoning codes in effect at the time they were built for which at least 15 25 years have elapsed since the date of permitted and completed construction, and

Modify Subparagraph a. of Sec. 9.4.5.E.2. (Zoning Administrator Review) as follows:

a. *Adaptive reuse projects* involving *buildings* constructed in accordance with building and zoning codes in effect at the time they were built for which at least 10 but less than 15 25 years have elapsed since the date of permitted and completed construction, may be approved by the Zoning Administrator, pursuant to Sec. 13B.2.1. (Class 1 Conditional Use Permit), if the *adaptive reuse project* complies with the requirements of Subsection B. (Eligibility) above and any criteria and requirement described in Subsection C. (Standards) above and Subsection D. (Incentives), above are met. the incentives described in Subsection D. (Incentives) for which the project qualifies shall be granted for any approved *adaptive reuse project*.

M. Article 9 (Public Benefits), Sec. 9.3.1.C.2. (Non-Residential Projects)

Technical modifications to remove reference to "transient occupancy residential structures" and instead just rely on the definition of "Lodging" from the non-residential projects eligibility provisions of Sec. 9.3.1. (Community Benefits Program Structure). Both uses are premised on the same threshold of having an occupancy of less than 30 days; therefore referring to "transient occupancy residential structures" is redundant to any reference to Lodging uses. For the purposes of determining permission of Transient Occupancy Residential Structures, such uses shall be permitted in accordance with the permission level assigned to Lodging uses in the applied Use District. Where Lodging

uses are not a permitted use, existing Transient Occupancy Residential Structures may be continued in accordance with Sec. 12.1.2. (General Nonconforming Rules).

Modify Sec. 9.3.1.C.2. (Non-Residential Projects) as follows:

Projects which do not involve the construction of dwelling units, including City-approved lodging uses and transient occupancy residential structures, may use any of the programs established in this Division (Community Benefits Program). Bonus FAR or bonus height may be awarded up to the maximum allowed by the applied Form District (Part 2B.), as established in this Section (Community Benefits Program Structure) and in the applicable CPIO or Specific Plan.

N. Article 11 (Division of Land), Sec. 11.5.1.G.1. (Residential Conversion Projects), Sec. 11.5.1.G.2. (Residential to Commercial/Industrial Conversion Projects), Sec. 11.5.2.E.1. (Commercial/Industrial to Residential Conversion Projects), and Sec. 11.5.2.E.2. (Commercial/Industrial Conversion Projects)

Technical modifications to align the parking standards for residential conversion, commercial/industrial to residential, and commercial/industrial to commercial projects in Sec. 11.5.1. (Conversion: Residential; Residential To Commercial/Industrial) and Sec. 11.5.2. (Conversion: Commercial/Industrial; Commercial/Industrial to residential) with the required parking packages in Sec. 4C.4.1.C.2. (Required Automobile Parking Table).

The Department of City Planning issued a memo regarding the 'Rescission of Advisory Agency Policy No. 2006-2 on Multi-Family Parking Policy', dated May 16, 2023. The memo detailed region-wide trends towards expansion of mass transit networks, new mobile technologies and City policies such as the Bicycle Parking Ordinance, Density Bonus, and Transit Oriented Communities which support reductions in parking. In addition, state laws have been adopted which limit the City's ability to require parking associated with housing projects. As such, maintaining specialized parking requirements are no longer warranted.

Modify Sec. 11.5.1.G.1. (Residential Conversion Projects) as follows:

1. Residential Conversion Projects

- a. The minimum number of resident *automobile parking stalls* per dwelling unit shall be provided in accordance with the applicable parking package in Sec. 4C.4.1.C.2. (Required Automobile Parking Table). ~~4.25 automobile parking stalls per dwelling unit having three or less habitable rooms and 1.5 automobile parking stalls per each dwelling unit having more than three habitable rooms. The Advisory Agency may increase or decrease the required number of automobile parking stalls up to and including 0.75 automobile parking stalls per dwelling unit, where it finds that such modification is consistent with the intent of this Section (Conversion: Residential; Residential to Commercial/Industrial).~~

- ~~b. The minimum number of guest automobile parking stalls shall be 0.25 automobile parking stalls per dwelling unit for projects containing 50 or fewer units and 0.5 automobile parking stalls per dwelling unit for projects containing more than 50 units. The Advisory Agency may modify the guest parking requirement up to and including 0.5 automobile parking stalls per unit where it finds such modification consistent with the intent of this Section (Conversion: Residential; Residential to Commercial/Industrial).~~
- ~~c. Where the number of automobile parking stalls required in Sec. 4C.4.1. (Automobile Parking Stalls) or other provisions of this Zoning Code (Chapter 1A) in existence on the date of map application exceeds the minimum numbers established by this Subsection C. (Parking), the number of automobile parking stalls shall not be diminished.~~
- ~~d. Where the total number of required automobile parking stalls includes a fraction, the provision of Sec. 4C.4.1.D.2. (Fractional Space) shall govern.~~
- ~~e. b. The design and improvement of automobile parking facilities and areas shall substantially conform to the provisions of Sec. 4C.4.4.3. (Parking Area Design), Sec. 4C.4.5.4. (Parking Lot Design), and Sec. 4C.4.6.5. (Parking Structure Design), as applicable.~~

Delete Sec. 11.5.1.G.2. (Residential to Commercial/Industrial Conversion Projects) as follows:

~~2. Residential to Commercial/Industrial Conversion Projects~~

~~Regardless of the automobile parking stall requirements outlined in Sec. 4C.4.1. (Automobile Parking Stalls), residential to commercial/industrial conversion projects shall conform to the following requirements:~~

- ~~a. The required minimum number of automobile parking stalls to be provided in a residential to commercial/industrial conversion project shall be:

 - ~~i. Five automobile parking stalls for each 1,000 square feet of that portion of the total floor area of a building to be used as a hospital facility; and~~
 - ~~ii. Two automobile parking stalls for each 1,000 square feet of that portion of the total floor area in a building to be used for other general commercial uses, heavy commercial uses, light industrial uses, or heavy industrial uses, as established in Part 5D. (Use Definitions).~~~~
- ~~b. Regardless of the provisions established in Sec. 14.1.7. (Floor Area), total floor area, as used in this Section (Conversion: Residential; Residential to Commercial/Industrial), shall exclude floor area used for automobile~~

~~parking or driveways, for basement storage or for rooms housing mechanical equipment incidental to the operation of buildings.~~

- ~~e. The Advisory Agency may increase the required minimum number of automobile parking stalls by not more than 75 percent, including any allowance for guest parking, where it finds that such modification is consistent with the intent of this Section (Conversion: Residential; Residential to Commercial/Industrial).~~
- ~~d. Where the number of automobile parking stalls required in Sec. 4C.4.1. (Automobile Parking Stalls) or other provisions of this Zoning Code (Chapter 1A) in existence on the date of map application exceeds the minimum numbers established by this Subsection C. (Parking), the number of automobile parking stalls shall not be diminished.~~
- ~~e. Where the total number of required spaces includes a fraction, the provision of Sec. 4C.4.1.D.5. (Fractional Space) shall govern.~~
- ~~f. The design and improvement of automobile parking facilities and areas shall substantially conform to the provisions of Sec. 4C.4.4. (Parking Area Design), Sec. 4C.4.5. (Parking Lot Design), and Sec. 4C.4.6. (Parking Structure Design), as applicable.~~

Modify Sec. 11.5.2.E.1. (Commercial/Industrial to Residential Conversion Projects) as follows:

1. Commercial/Industrial to Residential Conversion Projects

- ~~a. The minimum number of resident automobile parking stalls per dwelling unit shall be 1.25 automobile parking stalls per each dwelling unit having three or less habitable rooms, and 1.5 automobile parking stalls per each dwelling unit having more than three habitable rooms. The Advisory Agency may increase or decrease the required number of automobile parking stalls up to and including 0.75 spaces per dwelling unit, where it finds such modification is consistent with the intent of this Section (Conversion: Commercial/ Industrial; Commercial/Industrial to Residential).~~
- ~~b. The minimum number of guest automobile parking stalls shall be 0.25 spaces per dwelling unit for projects containing 50 or fewer units, and 0.5 spaces per dwelling unit for projects containing more than 50 units. The Advisory Agency may modify the guest parking requirements up to and including 0.5 spaces per dwelling unit where it finds such modification consistent with the intent of this Section (Conversion: Commercial/Industrial; Commercial/Industrial to Residential).~~
- ~~c. Where the number of automobile parking stalls required in Sec. 4C.4.1. (Automobile Parking Stalls) or other provisions of this Zoning Code (Chapter 1A) in existence on the date of map application exceeds the~~

~~minimum numbers established by Subsection E. (Parking), the number of automobile parking stalls shall not be diminished.~~

- ~~d. Where the total number of required automobile parking stalls includes a fraction, the provision of Sec. 4C.4.1.D.5. (Fractional Space) shall govern.~~
- ~~e. a. The design and improvement of automobile parking facilities and areas shall substantially conform to the provisions of Sec. 4C.4.4.3. (Parking Area Design), Sec. 4C.4.5.4. (Parking Lot Design), and Sec. 4C.4.6.5. (Parking Structure Design), as applicable.~~
- ~~f. b. Regardless of any other provisions of this Zoning Code (Chapter 1A) to the contrary, the required number of automobile parking stalls in Sec. 9.4.6. (Citywide Adaptive Reuse Program) shall be the same as the number of spaces that existed on the lot as of June 3rd, 1999, and shall be maintained and not reduced.~~

Modify Sec. 11.5.2.E.2. (Commercial/Industrial Conversion Projects) as follows:

2. Commercial/Industrial Conversion Projects

- ~~a. The required minimum number of automobile parking stalls to be provided in a commercial/industrial conversion project shall be:

 - ~~i. Five automobile parking stalls for each 1,000 square feet of that portion of the total floor area in a building to be used as a hospital facility; and~~
 - ~~ii. Two automobile parking stalls for each 1,000 square feet of that portion of the total floor area in a building to be used for other general commercial uses, heavy commercial uses, light industrial uses, or heavy industrial uses, as established in Article 5 (Use Definitions).~~~~
- ~~b. Regardless of the provisions established in Sec. 14.2.7. (Floor Area), total floor area, as used in this Section (Conversion: Commercial/Industrial; Commercial/Industrial to Residential), shall exclude floor area used for automobile parking or driveways, for basement storage or for rooms housing mechanical equipment incidental to the operation of buildings.~~
- ~~c. The Advisory Agency may increase or decrease the required minimum number of required automobile parking stalls by not more than 100 percent, including any allowance for guest automobile parking stalls, where it finds that such modification is consistent with the intent of this Section (Conversion: Commercial/Industrial; Commercial/Industrial to Residential).~~
- ~~d. Where the number of automobile parking stalls required in Sec. 4C.4.1. (Automobile Parking Stalls) or other provisions of this Zoning Code~~

~~(Chapter 1A) in existence on the date of map application exceeds the minimum numbers established by Subsection E. (Parking), the number of automobile parking stalls shall not be diminished.~~

- ~~e. Where the total number of required automobile parking stalls includes a fraction, the provision of Sec. 4C.4.1.D.5. (Fractional Space) shall govern.~~
- f. The design and improvement of automobile parking facilities and areas shall substantially conform to the provisions of Sec. 4C.4.4.3. (Parking Area Design), Sec. 4C.4.5.4. (Parking Lot Design), and Sec. 4C.4.6.5. (Parking Structure Design), as applicable.

O. Article 13 (Administration), Sec. 13B.1.2.C.1. (Notice of Public Hearing) and Sec. 13.B.1.4.C.1. (Notice of Public Hearing)

Modifications to ensure efficient use of City resources in order to maintain consistency between zoning regulations and Specific Plans per State law. This modification would add a new noticing rule for Specific Plans consistent with the current zone change noticing rule, and clarify the meaning of “significant number” of lots to be utilized in noticing requirements.

Modify table in Subparagraph a. of Sec. 13B.1.2.C.1. (Notice of Public Hearing) as follows:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication (city-initiated only)	10 days	<ul style="list-style-type: none"> Where the City initiates changes to one or more specific plans to 1,000 lots or more, publication in two newspapers of general circulations in the area involved, designated for that purpose by the City Clerk, is required. Mailing of individual notices shall not be required.

Add Subparagraph d. to Sec. 13B.1.2.C.1. (Notice of Public Hearing) as follows:

- d. Where the City initiates changes to one or more specific plans pursuant to Sec. 65455 (Zoning, tentative map, parcel map, and public works project consistency with specific plan) of the California Government Code to 1,000 lots or more, publication in two newspapers of general circulation designated by the City Clerk for official advertising in the area involved, not less than 10 days prior to the date of the public hearing, giving notice of its time, place and purpose shall be sufficient notice of the hearing, and the mailing of individual notices shall not be required.

Modify table in Subparagraph a. of Sec. 13B.1.4.C.1 (Notice of Public Hearing) as follows:

Type of Notice	When	Where / To Whom / Additional Requirements
<u>Publication (city-initiated only)</u>	<u>10 days</u>	<ul style="list-style-type: none"> Where the City initiates changes of zone or height districts to 1,000 lots or more, <u>publication in two newspapers of general circulations in the area involved, designated for that purpose by the City Clerk, is required. Mailing of individual notices shall not be required.</u>

Modify Subparagraph d. of Sec. 13B.1.4.C.1 (Notice of Public Hearing) as follows:

- d. Where the city initiates changes of zone or height districts pursuant to California Government Code Sec. 65860(d) (Adoption of Regulations) to 1,000 ~~a significant number of lots~~ lots or more, publication in two newspapers of general circulation designated by the city clerk for official advertising in the area involved, not less than 10 days prior to the date of the public hearing, giving notice of its time, place and purpose shall be sufficient notice of the hearing, and the mailing of individual notices shall not be required.

P. Article 14 (General Rules), Sec. 14.2.9. (Grade Plane Elevation)

Modification adding language to require lots sloping less than 15% to utilize a different rule of measurement than what is currently available. This modification represents a pragmatic adjustment to a rule that may not uniformly apply to all contexts within the City. By adopting a more nuanced approach that considers the topographical diversity of the city's lots, the revised regulation will enhance the efficiency, equity, and responsiveness of the City's planning and development processes.

Modify Paragraphs 1. and 2. of Sec. 14.2.9.A. (General) as follows:

1. Average Grade Elevation

For all *buildings* and *structures* that have no applicable *building perimeter* pursuant to Subsection B. (*Applicable Building Perimeter*) below or for lots that contain an average natural slope of less than 15% slope, except for lots located within the city's hillside area per Sec 1.5.6 (Hillside Area Map), the grade plane elevation shall be established in accordance with Subsection E. (Average Grade Method) below.

2. Full Building Method & Building Module Method

For buildings or structures located within the city's hillside area, the grade plane elevation may be established for either an entire building in accordance with

Subsection C. (*Full Building Method*) below or separately for different *building modules* in accordance with Subsection D. (*Building Module Method*) below. Using the *Full Building method*, in accordance with Sec. 14.1.9.C. (*Full Building Method*) or for separate *buildings* using the *building module method* in accordance with Sec. 14.1.9.D. (*Building Module Method*).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Vincent P. Bertoni', with a stylized, looping flourish at the end.

VINCENT P. BERTONI, AICP
Director of Planning

VPB:SMMB:EC:MS:en