ORDINANCE NO. 173268

A Charter implementation draft ordinance amending Chapter 1 of the Los Angeles Municipal Code and Ordinance Nos. 159, 748 and 171,681 in order to make technical changes and to be consistent with the redistribution of authority assigned by the City Council and the Charter adopted by the voters at the general municipal election held June 8, 1999.

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS:

Section 1. Section 11.5.3 of the Los Angeles Municipal Code is amended to read:

Sec. 11.5.3. Director of Planning (Director).

In addition to the duties set forth in the Charter, the Director of Planning shall have the authority to interpret the meaning of the General Plan and specific plans in instances when there is a lack of clarity in the meaning of those regulations, subject to Council review. The Director may appoint a designee to act on his or her behalf, in which case, references in this article to Director shall include this designee, unless stated otherwise.

Sec. 2. Section 11.5.4 of the Los Angeles Municipal Code is amended to read:

Sec. 11.5.4. City Planning Commission.

In addition to the duties set forth in the Charter, the City Planning Commission shall adopt guidelines for the administration of the provisions of this chapter if it determines that guidelines are necessary and appropriate. Authority to adopt guidelines for the administration of the provisions of this chapter may be delegated to others by adoption of a resolution by Council. Existing provisions of this chapter that delegate authority for the adoption of guidelines to others shall continue to apply with respect to those provisions.

Sec. 3. Section 11.5.5 of the Los Angeles Municipal Code is amended to read:

Sec. 11.5.5. Mandatory Referrals - Authority of Commission - Requirements. No ordinance, order or resolution referred to in Charter Sections 555 or 558 shall be
adopted by the Council, unless it shall have first been submitted to the City Planning Commission or the Area Planning Commission for report and recommendation, in the manner set forth in those sections. The report and recommendation shall indicate whether the proposed ordinance, order or resolution is in conformance with the General Plan, any applicable specific plans, any plans being prepared by the Department of City Planning, and any other applicable requirement set forth in those Charter sections.

Sec. 4. Section 11.5.6 of the Los Angeles Municipal Code is amended to read:

Sec. 11.5.6. GENERAL PLAN.

Pursuant to Charter § 555, the City’s comprehensive General Plan may be adopted, and amended from time to time, either as a whole, by complete subject elements, by geographic areas or by portions of elements or areas, provided that any area or portion of an area has significant social, economic or physical identity.

A. Amendments.

Amendments to the General Plan of the City shall be initiated, prepared and acted upon in accordance with the procedures set forth in Charter Section 555 and this section.

B. Initiation of Plan Amendment.

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

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

After the Director prepares a Plan amendment and report, the Director shall transmit the file to the City Planning Commission for its action.

C. Action by City Planning Commission on Proposed Amendments.
1. Notice and Hearing. Before the City Planning Commission acts on a proposed Plan amendment and the Director's recommendation, the matter shall be set for a public hearing. The City Planning Commission may hold the hearing itself or may direct the Director to hold the hearing. In either event, notice of the time, place and purpose of the hearing shall be given by at least one publication in a newspaper of general circulation in the City (designated for this purpose by the City Clerk), at least ten days prior to the date of the hearing. Notice shall also be mailed to any person requesting notice of the hearing.

At the time of the hearing, the City Planning Commission or the Director shall hear public testimony from anyone wishing to be heard on the matter. The City Planning Commission or the Director may continue the hearing to another date announced publicly at the hearing being continued; no additional notice of the continued hearing need be given. If the hearing is conducted by the Director, he or she shall submit a report to the City Planning Commission summarizing the information received. The report may also contain a recommendation to the City Planning Commission regarding its action on the proposed amendment. The Director shall file his or her report with the City Planning Commission after the close of the hearing.

2. City Planning Commission Action. After receiving the Director's report, or after the close of a public hearing conducted by the City Planning Commission, the City Planning Commission shall recommend to the Mayor and the Council that the proposed amendment be approved or disapproved in whole or in part. The City Planning Commission's report to the Mayor and the Council shall set forth the Commission's reasons for its recommendation.

The City Planning Commission shall act within 90 days after receiving the Director's report pursuant to Subsection B. If the City Planning Commission fails to do so, the City Planning Commission's failure to act shall be deemed a recommendation for approval of the Plan amendment.

If the City Planning Commission recommends approval of any proposed Plan amendment or disapproval of either a proposed amendment initiated by the Director or the Council, the Commission shall transmit as soon as possible those actions to the Mayor for consideration and report to the Council. If the City Planning Commission recommends the disapproval of a Plan Amendment initiated by it, the City Planning Commission shall report its decision to the Council and Mayor.

D. Action by the Mayor on Proposed Amendments.

Within 30 days after receipt of the City Planning Commission's recommendation, the Mayor shall make a recommendation to the Council on the proposed Plan amendment. The Mayor's report to the Council shall set forth the Mayor's reasons for
his or her recommendation. If the Mayor does not act within the 30-day period, the Mayor's inaction shall be deemed a recommendation for approval of the Plan amendment.

E. Action by the Council on Proposed Amendments.

After receiving the recommendations of the City Planning Commission and the Mayor, or at the expiration of the 30-day period for the Mayor to act, the Council shall hold a public hearing on the proposed Plan amendment.

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

(a) Approve or disapprove the Plan amendment in whole or in part; in accordance with Charter Section 555(e); or

(b) Propose changes to the Plan amendment.

The Council shall take either of these actions within 90 days after receiving the recommendation of the Mayor, or within 90 days after the expiration of the Mayor's time to act if the Mayor has not made a timely recommendation. The failure of the Council to act within that 90-day period shall constitute a disapproval of the Plan amendment.

In accordance with Charter Section 555(e), if both the City Planning Commission and the Mayor recommend approval of a proposed amendment, the Council may adopt the amendment by a majority vote. If either the City Planning Commission or the Mayor recommends the disapproval of a proposed amendment, the Council may adopt the amendment only by at least a two-thirds vote. If both the City Planning Commission and the Mayor recommend the disapproval of a proposed amendment, the Council may adopt the amendment only by at least a three-fourths vote.

F. Proposed Changes by the Council. If the Council proposes changes to the Plan amendment that differ from the amendment as initiated or the recommendation of the City Planning Commission, the matter shall be returned simultaneously to the City Planning Commission and the Mayor for their recommendations on the proposed changes. In acting on those changes, the City Planning Commission and the Mayor shall follow the procedures set forth above for their initial action. The City Planning Commission shall act within 60 days of receipt of the Council's proposed change. The Mayor shall act within 30 days of the receipt of the City Planning Commission's recommendation on the proposed change, or the expiration of the time for the City Planning Commission to act if the Commission fails to make a timely recommendation. If either the City Planning Commission or the Mayor does not act within the time period, that inaction shall be deemed a recommendation of approval of the proposed changes. The recommendations of the Commission and the Mayor on any changes made by the
Council shall affect only those changes. The Council shall act to approve or disapprove, in whole or in part, the Plan amendment, including the Council's changes, within 120 days after receiving both the City Planning Commission's and the Mayor's recommendations on the Council's proposed changes, or the expiration of their time to act on those changes.

Sec. 5. Section 11.5.7 of the Los Angeles Municipal Code is amended to read:

SEC. 11.5.7. SPECIFIC PLAN PROCEDURES

A. Purpose and Objectives. A specific plan shall provide by ordinance regulatory controls or incentives for the systematic execution of the General Plan and shall provide for public needs, convenience and general welfare. Except as otherwise provided by this section, procedures for the establishment, amendment or repeal of specific plans are set forth in Section 12.32.

The objectives of this section are as follows:

1. To establish uniform citywide procedures for review of applications for projects within specific plan areas in accordance with applicable specific plan requirements and the City Charter; and

2. To establish uniform citywide standards and criteria for processing applications for exceptions from, amendments to and interpretations of specific plans.

B. Relationship To Provisions of Specific Plans. If any procedure established in a specific plan conflicts with any procedure set forth in this section, the provisions of this section shall prevail.

1. Definitions. For the purpose of this section, the following words and phrases are defined as follows:

Project Permit Approval shall mean a decision by the Director of a project's compliance with a specific plan.

Project Permit Adjustment shall mean a decision by the Director granting a project a minor adjustment from certain specific plan requirements, subject to the limitations specified by this section.

(a) Application, Form and Contents. To apply for a Project Permit Approval, a Project Permit Adjustment, modification of a Project Permit Approval, specific plan exception, or request a specific plan amendment or specific plan interpretation, an applicant shall file an application with the Department of City Planning, on a form provided by the Department, and include all information required by the instructions on the application and any applicable adopted guidelines. Prior to deeming the application complete, the Director shall decide and, if necessary, advise the applicant of the processes and fees to be followed.

(1) Application Fees. The application fees for a Project Permit Approval or Project Permit Adjustment, specific plan exception, specific plan amendment and specific plan interpretation shall be as follows:

(i) For a Project Permit Approval or Project Permit Adjustment, the fee shall be the same as the fee for Site Plan Review in Section 19.01 T;

(ii) For a Modification of a Project Permit Approval when an application is filed for a proposed modification which is not required by a public agency, the fee shall be equal to one-half the application fee for a new project permit application. There shall be no application fee for a modification required by a public agency.

(iii) For a specific plan exception, the fee shall be as set forth in Section 19.01 J;

(iv) For a request to have the City initiate an amendment to a specific plan, the fee shall be as provided in Section 19.03 A 4; and

(v) For a request for an interpretation of a provision of a specific plan or a decision made pursuant to a specific plan, the fee shall be the same as the fee for decisions made pursuant to Section 12.21 A 2, set forth in Section 19.01 F.

C. Project Permit Compliance Review.

1. Director's Authority.

(a) The Director shall have authority to review and approve an application for a project within a specific plan area to determine if the project is in conformance with the requirements established by this subsection and in
compliance with all regulatory requirements of the specific plan that are not in conflict with this section.

(b) In granting a Project Permit Approval, the Director shall require compliance with the regulations of the applicable specific plan and mitigation of significant adverse effects of the project on the environment and surrounding areas.

2. Findings. The Director shall grant a Project Permit Approval upon a written finding that the project satisfies each of the following requirements:

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

(b) That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.

3. Limitations. The granting of a Project Permit Approval shall not in any way indicate compliance with other applicable provisions of the Los Angeles Municipal Code. Any corrections and/or modifications to project plans made subsequent to a Director's Project Permit Approval that are deemed necessary by the Department of Building and Safety for Building Code compliance, and which involve a change in floor area, parking, building height, yards or setbacks, building separation or lot coverage, shall require a referral of the revised plans back to the Department of City Planning (and the Department of Transportation in cases where there are corrections and/or modifications that may affect the calculation of vehicle trips generated, project floor area or parking) for additional review and sign-off prior to the issuance of any permit in connection with those plans.

4. Director's Decision.

(a) Time Limits. The Director shall make a written decision approving, disapproving or approving with conditions a Project Permit Approval application within 60 days after:

(1) the date the application is deemed complete; or

(2) when an environmental impact report (EIR) is required, the date the EIR is certified as complete consistent with State law.
The time limits may be extended by mutual consent of the Director and the applicant. The time limits may also be extended as provided in Section 12.25 A.

(b) Public Informational Meeting. The Director may hold a public informational meeting in connection with a proposed project if the Director decides that the proposed project may have a potentially significant effect on adjoining properties or on the immediate neighborhood, or that it is likely to evoke public controversy, or that it would be in the public interest to conduct the meeting. In those cases, written notice of the meeting shall be sent by First Class Mail at least 15 days prior to the meeting date to: the applicant; the owner(s) of the property involved; owners of properties within 100 feet of the exterior boundaries of the property involved; the Councilmember(s) having jurisdiction over the specific plan area in which the property is located; to the applicable Neighborhood Council, pursuant to the procedures in the Neighborhood Council Plan, established by ordinance; the chairperson of any design review or plan review board having jurisdiction over the specific plan area in which the property is located; and interested parties who have requested notice in writing. Notice of the public informational meeting shall also be posted on the City Planning Department's Internet website; however, failure to do so shall not constitute defective notice.

(c) Transmittal of Written Decision. Upon making a written decision, the Director shall transmit a copy by First Class Mail to the applicant. Copies shall also be provided to: the Department of Building and Safety; the Councilmember(s) having jurisdiction over the specific plan area in which the property is located; the Department of Transportation; owners of all properties abutting, across the street or alley from, or having a common corner with the subject property; the applicable Neighborhood Council, pursuant to the procedures in the Neighborhood Council Plan, adopted by ordinance; the chairperson of any design review or plan review board having jurisdiction over the specific plan area in which the property is located; and interested parties who have filed written requests with the City Planning Department.

(d) Effective Date of Decision. The Director's Project Permit Approval shall become effective after an elapsed period of 15 calendar days from the date of mailing of the written decision, unless an appeal is filed on the decision within that period pursuant to Subsection E of this section.

(e) Applicant's Compliance with Project Permit Approval Terms and Conditions. Once a Project Permit Approval is utilized, the applicant shall comply with the terms and conditions of the Project Permit Approval that affect the construction and/or operational phases of the project. For purposes of this
subsection, utilization of a Project Permit Approval shall mean that a building permit has been issued and construction work has begun and been carried on diligently.

(f) Expiration. If a Project Permit Approval is not utilized within two years after its effective date, the Project Permit Approval shall become null and void, unless the Director approves an extension of time pursuant to an application filed by the applicant. An application for an extension may be filed in any public office of the Department of City Planning, accompanied by payment of a fee equal to that specified in Section 19.01 M. The application shall set forth the reasons for the request and shall be filed prior to the expiration date. Based on this request, the Director may grant an extension of the expiration date for a period of up to one year if he or she decides that good and reasonable cause exists.

D. Failure to Act - Transfer of Jurisdiction.

1. If the Director fails to act on an application within 60 days from the date of filing a complete application, or within a mutually agreed upon extension of time, the applicant may file a request for a transfer of jurisdiction to the Area Planning Commission for decision.

2. When the Area Planning Commission receives the applicant’s request for a transfer of jurisdiction, the Director shall lose jurisdiction. However, the Area Planning Commission may remand the matter to the Director, who shall regain jurisdiction for the time and purpose specified in the remand action. In addition, upon receipt of a written request by the applicant for withdrawal of the transfer of jurisdiction prior to the matter being considered by the Area Planning Commission, the matter shall be remanded to the Director.

3. If the matter is not remanded, the Area Planning Commission shall consider the application following the same procedures and subject to the same limitations as are applicable to the Director, except that the Area Planning Commission shall act within 45 days of the transfer of jurisdiction. The Department of City Planning shall make investigations and furnish any reports requested by the body to which the matter has been transferred.

E. Appeals.

1. Filing of an Appeal. An applicant or any other person aggrieved by the Director’s decision may appeal the decision to the Area Planning Commission. The appeal shall be filed within 15 days of the date of mailing of the Director’s decision on forms provided by the Department. The appeal shall set forth specifically the points at issue, the reasons for the appeal, and the basis upon
which the appellant claims there was an error or abuse of discretion by the Director. Any appeal not filed within the 15-day period shall not be considered by the Area Planning Commission. The filing of an appeal stays proceedings in the matter until the Area Planning Commission has made a decision. Once an appeal is filed, the Director shall transmit the appeal and the file to the Area Planning Commission, together with any reports responding to the allegations made in the appeal.

2. Appellate Decision - Public Hearing and Notice. Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice to the same parties who were provided copies of the Director's written decision, as set forth in Paragraph (c) of Subdivision 4 of Subsection C of this section.

3. Time for Appellate Decision. The Area Planning Commission shall act within 60 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the Area Planning Commission. The failure of the Area Planning Commission to act within this time period shall be deemed a denial of the appeal.

4. Appellate Decision. The Area Planning Commission may reverse or modify, in whole or in part, any decision of the Director. The Area Planning Commission shall make the same findings required to be made by the Director, supported by facts in the record, and indicate why the Director erred in determining a project's compliance with the regulations of the applicable specific plan.

5. Effective Date of Appellate Decision. The appellate decision of the Area Planning Commission shall be final and effective as provided in Charter Section 245.

F. Modification of a Project Permit Approval. Once a Project Permit Approval becomes effective, any subsequent proposed modification to the project shall require a review by the Director, who shall grant approval of the modification if he or she finds the modification to be substantially in conformance with the original Project Permit Approval.

1. Modification Procedure. To modify an approved project, an applicant shall file an application with the Department of City Planning pursuant to the application procedure set forth in Paragraph (a) of Subdivision 2 of Subsection B of this section. The application shall include an illustrated description of the proposed modification and a narrative justification. Written proof of any modification required by a public agency shall be submitted with the application.
2. Limitations. Modification applications and approvals shall only be valid for Project Permit Approvals which have not expired. Unless the Director has granted an extension of time to utilize a Project Permit Approval pursuant to Paragraph (f) of Subdivision 4 of Subsection C of this section, modifications shall not suspend or extend the authorization period of the original Project Permit Approval.

3. Transfers of Jurisdiction - Appeals. The procedures for processing transfers of jurisdiction and appeals of Director’s decisions on modifications shall be the same as those set forth for Project Permit Approvals in Subsections D and E of this section.

G. Project Permit Adjustments.

1. Director’s Authority. The Director shall have authority to grant a Project Permit Adjustment for minor adjustments from certain specific plan requirements pursuant to the limitations set forth in this Subsection.

   In granting a Project Permit Adjustment, the Director may impose project conditions as the Director deems necessary in order to achieve substantial conformance with the specific plan regulations.

   If an application requests more than one Project Permit Adjustment, the Director may determine and advise the applicant, prior to the application being deemed complete, that the request instead be filed and processed as a specific plan exception pursuant to Subsection H of this section.

   Project Permit Adjustments shall be limited to:

   (a) Adjustments permitting project height to exceed the designated height limitation on the property involved by less than ten percent;

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

   (c) Adjustments permitting portions of buildings to extend into a required yard, setback or other open space a distance by less than 20 percent of the minimum width or depth of the required yard, setback or open space;
(d) Adjustments to minimum landscaped area requirements of less than 20 percent, or minor adjustments to required types of landscape materials;

(e) Adjustments to permitted signs which:

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

(2) exceed the limit on the maximum number of signs by no more than ten percent or one additional sign, whichever is more; or

(3) exceed the maximum sign height by no more than two feet;

(f) Adjustments from the minimum or maximum number of required parking spaces associated with a project of less than ten percent;

(g) Minor exterior design adjustments (e.g., facade design, color or texture of materials, etc.), which do not substantially alter the execution or intent of the applicable specific plan design standards to the proposed project, and which do not change the permitted use, floor area, density or intensity, height or bulk, setbacks or yards, lot coverage limitations, and parking standards regulated by the specific plan; and

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

2. Findings. The Director shall grant a Project Permit Adjustment upon a written finding that the project satisfies each of the following requirements, in addition to any other required specific plan findings that may pertain to the Project Permit Approval:

(a) That there are special circumstances applicable to the project or project site which make the strict application of the specific plan requirement(s) impractical;

(b) That in granting the Project Permit Adjustment, the Director has imposed project requirements and/or decided that the proposed project will substantially comply with all applicable specific plan requirements;
(c) That in granting the Project Permit Adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights-of-way; and

(d) That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.

H. Exceptions from Specific Plans.

1. Authority of Area Planning Commission. The Area Planning Commission may permit an exception from the regulations in a specific plan.

   In granting an exception from a specific plan, the Area Planning Commission shall impose conditions, which will remedy any resulting disparity of privilege and which are necessary to protect the public health, safety, welfare and assure compliance with the objectives of the general plan and the purpose and intent of the specific plan. An exception from a specific plan shall not be used to grant a special privilege, nor to grant relief from self-imposed hardships.

   Exceptions from specific plans shall be limited to:

   (a) Exceptions permitting project floor area to exceed the designated floor area limitation on the property involved by an amount less than ten percent;

   (b) Exceptions permitting project height to exceed the designated height limitation on the property involved by ten percent or more, but less than 20 percent;

   (c) When the calculation of the maximum number of permitted multiple-family dwelling units results in a fraction, the number of total dwelling units may be rounded up to the next whole number if the lot area remaining after calculating the maximum number of permitted dwelling units is at least 50 percent of the lot area required by the specific plan regulation to permit one additional dwelling unit;

   (d) Exceptions permitting portions of buildings to extend into a required yard, setback or other open space a distance of 20 percent or more of the minimum width or depth of the required yard, setback or open space;
(e) Exceptions to vehicle trip calculations, as decided by the General Manager of the Department of Transportation and the Director, by an amount less than ten percent of the total trips generated;

(f) Exceptions to minimum landscaped area requirements by 20 percent or more;

(g) Exceptions to permitted signs which:

   (1) exceed the maximum sign size (area) limitation by 20 percent or more;

   (2) exceed the limit on the maximum number of signs by more than ten percent; or

   (3) exceed the maximum sign height by more than two feet;

(h) Exceptions to modify or continue existing legal nonconforming signs;

(i) Exceptions from the minimum or maximum number of required parking spaces associated with a project by ten percent or more; and

(j) Exceptions from design standards and other specific plan requirements which would not otherwise require a specific plan amendment, as decided by the Director.

2. Findings. In accordance with Subsection D of Section 12.24, the Area Planning Commission shall hold a hearing at which evidence is taken. The Area Planning Commission may permit an exception from a specific plan if it makes all the following findings:

   (a) That the strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan;

   (b) That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area;

   (c) That an exception from the specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan in the same zone and
vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question;

(d) That the granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property; and

(e) That the granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.

3. Decision by Area Planning Commission.

(a) The Area Planning Commission shall render a decision on an application for an exception from a specific plan within 75 days after filing unless the applicant and Area Planning Commission consent in writing to a longer period.

(b) Decisions by the Area Planning Commission shall be supported by written findings of fact based on evidence in the record. Upon making a decision upon an application for an exception from a specific plan, the Area Planning Commission shall place a copy of its written findings, where required, and decision on file in the City Planning Department and provide a copy to: the Department of Building and Safety; the Councilmember(s) having jurisdiction over the specific plan area in which the property is located; and the Department of Transportation. Copies of the decision shall also be provided by First Class Mail to: the applicant; the applicable Neighborhood Council, pursuant to the procedures established in the Neighborhood Council Plan; the chairperson of any design review or plan review board having jurisdiction over the specific plan area in which the property is located; and interested parties who have filed written requests with the City Planning Department.

4. Effective Date of Decision. The Area Planning Commission’s decision shall become final after an elapsed period of 15 calendar days from the date of mailing of the written decision, unless an appeal is filed on the decision within that period pursuant to this subsection.

5. Expiration. If a specific plan exception is not utilized within two years after its effective date, the specific plan exception shall become null and void, unless the Director approves an extension of time pursuant to the same procedures for extending the expiration date of a Project Permit Approval, as set forth in Paragraph (f) of Subdivision 4 of Subsection C of this section.
6. Failure to Act - Transfer of Jurisdiction from the Area Planning Commission. If the Area Planning Commission fails to act on an application for an exception from a specific plan within the time limit specified in this subsection, the applicant may file a request for a transfer of jurisdiction to the City Council for a decision upon the original application, in which case the Area Planning Commission shall lose jurisdiction. A request for transfer of jurisdiction may be filed in any public office of the Department of City Planning.

The Council may approve the application subject to making the findings contained in Subdivision 2 of this subsection, and may impose upon the approval conditions it deems necessary in accordance with those findings. The action of the Council shall be adopted by a majority vote of the whole Council.

7. Appeal of Area Planning Commission Decision. An applicant or any other person aggrieved by a decision of the Area Planning Commission may appeal the decision to the City Council. The appeal shall be filed within 15 days of the date of mailing of the decision on forms provided by the Planning Department. The appeal shall set forth specifically the points at issue, the reasons for the appeal, and the basis upon which the appellant claims there was an error or abuse of discretion by the Area Planning Commission. Any appeal not filed within the 15-day period shall not be considered by the City Council. The filing of an appeal stays proceedings in the matter until the City Council has made a decision. Once an appeal is filed, the Area Planning Commission shall transmit the appeal and the file to the City Council, together with any report responding to the allegations made in the appeal.

The Council may reverse or modify, in whole or in part, any decision of the Area Planning Commission only by a two-thirds vote of the whole Council. The decision must contain a finding of fact showing why the proposed exception to a specific plan complies or fails to comply with the requirements of this section. Any vote of the Council in which less than two-thirds of the whole Council vote to reverse or modify the decision of the Area Planning Commission shall be deemed to be an action denying the appeal. The failure of the Council to vote upon an appeal within 90 days after the expiration of the appeal period, or within any additional period agreed upon by the applicant and the Council, shall also be deemed a denial of the appeal.

8. Hearing by Council. Before acting on any appeal, or on any matter transferred to it because of the failure of the Area Planning Commission to act, the City Council or its Planning Committee shall set the matter for hearing, giving the same notice as provided in this section for hearings before the Area Planning Commission.
I. Amendments to Specific Plans - When Required. The procedures for amending specific plans is set forth in Subsections A, C, D and E of Section 12.32, except that publication and mailing of the hearing notice indicating the time, place and purpose of the hearing shall be given at least 24 days prior to the date of the hearing. An amendment to a specific plan shall be required for any of the following purposes:

1. Uses prohibited by the specific plan;

2. Floor area which exceeds the designated floor area limitation on the property involved by ten percent or more;

3. Height which exceeds the designated height limitation on the property involved by 20 percent or more;

4. Residential density which exceeds the designated density limitation on the property involved, except as may be allowed pursuant to the Project Permit Adjustment and exception procedures of this section;

5. Signs otherwise prohibited by the specific plan; or

6. Other significant modifications to specific plan regulations, as decided by the Director.

J. Site Plan Review Regulations. Project review pursuant to the Site Plan Review regulations in Section 16.05 shall not be required for projects in those specific plan areas, as decided by the Director, where similar project site planning requirements are established by the specific plan and significant project environmental impacts, if any, are mitigated by the measures imposed in the Project Permit Approval.

K. Decision-Makers and Appellate Bodies for Other Specific Plan Provisions. For those specific plan provisions which are not addressed elsewhere in this section, the decision and appellate bodies responsible for implementing those provisions shall be as identified in the following table:
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<th>SPECIFIC PLAN PROVISION</th>
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<th>Decision or Appeal Body</th>
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Sec. 6. Section 11.5.8 of the Los Angeles Municipal Code is amended to read:

SEC. 11.5.8. PERIODIC COMPREHENSIVE GENERAL PLAN REVIEW.

A. Purpose. Periodic Comprehensive General Plan review is necessary to insure that the City's General Plan properly and systematically addresses the needs of a constantly changing City. These needs include the provision of adequate housing, public services and transportation, the optimum allocation of land for industry and commerce, the preservation of environmental amenities, and the enhancement of the quality of life for all of the residents of the City of Los Angeles. Comprehensive procedures for evaluating, and, where necessary, amending the General Plan and other land use regulations are required in order to meet these needs.

B. Planning Areas. The City is hereby divided into 37 planning areas. Each planning area constitutes an area for which either a community plan, a district plan, or other portion of the land use element of the General Plan has been adopted by the City. The boundaries of each planning area shall be those of the applicable adopted community or district plan, or other portion of the land use element of the General Plan. These boundaries may be modified or changed by amendment to the General Plan pursuant to the procedures set forth in Section 11.5.6 of this Code.

C. Geographical Area. Pursuant to the requirements of Charter Sections 554 through 557, and for the purpose of maintaining and updating the various community and district plans, the City's 37 planning areas shall be grouped into four geographical areas. The Director of Planning shall establish the boundaries of the four geographical areas. The Director may modify the boundaries as necessary in order to more effectively carry out the purpose and intent of this section.

D. Procedures. The City Planning Commission shall begin consideration of each of the four geographical areas at least once every six months. The City Council, after considering the recommendations of the City Planning Commission, shall adopt by resolution a schedule and program for the systematic review and amendment of the General Plan by geographical area. The City Planning Commission may begin
consideration of a General Plan amendment proposal involving a particular lot or lots only during the period set forth in the adopted schedule for review of the geographical area within which the lot or lots are located. However, the City Planning Commission or Council may authorize a deviation from the adopted schedule, if either the City Planning Commission or the Council finds that a deviation from the adopted schedule is appropriate because the proposed plan amendment is needed to: (1) avoid unusual financial loss or extreme hardship, (2) provide for low and moderate income housing or other social benefits, or (3) achieve compatible land uses or other planning objectives.

The Director of Planning shall develop the administrative procedures and forms necessary to administer the General Plan review program adopted by Council. Changes of zone or height district which are necessary to achieve consistency between zoning and the General Plan may be considered at the time scheduled for a geographical area review. The Director shall develop procedures, consistent with the provisions of this Code, for the processing of applications for these zone or height district changes.

The procedures and forms developed by the Director shall be submitted for City Planning Commission review and approval prior to their implementation or use.

Sec. 7. The definition of Area Planning Commission is added to Section 12.03 of the Los Angeles Municipal Code in alphabetical order to read:

**Area Planning Commissions.** Each Area Planning Commission shall consist of five members. Members shall be appointed and removed in the same manner as members of the City Planning Commission, except that residency in the area served by the Area Planning Commission shall be a qualification for appointment. Except as provided in subsection (d), Area Planning Commissions are quasi-judicial agencies.

Each Area Planning Commission, with respect to matters concerning property located in the area served by the Area Planning Commission, shall have and exercise the power to:

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

(b) hear and make decisions on any matter normally under the jurisdiction of a Zoning Administrator when that matter has been transferred to the jurisdiction of the Area Planning Commission because the Zoning Administrator has failed to act within the time limits prescribed by ordinance.
(c) hear and determine applications for, or appeals related to, conditional
use permits and other similar quasi-judicial approvals, in accordance with
procedures prescribed by ordinance;

(d) make recommendations with respect to zone changes or similar
matters referred to it from the City Planning Commission pursuant to Charter
Section 562; and

(e) hear and determine other matters delegated to it by ordinance.

Sec. 8. The definition of Board in Section 12.03 of the Los Angeles
Municipal Code is repealed.

Sec. 9. The definition of City Planning Commission in Section 12.03 of
the Los Angeles Municipal Code is amended to read:

**City Planning Commission.** The Board of Commissioners of the City Planning
Department shall be known as the City Planning Commission and shall consist of
nine members. It shall:

(a) give advice and make recommendations to the Mayor, Council,
Director of Planning, municipal departments and agencies with respect to City
planning and related activities and legislation;

(b) make recommendations concerning amendment of the General Plan
and proposed zoning ordinances in accordance with Charter Sections 555 and
558;

(c) make reports and recommendations to the Council and to other
governmental officers or agencies as may be necessary to implement and
secure compliance with the General Plan;

(d) perform other functions prescribed by the Charter or ordinance; and

(e) adopt guidelines for the administration of the provisions of this chapter
if it determines that guidelines are necessary and appropriate. Authority to
adopt guidelines for the administration of the provisions of this chapter may be
delegated to others by adoption of a resolution by Council. Existing provisions of
this chapter that delegate authority for the adoption of guidelines to others shall
continue to apply with respect to those provisions.

Sec. 10. The definition of Director of Planning in Section 12.03 of the Los
Angeles Municipal Code is amended to read:
**Director of Planning (Director).** The chief administrative officer of the Department of City Planning shall be known as the Director of Planning and shall be appointed and removed as provided in Charter Section 508. The Director shall be chosen on the basis of administrative and technical qualifications, with special reference to actual experience in and knowledge of accepted practice in the field of city planning. The Director shall interpret the meaning of the General Plan and specific plans in instances when there is a lack of clarity in the meaning of those regulations, subject to review by the City Council. The Director may appoint a designee to act on his or her behalf, in which case, references in this Code and other land use ordinances to Director shall include this designee, unless otherwise stated.

In accordance with Charter Section 553, the Director of Planning or his or her designee shall:

(a) prepare the proposed General Plan of the City and proposed amendments to the General Plan;

(b) prepare all proposed zoning and other land use regulations and requirements, including maps of all proposed districts or zones;

(c) make investigations and act on the design and improvement of all proposed subdivisions of land as the advisory agency under the State Subdivision Map Act; and

(d) have additional powers and duties as are provided by ordinance.

Sec. 11. Subparagraph (20) of Paragraph (a) of Subdivision 16 of Subsection A of Section 12.05 of the Los Angeles Municipal Code is amended to read:

(20) A person wishing to conduct a home occupation must obtain a City business license, if a City business license is required to perform the occupation, from the Office of Finance.

Sec. 12. Subsection A of Section 12.04 of the Los Angeles Municipal Code is amended to read:

**Sec. 12.04. ZONES - DISTRICTS - SYMBOLS.**

A. In order to regulate the use of property, as provided for in this article, the City is hereby divided into the following Zones: 1. OS Open Space Zone; 2. A1 Agricultural Zone; 3. A2 Agricultural Zone; 4. RA Suburban Zone; 5. RE Residential Zone; 6. RS Suburban Zone; 7. R1 One-Family Zone; 8. RU Residential Urban Zone; 9. RZ

The order of restrictiveness of these zones, the first being the most restrictive and last being the least restrictive, is as follows: OS, A1, A2, RA, RE, RS, R1, RU, RZ, RW1, R2, RD, RMP, RW2, R3, R4, R5, CR, C1, C1.5, C4, C2, C5, CM, MR1, M1, MR2, M2, M3 and PF.

In addition there shall be the following Specific Plan Zones: 1. CCS Century City South Studio Zone; 2. CM(GM) Commercial Manufacturing (Glencoe/Maxella) Zone; 3. CW Central City West Specific Plan Zone; and 4. WC Warner Center Specific Plan Zone.

Sec. 13. Subparagraph (20) of Paragraph (a) of Subdivision 16 of Subsection A of Section 12.05 of the Los Angeles Municipal Code is amended to read:

(20) A person wishing to conduct a home occupation must obtain a City business license, if a license is required to perform the occupation, from the Office of Finance.

Sec. 14. Paragraph (c) of Subdivision 16 of Subsection A of Section 12.05 of the Los Angeles Municipal Code is amended to read:

(c) Authority of The Director of Planning. Notwithstanding any other provisions of this Code, the Director may require the discontinuance of a home occupation if he or she finds that as operated or maintained there has been a violation of any of the conditions or standards set forth in this section. The Director shall have the authority to prescribe additional conditions and standards of operation for any category of home occupation which may require additional conditions.

Sec. 15. Subparagraph (6) of Paragraph (d) of Subdivision 16 of Subsection A of Section 12.05 of the Los Angeles Municipal Code is amended to read:
(6) Discontinuance of Use. Three violations of any condition set forth in Section 12.05 A 16 (a) of this Code which has resulted in an Order to Comply being issued under paragraph (d) (2) may result in the imposition of proceedings to discontinue the home occupation use. The Director shall have jurisdiction to discontinue a home occupation use by giving notice to the record owner of the home occupation by issuing A Notice of Intention to Discontinue the Home Occupation (Notice). The Notice shall provide an opportunity for the home occupation user to either (a) submit information to the Director by a date certain to show cause why the home occupation should not be discontinued or (b) appear at a time and place before the Director pursuant to the procedures prescribed in Section 12.24 of the Code to show cause why the use should not be discontinued. Upon the expiration of the time periods set forth in the Notice, the Director may discontinue the home occupation use.

Sec. 16. Subsection B of Section 12.05 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 17. Subsection B of Section 12.06 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 18. Subsection B of Section 12.07 of the Los Angeles Municipal Code is amended to read:
B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 19. Subsection B of Section 12.07.01 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 20. Subsection B of Section 12.07.1 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 21. Subsection B of Section 12.08 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way;
right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 22. Subsection D of Section 12.08.1 of the Los Angeles Municipal Code is amended to read:

D. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection B of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 23. Subsection D of Section 12.08.3 of the Los Angeles Municipal Code is amended to read:

D. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection B of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 24. Subsection D of Section 12.08.5 of the Los Angeles Municipal Code is amended to read:

D. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:
Any of the uses permitted by Subsection B of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 25. Subsection B of Section 12.09 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 26: Subsection C of Section 12.09.1 of the Los Angeles Municipal Code is amended to read:

C. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 27. Subsection D of Section 12.09.5 of the Los Angeles Municipal Code is amended to read:

D. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection B of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

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Sec. 28. Subsection B of Section 12.10 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 29. Subsection B of Section 12.11 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 30. Subsection B of Section 12.12 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 31. The Exception to Paragraph 3 of Subsection A of Section 12.12.1 of the Los Angeles Municipal Code is amended to read:
EXCEPTION: The foregoing provisions shall not apply in those instances where a sign island of C2 Zone has been established within a P-zoned area by means of a zone change and/or the zone boundary adjustment procedure. In those instances, no building permits for the erection of signs in the surrounding P Zone shall be issued without prior determination and authorization by the Director of Planning in cases involving zone boundary adjustments, and for cases involving a zone change, the City Planning Commission or the Area Planning Commission pursuant to Section 12.32.

Sec. 32. Subsection B of Section 12.12.1 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 33. Subsection B of Section 12.12.1.5 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 34. Subsection B of Section 12.12.2 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway
right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 35. Subsection B of Section 12.13 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 36. Subsection C of Section 12.13.5 of the Los Angeles Municipal Code is amended to read:

C. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 37. Subsection B of Section 12.14 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior
approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 38. Subsection B of Section 12.16 of the Los Angeles Municipal Code is amended to read:

**B. Restriction.** For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on those maps as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on those maps as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 39. Subsection B of Section 12.17 of the Los Angeles Municipal Code is amended to read:

**B. Restriction.** For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 40. Subsection B of Section 12.17.1 of the Los Angeles Municipal Code is amended to read:

**B. Restriction.** For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 41. Subsection F of Section 12.17.5 of the Los Angeles Municipal Code is amended to read:
F. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection B of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 42. Subsection B of Section 12.17.6 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 43. Subsection E of Section 12.18 of the Los Angeles Municipal Code is amended to read:

E. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection B of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 44. Subsection B of Section 12.19 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection B of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 44. Subsection B of Section 12.19 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:
right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 45. Subsection B of Section 12.20 of the Los Angeles Municipal Code is amended to read:

B. Restriction. For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

Sec. 46. Section 12.20.3 of the Los Angeles Municipal Code is amended to read:

SEC. 12.20.3. “HP” HISTORIC PRESERVATION OVERLAY ZONE. The following regulations shall apply in an HP Historic Preservation Overlay Zone:

A. Purpose. It is hereby declared as a matter of public policy that the recognition, preservation, enhancement, and use of structures, landscaping, natural features, sites and areas within the City of Los Angeles having historic, architectural, cultural or aesthetic significance are required in the interest of the health, economic prosperity, cultural enrichment and general welfare of the people. The purpose of this section is to:

1. Protect and enhance the use of structures, features, sites, and areas that are reminders of the City's history or which are unique and irreplaceable assets to the City and its neighborhoods or which are worthy examples of past architectural styles;

2. Develop and maintain the appropriate settings and environment to preserve these structures, landscaping, natural features, sites and areas;

3. Enhance property values, stabilize neighborhoods and/or communities, render property eligible for financial benefits, and promote tourist trade and interest;
4. Foster public appreciation of the beauty of the City, of the accomplishments of its past as reflected through its structures, landscaping, natural features, sites and areas;

5. Promote education by preserving and encouraging interest in cultural, social, economic, political and architectural phases of its history.

6. To ensure that all procedures comply with the California Environmental Quality Act.

B. Definitions. For the purpose of this ordinance, the following words and phrases are defined:

1. **ADDITION** is an extension or increase in floor area or height of a building or structure.

2. **ALTERATION** is any exterior change or modification of a structure, landscaping, natural feature or site within a Historic Preservation Overlay Zone including but not limited to changing exterior paint color, removal of significant trees or landscaping, installation or removal of fencing, and similar projects, and including street features, furniture or fixtures.

3. **ARCHITECTURAL** is anything pertaining to the science, art or profession of designing and constructing buildings or structures.

4. **BOARD** is any Historic Preservation Board as established by this section.

5. **CERTIFICATE OF APPROPRIATENESS** is an approved certificate issued for the construction, demolition, alteration, removal, or relocation of any publicly or privately owned structure, landscaping, natural feature or site within a Historic Preservation Overlay Zone, including street features, furniture or fixtures.

6. **CONTRIBUTING STRUCTURE** is any structure identified on the Historic Resources Survey as contributing to the historic significance of the Historic Preservation Overlay Zone, including a structure which has been altered, where the nature and extent of the alterations are determined reversible by the Historic Resources Survey.

7. **CULTURAL** is anything pertaining to the concepts, skills, habits, arts, instruments or institutions of a given people at any given point in time.

8. **HISTORIC** is any structure, landscaping, natural feature, or site, including street features, furniture or fixtures which depicts, represents or is associated
with persons or phenomena which significantly affect or which have significantly affected the functional activities, heritage, growth or development of the City, State, or Nation.

9. **HISTORIC RESOURCES SURVEY** is a document which identifies all contributing and non-contributing structures and all contributing landscaping, natural features and sites, individually or collectively, including street features, furniture or fixtures, and which is certified as to its accuracy and completeness by the Cultural Heritage Commission.

10. **LANDSCAPING** is the design and organization of landforms, hardscape, and softscape including individual groupings of trees, shrubs, groundcovers, vines, pathways, arbors, etc.

11. **MONUMENT** is any structure, landscaping, natural feature or site designated as a City Historic-Cultural Monument.

12. **NATURAL FEATURE** is any significant tree, plant life, geographical or geological site or feature identified individually or collectively on the Historic Resources Survey as contributing to the cultural or historical significance of the Historic Preservation Overlay Zone.

13. **NON-CONTRIBUTING STRUCTURE** is a structure identified on the Historic Resources Survey as not contributing to the historical significance of the Historic Preservation Overlay Zone.

14. **OWNER** is any person, association, partnership, firm, corporation or public entity identified as the holder of title on any property as shown on the records of the City Clerk or on the last assessment roll of the County of Los Angeles, as applicable. For purposes of this section, the term owner shall also refer to an appointed representative of an association, partnership, firm, corporation, or public entity which is a recorded owner.

15. **PRESERVATION PLAN** is a document governing each Historic Preservation Overlay Zone, that is prepared by the Board as set forth in Subsection D 8.

16. **PRESERVATION ZONE** is any area of the City of Los Angeles containing structures, landscaping, natural features or sites having historic, architectural, cultural or aesthetic significance and designated as a Historic Preservation Overlay Zone under the provisions of this section.
17. **PROJECT** is the addition, alteration, construction, demolition, reconstruction, rehabilitation, relocation, removal or restoration of the exterior of any building, structure, landscaping, natural feature or site within a Preservation Zone, except as provided under Subsection F 2 (c). A project may or may not require a building permit, and may include but not be limited to changing exterior paint color, removal of significant trees or landscaping, installation or removal of fencing, window and door replacement which are character-defining features of architectural styles, changes to public spaces and similar projects.

18. **RECONSTRUCTION** is the act or process of reproducing by new construction the exact form, features and details of a vanished building, portion of a building, structure, landscape, or object as it appeared at a specific period of time and on its original site.

19. **REHABILITATION** is the act or process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

20. **RENTER** is any person association, partnership, firm, corporation, or public entity which has rented or leased a dwelling unit or other structure within a Preservation Zone for a continuous time period of at least three years. For purposes of this section, the term renter shall also refer to an appointed representative of an association, partnership, firm, corporation, or public entity which is a renter.

21. **RESTORATION** is the act or process of accurately recovering the form, features and details of a property as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

**C. Use.** Whenever the City Council shall establish, add land to, eliminate land from or repeal in its entirety a Preservation Zone, the provisions of the section shall not be construed as an intent to abrogate any other provision of this Code. When it appears that there is a conflict, the most restrictive requirements of this Code shall apply.

**D. Historic Preservation Board.**

1. **Establishment and Composition.** There is hereby established within each Preservation Zone a Historic Preservation Board. Each Board shall have, as part of its name, words linking it to its area of administration and distinguishing it from other similar boards. A Board shall be comprised of five members. At least three members shall be renters or owners of property in the Preservation Zone. In the event the Preservation Zone is primarily residential, at least three
members shall be owners or renters who reside in the zone. When property is owned or rented by corporations, governments or other organizations, the Board members may be appointees of those organizations. In the event a Preservation Zone is established for an area insufficient in size to provide for a Board whose members meet the requirements of this subsection, for appointment purposes only, the area may be expanded to include the community plan area in which the Preservation Zone is located. In the event a Board still cannot be comprised with members who meet the requirements of this subsection, the Cultural Heritage Commission shall assume all the powers and duties and perform all the functions otherwise assigned to the Board for the Preservation Zone, until a time the Board can be established.

2. Term of Membership. Members of the Board shall serve for a term of four years, except that initial appointments of members shall be staggered as provided in Subsection 3 below. Members of the Board whose terms have expired shall stay on the Board until their replacements are approved.

3. Appointment of Members. To the maximum extent practicable members shall be appointed as follows:

   (a) One member having extensive real estate or construction experience shall be appointed by the Mayor. The initial appointee shall serve a one-year term.

   (b) One member who is a renter or owner of property in the Preservation Zone shall be appointed by the councilmember of the district in which the Preservation Zone is located. In cases where the Preservation Zone is located in more than one council district, the appointment shall be made by the councilmember representing the greatest land area in the Preservation Zone. The initial appointee shall serve a two-year term. In predominantly residential Preservation Zones, the owner or renter shall also be a resident of the zone.

   (c) Two members, one of which shall be an architect licensed by the State of California, shall be appointed by the Cultural Heritage Commission. In the event only one appointment under (a) or (b) above is a renter or owner in the Preservation Zone, then at least one of the appointees shall be a renter or owner of property in the Preservation Zone. In predominantly residential Preservation Zones, the owners or renters shall also be residents of the zone. Both initial appointees shall serve three-year terms.

   (d) One member at large selected by a majority vote of the previously listed four members. The member shall be a renter or owner in the Preservation Zone unless at least three of the other four members are renters or owners in the
Preservation Zone. In predominantly residential Preservation Zones, the owners or renters shall also be residents of the zone. The initial appointee shall serve a four year term. All members shall have demonstrated a knowledge of, and interest in, the culture, structures, sites, historic architecture, history and features of the area encompassed by the Preservation Zone and, to the extent feasible, shall have experience in historic preservation. Appointees serve at the pleasure of the appointing authority and the appointment may be rescinded at any time prior to the expiration of a member’s term.

4. Vacancies. In the event of a vacancy occurring during the term of a member of the Board, the same body or official, or their successors, who appointed the member shall make an interim appointment of a person to fill out the unexpired term of the member. Where the member is required to have specified qualifications, the vacancy shall be filled for the unexpired term of the member by interim appointment of a person having these qualifications. If the appointing authority does not make an appointment within 60 days of the vacancy, the President of the City Council shall make a temporary appointment to serve until such time as the appointing authority makes an appointment to occupy the seat.

5. Expiration of Term. Upon expiration of a term for any member of the Board, the appointment for the next succeeding term shall be made by the same body or official, or their successors, which made the previous appointment. No member of a Board shall serve more than two consecutive four year terms.

6. Organization and Administration. Each Board shall hold regular meetings at fixed times within the month with a minimum of two meetings a month. Meetings may be canceled if no deemed complete applications are received at least seven calendar days prior to the next scheduled meeting. There shall be at least one meeting a year. The Board shall establish rules, procedures and guidelines as it may deem necessary to properly exercise its function. The Board shall elect a Chairperson and Vice-Chairperson who shall serve for a one year period. The Board shall designate a Secretary and Treasurer who shall serve at the Board’s pleasure. Three members shall constitute a quorum. Decisions shall be determined by majority vote of the Board. Public minutes and records shall be kept of all meetings and proceedings showing the attendance, resolutions, findings, determinations and decisions, including the vote of each member. To the extent possible, the staffs of the Department of City Planning and Cultural Affairs Department may assist the Board in performing its duties and functions.

7. Power and Duties. When considering any matter under its jurisdiction, the Board shall have the following power and duties:
(a) To evaluate any proposed changes to the boundaries of the Preservation Zone it administers and make recommendations to the City Planning Commission, Cultural Heritage Commission and City Council.

(b) To evaluate any historic resources survey undertaken within the Preservation Zone it administers and make recommendations to the City Planning Commission, Cultural Heritage Commission and City Council.

(c) To study, review and evaluate any proposals for the designation of Historic-Cultural Monuments within the Preservation Zone it administers and make recommendations to the Cultural Heritage Commission and City Council, and to request that other City departments develop procedures to provide notice to the Boards of actions relating to Historic-Cultural Monuments.

(d) To evaluate applications for a Certificate of Appropriateness and make recommendations to the Director of Planning or the Area Planning Commission.

(e) To encourage understanding of and participation in historic preservation by residents, private business, private organizations and governmental agencies.

(f) In pursuit of the purposes of this section, to render guidance and advice to any owner or occupant on construction, demolition, alteration, removal or relocation of any Monument or any structure, landscaping, natural feature or site within the Preservation Zone it administers. This guidance and advice shall be consistent with approved procedures and guidelines, and the Preservation Plan, or in absence of a Plan, the guidance and advice shall be consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(g) To tour the Preservation Zone it represents on a regular basis, to promote the purposes of this section and to report to appropriate City agencies matters which may require enforcement action.

(h) In cooperation with the Cultural Heritage Commission, to provide for the updating of Historic Resources Survey for the Preservation Zone utilizing the criteria in Subsection E 3 below.

(i) To make recommendations to decision makers concerning facade easements, covenants, and the imposition of other conditions for the purposes of historic preservation.
(j) To make recommendations to the City Council concerning the utilization of grants and budget appropriations to promote historic preservation.

(k) To employ its own staff or hire consultants as may be required in the performance of its duties using available Board funds.

(l) To accept donations from outside sources to be utilized for historic preservation efforts, and to maintain public records accounting for the funds.

8. Preservation Plan. The Board shall be responsible for the preparation of a Preservation Plan which clarifies and elaborates upon these regulations as they apply to the Preservation Zone, and which contains the following elements relating to the specific zone:

(a) A mission statement.

(b) Goals and Objectives.

(c) The Historic Resources Survey, including the inventory of contributing structures, landscaping, natural features and sites and distinguishing between contributing and non-contributing structures.

(d) A brief context statement which identifies the historic, architectural and cultural significance of the Preservation Zone.

(e) Design guidelines for rehabilitation or restoration of single and multi-family residential, commercial and other non-residential structures and public areas. The guidelines shall use the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The Preservation Plan may be prepared with the assistance of historic preservation groups and shall be submitted for recommendation to the Cultural Heritage Commission, and to the City Planning Commission which shall have final authority for action.

The Preservation Plan shall be made available by the Board to property owners and renters within the Preservation Zone, and shall be reviewed by the Board at least every two years. Any modifications to the Plan resulting from the review shall be submitted to the Cultural Heritage Commission for recommendation, and the City Planning Commission for approval.

E. Procedure for Establishment, Change or Repeal of a Preservation Zone.
1. Requirements. The processing of an initiation or an application to establish, change the boundaries of or repeal a Preservation Zone shall conform with all the requirements of Section 12.32 A through D and the following additional requirements.

2. Initiation of Preservation Zone. Proceedings to establish, change boundaries of, or repeal a Preservation Zone may also be initiated by the Cultural Heritage Commission.

3. Application. The proceedings for the establishment of a district may only be initiated by a verified application of one or more of the owners or renters of property within the boundaries of the proposed or existing Preservation Zone. Upon receipt of the application, a copy will be sent to the Cultural Heritage Commission for evaluation. An application shall be accompanied by any information deemed necessary by the Department.

4. Historic Resources Survey. As a part of the evaluation of an application for establishment or change of boundaries of a Preservation Zone, an historic resources survey of the involved area shall be prepared identifying all contributing and non-contributing structures. The survey may also identify contributing landscaping, natural features or sites. The survey shall also consider whether a Preservation Zone possesses a significant concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development. The survey shall be certified as to its accuracy and completeness by the Cultural Heritage Commission.

5. Finding of Contribution. For the purposes of the historic survey only, no structure, landscaping, natural feature or site shall be considered contributing unless it is identified in the survey. The historic resources survey shall also include a context statement supporting a finding establishing the relation between the physical environment of the Preservation Zone and its history, thereby allowing the identification of historic resources in the area as contributing or non-contributing. The context statement shall represent the history of the area by theme, place and time. It shall define the various historical factors which shaped the development of the area. It may include, but not be limited to, historical activities or events, associations with historic personages, architectural styles and movements, master architects, building types, building materials, or pattern of physical development that influenced the character of the Preservation Zone at a particular time in history. To be contributing, structures, landscaping, natural features or sites within the involved area or the area as a whole shall meet one or more of the following criteria:
(a) adds to the historic architectural qualities or historic associations for which a property is significant because it was present during the period of significance, and possesses historic integrity reflecting its character at that time; or

(b) owing to its unique location or singular physical characteristics, represents an established feature of the neighborhood, community or city; or

(c) retaining the structure would help preserve and protect an historic place or area of historic interest in the City.

6. Cultural Heritage Commission Determination. The Cultural Heritage Commission shall approve, conditionally approve, or disapprove the establishment of or change in boundaries of a Preservation Zone only upon (1) a majority vote and (2) a written finding that structures, landscaping, natural features and sites within the Preservation Zone meet one or more of criteria (a) through (c), inclusive, in Subdivision 5 of Subsection E.

7. In making its determination for approval, the Cultural Heritage Commission shall also certify the Historic Resources Survey as to its accuracy and completeness. In the event that the Cultural Heritage Commission cannot reasonably complete its evaluation within a 45-day time period from the filing of an application, if any, or from the date of initiation by the City Council, City Planning Commission or Cultural Heritage Commission, the Cultural Heritage Commission shall notify the City Planning Commission in writing and the time period may be extended for a specified further time period.

8. Authority. Decision by City Planning Commission and City Council. Upon action or failure to act by the Cultural Heritage Commission within the 45-day time, the application, if any; historic resources survey; comments, if any, regarding the proposed Preservation Zone boundary's appropriateness; and any related file shall be transmitted to the City Planning Commission and thereafter to the City Council for action. The City Planning Commission, and thereafter the City Council, shall proceed to approve, approve with changes or disapprove the initiation or application, if any, as filed. Before approving an application to establish or modify a Preservation Zone the City Planning Commission, and thereafter the City Council, shall find that the proposed boundaries are appropriate and make the findings of contribution required in Subsection 3 above. In granting approval, the City Planning Commission, and thereafter the City Council, may recommend conditions to be included in the Preservation Plan as appropriate to further the purpose of this section. The City Planning Commission, and thereafter the City Council, in its deliberations shall carefully
consider the historic resources survey and any and all aspects of the Cultural Heritage Commission determination.

F. Certificate of Appropriateness.

1. Purpose. It is the intent of this section to require the review of a project by way of a Certificate of Appropriateness as set forth in Subsection F 3. It is the further intent of this section to require a Certificate of Appropriateness for some projects which may, or may not, require a building permit, including, but not limited to, changing exterior paint color, removal of significant trees or landscaping, installation or removal of fencing, window and door replacement which are character-defining features of architectural styles, changes to public spaces and similar projects.

2. Requirements.

(a) Prohibition. No person shall construct, add to, alter, demolish, relocate or remove any structure, landscaping, natural feature or site designated as contributing on the Historic Resources Survey within a Preservation Zone unless a Certificate of Appropriateness has been approved for that action pursuant to this section. No Certificate of Appropriateness shall be approved unless the plans for the construction, demolition, alteration, addition, relocation, or removal conform with the provisions of this section. Any approval, conditional approval, or denial shall include written findings in support.

(b) Maintenance and Repair. Nothing in this section shall be construed to require a Certificate of Appropriateness for the ordinary maintenance and repair of any exterior architectural feature of a property within a Preservation Zone which does not involve a change in design, material, color, or outward appearance.

(c) Exceptions. The provisions of Subsection F shall not apply to the following conditions:

(1) Where the structure, landscaping, natural feature or site within the Preservation Zone is being restored to its original appearance and the restoration is being undertaken with prior written approval of the Board;

(2) Where a structure, landscaping, natural feature or site within a Preservation Zone has been damaged by fire, earthquake or other natural disaster to the extent that it cannot be repaired or restored with reasonable diligence and where demolition of the structure, landscaping, natural feature or site is being undertaken with prior written approval of
the Board (subject to the provisions of Public Resources Code Section 5028, where applicable);

(3) Where emergency or hazardous conditions currently exist as determined by the Department of Building and Safety, and the emergency or currently hazardous conditions must be corrected in the interest of the public health, safety and welfare; when feasible, the Department of Building and Safety shall consult with the Board on how to correct the hazardous condition, consistent with the goals of the Preservation Zone;

(4) Where ordinary maintenance or repair work is undertaken with respect to any structure, landscaping, natural feature or site, and the work does not require the issuance of a building permit, and the ordinary maintenance or repair work is being undertaken with prior written approval of the Board;

(5) Where a proposed Public Works improvement to be carried out, in whole or in part, within a Preservation Zone is submitted to the Cultural Affairs Commission, or to the Cultural Heritage Commission for a determination whether there exist historic, architectural or cultural properties within the Preservation Zone of "potential environmental impact" that meet the criteria for an evaluation of eligibility for inclusion in the National Register of Historic Places, pursuant to Title 36 of the Code of Federal Regulations, and the relevant Board has been notified of the project, including a description of the project;

(6) Where the project consists of an addition of less than 250 square feet to any structure, no increase in height is proposed, and is being undertaken with prior written approval of the Board.

(7) Where a structure, landscaping, natural feature or site has been designated as City Cultural and Historical Monument by the City Council, unless proposed for demolition. All decisions of the Board shall be based on the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.


(a) Any plan for construction, addition, alteration, demolition, reconstruction, relocation or removal of a structure, landscaping, natural feature or site, or any combination, within a Preservation Zone shall be submitted, in conjunction with an application, to the public counter of the Department of City Planning upon a form provided for that purpose. Upon receipt of an application,
two copies each of the application and relevant documents shall be mailed by the Department of City Planning to both the Cultural Heritage Commission and the Board for the Preservation Zone for evaluation. Within 30 days of the postmarked date of mailing of the application from the City Planning Department, the Cultural Heritage Commission and the Board shall submit their respective recommendations that the Certificate be approved, conditionally approved or disapproved. In the event that the Cultural Heritage Commission or Board does not submit its recommendations within the subject time period, the Cultural Heritage Commission or Board shall be deemed to have forfeited all jurisdiction in the matter and the Certificate may be approved, conditionally approved or disapproved as filed.

(b) The Director of Planning shall have the jurisdiction to approve, conditionally approve or disapprove a Certificate of Appropriateness for construction, addition, alteration or reconstruction. The Area Planning Commissions shall have the jurisdiction to approve, conditionally approve or disapprove a Certificate of Appropriateness for demolition, removal or relocation.

(c) The Director of Planning or Area Planning Commission, whichever has jurisdiction, shall render a determination on a Certificate of Appropriateness within 75 days after receipt of the application, unless the applicant consents to a longer period. A copy of the determination shall be mailed to the applicant, the Board, the Cultural Heritage Commission and any other interested parties. No Certificate of Appropriateness shall be issued until the appeal period, as set forth in Subsection F 7, has expired or until any appeal has been resolved. The requirements for a Certificate of Appropriateness are in addition to other City approvals (building permits, variances, etc.) or other legal requirements, such as Public Resources Code Section 5028, which may be required. Except for the appeal periods, the time periods specified above may be extended if necessary with the consent of the applicant.


(a) The Director of Planning shall base a determination whether to approve, conditionally approve or disapprove a Certificate of Appropriateness for construction, addition, alteration or reconstruction on each of the following:

(1) whether the project complies with Standards for Rehabilitation approved by the United States Secretary of the Interior; and

(2) whether the project's:
(i) architectural design;
(ii) height and bulk of buildings and structures;
(iii) lot coverage and orientation of buildings;
(iv) color and texture of surface materials;
(v) grading and site development;
(vi) landscaping;
(vii) changes to natural features;
(viii) antennas, satellite dishes and solar collectors;
(ix) off-street parking; signs;
(x) light fixtures and street furniture;
(xi) steps, walls, doors, windows, screens and security grills;
(xii) yards and setbacks

protect and preserve the historic and architectural qualities and the physical characteristics which make the building, structure or property a contributing feature of the Historic Preservation Overlay Zone.

(b) Alterations, additions, and replacement of non-contributing structures shall require written approval of the Board to assure compatibility with the character of the Preservation Zone and to assure that the new construction is undertaken in a manner that it does not impair the essential form and integrity of the historic character of its environment.

5. Standards for Issuance of Certificate of Appropriateness for Demolition, Removal or Relocation. Any person proposing to demolish, remove or relocate any contributing structure, landscaping, natural feature or site within a Preservation Zone not qualifying for an exception pursuant to Subsection F 2 (c) shall apply for a Certificate of Appropriateness and the appropriate environmental review.
No Certificate of Appropriateness shall be issued and the application shall be denied unless the owner can demonstrate to the Area Planning Commission that the owner would be deprived of all economically viable use of the property. In making its determination of economic hardship, the Area Planning Commission shall consider any evidence presented concerning the following:

(a) Any opinion from a licensed engineer or architect with experience in renovation, restoration or rehabilitation as to the structural soundness of the structure and its suitability for continued use, renovation, restoration or rehabilitation;

(b) Any estimate of the cost of the proposed alteration, construction, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendation of the Board for changes necessary for it to be approved,

(c) Any estimate of the market value of the property in its current condition; after completion of the proposed alteration, construction, demolition, or removal; after any expenditure necessary to comply with the recommendation of the Board for changes necessary for the Area Planning Commission to approve a Certificate of Appropriateness; and, in the case of a proposed demolition, after renovation of the existing structure for continued use,

(d) In the case of a proposed demolition, any estimate from architects, developers, real estate consultants, appraisers, or other real estate professionals experienced in rehabilitation as to the economic feasibility of restoration, renovation or rehabilitation of any existing structure or objects. This shall include tax incentives and any special funding sources, or government incentives which may be available.

6. Notice and Public Hearing. Before making its recommendation to approve, conditionally approve or disapprove any Certificate of Appropriateness, the Board shall hold a public hearing and shall notify the owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property at least fifteen days prior to the date of the hearing. Notice of the public hearing shall be posted by the applicant in a conspicuous place on the subject property at least ten days prior to the date of the public hearing. A copy of the final determination by the Director of Planning or Area Planning Commission shall be mailed to the Board, to the Cultural Heritage Commission, to the applicant and other interested parties.

7. Appeals. For any application for a Certificate of Appropriateness as defined in this section, the action of the Director of Planning or the Area Planning
Commission shall be deemed to be final unless appealed. No Certificate of Appropriateness shall be deemed approved nor issued until the time period for appeal has expired. An initial decision of the Director of Planning may be appealed to the Area Planning Commission. An initial decision by the Area Planning Commission may be appealed to the City Council. An appeal may be filed by the applicant or any aggrieved party. An appeal may also be filed by the Mayor or a member of the City Council. Unless a board member is an applicant, he or she may not appeal any initial decision of the Director of Planning or Area Planning Commission as it pertains to this subsection. An appeal shall be filed at the public counter of the Planning Department within 15 days of the date of mailing of the decision to approve, conditionally approve, or disapprove the application for Certificate of Appropriateness. The appeal shall set forth specifically how the petitioner believes the findings and decision are in error. An appeal shall be filed in triplicate, and the Planning Department shall forward a copy to the Board and the Cultural Heritage Commission. The appellate body may grant, conditionally grant or deny the appeal. Before acting on any appeal, the appellate body shall set the matter for hearing, giving a minimum of 15 days notice to the applicant, the appellant, the Cultural Heritage Commission, the relevant Board and any other interested parties of record. The failure of the appellate body to act upon an appeal within 75 days after the expiration of the appeal period or within an additional period as may be agreed upon by the applicant and the appellate body shall be deemed a denial of the appeal and the original action on the matter shall become final.

G. Authority of Cultural Heritage Commission not Affected. Notwithstanding any provisions of this section, nothing here shall be construed as superseding or overriding the Cultural Heritage Commission's authority as provided in Los Angeles Administrative Code Sections 22.132 and 22.133.

H. Publicly Owned Property. The provisions of this section shall apply to any structure, landscaping, natural feature or site within a Preservation Zone which is owned or leased by a public entity to the extent permitted by law.

I. Enforcement. The Department of Building and Safety shall make all inspections of properties which are in violation of this section when work has been done or is required to be done pursuant to a building permit. Violations, the correction of which do not require a building permit, shall be investigated and resolved jointly by the Planning Department and the Department of Building and Safety, and if a violation is found, the Planning Department may then request the Department of Building and Safety to issue appropriate orders for compliance. Any person who has failed to comply with the provisions of this section shall be subject to the provisions of Section 11.00 (m) of this Code. The owner of the property in violation shall be assessed a minimum inspection fee, as specified in Section 98.0412 of the Municipal Code for each site inspection.
J. **Injunctive Relief.** Where it appears that the owner, occupant or person in charge of a structure, landscaping, natural feature, site or area within a Preservation Zone threatens, permits, is about to do or is doing any work or activity in violation of this section, the City Attorney may forthwith apply to an appropriate court for a temporary restraining order, preliminary or permanent injunction, or other or further relief as appears appropriate.

K. **Termination.** Any Certificate of Appropriateness or Exception which has been approved under the provisions of this section shall expire 24 months from the date of issuance if the work authorized is not commenced within this time period. Further, the Certificate or Exception will expire if the work authorized is not completed within five years of the date of issuance.

L. **Severability.** If any provision of this section or its application to any person or circumstance is held invalid, the remainder of this section and the application of the provision to other persons or circumstances shall not be affected, and to this end the provisions of this section are hereby declared severable.

M. **Conflict of Interest.** No Board member shall discuss with anyone the merits of any matter pending before the Board other than during a duly called meeting of the Board or subcommittee of the Board. No member shall accept professional employment on a case that has been acted upon by the Board in the previous 12 months or is reasonably expected to be acted upon by the Board in the next 12 months.

Sec. 47. The definition of Public Project in Subsection B of Section 12.20.2 of the Los Angeles Municipal Code is amended to read:

**Public Project** shall mean any development initiated by the Department of Public Works or any of its bureaus, any development initiated by any other department or agency of the City of Los Angeles, and any development initiated or to be carried out by any other governmental agency which is required to obtain a local government permit. Public Project shall not include any development by any department or agency of the City of Los Angeles or any other governmental entity which otherwise requires action by or approval of the City Planning Commission, Area Planning Commission or the Office of Zoning Administration, or any development by any department or agency of the City of Los Angeles or any other government entity for which a permit from the Department of Building and Safety is required. Public Project shall also not include any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled.

Sec. 48. Subdivisions 3 and 4 of Subsection H of Section 12.20.2 of the Los Angeles Municipal Code are amended to read:
3. Where a coastal development permit (other than for a Public Project) involves an underlying activity which is not otherwise appealable, the action of a permit-granting authority on an application may be appealed to the Area Planning Commission. That appeal shall be filed with the Area Planning Commission within ten days of the mailing of the decision of the permit-granting authority.

4. Any appeal filed with either the City Engineer or the Area Planning Commission shall be heard and decided within 30 days of the filing of the appeal. Notice shall be mailed to the required parties at least ten days prior to the hearing.

Sec. 49. The definition of Approving Authority in Subsection B of Section 12.20.2.1 of the Los Angeles Municipal Code is amended to read:

Approving Authority shall mean the Director of Planning, City Engineer, Zoning Administrator, City Planning Commission, Area Planning Commission, Board of Public Works, City Council or other applicable decision-making person or body within the City of Los Angeles, which has the authority to approve a Coastal Development Permit pursuant to this section or by reason of jurisdiction over other permits and approvals sought in conjunction with an application for a Coastal Development Permit. If more than one approval is required, the initial decision-maker and the appellate body shall be the person or body designated to act in multiple approvals pursuant to Charter Section 564 and Section 12.36 of this Code.

Sec. 50. Subsection G of Section 12.20.2.1 of the Los Angeles Municipal Code is amended to read:

G. Public Hearing on Appealable Developments. At least one public hearing shall be held on any application for a coastal development permit for an appealable development. The public hearing shall occur no earlier than seven calendar days following the mailing of the notice required in Subsection F of this section, and shall be conducted in conjunction with a public hearing before the applicable approving authority for Other Permits or Approvals application for the appealable development. If there is no Other Permit or Approvals application, then the applicable approving authority shall be the Zoning Administrator, and the procedures that shall apply to a decision by the Zoning Administrator shall be those procedures set forth in Subsections B through Q of Section 12.24.

Sec. 51. Subsection I of Section 12.20.2 of the Los Angeles Municipal Code is amended to read:

I. Notice of Non-Appealable Developments that Require a Public Hearing by Reason of Other Permits and Approvals: Discretionary Permits. Notice of the
developments shall be given at least ten calendar days before a hearing in the manner described in Subsection F of this section.

Sec. 52. Subdivision 2 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

2. Other Use and Yard Determinations by the Zoning Administrator. The Zoning Administrator shall have authority to determine other uses, in addition to those specifically listed in this article, which may be permitted in each of the various zones, when in his judgment such other uses are similar to and no more objectionable to the public welfare than those listed. The City Planning Commission shall hear appeals on citywide Zoning Administrator Interpretations, and the Area Planning Commission shall hear appeals on site specific Zoning Administrator Interpretations. In no instance, however, shall the Zoning Administrator determine, nor shall these regulations be so interpreted, that a use shall be permitted in a zone when that use is specifically listed as first permissible in a less restricted zone; e.g., a use listed in the C2 Zone shall not be permitted in the C1 Zone.

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

Sec. 53. Paragraph (o) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(o) Waiver. All or a portion of the off-street automobile parking spaces required by this section may be waived when the lot involved is located within the boundaries of an assessment district for the acquisition of publicly owned automobile parking lots, or is located adjacent to land used or being acquired for publicly owned parking lots. The City Planning Commission, with the assistance of the Off-Street Parking Bureau, shall determine to what extent and on which lots the required parking may be waived, but in no event shall the total number of the waived parking spaces exceed the total number provided on the publicly owned parking lots.

Sec. 54. Paragraph (y) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(y) City Planning Commission Authority for Reduced On-Site Parking with Remote Off-site Parking or Transportation Alternatives. The City Planning Commission may, upon application, authorize reduced on-site parking and remote off-site parking. The City Planning Commission
authorization may only be approved in connection with a City Planning Commission approval of an application or appeal otherwise subject to its jurisdiction including the following: the City Planning Commission action on an application for a zone change, height district change, supplemental use district, and conditional use pursuant to Section 12.24 U; the City Planning Commission action on a tentative tract map appeal, a vesting tentative tract map appeal, a development agreement; and the City Planning Commission action on a request for a density bonus greater than the minimum 25 percent of California Government Code Section 65915, exception from a specific plan, or a project permit pursuant to a moratorium ordinance or interim control ordinance. In exercising this authority, the City Planning Commission shall act on an application in the same manner and subject to the same limitations as applicable to the Zoning Administrator, under Section 12.27 W. However, the procedures for notice, hearing, time limits, appeals and Council review shall be the same as those applicable to the underlying applicable discretionary approval.

Sec. 55. Subparagraph (8) of Paragraph (k) of Subdivision 7 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(8) Any sign erected pursuant to these regulations may be used only for the purpose of providing necessary travel direction to a subdivision development located in the City of Los Angeles, and must include the name of the owner, the City Planning Department file number, and the expiration date of the approval period. The sign may contain the name of the land development project to which it pertains, including a characteristic trademark or other identifying insignia. The content of each sign shall be subject to approval by a Zoning Administrator.

Sec. 56. Subparagraph (10) of Paragraph (k) of Subdivision 7 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(10) Appeals. Appeals from a determination by a Zoning Administrator may be taken to the Area Planning Commission in the manner prescribed in Section 12.24 I.

Sec. 57. Subdivision 10 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

10. Alcoholic Beverages. Notwithstanding any other provisions of this Code to the contrary, no building, structure or land shall be used for sale or dispensing for consideration of any alcoholic beverage, including beer and wine, for consumption on the premises except upon premises approved for that use in accordance with the provisions of Section 12.24. The provisions of this
14. Alcoholic Beverages. Notwithstanding any other provisions of this Code to the contrary, no building, structure or land shall be used for the sale or dispensing for consideration of any alcoholic beverage, including beer and wine, for consumption off-site of the premises except upon premises approved for that use in accordance with the provisions of Section 12.24. The provisions of this subdivision shall not abrogate any right to the continued use of premises for those purposes pursuant to Section 12.24 L of this Code.

The provisions of this subdivision shall not apply to the sale or dispensing, for consideration, of alcoholic beverages, including beer and wine, for consumption off-site of the premises, if the premises are located within the area of an operative specific plan which provides for conditional use approval for the sale or dispensing. If such a specific plan ceases to be operative, then a conditional use approval granted pursuant to the provisions of that specific plan, for the sales or dispensing, may continue subject to the same rights and limitations as a conditional use granted pursuant to the provisions of Section 12.24 of this Code.

Sec. 59. Subsubparagraph (3) of Paragraph (c) of Subdivision 17 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(3) Roof structures may exceed the otherwise allowable height limit, provided the structures conform to the provisions of Section 12.21.1 B.

Sec. 60. Paragraph (e) of Subdivision 17 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(e) Street Access.

(1) For any new construction of, or addition to, a one-family dwelling on a lot fronting on a Substandard Hillside Limited Street, no building permit or grading permit shall be issued unless at least one-half of the width of the street(s) has been dedicated for the full width of the frontage of the lot to Standard Hillside Limited Street dimensions or to a lesser width as determined by the City Engineer. The appellate
procedures provided in Section 12.37 I of this Code shall be available for relief from this subparagraph.

(2) For any new construction of, or addition to, a one-family dwelling on a lot fronting on a Substandard Hillside Limited Street which is improved to a width of less than 20 feet, no building permit or grading permit shall be issued unless the construction or addition has been approved pursuant to Section 12.24 X 21.

Sec. 61. Subparagraph (3) of Paragraph (h) of Subdivision 17 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(3) If the requirements in this paragraph require the grading of 1,000 cubic yards or more of earth, then no building or grading permit shall be issued for a new one-family dwelling, accessory building, Major Remodel-Hillside, or addition to the above on a lot which fronts on a Substandard Hillside Limited Street unless the Zoning Administrator has issued an approval pursuant to Section 12.24 X 21.

Sec. 62. Paragraph (d) of Subdivision 18 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

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

Sec. 63. Paragraph (f) of Subdivision 18 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(f) Recycling Materials Processing Facilities shall be permitted in the M2 and M3 Zones without obtaining a conditional use permit pursuant to Section 12.24 U 22 (c) of this Code, provided that all of the following conditions are met:

Sec. 64. Subparagraph (5) of Paragraph (g) of Subdivision 18 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(5) Appeals. Appeals may be made from a Notice to Comply issued by the Department pursuant to this subdivision pursuant to Section 12.26 K.
Sec. 65. Paragraph (d) of Subdivision 1 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(d) No building or structure shall be erected or maintained on a lot which abuts a street having only a portion of its required width where no part of the street would normally revert to the lot if vacated, or which lot is separated from the a street by only a future street, unless the yards provided and maintained adjacent to the street in connection with the building or structure have a width or depth, which includes the portion of the lot needed to complete the required width of the street, plus the width or depth of the yards required on the lot by other provisions of this article. Where a future street intervenes between the lot and the street, the yards shall be determined as though the lot abutted directly on the future street. In no case, shall this regulation be applied so as to reduce the buildable width of a corner lot to less than 40 feet.

The City Planning Commission, upon request, shall determine a required street width. The determination shall be based upon the standards for street widths contained in the subdivision regulations of the City, the prevailing widths of streets in the immediate, surrounding area, with due consideration given to any particular topographical or geological conditions or sizes of ownership affecting the property involved.

Sec. 66. A new Subdivision 4 is added to Subsection C of Section 12.21 of the Los Angeles Municipal Code to read:

4. Tennis or Paddle Tennis Court Construction and Operation Standards and Regulations. To establish construction and operation standards and regulations for tennis or paddle tennis courts constructed in the A and R Zones if the courts are accessory to the primary residential use of the subject lots. The standards and regulations may include, but are not limited to: hours of use, type of intensity of lighting and the height and type of windscreens. The standards and regulations shall reasonably restrict and minimize any detrimental effect of the location and design and use of the courts on the occupants of adjoining properties and the neighborhood.

Sec. 67. Paragraph (b) of Division 18 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read:

(b) Any use permitted in the CR, C1, C1.5, C2, C4 or C5 Zones on any lot in the R5 Zone provided that the lot is located within a Central City Community Plan Area. Any combination of such commercial and residential uses shall also be permitted on the lot. Commercial uses or any combination of commercial and residential use may be permitted on any lot in the R5 Zone by
conditional use pursuant to Section 12.24 V d (f) in other redevelopment project areas approved by the City Council.

Sec. 68. Subdivision 3 of Subsection G of Section 12.21 of the Los Angeles Municipal Code is amended to read:

3. Director's Decision. If a development proposed with an R3, R4 or R5 density, regardless of the underlying zone, fails to meet the open space standards of this subsection, an applicant may apply to the Director of Planning for a Director's Decision. The applicant shall file an application in the public office of the Department of City Planning upon a form prescribed for that purpose and pay a filing fee equivalent to that established for a "Miscellaneous Plan Approval." This fee is set forth in Section 19.01 I of this Code. The application shall be accompanied by architectural, landscape and structural plans for the development, and other information as required by the Director of Planning. All open space areas for the development shall be clearly identified in the materials submitted.

(a) No decision granting approval under this subdivision shall exceed:

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

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

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

(b) Decision. The Director shall make a decision of approval, conditional approval or disapproval within 25 calendar days of the Department's acceptance of an application. Notice of the Director's decision shall be mailed to the applicant, the City Councilmember in whose District the property is located, and to all owners and lessees of property within a radius of 500 feet of the property. The decision of the Director shall include written findings in support of the decision. In order to approve a proposed development pursuant to this subsection, the Director must find:

(1) that the open space provided conforms with the objectives of this subsection, and
(2) that the proposed project complies with the total usable open space requirements.

(c) Appeals. The decision of the Director shall become final after an elapsed period of 15 calendar days from the date of mailing of the decision to the applicant, unless an appeal is filed with the Area Planning Commission within that period. The applicant, the City Councilmember in whose District the property is located, or any other interested person adversely affected by the decision of the Director may appeal to the Area Planning Commission. Appeals shall be processed in accordance with Section 12.24 l.

Sec. 69. Subparagraph (ii) of Paragraph (a) of Subdivision 20 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read:

(ii) An application or an exception shall be filed in the Office of Zoning Administration upon a form prescribed for that purpose, identifying the present or proposed location of the subject adult entertainment business, and accompanied by data supporting the proposed exception and the fee provided for in Section 19.01 of this Code.

The procedures described in Section 12.24 shall be followed to the extent applicable. However, a hearing shall be held and a decision made within 60 days from the date of filing of an application. This time limit may be extended by mutual written consent of the applicant and the Zoning Administrator. An exception shall be approved if it meets the requirements of Subparagraph (i) above.

An appeal from the determination of the Zoning Administrator on whether a proposed exception meets the requirements of Subparagraph (i) may be taken to the Area Planning Commission in the same manner as prescribed in Section 12.24 l. A second level of appeal to the City Council will follow the procedures prescribed in Section 12.24 l. However, a decision on any appeal shall be made within 30 days of the expiration of the appeal period. This time limit may be extended by mutual written consent of the applicant and the Area Planning Commission or Council, whichever then has jurisdiction over the appeal.

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

Sec. 70. Subparagraph (ii) of Paragraph (b) of Subdivision 20 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read:

(ii) An application for an extension of time shall be filed in the Office of Zoning Administration upon a form prescribed for that purpose, identifying the present location of the subject adult entertainment business, and accompanied by data supporting the exception request, and the fee provided for in Section 19.01 of this Code. An extension shall be approved if it meets the requirements of Subparagraph (i) above.

The procedures described in Section 12.24 shall be followed to the extent applicable. However, a hearing shall be held and a decision made within 60 days from the date of filing. This time limit may be extended by mutual written consent of the applicant and the Zoning Administrator then having jurisdiction of the matter.

An appeal from the determination of the Zoning Administrator on whether a proposed extension meets the requirements of Subparagraph (i) may be taken to the Area Planning Commission in the same manner as prescribed in Section 12.24 I. A second level of appeal to the City Council shall follow the procedures in 12.24 I. However, a decision on any appeal shall be made within 30 days of the expiration of the appeal period. This time limit may be extended by mutual written consent of the applicant and the Area Planning Commission or Council, whichever then has jurisdiction over the appeal. If the Zoning Administrator, Area Planning Commission or Council disapproves a proposed extension, then it shall make findings of fact showing wherein the proposed extension fails to meet the requirements of Subparagraph (i).

Sec. 71. Subsubparagraph (2) of Paragraph (c) of Subdivision 23 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read:

(2) For an existing Mini-Shopping Center, or existing Commercial Corner Development use on or after January 1, 1989, no person shall establish as a new use, any of the uses enumerated in Paragraph (a)(1) of this subdivision without first obtaining a conditional use approval. In addition, no sign identified in Paragraph (a)(9) of this subdivision shall be erected.
on the site without first obtaining a conditional use approval, unless a certificate of occupancy was issued as of the effective date of this ordinance.

Sec. 72. Subdivision 6 of Subsection A of Section 12.23 of the Los Angeles Municipal Code is amended to read:

6. Removal. After June 1, 1971, every nonconforming building or structure in any R Zone which was designed, arranged or intended for a use permitted only in the C, M or A Zones, but not in the R Zones, shall be completely removed or altered and converted to a conforming building, structure and use when those buildings or structures have reached, or may hereafter reach the ages hereinafter specified, computed from the date the building was erected. In the case of buildings defined in the Los Angeles City Building Code as Types I and II, 40 years; Types III, IIIA, IIIB, and IV, 30 years; and Type V, 20 years. Provided, however, that a nonconforming building, structure or use that is permitted only in the A or C Zones may be maintained beyond its removal date as established in this subdivision, if a Zoning Administrator upon an initial application for a continuation for which no fee will be required, or subsequent applications for continuations for which a fee will be required pursuant to Section 19.01 F of this Code, determines:

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

(b) that a continuation for a prescribed period of additional time will be reasonably compatible with and not detrimental to the public welfare or injurious to the improvements and use of adjacent properties.

In connection with this determination, a Zoning Administrator may impose conditions, including time limitations, as the Zoning Administrator deems necessary to improve compatibility of the continuation with adjacent properties and shall require that a grant of a continuation be recorded with the Office of the Los Angeles County Recorder.

Any application for a continuation of a nonconforming building or structure or use must be filed with the Department of City Planning within 90 days following the service of an order to comply by the Department of Building and Safety upon an owner of a nonconforming building or structure or use or, in those instances where the department is unable with reasonable effort to serve the owner, then within 90 days after the service by the department of the order by leaving it with an occupant of the nonconforming building or structure or use.
The Department of City Planning shall process these applications for continuation in accordance with Section 12.24, except that the time limits prescribed for the making of a decision by a Zoning Administrator shall not apply. Appeals from a Zoning Administrator's decision approving or disapproving the continuation of a nonconforming building, structure or use may be taken to the Area Planning Commission pursuant to Section 12.24.

Failure of the Area Planning Commission to act within 60 days of the filing of an appeal from the Zoning Administrator's decision approving or disapproving a continuation, or within any additional period as may be mutually agreed upon by the applicant and the Commission, shall be deemed to be a denial of the appeal.

The Department of Building and Safety shall cite an owner of any building or structure who is in violation of this Subsection and advise the owner of the required termination of the building, structure or use as the case may be. Included in any order shall be a provision advising the owner of the right to apply to the Department of City Planning within 90 days for permission to continue the existence and use of the building or structure or use as provided in this Subsection. The Department of Building and Safety shall record a notice of any order issued pursuant to this subsection with the Office of the Los Angeles County Recorder, but the failure to so record shall not nullify the order or provide a basis for the continued existence or use of a nonconforming building or structure by any owner, purchaser or lessee who was not aware of the order.

Sec. 73. Subdivisions 6 and 7 of Subsection C of Section 12.23 of the Los Angeles Municipal Code is amended to read:


(a) Any of the uses to which the provisions of Section 12.19 A 4 of this article are applicable, lawfully existing in the M2 Zone on November 29, 1968, shall be completely removed from the zone within two years unless the use has been made to comply with the limitations applicable to the use. However, upon a showing that substantial compliance with the limitations applicable to a particular use has been effected, the Director of Planning may grant an extension of time to complete the work necessary to effect full compliance. No extension so granted shall exceed one year in duration nor shall more than one extension be granted with respect to any individual use.

(b) Any of the uses to which the provisions of Section 12.20 A 6 are applicable, lawfully existing in the M3 Zone on November 29, 1968, shall be completely removed from the zone within two years unless the use has been
made to conform to the limitations applicable to the use. However, upon a showing that substantial compliance with the limitations applicable to a particular use has been effected, the Zoning Administrator may grant an extension of time to complete the work necessary to effect full compliance. The procedure for this extension shall be as set forth in Section 12.24 with the Zoning Administrator as the initial decision maker and the Area Planning Commission as the appellate body. No extension so granted shall exceed one year in duration nor shall more than one extension be granted with respect to any individual use.

(c) The nonconforming use of land for the open storage of materials and equipment, including used materials and equipment, may be continued, but shall be subject to the following limitation: it shall be made to conform to the provisions of this Code on the construction of walls or fences for the open storage of such used materials and equipment within one year from the date the use became nonconforming. The phrase "used materials and equipment" includes, but is not limited to, vehicles, boats, or airplanes which are inoperable, wrecked, damaged or unlicensed, i.e., not currently licensed by the Department of Motor Vehicles.


(a) Any hostel or transient occupancy residential structure to which the provisions of Sections 12.12.2 A 1(d), 12.13 A 1.5, and 12.13.5 A 11, of this article are applicable, existing in or within 500 feet of an A or R zone on May 8, 1992, shall be discontinued within 180 days unless the use has been made to comply with the limitations applicable to that use. However, upon a showing that substantial compliance with the limitations applicable to a particular use has been effected, the Zoning Administrator may grant an extension of time to complete the work necessary to effect full compliance. No extension so granted shall exceed 90 days in duration nor shall more than one extension be granted with respect to any individual use. The procedure for this extension shall be as set forth in Section 12.24 with the Zoning Administrator as the initial decision maker and the Area Planning Commission as the appellate body.

Sec. 74. Section 12.24 of the Los Angeles Municipal Code is amended to read:

Sec. 12.24. CONDITIONAL USE PERMITS AND OTHER SIMILAR QUASI-JUDICIAL APPROVALS.

A. Applicability. This Section shall apply to the conditional use approvals listed in Subsections U, V and W and to the other similar quasi-judicial approvals listed in Subsection X.
B. Application for Permit. To apply for a permit, an applicant shall file an application with the Department of City Planning, on a form provided by the Department, and include all information required by the instructions on the application and the guidelines adopted by the Director of Planning. The Director of Planning shall adopt guidelines which shall be used to determine when an application is deemed complete.

C. Initial Decision. Except as otherwise provided in Charter Section 564 and Section 12.36 of this Code, the initial decision on an application shall be made by the Zoning Administrator, the Area Planning Commission or the City Planning Commission, as prescribed in Subsections U, V, W and X.

For purposes of this section, the initial decision shall mean approval in whole or in part with or without conditions, or denial of the application.

D. Public Hearing and Notice. Upon receipt of a complete application, the initial decision-maker shall set the matter for public hearing at which evidence shall be taken and may conduct the hearing itself or may designate a hearing officer to conduct the hearing.

The Department shall give notice in all of the following manners:

1. Publication. By at least one publication in a newspaper of general circulation in the City, designated for that purpose by the City Clerk, no less than 24 days prior to the date of hearing; and

2. Written Notice.

(a) By mailing a written notice no less than 24 days prior to the date of the hearing to the applicant, the owner or owners of the property involved, and to the owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved, using for the purpose of notification, the last known name and address of owners as shown on the records of the City Clerk or the records of the County Assessor. Where all property within the 500-foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right-of-way or other easement, shall also be notified as set forth above; and

(b) By mailing a written notice no less than 24 days prior to the date of the hearing to residential, commercial and industrial occupants of all property within 500 feet of the exterior boundaries of the property involved. This requirement can be met by mailing the notice to "occupant;" and
(c) If notice pursuant to Paragraphs (a) and (b) above will not result in notice being given to at least 20 different owners of at least 20 different lots other than the subject property, then the 500-foot radius for notification shall be increased in increments of 50 feet until the required number of persons and lots are encompassed within the expanded area. Notification shall then be given to all property owners and occupants within the expanded area.

3. Site Posting. By the applicant posting notice of the public hearing in a conspicuous place on the property involved at least ten days prior to the date of the public hearing. If a hearing examiner is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, shall also post notice of the initial meeting of the decision-making body on the matter. This notice shall be posted in a conspicuous place on the property involved at least ten days prior to the date of the meeting. The Director of Planning may adopt guidelines consistent with this section for the posting of notices if the Director determines that those guidelines are necessary and appropriate.

E. Findings for Approval. In approving any conditional use, the decision-maker must find that the proposed location will be desirable to the public convenience or welfare, is proper in relation to adjacent uses or the development of the community, will not be materially detrimental to the character of development in the immediate neighborhood, and will be in harmony with the various elements and objectives of the General Plan. In addition, the decision-maker shall make any further findings required by Subsections U, V, W and X and shall determine that the proposed conditional use satisfies any applicable requirements for the use set forth in those sections. The decision-maker shall adopt written findings of fact supporting the decision based upon evidence in the record, including decision-maker or staff investigations.

F. Conditions of Approval. In approving the location of any conditional use, the decision-maker may impose those conditions, based upon written findings, which it deems necessary to protect the best interests of the surrounding property or neighborhood, to ensure that the development is compatible with the surrounding properties or neighborhood, or to lessen or prevent any detrimental effect on the surrounding property or neighborhood or to secure appropriate development in harmony with the objectives of the General Plan. The decision may state that the height and area regulations required by other provisions of this chapter shall not apply to the conditional use approved.

G. Time to Act. The initial decision shall be made within 75 days of the date the application is deemed complete, or within an extended period as mutually agreed upon in writing by the applicant and the decision-maker. An initial decision shall not be considered made until written findings are adopted in accordance with Subsection E.
Upon making its decision, the initial decision-maker shall transmit a copy of the written findings and decisions to the applicant, to all owners of properties abutting, across the street or alley from, or having a common corner with the subject property and to all persons who have filed a written request for the notice with the Department of City Planning.

Notwithstanding any provisions of this section to the contrary, the initial decision-maker shall make its decision on any application for a hazardous waste storage, treatment, or disposal facility, as governed by Subdivisions 9 and 10 of Subsection U of this section, pursuant to the time limits as set forth in Article 8.7 of the California Health and Safety Code.

H. Failure to Act - Transfer of Jurisdiction.

1. If the initial decision-maker fails to act on an application within 75 days from the date of filing a complete application, or within a mutually agreed upon extension of time, the applicant may file a request for a transfer of jurisdiction to the designated appellate body for decision. The designated appellate body is the body to whom the matter would normally be appealable, pursuant to Subsections U, V, W and X. The Director of Planning shall prescribe the form and manner of filing requests for transfers of jurisdiction.

2. When the designated appellate body receives the applicant’s request for a transfer of jurisdiction, the initial decision-maker shall lose jurisdiction. However, the body to whom the matter is transferred may remand the matter to the initial decision-maker who shall regain jurisdiction for the time and purpose specified in the remand action. In addition, upon receipt of a written request by the applicant for withdrawal of the transfer of jurisdiction prior to the matter being heard by the appellate body, the matter shall be remanded to the initial decision-maker.

3. If the matter is not remanded, the decision-maker to whom the matter has been transferred shall consider the application following the same procedures and subject to the same limitations as are applicable to the initial decision-maker, except that the body to which the matter has been transferred shall act within 45 days of the transfer of jurisdiction. The Department of City Planning, including the Office of Zoning Administration, shall make investigations and furnish any reports requested by the body to which the matter has been transferred.

I. Appeals.

1. Effective Date of Initial Decision. An initial decision becomes final and effective upon the close of the 15-day appeal period if not appealed, or as provided in this subsection if appealed.
2. **Filing of an Appeal.** An applicant or any other person aggrieved by the initial decision of the Zoning Administrator may appeal the decision to the Area Planning Commission. An applicant or any other person aggrieved by the initial decision of the Area Planning Commission or the City Planning Commission may appeal the decision to the City Council. The appeal shall be filed within 15 days of the date of mailing of the initial decision on forms provided by the Department. The appeal shall set forth specifically the points at issue, the reasons for the appeal, and the basis upon which the appellant claims there was an error or abuse of discretion by the initial decision-maker. Any appeal not filed within the 15-day period shall not be considered by the appellate body. The filing of an appeal stays proceedings in the matter until the appellate body has made a decision. Once an appeal is filed, the initial decision-maker shall transmit the appeal and the file to the appellate body, together with any report if one was prepared by staff responding to the allegations made in the appeal.

3. **Appellate Decision - Public Hearing and Notice.** Before acting on any appeal, the appellate body shall set the matter for hearing, giving the same notice as provided for the original hearing. When considering an appeal from the decision of an initial decision-maker, the appellate body shall make its decision, based on the record, as to whether the initial decision-maker erred or abused his or her discretion.

4. **Time for Appellate Decision.** The appellate body shall act within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the appellate body. The failure of the appellate body to adopt a resolution within this time period shall be deemed a denial of the appeal.

5. **Appellate Decision.** The appellate body may, by resolution, reverse or modify, in whole or in part, any decision of the initial decision-maker. If the City Council is the appellate body, the resolution to reverse or modify, in whole or in part, shall only be adopted by at least a two-thirds vote of the whole Council. For all appellate bodies, any resolution to approve must contain the same findings required to be made by the initial decision-maker, supported by facts in the record.

6. **Procedures and Effective Date of Appellate Decision.**

   (a) When a conditional use decision is appealed to the City Council and the Council either approves the conditional use or denies an appeal from an earlier approval, the matter together with the files and reports shall forthwith be transmitted to the Mayor. The Mayor may approve or disapprove the conditional use within ten days of its presentation to him or her. This action shall be based
solely upon the administrative record and whether the Mayor believes the conditional use conforms with the requirements for approval set forth in this section. If the Mayor disapproves the conditional use, he or she shall return the matter to the City Clerk for presentation to the Council, together with the objections in writing. The Council within 60 days after the matter has been returned to it may override the disapproval: (i) by a two-thirds vote if the Council had not modified the conditional use as approved by the initial decision-maker, or if the Council had made the initial approval of the conditional use by reason of the failure of the initial decision-maker to act; or (ii) by a three-fourths vote if the Council had modified and approved the conditional use or reversed the action of the initial decision-maker and had approved the conditional use.

If the Council fails to override the Mayor's disapproval within the 60 days, the Mayor's disapproval shall constitute a denial of the conditional use. If the Mayor fails to return the matter to the City Clerk within ten days of its presentation to him or her, the approval of the conditional use shall become final.

(b) When a conditional use decision of the Zoning Administrator is appealed to an Area Planning Commission, the appellate decision of the Area Planning Commission shall be final and effective as provided in Charter Section 245.

J. Requirement for Utilization of Approval. Any use permitted by the Zoning Administrator or by an Area Planning Commission or the City Planning Commission as initial decision-makers, pursuant to the provisions of this section, is conditional on the privileges being utilized within two years after the effective date of the permit authorizing the use. However, if the decision is made by the City Planning Commission, it may specify another time in the grant.

In either case, if the privileges granted are not utilized or construction work is not begun within that time and carried on diligently without substantial suspension or abandonment of work, then the decision authorizing the use shall become void. In addition, all the conditions of the approval must be fulfilled before the use can be established, unless the approval itself expressly provides otherwise.

Prior to the expiration of the time period to utilize the privileges, the applicant may file a written request with the initial decision-maker for an extension of the termination period. Pursuant to the written request or on its own, the decision-maker may extend the termination period for up to one additional year based on a finding that good and reasonable cause exists to grant the extension of time.

Exception:
Where a lot or lots have been approved for use as a governmental enterprise, place of worship, hospital, educational institution or private school, including elementary and high schools, no time limit to utilize the privileges shall apply provided that all of the following conditions are met:

(a) The property involved is acquired or legal proceedings for its acquisition is commenced within one year of the effective date of the decision approving the conditional use.

(b) A sign is immediately placed on the property indicating its ownership and the purpose to which it is to be developed, as soon as legally possible after the effective date of the decision approving the conditional use. This sign shall have a surface area of at least 20 square feet.

(c) The sign is maintained on the property and in good condition until the conditional use privileges are utilized.

K. Limitation upon Approval of Planned Residential Developments.
Notwithstanding any other provision of this section, the approval of any planned residential development as a conditional use shall not be complete or effective until the approval and the conditions imposed have been approved by ordinance.

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

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

Regulations governing yards, accessory buildings, parking, access, or any other internal features of mobilehome parks shall conform to the provisions of Title 25 of the California Administrative Code or any amendments. If yards, accessory buildings, parking, access, or any other internal features of mobilehome parks are not regulated by Title 25, they shall conform to all applicable provisions of this Code or any other conditions imposed by the City.
Any CM uses lawfully existing prior to March 22, 1981, in any portion of any building in the C5 Zone shall not be extended beyond that portion of the building except as provided by Section 12.24 W of this Code.

M. Development of Uses.

1. Development of Site. On any lot or portion of a lot on which a conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, and existing institutions or school developments may be expanded as permitted in Subsection L of this section, provided that plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at the time. The Zoning Administrator, the Area Planning Commission, or the City Planning Commission may deny the plans if the Zoning Administrator or the Commission finds that the use does not conform to the purpose and intent of the findings required for a conditional use under this section, and may specify the conditions under which the plans may be approved.

The Area Planning Commission and the City Planning Commission may delegate to the Director of Planning the authority to approve or disapprove, on their behalf, plans for the development of an approved or deemed-approved conditional use site. The Area Planning Commission and the City Planning Commission shall establish reasonable guidelines and policies to be followed in the exercise of the delegated authority.

Exceptions:

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

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

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

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

(2) the structures, including a fiesta or exhibit tent, are located at least 40 feet from all exterior lot lines;
(3) the required permits are obtained from the Fire Department, and all structures are removed from the premises the next day following the closing of the bazaar;

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

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

2. Appeal. An applicant submitting development plans or any other person aggrieved by the decision of the Zoning Administrator made relative to the approval or disapproval of a development plan may appeal the decision to the Area Planning Commission pursuant to this section and Section 19.00. An applicant submitting development plans or any other person aggrieved by the decision of the Area Planning Commission or the City Planning Commission made relative to the approval or disapproval of a development plan may appeal the decision to the City Council pursuant to this section and Section 19.00.

N. Reduction of Site. So long as the conditional use is continued, the entire approved site shall be retained for the conditional use, and no portion shall be severed from the site or utilized for other purposes unless the plans for the reduced site are first submitted to and approved by the initial decision-maker.

The decision of an initial decision-maker on a proposed reduction of the area of an approved site shall be subject to the same appeal procedures as is provided for an application to establish the conditional use.

Q. Findings and Conditions of Approval. In approving any conditional use plans, the initial decision-maker must find that the use conforms to the purpose and intent of the findings required for a conditional use under this section and may impose conditions on the same basis as provided for in this section for the establishment of new conditional uses. The initial decision-maker shall adopt written findings of fact supporting the decision based upon evidence in the record, including any investigations.

P. Change of Use. No conditional use may be changed to a different type of conditional use unless the new use is authorized in accordance with the procedure prescribed in this section for the establishment of a conditional use.

Q. Discontinuance of Use. If a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in
accordance with the procedure prescribed in this section for the establishment of a conditional use.

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

S. As part of any conditional use approval, the initial decision-maker or the appellate body may approve changes to the parking requirements not to exceed 20% of the requirements otherwise required by the Code.

T. Vesting Conditional Use Applications.

1. Application. Whenever a provision of the Los Angeles Municipal Code requires the filing of an application for a conditional use permit, a vesting conditional use permit may be filed instead, in accordance with these provisions. If an applicant does not seek the rights conferred by this subsection, the filing of a vesting application shall not be required by the City for the approval of any proposed zone change, conditional use permit, permit for construction or work preparatory to construction.


(a) The approval of a vesting application shall confer a vested right to proceed with a development in substantial compliance with the rules, regulations, ordinances, zones and officially adopted policies of the City of Los Angeles in force on the date the application is deemed complete, and with the conditions of approval imposed and specifically enumerated by the decision maker in its action on the vesting application case. These rights shall not include exemption from other applications or approvals that may be necessary to entitle a project to proceed (i.e., subdivision, parcel map, zone variance, design review, etc.) and from subsequent changes in the Building and Safety and Fire regulations contained in Chapters V and IX of the Los Angeles Municipal Code found
necessary by the City Council to protect the public health and safety and which are applicable on a citywide basis and policies and standards relating to those regulations or from citywide programs enacted after the application is deemed complete to implement State or Federal mandates.

(b) If the ordinances, policies, or standards described in the preceding paragraph are changed subsequent to the approval or conditional approval of a vesting application case, the applicant, or his or her successor or assignee, at any time prior to the expiration of the vesting application case, may apply, pursuant to Subdivision 4 of this subsection, for an amendment to the vesting application case to secure a vested right to proceed with the changed ordinances, policies, or standards. An application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.

(c) Prior to final approval or signoff on a building permit filed pursuant to a vesting application, the Planning Department shall submit a copy of the final site plan to the office of the affected council district for informational purposes only.

3. Procedures.

(a) Filing and Processing an Application. A vesting conditional use permit application shall be filed on the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in Subsections B through Q for a conditional use permit except as provided below. The application shall specify that the case is for a vesting conditional use permit. If any rules, regulations or ordinances in force at the time of filing require any additional approvals (such as a variance or coastal development permit), the complete application for these additional approvals shall be filed prior to or simultaneously with the vesting conditional use permit to be processed pursuant to Section 12.36. In all vesting conditional use permit cases, a site plan and a rendering of the architectural plan of the building envelope shall be submitted with the application. The plans and renderings shall show the proposed project's height, design, size and square footage, number of units, the location of buildings, driveways, internal vehicular circulation patterns, loading areas and docks, location of landscaped areas, walls and fences, pedestrian and vehicular entrances, location of public rights-of-way and any other information deemed necessary by the Director of Planning.

(b) Vesting conditional use permits may be filed for the following conditional uses under the authority of the City Planning Commission, Area Planning Commission, and Zoning Administrator as described in Subsections U, V, W and X:
Airports or heliports in connection with an airport.

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

Correctional or penal institutions

Educational institutions

Electric power generating sites, plants or stations

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

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

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

Floor area ratio averaging in unified developments

Golf courses and incidental facilities

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

Houses of worship in the R Zones, C1, C1.5, CM or M Zones

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

Land reclamation projects

"Major" development projects

Mixed Commercial/Residential Use Development.

Mixed use developments in the R5 Zone located in an approved redevelopment area
Motion picture studios in the A, R or C Zones

Natural resources development

Various Uses in the OS Open Space Zone

Piers, jetties, man-made islands, floating installations

Various Uses in the PF Zone

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

Research and development centers

Stadiums and arenas and auditoriums with fewer than 25,000 seats in the MR1 Zone

Schools, elementary and high in the A, RE, RS, R1, RU, RZ, RMP, RW1, R2, RD, RW2, R3, C1, C1.5 or M Zones and private schools (other than elementary, high or nursery schools) in the A, R, CR, C1 or C1.5 Zones.

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

(c) Notwithstanding Paragraph 2 (a) of this subsection, a vesting conditional use permit may be conditioned or denied if the Zoning Administrator, the Area Planning Commission or the City Planning Commission, or the Area Planning Commission or the City Council on appeal determines:

(1) the condition is deemed necessary to protect the best interest of the surrounding property or neighborhood or to lessen or prevent any detrimental effect on that area, or to secure appropriate development in harmony with the objectives of the General Plan or to mitigate potential adverse environmental impacts of the conditional use permit; or

(2) the conditional use permit is denied because it is not desirable to the public convenience or welfare, is not proper in relation to adjacent uses or the development of the community, will be materially detrimental
to the character of development in the immediate neighborhood and will not be in harmony with the various elements and objectives of the General Plan and their reason for not conforming with the plan. If the Area Planning Commission or the City Council on appeal does not adopt the findings and conditions of the Zoning Administrator or the Area Planning Commission or the City Planning Commission, the Area Planning Commission or Council shall make its own findings.

(d) Expiration. The approval or conditional approval of a vesting conditional use permit shall expire at the end of a three year time period. However, if a vesting conditional use permit application is filed simultaneously with a vesting zone change application and both are approved, then the vesting conditional use permit shall expire at the end of a four year time period. Upon application to the Director of Planning and after recommendation of the Director, the City Council shall have the authority to approve or disapprove the extension of the termination date for the vesting conditional use permit for one year. The City Council may so extend the termination date one year at a time, for two extensions, with a life of the conditional use permit not to exceed a total of six years.

4. Amendment of Vested Project Plans or Amendment of Vested City Regulations to Comply With Subsequent Regulation Changes.

(a) One or more of the owners or lessees of the subject property may file a verified application requesting an amendment of the City regulations as described in Paragraph 2 (a) of this section vested by a conditional use permit issued pursuant to this subsection. They shall file the application with the Department of City Planning upon a form designated for this purpose, and accompany it with a fee as provided in Section 19.01 A of this Code.

(b) The Area Planning Commission, the City Planning Commission, the Zoning Administrator or the Area Planning Commission or City Council on conditional use permit appeals may approve any changes to the set of City regulations to which the applicant's project has vested for a conditional use permit issued pursuant to this subsection. The Department's report shall be made within 40 calendar days of the date of the request or within any additional time as may be mutually agreed upon by the Department of City Planning and the applicant.

(c) The City Council, the Area Planning Commission, the City Planning Commission, or the Office of Zoning Administration prior to making a decision pursuant to this subdivision shall hold a public hearing. Written notice shall be
mailed to the owners or tenants of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved.

U. Conditional Use Permits - City Planning Commission With Appeals to City Council. The following uses and activities may be permitted in the zone or locations indicated below if approved by the City Planning Commission as the initial decision-maker or the City Council as the appellate body. The procedures for reviewing applications for these uses shall be those in Subsections B through Q in addition to those set out below.

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

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

3. **Child Care Facilities.** The City Planning Commission may, upon application, permit child care facilities for no more than 50 children in the R3 Zone.

   (a) **Standards.** The application shall meet the following standards:

   (1) Drop-off and pick-up areas are provided, such as are necessary to avoid interference with traffic and promote the safety of the children; and

   (2) The facility complies with all applicable State and local laws and requirements relating to child care facilities; and

   (3) The use does not create an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties; and

   (4) All play equipment and structures are located in the rear yard only; and

   (5) No loud speaker or public address system shall be installed or operated on any open portion of the premises, and any phonograph, radio or other recorded music used in connection with any activity shall be significantly modulated to ensure that the use does not disturb the adjoining and neighboring residences.

   (b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for conditional uses set forth in Section 12.24 D except that notice of the hearing before the City Planning Commission need only be given to owners and residents within 150 feet of the proposed use.
The public hearing may be waived if the applicant submits with the application a written waiver of public hearing from all the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

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

5. **Correctional or penal institutions.**

6. **Educational institutions.**

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

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

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

   (a) Types of uses:

   (1) Chipping/grinding facility;

   (2) Composting facility;

   (3) Curing facility; and

   (4) Mulching facility;

   (b) Limitations:

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

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

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

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

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

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

(7) All wood waste and/or green waste recycling uses shall comply with all necessary public safety requirements of Los Angeles Municipal Code Sections 57.08.01 through 57.08.13. These uses must not emit any odor or smell that is offensive to adjacent uses and must further satisfy all necessary requirements as set forth by applicable state and county agencies.

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

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

(10) The minimum lot area requirements set forth in Sections 12.05 and 12.06 shall be complied with for any chipping and grinding, composting, curing or mulching facility located in the A1 or A2 Zone.
(11) In addition to the findings otherwise required by this section, before granting an approval the City Planning Commission shall find that adequate safeguards are provided to control impacts resulting from residual waste materials, airborne transmission of dust particles, or debris from stockpiles, storage areas or roadways located on the premises.

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

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

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

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

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

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

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

(a) **Definition.** A "major" development project means the construction of, the addition to, or the alteration of, any buildings or structures which create or add 250,000 square feet or more of warehouse floor area, 250 or more hotel/motel guest rooms, or 100,000 square feet or more of floor area in other nonresidential or non-warehouse uses. The above definition shall apply to the cumulative sum of related or successive permits which are part of a larger project, such as piecemeal additions to a building, or multiple buildings on a lot as determined by the Director of Planning. For the purpose of this subdivision, floor area shall be as defined in Section 12.03 of this Code.

(b) **Findings.** In addition to the other findings required by this section, the City Planning Commission shall make the following findings:

(1) the major development project conforms with any applicable specific and/or redevelopment plan;

(2) the project provides a compatible arrangement of uses, building, structures, and improvements in relation to neighboring properties; and

(3) the major development project complies with the height and area regulations of the zone in which it is located.

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

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

(i) zone change;
(ii) height district change;
(iii) supplemental use district;
(iv) conditional use approval;
(v) variance or adjustment;
(vi) parcel map;
(vii) tentative tract map;
(viii) coastal development permit;
(ix) development agreement;
(x) density bonus greater than the minimums pursuant to Government Code Section 65915;
(xi) density transfer plan;
(xii) exception from a geographically specific plan;
(xiii) project permit pursuant to a moratorium or interim control ordinance or specific plan;
(xiv) public benefit projects; or
(xv) other similar discretionary approvals, as determined by the Director.

This exemption shall apply only if the applicable decision-making body determines in writing that the prior discretionary approval, and the required environmental review, considered significant aspects of the approved project's design (such as, but not limited to, building location, height, density, use, parking access) and that the existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the present permit in light of the conditions specified in Section 21166 of the California Public Resources Code. The Department of City Planning may require supplements to the environmental documentation to maintain its currentness. The Director is hereby authorized to establish procedures to process decisions required under this paragraph.

(2) Any project within the boundaries of a designated Enterprise Zone, or Employment in Economic Incentive Zone provided that an Environmental Impact Report or Environmental Impact Statement was certified as part of the Zone designation process. The project shall instead require site plan review pursuant to Section 16.05.

15. **Motion picture and television studios** and ancillary video and media production incidental to the main use in the A, R or C Zones, when not permitted by right.

16. To permit **uses which support motion picture and television production** and other entertainment industries such as, but not limited to, multi-media companies, sound labs, film editing, props, computer-aided design and animation, etc. in the Commercial Zones, provided that:
(a) In addition to the findings required by this section, the City Planning Commission shall also find:

(1) that the use is conducted so that its products or services are intended to be utilized by the motion picture, television, video or radio industry or other entertainment industries; and

(2) that the use will not have a detrimental effect on neighboring properties; and

(3) that the use does not contravene the separation and distance requirements of regulated adult entertainment uses as defined and set forth in this Code.

(b) An application for permission pursuant to this subdivision shall be set for public hearing; and notice shall be given in the same manner required for variances which are set for public hearing pursuant to Section 12.27 of this Code, unless the applicant has secured and submits with the application the written approval of the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property.

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

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

19. In the OS Open Space Zone:

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

(b) Golf courses.

(c) Museums.

(d) Appurtenant structures adjacent to reservoir use, such as water treatment facilities, pumping facilities, distribution facilities and water filtration plants.
(e) Nature preserves, subject to the approval of a detailed site plan and management program approved by the operating agency and by the City Planning Commission pursuant to the procedure set forth in Section 12.24 M.

(f) Aquaria, observatories, planetaria and zoos.

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

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

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

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

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

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

21. The following uses in the PF Zone: convention and exhibition centers, government owned parking facilities, flood control facilities, sewage treatment facilities, covered reservoirs, appurtenant structures adjacent to covered and uncovered reservoirs, such as water treatment facilities, water pumping facilities, water distribution facilities, and water filtration plants, and sanitary landfills.

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

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

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

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

(e) In approving an application for a conditional use pursuant to this subdivision, in addition to the findings required pursuant to this section, the City Planning Commission shall find that the location of the proposed recycling use will not be materially detrimental to the public welfare or injurious to the properties or improvements in the affected community. An application for a conditional use shall be referred forthwith for review to the Councilperson of the district in which the property is located.

(f) An administrative fine of $250.00 may be collected by the Department of Building and Safety, pursuant to the procedures set forth in Section 12.21 A 18(g) for any violation of a condition or other action of the City Planning Commission in approving any recycling use pursuant to this subdivision.

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

24. Schools, elementary and high in the A, RE, RS, RI, RU, RZ, RMP, RW1, R2, RD, RW2, R3, C1, C1.5, or M Zones, and private schools (other than elementary, high, or nursery schools) in the A, R, CR, C1, or C1.5 Zones.

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

V. Conditional Use Permits - Area Planning Commission With Appeals to the City Council. The following uses and activities may be permitted in the zone or locations indicated below if approved by the Area Planning Commission as the initial decision-maker or the City Council as the appellate body. The procedures for reviewing applications for these uses shall be those in Subsections B through Q in addition to those set out below.

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

(a) Prior to approving a development pursuant to this section, the Area Planning Commission shall make all of the following findings:

(1) that the proposed development is consistent with the purposes and intent of the Housing Element of the General Plan and will provide needed lower income housing units in keeping with the goals of the plan; and

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

(3) that approval of the development will be in substantial conformity with public necessity, convenience, general welfare and good zoning practice; and

(4) that the developer has agreed, pursuant to Government Code Section 65915, to construct the development with 20 percent or more of the residential units reserved for occupancy by lower income households, as defined by Health and Safety Code Section 50079.5, including elderly persons and families, as defined by Health and Safety Code Section 50067, who meet the criteria for lower income households; and

(5) that the developer has further agreed to ensure the continued affordability of all reserved lower income units for a minimum of 30 years; and

(6) that the developer has also agreed to ensure that the construction and amenities provided for any dwelling unit reserved pursuant to this subdivision shall be comparable to other dwelling units in the development including the average number of bedrooms and bathrooms per dwelling unit; and

(7) that approval of the development, pursuant to this section, constitutes the additional incentive required by Government Code Section 65915; and

(8) that the approval of a mixed use development on this site will reduce the cost per unit of the housing development.

(b) Only residential dwelling units shall be considered a residential use for purposes of this subdivision's provisions regarding mixed commercial/residential use developments.
(c) In approving a mixed commercial/residential use development in Height District No. 1, the Area Planning Commission may permit a floor area ratio for the development not to exceed three times the buildable area of the lot.

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

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

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

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

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

(f) The provisions of this subdivision may not be used in combination with the provisions of Subsection W 14. However, they may be used in combination with the provisions of Section 12.22 A 18.

W. Authority of the Zoning Administrator for Conditional Uses/Initial Decision.

The uses and activities set forth below may be permitted in the zones or locations specified if approved by the Zoning Administrator as the initial decision-maker or the Area Planning Commission as the appellate body. The procedures for reviewing applications for these uses shall be those in Subsections B through Q in addition to those set out below. These uses and activities are further subject to the regulations and limitations set forth below.

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

   (a) Findings. In addition to the findings otherwise required by this section, the Zoning Administrator shall make all of the following findings:
(1) that the proposed use will not adversely affect the welfare of the pertinent community;

(2) that the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area; and

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

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

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

(d) Existing Uses. The use of a lot for an establishment dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, for on-site or off-site consumption may not be continued or re-established without conditional use approval granted in accordance with the provisions of this section if, after September 13, 1997, there is a substantial change in the mode or character of operation of the establishment, including any expansion by more than 20 percent of the floor area, seating or occupancy, whichever applies;

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except that construction for which a building permit is required in order to comply with an order issued by the Department of Building and Safety to repair or remedy an unsafe or substandard condition is exempt from this provision. Any expansion of less than 20 percent of the floor area, seating or occupancy, whichever applies, requires the approval of plans pursuant to Subsection M of this section.

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

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

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

   (c) The requirements of Paragraphs (a), (b), (c), (d) and (g) of Section 12.14 A 6 shall apply;

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

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

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

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

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

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

3. **Automotive repair** in the C4 Zone.
4. **Automotive repair** in the C2, C5, CM, and M1 Zones when located within 300 feet of an A or R Zone. In addition to the findings otherwise required by this section, a Zoning Administrator shall also find:

   (a) that adequate parking exists on the proposed site or sites to accommodate the anticipated volume of business without vehicular overflow onto nearby residential streets;

   (b) that any outdoor parking permitted is adequately shielded from public view to prevent the proposed establishment from causing visual blight and adversely impacting nearby residential uses;

   (c) that nearby residential uses are adequately shielded from noise, smoke, fumes, vibrations, or any other emissions generated on the proposed site; and

   (d) that all exterior lighting is directed onto the subject site and all flood lighting is designed to eliminate any glare to adjoining properties.

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

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

7. The **change of use** of the whole or part of any building for which the original certificate of occupancy was issued prior to September 17, 1971, and used in whole or in part for any use permitted in a C Zone to any residential use permitted in the R4 or R5 Zones, provided that the building is located in whole or in part on any lot located within the Central Business District Redevelopment Project Area, and provided that the density of the residential uses shall not exceed one dwelling unit per 125 square feet of lot area.

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

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

10. **Circus quarters or menageries** in the A Zones and MR2 Zone.
11. **CM uses** in the C1, C1.5, C2, C4, and C5 Zones where located within the boundaries of a community redevelopment project area and when the uses conform to the provisions of the applicable redevelopment plan.

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

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

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

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

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

15. **Developments combining residential and commercial uses** in the R5 Zone when located in a redevelopment project area approved by the City Council other than a project area within the Central City Community Plan Area. Any use or combination of uses in the CR, C1, C1.5, C2, C4, C5, or R5 Zones may be authorized. (For mixed use developments permitted by right see Section 12.22 A 18 of this Code).

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

17. **Drive-through fast-food establishments** in all C Zones, except the CR Zone, when located on a lot, the lot line of which adjoins, is across the street from, or separated only by an alley from, any portion of a lot or lots in a residential zone or use or the RA Zone. In addition to the findings otherwise required by this section, the Zoning Administrator shall also find:

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

   (b) that all stationary light generated on the lot is screened to avoid any significant adverse impact on nearby residential uses; and
(c) that trash storage, trash pickup hours, driveways, parking locations, screening walls, trees and landscaping are provided for and located so as to minimize disturbance to the occupants of nearby residential uses, and to enhance the privacy of those uses.

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

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

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

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

19. **Floor area ratio averaging in unified developments.** A unified development for purposes of this subdivision shall mean a development which is:

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

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

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

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

The averaging of floor area ratios may be permitted for buildings which will comprise a unified commercial, industrial or mixed use development in the C or M Zones or in the R5 zone in the Bunker Hill Urban Renewal Project Area and the Central Business District Redevelopment Area, even if buildings on each individual parcel or lot would exceed the permitted floor area ratio. However, the floor area ratio for the unified development when calculated as a whole may not exceed the maximum permitted floor area ratio for the height district in which the unified development is located. In addition to the findings otherwise required by this section, before granting an approval, the Zoning Administrator shall find that the development, although located on separate parcels or lots of record, is a unified development as defined by this subdivision. All persons with an ownership interest in the property requesting floor area ratio averaging and all persons with mortgage interests, including those persons holding ground leases,
must sign the application. A current title search shall be submitted with the application to insure that all persons with an ownership interest in the property have signed the application. If the Zoning Administrator approves the floor area ratio averaging, then the applicants shall file a covenant running with the land with the Department of Building and Safety prior to the issuance of any building permits:

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

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

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

(d) specifying an individual or entity to be responsible and accountable for this maintenance. An annual inspection shall be made by the Department of Building and Safety of the development to monitor compliance.

20. Foundries in the MR1 Zone.

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

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

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

24. Hotels.

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

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

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

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

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

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

27. Mini-Shopping Centers and Commercial Corner Developments in the C, M1, M2 or M3 Zones where the uses do not comply with the requirements and conditions enumerated in Section 12.22 A 23 of this Code.

(a) Standards. In making a determination on an application for a conditional use filed pursuant to this subdivision, a Zoning Administrator may consider the provisions of Section 12.22 A 23 as establishing minimum standards for the approval of a Mini-Shopping Center or Commercial Corner Development. Provided, however, that no building or structure shall exceed a maximum height of 40 feet.

(b) Findings. In addition to the findings otherwise required by this section, prior to approval of a Mini-Shopping Center or Commercial Corner Development, a Zoning Administrator, shall make the following findings:

(1) that the Mini-Shopping Center or Commercial Corner Development use is consistent with the public welfare and safety;
(2) that access, ingress and egress to the Mini-Shopping Center or Commercial Corner Development will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets, based on data provided by the City Department of Transportation or by a licensed traffic engineer;

(3) that there is not a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed Mini-Shopping Center or Commercial Corner Development; and

(4) that the Mini-Shopping Center or Commercial Corner Development is not located in an identified pedestrian oriented area or zone, or, if the lot or lots are located in an identified pedestrian oriented area or zone, that the Mini-Shopping Center or Commercial Corner Development would not have an adverse impact on the pedestrian oriented area or zone.

28. To permit two or more development incentives pursuant to Section 13.09 E 4 for a Mixed Use Project in a Mixed Use District. In addition to the findings otherwise required by this section, prior to approving two or more development incentives pursuant to Section 13.09 E 4, the Zoning Administrator shall make the following findings:

(a) The Project provides a compatible arrangement of buildings, structures and improvements in relation to neighboring properties; and

(b) The Project conforms with any applicable specific and redevelopment plans.

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

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

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

32. Outdoor eating areas for ground floor restaurants in the CR, C1, and C1.5 Zones if not permitted by right.
33. **Pawnshops** in the C2, C5, CM, M1, M2 and M3 Zones. In addition to the findings otherwise required by this section, the Zoning Administrator shall also find:

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

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

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

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

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

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

38. **Reduced on-site parking** for Housing developments occupied by persons 62 years of age or older and/or by handicapped persons, in the RD, R3, R4, R5, CR, C1, C1.5, C2, C4 or C5 Zones, provided that:

   (a) A handicapped person is a person who has a physical or mental impairment which (i) seriously restricts that person from operating a motor vehicle, (ii) is expected to be of long-continued and indefinite duration, (iii) substantially impedes his or her ability to live independently, and (iv) is of a nature that the ability to live independently could be improved by more suitable housing conditions;

   (b) Parking spaces may be reduced to not less than 25 percent of the number required by Section 12.21 A 4 (u) under either of the following circumstances:
(1) where open space is provided and located so it can be converted to parking if needed, and the open space if converted to parking would produce the additional number of parking spaces necessary to meet the requirements of Section 12.21 A 4 and 5. This open space shall be developed only with landscaping, recreational facilities or similar developments, of a nature that the land could feasibly be converted to parking;

(2) where future construction of a parking structure is determined by a Zoning Administrator to be practical, feasible and compatible with the site plan, and the parking structure would produce the additional number of parking spaces necessary to meet the requirements of Section 12.21 A 4 and 5, and for each dwelling unit in the development there is provided at least ten square feet of indoor recreation space and at least 50 square feet of usable open space, which is to be available and accessible to all residents of the development. Usable open space may be located on the ground, on terraces or on rooftops, shall be landscaped or developed for active or passive recreation, and may include roofed recreation areas or summerhouses enclosed on not more than one side, unenclosed porches and swimming pools. Usable open space shall not include land used for required yards, private streets, driveways, parking, loading or service areas, but may include walkways.

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

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

(2) availability of public transit; and

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

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

(e) When a reduction of parking spaces is approved, the owner of the land shall furnish and record an agreement in the Office of the County Recorder of Los Angeles County, California, as a covenant running with the land for the benefit of the City of Los Angeles, providing that, should the use change, the
owner will develop the parking spaces on the open space or in a parking structure as planned under the provisions of Paragraph (b) above.

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

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

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

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

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

42. The sale of merchandise:

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

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

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

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

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

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

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

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

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

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

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

43. Second dwelling unit in the A, RA, RE, RS, R1, RMP or RW1 Zones, provided that:

(a) In addition to the findings otherwise required by this section, a Zoning Administrator shall also make the following findings:

(1) that the second dwelling unit consists of a group of two or more rooms for living and sleeping purposes, one of which is a kitchen, and the second dwelling unit has a maximum floor area of 640 square feet;
(2) that the second dwelling unit is located on a lot having an area at least 50 percent larger than the minimum area required for a lot in the zone in which it is located, and in no event is the lot area less than 7,500 square feet;

(3) that the second dwelling unit meets the yard, lot coverage and height requirements applicable to the zone in which it is located; and

(4) that the primary dwelling unit and all other existing or proposed buildings meet the use, lot coverage, height, yard and other requirements applicable to the zone in which they are located.

(b) In determining whether to permit a second dwelling unit, a Zoning Administrator shall consider, but not be limited to, factors such as the impact of the second unit on traffic volume of existing streets and highways and the increased burden on water and sewer services.

(c) At least one covered or uncovered off-street automobile parking space shall be provided for the second dwelling unit, in addition to the off-street automobile parking spaces required by Section 12.21 A 4 (a) for the principal dwelling; provided, however, that a Zoning Administrator may modify the dimensions of the parking facilities (as set forth in Section 12.21 A (5)) by up to 20 percent, as may be necessary to facilitate vehicular movement on and to the subject property.

(d) A Zoning Administrator may reduce the width of required passageways [see Section 12.21 C 2 (b)] to no less than five feet, unless the Fire Department determines that the reduction would result in a safety hazard.

(e) A Zoning Administrator shall require that a second dwelling unit be combined with or be attached to a main building containing only one dwelling unit unless:

(1) The second dwelling unit results from the conversion of a legally established, detached accessory living quarters, servants' quarters, or guest house which had been issued a certificate of occupancy prior to July 1, 1983; or

(2) The Zoning Administrator determines that a detached dwelling unit will be constructed in full compliance with setback, lot coverage, height and other requirements applicable to the zone, without adverse impacts on the character of the surrounding neighborhood.
(f) The architectural style of the second dwelling unit shall be compatible with that of the primary dwelling unit, and when viewed from the street frontage it shall appear that there is only one dwelling unit on the lot. Not more than one entrance to the dwellings shall be visible from the street frontage.

(g) A second dwelling unit shall not be located in a Hillside Area (as defined in Section 91.0403 of the Municipal Code), in an Equinekeeping District, along a Scenic Highway designated in the General Plan, or where the width of the adjacent street is below current standards as defined in Section 12.37 H.

(h) No building nonconforming as to use may be converted to a second dwelling unit.

(i) A copy of each application for conditional use as a second dwelling unit shall be referred without unnecessary delay for review to the councilmember of the district in which the property is located, and copies of any building permits issued for a second dwelling unit shall be sent to that councilmember.

44. Second dwelling unit on large lots in the RA, RS or R1 Zones provided that, in addition to the findings otherwise required by this section, a Zoning Administrator shall also find that:

(a) The lot has a depth of 180 feet or more;

(b) In the RA Zone, the lot has an area of 35,000 square feet or more; in the RS Zone the lot has an area of 15,000 square feet or more; and in the R1 Zone, the lot has an area of 10,000 square feet or more;

(c) One dwelling unit is on the front of the lot and one dwelling unit is on the rear of the lot, and the distance between the front and rear dwelling is at least 20 feet;

(d) The rear dwelling is located at least 50 feet from the rear lot line;

(e) Both dwellings are located so as to comply with all other area regulations of the zone in which the property is located;

(f) The lot is not located in a "H" Hillside or Mountainous area or in a "K" Equinekeeping District;

(g) The height and bulk of the dwelling units are reasonably compatible with that of the surrounding development;
(h) The second dwelling unit will not cause a significant adverse impact on traffic, sewer capacity or other public facilities or services; and

(i) Any necessary dedications or improvements have been provided.

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

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

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

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

49. **Wireless telecommunication facilities**, including radio or television transmitters, in the A, R, C, or MR Zones.

X. **Further Authority of Zoning Administrator for Other Similar Quasi-Judicial Approvals.** The uses and activities set forth below may be permitted in the zones or locations specified if approved by the Zoning Administrator as the initial decision-maker or the Area Planning Commission as the appellate body. In addition to the findings required by Section 12.24 E above, these uses and activities are subject to the procedures, regulations and limitations set forth below.

1. **Adaptive Reuse Projects.** A Zoning Administrator may, upon application, permit Adaptive Reuse Projects in the MR1, MR2, M1, M2 and M3 Zones in the Downtown Project Area pursuant to Subdivision 12.22 A 26.

   (a) **Zoning Administrator Authority.** The Zoning Administrator may permit the reduction or elimination of required yards or off-street automobile parking spaces required by this article for an Adaptive Reuse Project if he or she finds that the yards or off-street parking spaces cannot be provided.
(b) Signs. The Zoning Administrator shall require that one or more signs or symbols of a size and design approved by the Fire Department shall be placed by the applicant at designated locations on the exterior of each Adaptive Reuse Project to indicate the presence of residential uses.

(c) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 B (3). The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. This approval must express that the owners have no objections to the Adaptive Reuse Project. If that approval is obtained from the surrounding property owners, the Chief Zoning Administrator may waive the public hearing if he or she makes the following findings:

(1) that the Adaptive Reuse Project will not have a significant adverse effect on adjoining property or on the immediate neighborhood; and

(2) that the Adaptive Reuse Project is not likely to evoke public controversy.

(d) Findings. In addition to the findings otherwise required by this section, the Zoning Administrator shall also find:

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

(2) that the Adaptive Reuse Project will not displace viable industrial uses and will not substantially lessen the likelihood that the property will be available in the future for industrial uses; and

(3) that the Adaptive Reuse Project complies with the minimum size and minimum average size standards set forth in Section 12.22 A 26 (e) (2).

2. Alcoholic Beverages. A Zoning Administrator may, upon application, permit a restaurant, with seating on the premises for no more than 50 persons, to offer for sale or to dispense for consideration alcoholic beverages, including beer and wine, incidental to meal service.
(a) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for variances set forth in Section 12.27 C except to the extent an additional appeal is permitted to City Council. If, however, the applicant submits with its application the written approval of owners of all properties abutting, across the street or alley from, or having a common corner with the subject corner, then the matter does not have to be set for public hearing.

(b) Findings. In addition to the findings otherwise required by this section, a Zoning Administrator shall require and make all of the following findings:

(1) that the restaurant contains a kitchen as defined in Los Angeles Municipal Code Section 91.0403;

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

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

(4) that parking is provided at the rate of at least one space per 500 square feet of gross floor area, except when located in the Downtown Business District as delineated in Section 12.21 A 4 (i). When located in the Downtown Business District, parking shall be provided as required by Section 12.21 A 4 (i) (3);

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

(6) that the use will not be detrimental to the public health, safety or welfare;

(7) that the use will be compatible with the surrounding neighborhood; and

(8) that the hours of operation will not negatively impact the surrounding neighborhood.

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

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

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

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

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

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

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

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

   **(a) Application.** The application shall include a plot plan, an elevation plan indicating the location and height of the proposed antenna and measures designed to minimize any adverse visual impacts from the antenna. These measures may include the construction of a retractable antenna, screening, painting or increased setbacks from property lines. Notice of the application shall be given to the Fire Department.
(b) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 B (3). The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of owners of all properties abutting, across the street or alley from, or having a common corner with the subject property.

(c) Findings. In addition to the findings otherwise required by this section, the Zoning Administrator shall also consider the uses to which the proposed antenna will be put, and may give special consideration to an application involving public service uses, such as participation in a radio amateur emergency network or

4. Automotive Repair Businesses. A Zoning Administrator may, upon application, permit automotive repair businesses legally existing prior to December 31, 1998 to utilize up to 1,000 square feet of lot area on the front half of the lot for open storage, provided the area is contiguous and is enclosed with a vista block, solid wall or solid fence (no chain link, chain link with slats, corrugated metal, fiberglass or plywood) not less than six feet in height with necessary solid gates of the same height. The perimeter of the storage area may be landscaped and irrigated whenever physically feasible and shall be maintained.

(a) Findings. In addition to the findings otherwise required by this section, a Zoning Administrator shall also find:

(1) No alternative storage area is available on the rear half of the lot, and

(2) The proposed open storage area shall not displace any existing storage area (whether enclosed or unenclosed) or required parking area, and

(3) The proposed fence or wall will not be materially detrimental to the public welfare or injurious to the properties or improvements in the same zone or vicinity in which the property is located. In making this finding, the Zoning Administrator shall consider the environmental effects and appropriateness of materials, design and location of any proposed fence or wall, including any detrimental effects on the view which may be enjoyed by the occupants of adjoining properties, and security to the subject property which the fence or wall would provide.
(b) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for variances set forth in Section 12.27 C., except to the extent an additional appeal is permitted to City Council. Further, no hearing shall be waived.

(c) An approval granted under this subdivision shall be null and void if the associated automotive repair business becomes vacant and remains unoccupied for a continuous period of one year.

5. Dwelling Adjacent to an Equinekeeping Use.

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

(1) Size and configuration of land parcel;

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

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

(4) Economic hardship; and

(5) Feasibility of relocating the equine enclosure.

(b) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 B (3). However, notice of the pending application and of the hearing shall be given by mailing of notice at least five days prior to the date of the hearing to the owners of all property contiguous to the property involved in the application using for this purpose the last known name and address of those property owners as shown upon the records of the City Clerk or the records of the County Assessor. Provided, however, that if the owners of all the private property contiguous to the property involved in the application sign a waiver of having a public hearing, then no notice or hearing shall be required.
6. **Farmer's Markets.** A Zoning Administrator may, upon application, permit the operation of certified farmer's markets, as defined in Section 1392.2, Title 3, of the California Administrative Code, subject to these limitations:

(a) Certified farmer's markets are allowed in the following zones:

1. An A Zone, including the RA Zone;
2. The C Zones, excluding the CM Zone;
3. The P Zone;
4. The M Zones, excluding the MR1 and MR2 zones;
5. Any R Zone, provided the property is paved and fully improved and used as a main parking lot incidental to, and serving a church, school or philanthropic institution as defined in Section 12.03; and
6. A public park, provided its use as a certified farmer's market has first been approved by the Board of Recreation and Park Commissioners of the City of Los Angeles.

(b) **Application.** Each application shall be referred for review to the Councilperson of the district in which the property is located. A Zoning Administrator shall approve an application only if the following requirements are met:

1. The operation is conducted by one or more certified producers, by a nonprofit organization or by a local government agency; and
2. If selling these products, the producer is authorized by the County Agricultural Commissioner to sell directly to consumers the products as fruits, nuts, or vegetables that are produced upon the land which the certified producer farms and owns, rents, leases or sharecrops; and
3. If selling these products, the market operator and producer secure all necessary licenses, certificates and health permits which are required to sell directly to consumers eggs, honey, fish, and other seafood and freshwater products, live plants and other agricultural products, provided they are raised, grown or caught and processed, if necessary, in California.
(c) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 B (3). A hearing is not required if the applicant submits with its application the written approval of the owners of all properties abutting, across the street or alley from or having a common corner with the subject property, and, in addition, the written approval of 60 percent of the owners of properties within a radius of 300 feet of the subject property.

(d) Requirements.

(1) All market activities shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m., except that necessary preparation of the site for sales activities and cleanup may be conducted for not more than one hour before and one hour after this period. Any light used at any time during market activities shall be adequately shielded so as not to shine directly or indirectly on adjacent property or streets.

(2) Adequate trash containers shall be provided during the hours of operation and adequate toilet facilities shall be provided.

(3) Signs advertising the market shall be permitted only if they conform with the regulations governing signs applicable to the zone in which the market is located, and these signs shall be compatible with the development in the immediate neighborhood.

(4) The level of noise resulting from any certified farmer's market, including noise resulting from the use of amplified sound equipment, shall not exceed the ambient noise levels applicable to an A or R Zone as set forth in Section 111.03 of the Municipal Code, at the property line of any adjacent A or R Zone.

(5) The lot or portion of the lot actually used for market activities shall be cleaned at the close of the day. For the purpose of this section only, "cleaned" shall include, but not be limited to, the removal of stalls, debris, trash, etc., used in conjunction with market activities.

(6) The operator of the market shall post a two hundred-dollar refundable, cleanup deposit with the Office of the City Clerk prior to the opening of business.

(e) Findings. In addition to the findings otherwise required by this section, a Zoning Administrator shall find that the proposed location of a certified
farmer's market will not have a significant adverse effect on adjoining properties or on the immediate neighborhood by reason of noise and traffic congestion.

(f) Violations. The Zoning Administrator may consider revoking the grant for failure to maintain the site in a satisfactory manner.

(g) Annual Review. Each year, at least 30 days prior to the effective anniversary date of any grant made pursuant to this subdivision, the operator of a certified farmer's market shall submit to the Office of Zoning Administration a request for continued operation on a form prescribed for that purpose. The form shall contain all pertinent information which a Zoning Administrator may specify. Failure to submit this request shall automatically revoke this grant.

7. Fences or Walls in A or R Zones.

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

(b) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 B (3). A public hearing may not be required if the applicant submits with the application the written approval of the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. However, for requests for fences in the required front yard, (except for game court fences) only the written approval of the owners of properties abutting on the side or across the street from the subject property need be submitted.

(c) Findings. In addition to the findings otherwise required by this section, the Zoning Administrator shall consider the environmental effects and appropriateness of materials, design and location of any proposed fence or wall, including any detrimental effects on the view which may be enjoyed by the occupants of adjoining properties, and security to the subject property which the fence or wall would provide.

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

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

(b) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 B (3). A public hearing may not be required if the applicant submits with the application the written approval of the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. However, for requests for fences in the required front yard, (except for game court fences) only the written approval of the owners of properties abutting on the side or across the street from the subject property need be submitted.

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

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

(b) Limitations.

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

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

(c) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 B (3).

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

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

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

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

(b) Findings for Reduced Yards. In addition to the findings otherwise required by this section, a Zoning Administrator shall find:

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

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

(c) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for slight modifications set forth in Section 12.28 B (3).

(d) Fees. Fees for these determinations shall be those provided pursuant to Section 19.01 U of this Code when a public hearing is required and one-half the amount of that provided under Section 19.01 U when the public hearing has been waived pursuant to Section 12.28 B 3.

11. Hillside Area. A Zoning Administrator may, upon application, permit buildings and structures on lots in the A1, A2, RA, RE, RS, R1 and RD Zones which are located in a Hillside Area as defined in Section 12.03 to: (1) exceed the maximum 36-foot height limitation required by Section 12.21 A 17 (c); (2) reduce the front or side yards required by Section 12.21 A 17 (a) and (b); (3) increase the maximum lot coverage limitations of Section 12.21 A 17 (f); and (4) reduce the number of off-street parking spaces otherwise required by Section 12.21 A 17 (h). In making a determination pursuant to this subdivision, a Zoning Administrator, in addition to making the general findings required in Subsection I, shall find with regard to:
(a) Height:

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

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

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

(b) Yards:

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

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

(c) Lot Coverage:

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

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

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

(d) Off-Street Parking:

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

(2) that the reduction of the parking requirements will not be materially detrimental or injurious to the property or improvements in the vicinity in which the lot is located.
(e) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 B (3).

12. **Historic Buildings.** A Zoning Administrator may, upon application, permit commercial uses in a building and/or permit reduced parking otherwise required in this Code, for a building that is designated on the National Register of Historic Places, including Contributing Buildings in National Register Historic Districts, the California Register of Historical Resources, the City of Los Angeles List of Historic-Cultural Monuments, or a Contributing Structure located in an Historic Preservation Overlay Zone (HPOZ) that has been established pursuant to Section 12.20.3.

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

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

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

   (i) The owner must reside within the building;

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

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

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

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

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

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

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

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

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

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

(i) Antiques;

(ii) Art gallery;

(iii) Collectibles;

(iv) Florist shops; and

(v) Rare books, except those regulated under Section 12.70.
(c) The Zoning Administrator shall have the authority to impose limitations on hours of operation, deliveries, and other restrictions and conditions necessary to ensure the compatibility of the commercial use with the surrounding area or HPOZ, or to protect the historic character of the building.

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

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

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

(e) In addition to the findings required by this section, the Zoning Administrator shall also make the following findings before granting an application pursuant to this subdivision:

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

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

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

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

In the following cases, an application for permission pursuant to this subdivision shall be set for public hearing and notice shall be given in the same manner as required for a variance which is set for public hearing pursuant to Section 12.27 C except to the extent an additional appeal is permitted to City Council:

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

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

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

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

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

(a) Findings. In addition to the findings otherwise required by this section, the Zoning Administrator shall also find:

(1) that the uses of property surrounding the proposed location of the joint living and work quarters and the use of the proposed location will not be detrimental to the health, safety and welfare of prospective residents of the quarters; and
(2) that the proposed joint living and work quarters will not displace viable industrial uses and will not substantially lessen the likelihood that the property will be available in the future for industrial uses.

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

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

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

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

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

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

(d) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 B (3). However, the Zoning Administrator may waive the public hearing required in that section if the owners of all properties abutting, across the street or alley from, or having a common corner with the buildings have expressed no objections to the quarters in writing.

14. Mixed Use Districts. A Zoning Administrator may, upon application, permit Projects comprised exclusively of dwelling units on lots in the CR, C1, C1.5, C2, C4, or C5 Zones within Mixed Use Districts pursuant to Section 13.09 C 3.

(a) Procedures. An application made pursuant to this subdivision shall follow the procedures for variances set forth in Section 12.27 C except to the extent an additional appeal is permitted to City Council. The Zoning
Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of owners of all properties abutting, across the street or alley from, or having a common corner with the subject property.

(b) Findings. In addition to the findings otherwise required by this section, a Zoning Administrator shall find that the character of the Mixed Use District shall not be adversely affected by the proposed Project and that the Project is appropriately integrated with the surrounding commercial uses.

15. Model Dwellings Within Council-Approved Redevelopment Areas. Prior or subsequent to the recordation of a final tract map, the Zoning Administrator may, upon application for a model dwelling, designate certain lots as sites for the construction of model dwellings, provided that the construction is occurring within the boundaries of a Council-approved Community Redevelopment Agency project area. In no case, however, shall more than 20 lots in a tract be designated as sites for the construction of models nor shall more than 15% of the lots in a tract or units and in no case shall more than 20 units in any proposed building be designated as model sites.

The Zoning Administrator may also permit the operation of one sales office within any of the designated model dwellings on the proposed site. In designating certain proposed lots for use as sites for model dwellings or sales offices, the Zoning Administrator may impose any conditions specified in Sections 12.22 A 10 and 12.22 A 11 or any other conditions which are appropriate to the particular model dwelling sites or sales offices being considered. In those cases where the Community Redevelopment Agency is the applicant, there shall be no fee for the designation of a site for the construction of model dwellings; in all other cases the fee, if any, shall be as set forth in this Code.

An application made pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 B (3).

16. Nonconforming Rights Related to Earthquake Safety Ordinance. A Zoning Administrator may, upon application, permit a building, nonconforming as to use or yards which is demolished as a result of enforcement of the Earthquake Safety Ordinance (Division 68, Article 1, Chapter IX of the Los Angeles Municipal Code), to be reconstructed with the same nonconforming use or yards as the original building.

(a) Findings. In addition to the findings otherwise required by this section, a Zoning Administrator shall require and find the following:
(1) that neither the footing nor any portion of the replacement building encroaches into any area planned for widening or extension of existing or future streets; and

(2) that reconstruction be commenced within two years of obtaining a permit for demolition and completed within two years of obtaining a permit for reconstruction; and

(3) that the continued nonconforming use of the property or the continued maintenance of nonconforming yards will not be materially detrimental to the public welfare and will not have a substantial adverse impact on or be injurious to the properties or improvements in the vicinity.

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

(1) that the nonconforming use will not have a significant adverse effect on adjoining property or on the immediate neighborhood; and

(2) that the nonconforming use is not likely to evoke public controversy.

An application pursuant to this subdivision involving only a nonconforming yard may be set for a public hearing in accordance with the same procedures as above, if the Zoning Administrator determines that the public interest requires a hearing. However, when a public hearing is held, the notice shall be given in the same manner as required in Section 12.28 B (3) for an adjustment.

17. Parking Requirements for Commercial or Industrial Uses With Parking Management Alternatives in the C and M Zones.

(a) Reduced On-Site Parking with Transportation Alternatives.

(1) Notwithstanding any other provision of the Los Angeles Municipal Code, the Zoning Administrator may, upon application, authorize reduced on-site parking for commercial or industrial uses in the
C or M Zones, involving arrivals at the site by at least 100 employees and/or tenants, if the number of the reduced parking spaces is no less than sixty percent of the number of parking spaces otherwise required by this Code. This authorization shall be known as the "reduced on-site parking/transportation alternatives authorization."

(2) Before approving this authorization, the Zoning Administrator shall find, based on the Parking Management Program Administrative Guidelines prepared by the City of Los Angeles and/or other standards acceptable to the City of Los Angeles Department of Transportation, that the Parking Management Plan submitted by the applicant pursuant to Subdivision (c) below will result in:

(i) Sufficient on-site parking spaces and transportation alternatives to single-occupant automobiles (including carpools, vanpools, mass transit systems, buses or bicycles), provided by the owner or lessee for the employees and/or tenants, to accommodate anticipated parking demand; and

(ii) No on-street parking created by the use in the area immediately surrounding the use; and

(iii) An achievable level of employee and/or tenant use of transportation alternatives.

(3) The areas in which the on-site parking spaces referred to in (i) above are located must be clearly posted for the sole use of employees and/or tenants of the use.

(4) The Zoning Administrator may impose additional conditions as are deemed necessary to protect the public health, safety or welfare of the adjacent area and to assure compliance with the objectives of this subsection.

(5) No change in the use of the transportation alternatives referred to in (i) above may be made until reviewed and approved by the Zoning Administrator.

(b) Reduced On-Site Parking with Remote Off-Site Parking.

(1) Notwithstanding any other provision of the Los Angeles Municipal Code, the Zoning Administrator may, upon application, authorize remote off-site parking at distances greater than those
authorized by Section 12.21 A 4 (g) and (i) for commercial or industrial uses, in the C or M Zones, involving arrivals at the site by at least 100 employees and/or tenants, if the remote off-site parking does not exceed seventy-five percent of the number of parking spaces otherwise required by this Code. This authorization shall be known as the “reduced on-site parking/remote off-site parking authorization.”

(2) Before approving the authorization, the Zoning Administrator shall find, based on the Parking Management Program Administrative Guidelines prepared by the City of Los Angeles and/or other standards acceptable to the City of Los Angeles Department of Transportation, that the Parking Management Plan submitted by the applicant pursuant to Paragraph (c) will provide for:

(i) Remote off-site parking spaces used solely by the employees and/or tenants of the commercial or industrial use; and

(ii) An adequate form of transportation provided by the applicant or applicant's successor and used by employees and tenants between the remote off-site parking location and the commercial or industrial use to a level sufficient to transport all persons using the remote parking location.

(3) The Zoning Administrator may impose such additional conditions as are deemed necessary to protect the public health, safety or welfare of the adjacent area and to assure compliance with the objectives of this subsection.

(4) No change in the use of the form of transportation referred to in (ii) above may be made until reviewed and approved by the Zoning Administrator.

(c) Application. The application for a reduced on-site parking/transportation alternative authorization or a reduced on-site parking/remote off-site parking authorization shall be accompanied by a parking management plan. The plan shall include, but not be limited to the following information:

(1) The number of parking spaces on-site and the number of location of spaces off-site proposed to be maintained;

(2) The number and kinds of transportation alternatives proposed for the reduced on-site/transportation alternative authorization and the
forms of transportation proposed between the commercial or industrial use and the remote off-site parking location for the reduced on-site parking/remote off-site parking authorization; and

(3) The level of employee and/or tenant use of transportation alternatives and forms of transportation identified in (2) above expected to be achieved and maintained.

(d) Annual Review. Each year, prior to the anniversary date of the approval of any authorization received pursuant to this subdivision, the owner, subsequent owner or lessee shall submit a report and request for review to the Zoning Administrator containing the information regarding the implementation of the Parking Management Plan as the Zoning Administrator shall specify. Within thirty days of receiving this report, the Zoning Administrator shall approve, disapprove or conditionally approve the report, imposing any additional conditions to the authorization as deemed appropriate in light of information contained in the report. If the Zoning Administrator disapproves an annual report, a revised report shall be filed within thirty days for the Zoning Administrator's review. If the revised report is disapproved, the Zoning Administrator shall set the matter for revocation hearing in the manner set forth in Paragraph (f) below.

(e) Limitations. This subsection is not intended to mean nor shall be interpreted to authorize any development in excess of the density, including floor area, floor area ratio, dwelling units or guest rooms, otherwise permitted by an applicable zone, specific plan or other regulation.

(f) Procedures. An application made pursuant to this subdivision shall follow the procedures for conditional uses set forth in this section.

(g) Violations. If the owner, subsequent owner or lessee fails to submit the annual report and review request as specified in Paragraph (d) above, or if the Zoning Administrator determines that the owner, subsequent owner or lessee failed to comply with this subdivision, the Zoning Administrator may give notice to the owner, subsequent owner, or lessee of the use affected, to appear at a time and place fixed by the Zoning Administrator and to show cause why the authorization should not be revoked and parking developed on or off-site as provided in the site plan submitted. After the hearing at which evidence shall be taken, the Zoning Administrator may revoke the authorization granted pursuant to this subdivision. If the authorization is revoked, the owner, subsequent owner, or lessee shall commence development of the parking spaces required by this Code within sixty days and proceed diligently to completion in accordance with the site plan submitted.
18. Parking Requirements for Showcase Theaters. Where the offstreet parking requirements of Section 12.21 A 4 (e) and (g) cannot be met, a Zoning Administrator may, upon application, approve slight modifications from those paragraphs.

(a) Slight modifications from the number of parking spaces required shall not exceed 20 percent of the required parking;

(b) Procedures. An application made pursuant to this subdivision shall follow the procedures for slight modifications set forth in Section 12.28 B (3). A $50 filing fee shall accompany the filing of any application for slight modification.

19. Reduction in parking. A Zoning Administrator may, upon application, permit a reduction in the number of off-street parking spaces required by Section 12.21 A 4 (e) for any auditorium or similar place of assembly without fixed seats which is located in the City of Los Angeles within a park under the control, operation or management of the Board of Recreation and Park Commissioners.

(a) Limitations.

(1) The number of parking spaces shall not be fewer than one parking space for each 200 square feet of floor area contained in the auditorium or similar place of assembly;

(2) Before approving a parking reduction pursuant to this subdivision, a Zoning Administrator shall find that the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the park site and that the reduction will not otherwise be materially detrimental to the public welfare or injurious to the properties or improvements in the surrounding area.

(b) Procedures. In the following cases, an application made pursuant to this subdivision shall follow the procedures for variances set forth in Section 12.27 C except to the extent an additional appeal is permitted to City Council.

(1) When property classified in a multiple-residential zone, or an area which the Zoning Administrator determines is characterized by traffic or parking congestion, is located 500 feet or less from the exterior boundary of the park site within which the auditorium or similar place of assembly is situated;
(2) When it can reasonably be anticipated that approval of the application could have a significant adverse effect on adjoining properties or on the immediate neighborhood; or

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

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

(d) A copy of each application shall be promptly transmitted for review to the Councilmember of the district in which the property is located.

20. **Shared Parking.** A Zoning Administrator may, upon application, permit two or more uses to share their off-street parking spaces, if the Zoning Administrator determines that a lower total number of parking spaces than would otherwise be required will provide adequate parking for these uses.

(a) **Requirements.** The Zoning Administrator’s determination shall be based on an analysis of parking demand. This analysis shall be conducted on an hourly basis, 24 hours per day, for seven consecutive days. The Zoning Administrator shall permit a reduced total parking requirement according to the greatest parking requirement of the shared uses, under the following conditions and circumstances:

(1) The maximum distance between each participating building or use and the nearest point of the shared parking facility shall be 750 feet, measured as provided in Section 12 21 A 4 (g).

(2) The applicant and parties operating the shared parking facility shall submit written evidence in a form satisfactory to the Office of Zoning Administration which describes the nature of the uses, hours of operation, parking requirements, and the allocation of parking spaces, and which demonstrates that the required parking for each use will be available taking into account their hours of operation.

(3) Reserved or otherwise restricted spaces shall not be shared.

(4) Additional documents, covenants, deed restrictions, or other agreements shall be executed and recorded as may be deemed necessary by the Zoning Administrator, in order to assure the continued maintenance and operation of the shared spaces, under the terms and conditions set forth in the original shared parking arrangement.
(b) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for variances set forth in Section 12.27 C except to the extent an additional appeal is permitted to City Council.


(a) Requirements. A Zoning Administrator may, upon application, permit buildings and structures on lots in the A1, A2, RA, RE, RS, R1 and RD Zones which are located on a Substandard Hillside Limited Street where (1) the street is improved to a width of less than twenty feet and (2) providing parking in compliance with Section 12.21 A 17 (h) requires the grading of more than 1,000 cubic yards of earth.

(b) Findings. In addition to the findings otherwise required by this section, a Zoning Administrator shall find:

(1) that the vehicular traffic associated with the building or structure will not create an adverse impact on street access or circulation in the surrounding neighborhood;

(2) that the building or structure will not be materially detrimental or injurious to the adjacent property or improvements; and

(3) that the building or structure will not have a materially adverse safety impact on the surrounding neighborhood.

(c) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 B (3).

22. Transitional Height.

(a) Requirements. A Zoning Administrator may, upon application, permit buildings and structures on lots in C and M Zones to exceed the maximum heights otherwise permitted by the provisions of Section 12.21.1 A 10. In making a determination pursuant to this subdivision, a Zoning Administrator shall find that such permission will result in a building or structure which is compatible in scale with existing adjoining and nearby structures and uses, as well as adopted plans.
(b) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 B (3).

Y. Special Permission for Reduction of Off-Street Parking Spaces by the Director. The following reduction in parking requirements may be permitted by Director as the initial decision-maker or the Area Planning Commission as the appellate body. The procedures for decisions on these uses shall be those for variances as provided in Section 12.27 B in addition to those set out below, except that the initial decision-maker shall be the Director and there is only one level of appeal:

To permit a reduction in the number of off-street parking spaces required by Section 12.21 A 4. If the Director finds that a commercial or industrial building is located on a lot not more than 1,500 feet distant from the portal of a fixed rail transit station, or bus station, or other similar transit facility, then the required number of parking spaces for that commercial or industrial building shall be decreased by ten percent of the number otherwise required by Section 12.21 A 4 (c). If the Director makes this finding, then no more than 90 percent of the parking spaces required by Section 12.21 A 4 (c) of this subdivision are required to be provided on the lot. The 1,500-foot distance shall be measured as specified in Section 12.21 A 4 (g). A portal shall be defined as the street-level entrance, exit or escalator of a transit station.

A station may be used as the basis of a reduction if the Director decides that it is currently in use; that a full funding contract for a proposed station's location and portals have been signed by all funding partners; or that a resolution to fund a preferred alignment has been adopted by the Los Angeles County Transportation Commission by a resolution detailing specific stations and portal locations. Before approving a parking reduction application filed pursuant to this subdivision, a Director shall find that the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the lot, and that the reduction will not otherwise be materially detrimental to the public welfare or injurious to the properties or improvements in the surrounding area.

In the following cases, an application pursuant to this subsection shall be set for public hearing and notice shall be given pursuant to Section 12.27 C: (i) when it can reasonably be anticipated that approval of the application could have a significant adverse effect on adjoining properties or on the immediate neighborhood; or (ii) when the application is likely to evoke public controversy. In all other cases an application pursuant to this subdivision need not be set for public hearing, unless the Director determines that a hearing would further the public interest.
A copy of each application shall be promptly submitted to the Councilmember of the district in which the property is located.

Z. Revocation. If the conditions of any conditional use or other similar quasi-judicial approvals granted pursuant to this section have not been complied with, the Director, or the City Planning Commission if the approval or conditional use was granted by the City Planning Commission, upon knowledge of the fact of non-compliance, may give notice to the record owner or lessee of the real property affected to appear at a time and place fixed by the City Planning Commission or Director and show cause why the decision of the City Planning Commission or the Director granting the approval or conditional use should not be repealed or rescinded, as the case may be. After the hearing, the City Planning Commission or the Director may revoke the conditional use or other similar quasi-judicial approval. An appeal from this revocation action may be taken to the City Council in the same manner prescribed in Subsection I. The City Council's decision on appeal shall be reviewable as an approval of a conditional use or other similar quasi-judicial approval in the manner prescribed in Subsection I 6.

After revocation, the property affected shall be subject to all the regulations of the zone in which the property is located, as provided in this article.

AA. Additional Revocation Authority. The Director may require the modification, discontinuance, or revocation of any conditional use or other similar quasi-judicial approval granted in accordance with the procedure in this section in the manner prescribed in Section 12.27.1. In the event of a revocation, the property affected by the revocation shall be subject to all the regulations of the zone in which the property is located, as provided in this article.

Sec. 75. The title of Section 12.24.1 of the Los Angeles Municipal Code is amended to read:

SEC. 12.24.1. LAND USE DETERMINATION BY CITY PLANNING COMMISSION.

Sec. 76. Subdivision 11 of Subsection B of Section 12.24.1 of the Los Angeles Municipal Code is amended to read:

11. Projects subject to Section 15.00 of this Code;

Sec. 77. Subsection C of Section 12.24.1 of the Los Angeles Municipal Code is amended to read:

C. Authority of City Planning Commission. If the City Planning Commission finds that a lot is within the scope of this section, as set forth in Subsection B, then the City
Planning Commission may approve a use permitted by the zoning of the lot if it finds that the proposed use at the proposed location will be proper in relation to adjacent uses, desirable to the public convenience or welfare and that the use and location will be consistent with the objectives of the various elements of the General Plan. In making a determination of consistency, the City Planning Commission shall consider whether the density, intensity, (i.e., floor area), height and use of the proposed development are permitted by and compatible with the designated use, density, intensity, height (or range of uses, densities, intensities or heights) set forth for adjacent and surrounding properties on the land use map of the applicable community or district plan and as those designations are further explained by any footnotes on the map and the text of the plan.

Sec. 78. Subsection D of Section 12.24.1 of the Los Angeles Municipal Code is amended to read:

D. Conditions of Approval. In granting an approval of a use pursuant to this section, the City Planning Commission may impose conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood, to assure that the proposed use will be compatible with land uses, zoning classifications, and other restrictions of adjacent and surrounding properties, and to secure an appropriate development in harmony with the objectives of the General Plan.

Sec. 79. Subsection E of Section 12.24.1 of the Los Angeles Municipal Code is amended to read:

E. Procedure and Appeal. The procedures for approval and appeal of any land use determination pursuant to this section shall be by the City Planning Commission as the initial decision-maker or the Council as the appellate body. The procedures for reviewing deciding on applications shall be those in Section 12.24 B through Q of this Code. A land use determination made pursuant to this section shall be deemed a conditional use for and subject to the provisions of Sections 12.24 U, 12.24 Z, and 12.24 AA of this Code.

Sec. 80. Subdivision 1 of Subsection G of Section 12.24.1 of the Los Angeles Municipal Code is amended to read:

1. Development of Site. On any lot or portion of a lot on which a use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended on an approved site, provided plans are submitted to and approved by the City Planning Commission.
Sec. 81. The first unnumbered paragraph in Subdivision 1 of Subsection G of Section 12.24.1 of the Los Angeles Municipal Code is amended to read:

The City Planning Commission may delegate to the Director of Planning the authority to approve on behalf of the City Planning Commission plans for the development of an approved use site. If this authority is delegated, the City Planning Commission shall establish reasonable guidelines and policies to be followed in the exercise of this delegated authority.

Sec. 82. Subdivision 2 of Subsection G of Section 12.24.1 of the Los Angeles Municipal Code is amended to read:

2. Reduction of Site. So long as the use permitted by this section is continued, the entire approved site shall be retained for that use, and no portion of the site shall be severed or utilized for other purposes unless the plans for the reduced site are first submitted to and approved by the City Planning Commission.

Sec. 83. The first unnumbered paragraph in Subdivision 2 of Subsection G of Section 12.24.1 is amended to read:

The determination of the City Planning Commission on a proposed reduction of the area of an approved site shall be subject to the same appeal as is provided for an application to establish the use.

Sec. 84. Subdivision 3 of Subsection G of Section 12.24.1 of the Los Angeles Municipal Code is amended to read:

3. Conditions of Approval. In connection with the approval of use plans, the City Planning Commission may impose conditions on the same basis as provided for in this section for the establishment of new uses.

Sec. 85. The first sentence of Subsection A of Section 12.26 of the Los Angeles Municipal Code is amended to read:

The Department is granted the power to enforce the zoning ordinances of the City.

Sec. 86. A new Subsection K is added to Section 12.26 of the Los Angeles Municipal Code to read:

K. Appeals from Building Department Orders.

1. Right of Appeal. The Director of Planning shall have the power and duty to investigate and make a decision upon appeals where it is alleged there is error
or abuse of discretion in any order, requirement, decision or determination made by the Department of Building and Safety in the enforcement or administration of the provisions of any ordinance creating zoning districts or regulating the use of property in the City. Appeals may be filed by any aggrieved person or by any officer, board, department or bureau of the City. The filing of an appeal stays all proceedings in furtherance of the action appealed from pending its decision.

2. Application for Appeal to Director of Planning. The appeal shall be filed in duplicate in the office of the Department of Building and Safety upon forms provided by the Department of City Planning. The appeal shall set forth specifically how there was error or abuse of discretion in the action of the Department of Building and Safety and shall be filed within 15 days after the department has made its order, requirement, decision or determination. Each appeal shall be accompanied by a filing fee as specified Table 4 A of Section 98.0403.2 of the Los Angeles Municipal Code to be collected by the Department of Building and Safety; provided, however, that no fee shall be required to be paid by any governmental agency.

3. Decision. Upon receipt of an appeal in the Department of City Planning, the Director shall investigate the matter, make his or her decision as expeditiously as possible, place a copy of the findings and decision in file in the City Planning Department, and furnish a copy of the decision to the applicant, appellant and the Department of Building and Safety. If necessary, the Director may set it for hearing giving notice to the applicant and appellant and to the other interested parties of the time and place of the hearing.

4. Effective Date of Decision. A decision by the Director becomes final and effective upon the close of the 15 day appeal period, if not appealed.

5. Appeals of Director's Decision. An applicant or any other person aggrieved by a decision of the Director may appeal that decision to the City Planning Commission. An appeal shall set forth specifically the points at issue, the reasons for the appeal, and how the appellant believes there was an error or abuse of discretion by the Director. The appeal shall be filed within 15 days of the date of mailing of the initial decision on forms provided by the Department. Any appeal not filed within the 15-day period shall not be considered by the City Planning Commission. The filing of an appeal stays proceedings in the matter until decision by the City Planning Commission. Once an appeal is filed, the Director shall transmit the appeal and the file to the City Planning Commission. At any time prior to the action by the City Planning Commission on the appeal, the Director shall submit any supplementary pertinent information as he or she deems necessary or as may be requested by the City Planning Commission.
6. **Appellate Decision - Public Hearing and Notice.** When considering an appeal from the decision of the Director, the City Planning Commission shall make its decision within 75 days after the expiration of the appeal period. This period may be extended by mutual written consent of the applicant and the City Planning Commission. Upon receipt of the appeal, the City Planning Commission shall set the matter for hearing at which evidence shall be taken. Notice of the hearing shall be by mail and shall state the time, place and purpose of the hearing. Notice shall be sent to the appellant, the applicant, the owner or owners of the property involved, the Director of Planning, and any other interested party who has requested in writing to be notified. Notice shall be in writing, and mailed at least 24 days prior to the hearing.

7. **Time for Appellate Decision.** The City Planning Commission shall act within 75 days after the expiration of the appeal period or within any additional period as may be agreed upon by the applicant and the City Planning Commission. The failure of the City Planning Commission to adopt a resolution within this time period shall be deemed a denial of the appeal from the Director’s action.

8. **Appellate Decision.** In considering an appeal, the City Planning Commission shall be subject to the same limitations as are applicable to the Director under Subdivision 1 above.

9. **Procedures and Effective Date of Appellate Decision.** If the City Planning Commission makes a decision on an appeal pursuant to this section, the appellate decision shall be final and effective as provided in Charter Section 245.

Sec. 87. Section 12.27 of the Los Angeles Municipal Code is amended to read:

**SEC. 12.27. Variances.**

**Procedure for Variances.**

A. **Application for Variance.** To apply for a variance, an applicant shall file an application in the Office of Zoning Administration, on a form provided by that Office, and include all information required by the instructions on the application and the guidelines adopted by the Chief Zoning Administrator. The Chief Zoning Administrator shall adopt guidelines which shall be used to determine when an application is complete and that date shall be deemed the submission date. All owners and lessees of the property involved shall verify that the information in the application is true.

B. **Initial Decision.** Except as otherwise provided in Charter Section 564 and Section 12.36 of this Code, the initial decision on a variance application shall be made by the
Zoning Administrator. For purposes of this Code section, the initial decision shall mean approval in whole or in part with or without conditions, or denial, of the application.

C. Public Hearing and Notice. An application for a variance shall be set for public hearing unless the Chief Zoning Administrator or, in his or her absence, an Associate Zoning Administrator performing his or her functions, makes written findings, a copy of which shall be attached to the file, that the requested variance: (i) will not have a significant effect on adjoining properties or on the immediate neighborhood; or (ii) is not likely to evoke public controversy.

The Zoning Administrator may set the variance for hearing even though a public hearing is not otherwise required, if the Zoning Administrator determines that it would be in the public interest. In that event, notwithstanding the notice requirements below, notice of the public hearing shall be mailed to the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

When a public hearing is required by this Code for an application for a variance, evidence shall be taken at that hearing and notice of the time, place, and purpose of the hearing shall be given:

1. by mailing a written notice at least 24 days prior to the date of the hearing to the owner or owners of the property involved, and to the owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved, using for the purpose of notification, the last known name and address of owners as are shown on the records of the City Clerk or the records of the County Assessor; and

2. by mailing a written notice no less than 24 days prior to the date of the hearing to residential, commercial and industrial occupants of all property within 500 feet of the exterior boundaries of the property involved. This requirement can be met by mailing the notice to "occupant." If this notice provision will not result in notice being given to at least 20 different owners of at least 20 different lots other than the subject property, then the 500-foot radius for notification shall be increased in increments of 50 feet until the required number of persons and lots are encompassed within the expanded area. Notification shall then be given to all property owners and occupants within that area; and

3. by the applicant posting notice of the public hearing in a conspicuous place on the property involved at least ten days prior to the date of the public hearing.

D. Findings for Approval. The decision of the Zoning Administrator shall be supported by written findings of fact based upon evidence taken, written or oral
statements and documents presented, which may include photographs, maps and plans, together with the results of any staff investigations.

Consistent with Charter Section 562, no variance may be granted unless the Zoning Administrator finds all of the following:

1. that the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations;

2. that there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity;

3. that the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;

4. that the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located; and

5. that the granting of the variance will not adversely affect any element of the General Plan.

A variance shall not be used to grant a special privilege or to permit a use substantially inconsistent with the limitations upon other properties in the same zone and vicinity. The Zoning Administrator may deny a variance if the conditions creating the need for the variance were self-imposed.

Upon making a decision, the Zoning Administrator shall transmit a copy of the written findings and decisions to the applicant, the Director of Planning, the Department of Building and Safety, owners of all properties abutting, across the street or alley from, or having a common corner with the subject property and to all persons who have filed written requests for this notice with the Office of Zoning Administrator. The Zoning Administrator shall also place a copy of the findings and decision in the file.

E. Conditions of Approval. In approving a variance, the Zoning Administrator may impose those conditions it deems necessary to remedy a disparity of privileges and that the Zoning Administrator finds are necessary to protect the public health, safety or
welfare and assure compliance with the objectives of the General Plan and the purpose and intent of the zoning.

F. Time to Act. The initial decision shall be made within 75 days of the submission of a complete application, or within an extended period as mutually agreed upon in writing by the applicant and the Zoning Administrator. An initial decision shall include the written findings made in accordance with Subsection D.

G. Failure to Act -Transfer of Jurisdiction.

1. If the Zoning Administrator fails to act on an application for a variance within the time provided in Subsection F, the applicant may file a request for a transfer of jurisdiction to the Area Planning Commission for decision. The Director of Planning shall prescribe the form and manner of filing requests for transfers of jurisdiction. When an applicant requests that a matter be transferred, the Zoning Administrator may file with the Area Planning Commission a statement of facts pertaining to the matter, and shall transmit to the Area Planning Commission the files in the case.

2. When the Area Planning Commission receives the applicant's request for a transfer of jurisdiction, the Zoning Administrator shall lose jurisdiction; provided, however, that the Area Planning Commission may remand the matter to the Zoning Administrator, or may accept the applicant's request for withdrawal of the transfer of jurisdiction, in which case the Zoning Administrator shall regain jurisdiction for the time and purposes specified by the Area Planning Commission.

3. If no remand or request for withdrawal of the transfer occurs, the Area Planning Commission shall consider the application following the same procedures and subject to the same limitations as are applicable to the Zoning Administrator, except that the Area Planning Commission shall act within 45 days of the transfer of jurisdiction. The Department of City Planning, including the Office of Zoning Administration, shall make investigations and furnish any reports the Area Planning Commission may request.

H. Filing of an Appeal. Any person aggrieved by an initial decision of the Zoning Administrator concerning a variance, may appeal the decision to the Area Planning Commission by filing an appeal with the Planning Department within 15 days of the date of mailing of the Zoning Administrator's decision. The appeal shall be filed in the Office of Zoning Administration on a form provided by the Department, and shall set forth specifically the points at issue, the reasons for the appeal, and the basis upon which the appellant claims there was an error or abuse of discretion by the Zoning Administrator. The Area Planning Commission shall not consider any appeal not filed
within the 15-day period. The filing of an appeal stays proceedings in the matter until the Area Planning Commission has made a decision. Once an appeal is filed, the Office of Zoning Administration shall transmit the appeal and the Zoning Administrator file to the Area Planning Commission. At any time prior to the action of the Area Planning Commission on the appeal, the Zoning Administrator shall submit any supplementary pertinent information he or she deems necessary or as the Area Planning Commission may request.

I. Appellate Decision - Public Hearing and Notice. Before acting on the appeal, the Area Planning Commission shall set the matter for hearing, giving notice by mail of the time, place and purpose of the hearing to the appellant, to the applicant, to the owner or owners of the property involved, to the Zoning Administrator, and to any interested party who has requested in writing to be so notified. The notice shall be mailed at least 24 days prior to the hearing. If the appeal is from the grant or denial of a use variance, the Area Planning Commission shall give the same notice of the hearing as required for the original hearing on the matter. Upon the date set for the hearing, the Area Planning Commission shall either hear the appeal or if there is cause to do so, continue the matter to another date. No notice of continuance need be given if the continuance is announced at the time for which the hearing was set.

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

K. Record on Appeal. The Area Planning Commission shall base its decision only upon:

1. evidence introduced at the hearing or hearings, if any, before the Zoning Administrator, on the issue; and

2. the record, findings, and decision of the Zoning Administrator; and

3. the consideration of arguments, if any, presented to the Area Planning Commission orally or in writing.

If any applicant or aggrieved person wishes to present any new evidence in connection with the matter, he or she shall file with the Area Planning Commission a written summary of that evidence, together with a statement as to why that evidence could not reasonably have been presented to the Zoning Administrator. If the Area Planning Commission determines that the evidence could not reasonably have been presented to the Zoning Administrator and the evidence is of such a nature as might
reasonably have led to a different decision by the Zoning Administrator, the Area Planning Commission shall remand the matter to the Zoning Administrator. The Zoning Administrator shall reopen the matter only for receipt of the evidence summarized to the Area Planning Commission, and evidence from other parties relevant to the newly presented evidence, and within 55 days (or within an extension of that time agreed upon by the applicant and the Area Planning Commission) make a new order, requirement, interpretation or other decision in the matter.

L. Appellate Decision. The Area Planning Commission may reverse or modify the ruling or decision appealed from only upon making written findings setting forth specifically the manner in which the action of the Zoning Administrator was in error or constituted an abuse of discretion. Upon making a decision, a copy of the findings and decision shall forthwith be placed on file in the City Planning Department, and copies of the decision shall be sent to the applicant, the appellant, the Department of Building and Safety, the Director of Planning and the Office of Zoning Administration.

In considering appeals, the Area Planning Commission shall be subject to the same limitations regarding findings and conditions as are applicable to a Zoning Administrator under Subsections D and E.

M. Date of Final Decision. Because no further appeals are permitted, a denial of a variance by an Area Planning Commission on appeal shall become final upon the date it was mailed to the applicant. However, a decision by the Area Planning Commission granting or confirming the grant of a variance shall become final after 15 days from the date it was mailed to the applicant, unless an appeal is filed with the Council within that period. The filing of an appeal stays proceedings in the matter until the Council makes a decision on the matter. The Council shall not consider any appeal not filed within the fifteen day period.

N. Failure to Act - Transfer of Jurisdiction.

1. If the Area Planning Commission fails to act on an appeal of a grant of a variance within the time provided in Subsection J, the appellant may file a request for a transfer of jurisdiction to the Council for decision. The Director of Planning shall prescribe the form and manner of filing requests for transfers of jurisdiction. When a matter is requested to be transferred, the Zoning Administrator and the Area Planning Commission may file with the Council a statement of facts pertaining to the matter, and shall transmit to the Council the files in the case.

2. When the Council receives the appellant's request for a transfer of jurisdiction, the Area Planning Commission shall lose jurisdiction; provided, however, that the Council may remand the matter to the Area Planning
Commission, or may accept the appellant’s request for withdrawal of the transfer of jurisdiction, in which case the Area Planning Commission shall regain jurisdiction for the time and purposes specified by the Council.

3. If no remand or request for withdrawal of the transfer occurs, the Council shall consider the application following the same procedures and subject to the same limitations as are applicable to the Area Planning Commission, except that the Council shall act within 45 days of the transfer of jurisdiction. The Department of City Planning, including the Office of Zoning Administration, shall make investigations and furnish any reports as the Council may request.

O. Appeal to City Council. An appeal from a decision of the Area Planning Commission granting or affirming the grant of a use variance may be filed by the applicant or any person aggrieved by the decision. The appeal shall set forth in writing specifically the manner in which the appellant believes there was error or abuse of discretion on the part of the Area Planning Commission. The appeal shall be filed in the Department of City Planning upon forms provided by the Department. Upon the filing of the appeal, the Area Planning Commission Secretary shall transmit the Area Planning Commission file and the Zoning Administrator file on the matter to the City Council together with any reports prepared on this matter by the Zoning Administrator or Commission.

P. Action by Council. When considering an appeal from an Area Planning Commission decision granting or affirming the grant of a use variance, the Council shall be subject to the same limitations regarding findings and conditions as are placed on the Area Planning Commission by this section. The Council, by resolution, may affirm, reverse or modify, in whole or in part, the decision of the Area Planning Commission by a majority vote. Failure of the Council to act within 90 days from the expiration of the appeal period, or within any additional period as may be agreed upon by the applicant and the Council shall be deemed to be a denial of the appeal.

Q. Requirement for Utilization of Variance. Any variance granted by the provisions of this Section is conditional upon the privileges being utilized within two years after the effective date of the approval and, if the privileges granted in the permit are not utilized or construction work is not begun within that time and carried on diligently without substantial suspension or abandonment of work, then the authorization to establish the use shall become void. In addition, all the conditions of the approval must be fulfilled before the use can be established, unless the approval itself expressly provides otherwise.

A Zoning Administrator may extend any applicable termination date for one additional period, not to exceed one year, prior to the termination date of the period, if a written request is filed with the Office of Zoning Administration setting forth the reasons
for the request and a Zoning Administrator determines that good and reasonable cause exists. A public hearing shall be held and notice given in the same manner as described in Subsection C.

A Zoning Administrator may determine that the time limit for any variance or exception listed in this section, which is filed simultaneously with a vesting application as allowed by Section 12.21 F, may have the same time limit as the approval granted pursuant to Section 12.21 F.

R. Continuance of Variance or Exception. Except as provided in Subsection T of this subsection with respect to variances or exceptions which have never been or are not being utilized, no provision of this article shall be interpreted or construed as limiting or interfering with the rights established by any variance or exception granted prior to the effective date of this article by: (a) ordinance pursuant to the provisions of Ordinances Nos. 42,666 (N.S.), 66,750, 74,140 or Chapter I of the Los Angeles Municipal Code; (b) decision of the Administrator or the former Board of Zoning Appeals pursuant to the provisions of Chapter I of this Code; or (c) former decision of the Board of City Planning Commissioners pursuant to the provisions of Ordinance No. 74,145 or Chapter I of this Code. Not withstanding any of the provisions of the ordinance granting a variance or exception, the Administrator shall have jurisdiction to perform all administrative acts with which the Board of City Planning Commissioners, City Council or its Planning Committee were formerly charged with under the ordinance, such as approving plans, signs, types of use, and the like. The use of any building, structure or land existing at the time this article became effective, by virtue of any exception from the provisions of former Ordinance No. 33,761 (N.S.), may be continued provided no new building or structure is erected, no existing building or structure is enlarged, and no existing use of land is extended.

S. Discontinuance of Variance or Exception - Revocation. If the use authorized by any variance granted by ordinance, or by decision of the Zoning Administrator or Area Planning Commission is, or has been abandoned or discontinued for a period of six months, or the conditions of the variance have not been complied with, the Zoning Administrator, upon knowledge of this fact, may give notice to the record owner or lessee of the real property affected to appear at a time and place fixed by the Zoning Administrator and show cause why the ordinance, or the decision of the Zoning Administrator or the Area Planning Commission granting the variance, should not be repealed or rescinded, as the case may be. After the hearing, the Zoning Administrator may revoke the variance, or if an ordinance is involved, recommend to the City Council that the ordinance be repealed. The decision of the Zoning Administrator shall become final after 15 days from the date of mailing of the decision to the owner or lessees of the real property affected, unless an appeal to the Council is filed within that 15-day period. An appeal may be taken to Council in the same manner as described in Section 12.28.
A 10. After revocation or repeal, the property affected shall be subject to all the regulations of the zone in which the property is located, as provided in this article.

T. Failure to Utilize Variance or Exception - Repeal. The procedure for repeal of variances that have been abandoned or discontinued as set forth in Subsection S shall not apply to those exceptions or conditional variances granted by ordinance and which were once utilized, but the authorized use or development had been discontinued or removed from the site for at least one year and the ordinance has been repealed. If the rights established by any ordinance previously adopted authorizing an exception or conditional variance from the provisions of Chapter I of the Los Angeles Municipal Code, or Ordinances No. 42,666 (N.S.) 66,750 and 74,140, have never been executed or utilized, or, if once utilized, the use or development authorized has been discontinued or removed from the site for a period of least one year, that exception or conditional variance shall no longer be of any force or effect and the respective ordinance granting the exception or conditional variance is hereby repealed.

U. Plan Approvals.

1. Development of Site. On any lot or portion of a lot on which a use is permitted pursuant to a variance, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended if plans for those changes are submitted to and approved by a Zoning Administrator. A Zoning Administrator shall not approve any use, single deviation or combination or series of deviations from the zoning regulations which was not approved as part of the original variance, or which would result in an increase in size or bulk of buildings exceeding 20 percent.

Any person submitting development plans, or any other person aggrieved by a decision of a Zoning Administrator made relative to the approval or disapproval of a development plan may appeal that decision to the Area Planning Commission. The appeal shall be in writing upon forms provided by the Department of City Planning. The appeal shall set forth specifically the basis of the appeal and the reasons why the decision should be reversed or modified. The appeal shall be filed within 15 calendar days from the date of mailing of the Zoning Administrator's decision and shall include a filing fee pursuant to Section 19.01 B of this Code. No fee shall be required for the filing of appeals by other aggrieved persons.

2. Reduction of Site. So long as the use approved by variance is continued, the entire approved site shall be retained for the approved use, and no portion of the site shall be severed or utilized for other purposes unless the plans for the reduced site are first submitted to and approved by a Zoning Administrator. The decision of a Zoning Administrator on a proposed reduction of the area of an
approved site shall be subject to the same appeal as is provided for an application to establish the use.

3. **Conditions of Approval.** In connection with the approval of such plans, a Zoning Administrator may impose conditions on the same basis as provided for in this section in connection with the original variance.

4. **Change of Use.** No use approved by variance may be changed in a different use for which a variance is otherwise required unless the new use is authorized in accordance with the procedure prescribed in this section for the establishment of a use by variance.

Sec. 88. Section 12.27.1 of the Los Angeles Municipal Code is amended to read:

**SEC. 12.27.1. ADMINISTRATIVE NUISANCE ABATEMENT PROCEEDINGS.**

**A. Purpose.** It is the intent of this section to consolidate a number of existing code provisions relating to the administrative abatement of public nuisances and revocations, rescissions or modifications of discretionary zoning approvals. In addition, this section also sets forth procedures allowing the Director to modify or remove conditions imposed as a result of nuisance abatement proceedings; to enforce conditions imposed as part of any discretionary zoning approval; and to require that the cost of a proceeding instituted pursuant to this section be paid by those responsible for the maintenance and operation of the subject use.

These provisions will allow the City's zoning authorities to protect the public peace, health and safety from any land use which becomes a nuisance; adversely affects the health, peace or safety of persons residing or working in the surrounding area; or violates any land use related condition imposed pursuant to this chapter or other provision of law, while protecting the constitutional rights of the parties involved.

**B. Authority.** Notwithstanding any other provision of this Code to the contrary, the Director may require the modification, discontinuance or revocation of any use or discretionary zoning approval if it is found that the use or discretionary zoning approval as operated or maintained:

1. Jeopardizes or adversely affects the public health, peace, or safety of persons residing or working on the premises or in the surrounding area; or

2. Constitutes a public nuisance; or
3. Has resulted in repeated nuisance activities, including, but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or police detentions and arrests; or

4. Adversely impacts nearby uses; or

5. Violates any provision of this chapter; or any other city, state, or federal regulation, ordinance, or statute; or

6. Violates any condition imposed by a prior discretionary land use approval including approvals granted pursuant to Sections 12.24, 12.27, 12.28, 12.32 or 14.00; or an approval initiated by application of a property owner or owner's representative related to the use of land including, but not limited to, a zone change, height district change, supplemental use district, parcel map, tentative tract map, coastal development permit, development agreement, density bonus greater than the minimum required pursuant to Government Code Section 65915, density transfer plan, exception from a specific plan, and project permit pursuant to a moratorium or an interim control ordinance.

C. Procedures: Notice, Hearings and Appeals. The Director shall give notice to the record owner and lessee of the real property affected to appear at a public hearing at a time and place fixed by the Director and show cause why the use or discretionary zoning approval should not be modified, discontinued, or revoked, as the case may be.

1. Notice. A written notice shall be mailed not less than 24 calendar days prior to the date of hearing to the owner and lessee of the property involved, and to the owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved, using for the purpose of notification the last known name and address of the owners, as shown in the City Clerk's records or in the records of the County Assessor. If all property within the 500-foot radius is under the same ownership as the property involved in the proceeding, then the owners of all property which adjoins that ownership shall be included in this notification. Written notice shall also be mailed to residential, commercial and industrial occupants of the property involved, and all property within 500 feet of the exterior boundaries of the property involved. This requirement can be met by mailing the notice to "occupant." If this notice provision will not result in notice being given to at least 20 different owners of at least 20 different lots other than the subject property, then the 500-foot radius for notification shall be increased in increments of 50 feet until the required number.
of persons and lots are encompassed within the expanded area. Notification shall then be given to all property owners and occupants within the expanded area.

Notwithstanding the above 24-calendar day notification period and the 500-foot notification radius, only 15 calendar days and a 500-foot radius shall be required for any hearing conducted on the same site for a use or discretionary zoning approval for which a previous final decision pursuant to this section has been made by the City.

2. Hearing and Decision. The matter may be set for public hearing before the Director. After the conclusion of a public hearing, the Director may require the modification, discontinuance or revocation of the use or discretionary zoning approval, as the case may be. As part of the action, the Director may impose conditions as he or she deems appropriate, including those necessary to protect the best interests of the surrounding property or neighborhood; to eliminate, lessen, or prevent any detrimental effect on the surrounding property or neighborhood; or to assure compliance with other applicable provisions of law or conditions of an earlier discretionary approval. Conditions imposed may include the establishment of amortization schedules, the closure or removal of buildings or structures, and affect the establishment, maintenance, or operation of the subject use, and related uses, buildings, or structures.

The Director shall also have the authority to impose a condition directing the payment of a fee set forth in Section 19.01 P of this Code to cover the City's costs in processing the matter. The condition shall further provide that if the decision is not appealed, then the amount shall be paid in full to the City of Los Angeles with confirmation of the payment being provided to the Director within 30 days of the decision date. If an appeal is filed and the decision of the Director is upheld on appeal, then the fee shall be paid in full with confirmation made to the Director within 30 days of the effective date of the decision. If the Council reverses in total the decision of the Director, then no payment of fees other than the appeal fee specified in Section 19.01 P shall be required.

Any determination shall be supported by written findings, including a finding that it does not impair the constitutional rights of any person. The written determination shall also state that failure to comply with any or all conditions imposed may result in the issuance of an order directing the discontinuance or revocation of the use or discretionary zoning approval. However, only the Director may require that a use be discontinued or that a discretionary land use approval be revoked, and only upon finding that:
(a) prior governmental efforts to cause the owner or operator to eliminate the problems associated with the use or discretionary zoning approval have failed (examples include formal action, such as citations, orders or hearings by the Police Department, Department of Building and Safety, the Director Zoning Administrator or City Planning Commission, or any other governmental agency); and

(b) that the owner or operator has failed to demonstrate, to the satisfaction of the Director, the willingness or ability to eliminate the problems associated with the use or discretionary zoning approval.

3. Appeals. An appeal from the decision of the Director may be taken to the Council in the same manner as prescribed in Subsection I of Section 12.24.

An appeal fee shall be charged pursuant to Section 19.01 P. The Council's decision on appeal shall be processed in the manner prescribed in Section 12.24 I 6.

Further, if it is determined by the Council that the decision of the Director impairs the constitutional rights of any person, then it shall modify the action accordingly, or refer the matter back to the Director for further action.

4. Violations. It shall be unlawful to violate or fail to comply with any requirement or condition imposed by the Director or Council pursuant to this section. Violation or failure to comply shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this chapter. In the event of a violation of an order of discontinuance or revocation, the Department of Building and Safety is authorized to revoke the certificate of occupancy of the property in violation.

D. Modification of Administrative Decisions. Any administrative nuisance abatement decision made pursuant to this chapter, any conditions imposed by that decision, or any decisions on a discretionary zoning approval pursuant to this section may be modified pursuant to the provisions of this subsection. Upon application by the owner or lessee, the Director may modify or eliminate the conditions of a prior decision. An application shall be made on official forms provided by the Department of Planning and shall be accompanied by a filing fee as specified in Section 19.01 P.

An application shall be considered if a time period of at least one year has passed from the date the conditions were originally imposed; or if there have been substantial changes in the nature and operation of the use or discretionary zoning approval; or if there has been a change in circumstances such that the continued enforcement of the previously imposed conditions is no longer reasonable or
necessary. All applications must include a radius map, a list of property owners and occupants within 500 feet, and plot plan drawn to scale.

An application shall be set for public hearing. The Director may grant or deny the requested application, or modify the prior decision, including imposing new or different substitute conditions as the Director deems appropriate. No modification shall be approved pursuant to this subsection unless the Director finds each of the following:

1. That the requirements for consideration of the application under this subsection have been met;

2. That due consideration has been given to the effects of the modification on surrounding properties;

An appeal from the decision of the Director may be taken to the Council in the same manner as prescribed in Subsection C.

Subsequent applications for reconsideration may be filed in accordance with this subsection. If a reconsideration is denied with prejudice, a subsequent application for reconsideration shall not be filed within one year from the reconsideration decision date, and then only if a property owner or operator shows that the circumstances involving the use or discretionary zoning approval has substantially and materially changed since the last reconsideration.

E. Continuation of Prior Decisions. Administrative nuisance abatement decisions and revocations, rescissions or modifications of discretionary zoning approvals made prior to July 1, 2000 by the Zoning Administrator, City Planning Commission or City Council shall remain in full force and effect. Further, it shall continue to be unlawful to violate or fail to comply with any requirement or condition imposed by the Zoning Administrator, the former Board of Zoning Appeals, the City Planning Commission, or the City Council prior to July 1, 2000. Violation or failure to comply shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this chapter. In the event of a violation of an order of discontinuance or revocation, the Department of Building and Safety is authorized to revoke the certificate of occupancy for the property in violation.

Sec. 89. Section 12.28 of the Los Angeles Municipal Code is amended to read:

Sec. 12.28. Adjustments and Slight Modifications.

A. Adjustments. The Zoning Administrator shall have the authority to grant adjustments in yard, area, building line and height requirements of Chapter 1 of this
owner of the subject property if other than the applicant, and to all persons who have filed written requests for notice with the Office of Zoning Administration.

4. Findings for Approval of Adjustments. Before granting an application for an adjustment the Zoning Administrator must find:

   (a) That the granting of an adjustment will result in development compatible and consistent with the surrounding uses.

   (b) That the granting of an adjustment will be in conformance with the intent and purpose of the General Plan of the City.

   (c) That the granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.

   (d) That there are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.

   (e) That the site and/or existing improvements make strict adherence to zoning regulations impractical or infeasible.

5. Conditions for Approval. In approving an adjustment or slight modification, the Zoning Administrator may impose those conditions he or she deem necessary to remedy a disparity of privileges and that are necessary to protect the public health, safety or welfare and assure compliance with the objectives of the General Plan and the purpose and intent of the zoning.

Sec. 90. Section 12.30 of the Los Angeles Municipal Code is amended to read:

SEC. 12.30. BOUNDARIES OF ZONES.

A. Purpose. It is intended that zone and height district boundaries coincide with street, alley, or lot lines, unless otherwise shown on the zoning map. However, under certain conditions, zone boundaries do not precisely coincide with street, alley, or lot lines and in those cases, the Director shall make adjustments pursuant to this section. Boundary adjustments are normally requested in contemplation of more extensive development of the property involved. In connection with those plans, standard street dedication is essential. Therefore, the following procedure is necessary to be established so that standard dedication and improvement of streets and alleys abutting the subject property may be required, where reasonable, as a prerequisite to the approval of the zone boundary adjustment.
Code. An adjustment shall not be permitted in the case of a request for relief from a density or height requirement, if the request represents an increase of twenty percent or greater than what is otherwise required by this Code. A request for such an increase shall be made as an application for a variance pursuant to section 12.27.

B. Slight Modifications - Authority of Zoning Administrator. The Zoning Administrator shall have the authority to grant slight modifications in the yard and area requirements of Chapter 1 of this Code where circumstances make the literal application of the yard and area requirements impractical. Slight Modifications from the yard and area requirements shall be limited to:

1. deviations permitting portions of buildings to extend into a required yard or other open space a distance of no more than 20 percent of the width or depth of the required yard or open space only when the request is filed incidental to another application or appeal within the jurisdiction of the Zoning Administrator; and

2. deviations of no more than ten percent from the required lot area regulations. In those cases, the procedures for notice, hearing, time limits and appeals shall be the same as those applicable to the underlying application or appeal. In granting a slight modification, a Zoning Administrator may impose conditions as he or she deems necessary to protect the public health, safety or welfare, and to assure compliance with the objectives of the General Plan, in accordance with the purpose and intent of Chapter 1 of this Code.

C. Procedures for Slight Modifications and Adjustments. Procedures for slight modifications and adjustments shall be as set forth in Section 12.24, except as otherwise provided here.

1. Applications for a Slight Modification or Adjustment. An application for a slight modification or an adjustment shall be filed pursuant to Section 12.28, upon required forms accompanied by applicable fees. Each application shall be verified by the owner or lessee of the property involved. In the case of a slight modification of the area requirements, the verification of the application may be waived.

2. Public Hearing and Notice. The following are exceptions to the public hearing and notice requirements in Section 12.24.

   (a) An application for an adjustment shall be set for public hearing unless the Zoning Administrator makes written findings in the record that the requested adjustment:
(1) will not have a significant effect on adjoining properties or on the immediate neighborhood; or

(2) is not likely to evoke public controversy.

(b) The Zoning Administrator may set an application for an adjustment or slight modification for public hearing, even though a public hearing is not otherwise required, if the Zoning Administrator determines that it would be in the public interest. In that event, written notices of the public hearing shall be mailed to the owners of all properties abutting, across the street or alley from or having a common corner with the subject property. When a public hearing is scheduled pursuant to this section, written notices shall be mailed at least 24 days prior to the date of the hearing. The last known names and addresses of the owners as shown on the records of the City Clerk or the records of the County Assessor. Notice of the public hearing shall be posted, by the applicant in a conspicuous place on the property involved at least ten days prior to the date of the public hearing.

(c) An application for an adjustment to permit a game court, including a tennis or paddle tennis court, accessory to a primary residential use on the same lot, or to permit the erection of light standards in conjunction with that use shall be set for public hearing and notice shall be given in the same manner required for adjustments unless the applicant has secured the approval of the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

3. Initial Decision by Zoning Administrator. Decisions by a Zoning Administrator shall be supported by written findings of fact based upon written or oral statements and documents presented to him or her which may include photographs, maps, and plans, together with the result of his or her investigations. Upon making a determination pursuant to an application for an adjustment or slight modification, the Zoning Administrator shall place a copy of the determination and any written findings in the file and furnish a copy to the Department of Building and Safety. Furthermore, with respect to adjustments, whether or not set for public hearing and with respect to slight modifications which have been set for public hearing, a copy of the determination shall be mailed to the applicant, and to the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property and to all persons who have filed written requests for notice with the Office of Zoning Administration.

With respect to slight modifications which have not been set for public hearing, a copy of the determination shall be mailed to the applicant, to the
B. Street, Alley or Lot Lines. The zone boundaries shall be either street, alley or lot lines unless otherwise shown on the zoning map, and where the indicated boundaries on the zoning map are approximately street, alley or lot lines, the street, alley or lot lines shall be construed to be the boundaries of those zones.

C. Scale on Map. Where the zone boundary lines are not approximately street alley or lot lines, or where property indicated on the zoning map is acreage and not subdivided into lots and blocks, the zone boundary lines on the zoning map shall be determined by the scale contained on the map.

D. Symbol for Zone. Where one symbol is used on the zoning map to indicate the zone classification of an area divided by an alley or alleys, that symbol shall establish the classification of the whole of that area.

E. Street or Right of Way - Allocation or Division. A street, alley, railroad or railway right-of-way, watercourse, channel or body of water, included on the zoning map shall, unless otherwise indicated, be included within the zones of adjoining property on either side of the street, alley, railroad or railway right-of-way, watercourse, channel or body of water; and where the street, alley, right-of-way, watercourse, channel or body of water, serves as a boundary between two or more different zones, a line midway in the street, alley, right-of-way, watercourse, channel or body of water, and extending in the general direction of its long dimension shall be considered the boundary between zones.

F. Vacated Street or Alley. In the event a dedicated street or alley shown on the zoning map is vacated by ordinance, the property formerly in the street or alley shall be included within the zone of the adjoining property on either side of the vacated street or alley. In the event the street or alley was a zone boundary between two or more different zones, the new zone boundary shall be the former center line of the vacated street or alley.

G. Individual Adjustments. The Director may, upon written request and after notice and hearing to the owners of the property affected by the proposed decision, make minor adjustments in the location of zone boundaries to carry out the intent of this section when:

1. Property as shown on the zoning map was in acreage but has been subsequently divided or approved for division into parcels or lots and blocks by a parcel map or final tract map and the parcel or lot and block arrangement does not conform to that anticipated when the zone boundaries were established;

2. Property was redivided or approved for redivision by a parcel or final tract map into a different arrangement of lots and blocks than indicated on the zoning map; or
3. A lot which was of record in the Los Angeles County Recorder's Office on July 30, 1962, and which was on that date and is, at the time the request is made, in two different zones as determined by scaling the zoning map and where there is nothing apparent on the map to indicate that the zone boundary line should be retained in its scaled location. Where uncertainty exists in applying the provisions of this section or where revision is necessary to correct dimensional or mapping errors the Director may, upon his or her own initiative, or upon the request of the Planning Department staff, determine the location of the zone boundary lines by written decision. Zone boundary adjustments permitted pursuant to this subsection shall be limited to a distance of no more than 50 feet. When the adjustment is requested prior to recordation because of a situation arising as described in Subdivisions 1 and 2 of this subsection the Director's decision shall not become effective until after the parcel map or final tract map has been recorded with the Office of the County Recorder.

H. Director Decision. Whenever the public necessity, convenience, general welfare or good zoning practice justify the action, the Director may approve, conditionally approve or deny any zone boundary adjustment. The Director may impose any conditions he or she deems appropriate to mitigate the negative impacts created by the development made possible by a zone boundary adjustment. One of the conditions may require that the abutting streets, alleys or highways be dedicated and improved in conformance with the standards for improvement of streets, alleys and highways, if the Director determines that traffic on the abutting streets, alleys or highways will be increased or impeded as a result of the zone boundary adjustment. However, an offer to dedicate and/or filing of a bond in conformance with the procedures set forth in Section 12.37 C and D of this Code shall be construed as compliance with these requirements. The zoning map in the City Planning Department shall be made to conform with the Director's decision after the conditions imposed, if any, by the Director have been fulfilled.

I. Maps. A reproducible map shall accompany each application for boundary adjustments. This map shall be legibly drawn using a scale of 100 feet or 200 feet to the inch and in addition to data the Director may require in order to make a proper decision on the request for boundary adjustment, the map shall clearly show the following:

1. The dimensions and legal description of the parcel, the existing zone lines and the distance from the parcel to the nearest cross street; and

2. The abutting streets, alleys and highways and their dedicated width.

J. Height Districts. The procedure provided for in this section for the decisions on boundaries of zones shall also be followed in deciding boundaries of height districts.
K. Adjustment of C or M and P or PB Zone Boundaries.

1. Where a combination of C or M and P or PB Zones has been established on a lot, the Director may, upon written request from the owner of the property involved, adjust the boundary between the C or M Zone and the P or PB Zone, provided that the C or M Zone is not increased in area and that no portion of the C or M Zone is adjusted to within 50 feet of a street, center line of an alley or an A or R Zone, except that the C or M Zone may be as close to any particular street, alley center line or lot line in an A or R Zone as it was prior to the adjustment of the boundary. This exception shall not apply to a lot or portion of a lot in the C or M Zone which is less than 250 square feet.

2. Appeal - Form and Contents - Filing Fee. An applicant or any other person aggrieved by a decision of the Director of Planning made relative to the boundaries of these zones, may appeal the decision to the Area Planning Commission. That appeal shall be in writing upon forms provided by the Department of City Planning and shall be accompanied by a fee as set forth in Section 19.01 B. The appeal shall set forth specifically the basis of the appeal and the reasons why the decision should be reversed or modified. The appeal shall be filed within 15 days from the date of mailing of the Director's decision.

Sec. 91. Sec. 12.32 of the Los Angeles Municipal Code is amended to read:

SEC. 12.32. LAND USE LEGISLATIVE ACTIONS.

A. Initiation. The City Council, the City Planning Commission or the Director of Planning may initiate consideration of a proposed land use ordinance. Any initiation by the Council or the City Planning Commission shall be by majority vote. The Council or the City Planning Commission shall forward the proposed ordinance to the Director of Planning for a report and recommendation.

B. Application. An owner of property may apply for a proposed land use ordinance if authorized to do so by Subsections F through T relative to that owner's property. The applicant shall complete the application for that proposed land use ordinance, pay the required fee and file the application with the Department of City Planning on a form provided by the Department.

C. Action on the Initiation or Application.

1. Authority. An Area Planning Commission or the City Planning Commission may recommend approval or disapproval in whole or in part of an application for
or initiation of a proposed land use ordinance. Except as provided below, these recommendations shall be made to the Council for its action.

The Area Planning Commissions shall hear applications for or initiations of a proposed land use ordinance if the proposed application or initiated proposed land use ordinance involves:

(a) Any development project which creates or results in less than 50,000 gross square feet of nonresidential floor area;

(b) Any development project which creates or results in fewer than 50 dwelling units, guest rooms or combination thereof; or

(c) Any application without a proposed project description, involving a lot with less than 65,000 square feet of lot area.

The City Planning Commission shall hear all other applications or initiations of a proposed land use ordinance.

Unless otherwise specified, further references in this subsection to "Planning Commission" shall mean either the Area Planning Commission or the City Planning Commission, whichever has authority as set forth above.

2. Procedure for Initiated Changes. The Director shall make a recommendation for action on the matter, which recommendation shall then be heard by the Planning Commission. Before making a recommendation, the Director may direct a Hearing Officer to hold a public hearing and make a report and recommendation. After receipt of the Director's recommendation, the Planning Commission shall hold a public hearing and make a report and recommendation to the Council regarding the relation of the proposed land use ordinance to the General Plan and whether adoption of the proposed land use ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. If the matter was initiated by either the City Planning Commission or the Director, and the City Planning Commission recommends denial of the proposed land use ordinance, the decision is final. After the Planning Commission has made its report and recommendation for approval, or after the time for it to act has expired, the Council may consider the matter.

3. Procedure for Applications. Once a complete application is received, as determined by the Director, the Commission shall hold a public hearing or direct a Hearing Officer to hold the hearing. If a Hearing Officer holds the public hearing, he or she shall make a recommendation for action on the application.
That recommendation shall then be heard by the Planning Commission, which may hold a public hearing and shall make a report and recommendation regarding the relation of the proposed land use ordinance to the General Plan and whether adoption of the proposed land use ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice.

After the Planning Commission has made its report and recommendation, or after the time for it to act has expired, the Council may consider the matter. If the Planning Commission recommends disapproval, that action is final unless the applicant timely files an appeal pursuant to Subsection D below.

4. Notice. Notice of the time, place and purpose of the public hearing shall be given in the following manner for land use ordinances proposed by applications or initiations:

(a) By at least one publication in a newspaper of general circulation in the City, designated for that purpose by the City Clerk, not less than 24 days prior to the date of the hearing.

(b) By mailing written notice at least 24 days prior to the date of the hearing, to the applicant, to the owner or owners of the property involved and to the owners of all property within and outside the City that is within 500 feet of the area proposed to be changed as shown upon the records of the City Clerk or the records of the County Assessor. Written notice shall also be mailed to residential, commercial and industrial occupants of all property within 500 feet of the exterior boundaries of the property involved. This requirement can be met by mailing the notice to "occupant." If this notice provision will not result in notice being given to at least 20 different owners of at least 20 different parcels of property other than the subject property, then the 500-foot radius for notification shall be increased in increments of 50 feet until the required number of persons, and parcels of property are encompassed within the expanded area. Notification shall then be given to all property owners and occupants within that area.

(c) If there is an applicant, by the applicant posting notice of the public hearing in a conspicuous place on the property involved at least ten days prior to the date of the public hearing. If a hearing officer is designated to conduct the public hearing then the applicant, in addition to posting notice of the public hearing, shall also post notice of the initial Commission meeting on the matter. This notice shall be posted in a conspicuous place on the property involved at least ten days prior to the date of the meeting.

5. Record and Reports from Commission Public Hearing.
(a) **Record.** The hearing proceedings shall be recorded or summarized as directed by the Commission. When proceedings are recorded and not summarized, they shall be transcribed at the request of any party or interested person upon payment of the fee, as required by ordinance. One copy of the transcript shall be furnished to the Commission to be placed in the files.

(b) **Reports.** After the conclusion of a public hearing conducted by the Director, he or she shall submit a report to the Commission within the period of time fixed by the Commission. The report shall set forth in writing the Director's conclusions and recommendations and the reasons for them.

6. **Time for the Commission to Act on an Application.** The Planning Commission shall act within 75 days of the filing of a complete, verified application for a proposed land use ordinance, except as otherwise provided in this section. This time limit may be extended by mutual consent of the applicant and the Planning Commission. If the land use ordinance was proposed by initiation rather than application, the Planning Commission shall act within 75 days of receipt of the Director's report and recommendation. The Planning Commission may withhold action on an application relating to land located within an area in which the City Planning Commission is conducting a general survey or study, for a period of not more than 180 days from the date of filing of the application. Upon the Planning Commission's decision to withhold action, notice of this decision shall be sent forthwith to the applicant, advising of the study and the postponement.

However, if the Director determines that a verified application is inconsistent with the General Plan, then the Planning Commission, with the consent of the applicant, may withhold action on the application for a period of not more than 180 days from the closing date of the applicable application filing period established in the schedule adopted pursuant to Section 11.5.8 D of this Code. This time limit may be extended for two additional three month periods by mutual consent of the applicant and the Planning Commission.

Failure to act on an application within the time allowed by this section shall be deemed to be a recommendation of approval by the Planning Commission.

7. **Council.** The Council may approve or disapprove an application or initiated proposed land use ordinance only after making findings that its action is consistent with the General Plan and is in conformity with public necessity, convenience, general welfare and good zoning practice. If the Planning Commission recommends approval of the application, then the Council shall act within 90 days of receipt of the Planning Commission recommendation.
D. Appeal.

1. Filing of an Appeal. If the Planning Commission recommends disapproval of an application, in whole or in part, the applicant may appeal that decision to the Council by filing an appeal with the Planning Commission that made the initial decision. If no appeal is filed, a denial is final. An appeal shall be filed within 20 days of the date of the mailing of the Planning Commission’s decision, on a form provided by the Department, and shall set forth specifically the reasons for the appeal. Any appeal not filed within the 20-day period shall not be considered by the Council. Once an appeal is filed, the Planning Commission shall transmit the appeal and its file to the City Clerk. At any time prior to the action of the Council on the appeal, the Department shall submit any supplementary, pertinent information as the Council or its Committee may request.

2. Appellate Decision - Public Hearing and Notice. Before the Council acts on the appeal, it shall hold a public hearing. The City Clerk shall set the matter for hearing, giving notice by mail of the time, place and purpose of the hearing to the applicant and to any interested party who has requested in writing to be so notified. The notice shall be mailed at least ten days prior to the hearing.

3. Time for Appellate Decision. The Council shall make its decision within 75 days after the expiration of the appeal period. The 75 day time limit to act on an appeal may be extended by mutual written consent of the applicant and the Council. If the Council fails to act within this time limit, the failure shall constitute a denial of the application or disapproval of the initiated land use ordinance.

E. Amendment to the Zoning Regulations. The procedures for initiation and decision-making for amendments to Chapter 1 of this Code and other zoning regulations shall be the same as provided for City Planning Commission and Council initiated zone changes as set forth above, except that the City Planning Commission shall be the designated Planning Commission for these actions and proceedings for the amendment of the regulations need not comply with the notice requirements in Subsection C 4, nor be set for public hearing.

F. Zone Changes and Height District Changes.

The procedures for changes of zoning or height districts shall be as set forth in Subsections A through D, with the following additional regulations:

1. In the consideration of an application for a proposed land use ordinance involving a change of zone, the Planning Commission may approve or disapprove a change upon all or only a part of the subject area. The Planning
Commission may recommend a change to any zone between that existing on the property and that requested in the application, as determined by the Planning Commission, or may recommend, on all or a portion of the property, a change to a P or PB Zone, or may recommend that an M Zone be changed to an MR Zone. The Planning Commission may, without additional notice or hearing, recommend minor additions to the area proposed for rezoning or slight adjustments of proposed zone boundaries within that area, when the Planning Commission determines that the public necessity, convenience, general welfare or good zoning practice so require.

2. Where the City initiates changes of zone or height districts pursuant to California Government Code Section 65860(d) to a significant number of lots, publication in two newspapers of general circulation designated by the City Clerk for official advertising in the area involved, not less than ten 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.

G. Special Zoning Classifications.

1. T Classification.

(a) Purpose. In the consideration of a proposed change of zone it may be determined that public necessity, convenience and general welfare require that provision be made for the orderly arrangement of the property concerned into lots and/or that provision be made for adequate streets, drainage facilities, grading, sewers, utilities, park and recreational facilities; and/or that provision be made for payments of fees in lieu of dedications and/or that provision be made for other dedications; and/or that provision be made for improvements; all in order that the property concerned and the area within which it is located may be properly developed in accordance with the different and additional uses to be permitted within the zone to which the property is proposed for change.

(b) T Classification. Instead of immediately and finally rezoning the property or changing the height district, the ordinance shall place it in a T or Tentative classification pending the recordation of a Final Map in compliance with the provisions and requirements of Article 7 of this chapter, or, in certain instances hereinafter specified by the recordation of a Parcel Map in compliance with said provisions and requirements, or, where no map is necessary, by completion or assurance of all dedications, payments, and improvements which are required by the Council to be provided, to the satisfaction of the appropriate City departments. For the purposes of this Subsection, the term "payments" shall include dedications or payments pursuant to Section 12.33 of this Chapter.
(c) **Map Symbol.** The T or Tentative classification shall be indicated by the symbol T in parentheses preceding the proposed zoning designation; for example, (T)R4-2.

(d) **Allowed Uses.** While property remains in the T Tentative classification, and until the Department of Building and Safety has received notification from the Department of the recordation of the Final Map or Parcel Map, or the completion or assurance of the required dedications, payments or improvements, which are to the satisfaction of the appropriate City departments in accordance with those conditions as have been imposed by the City Council, the property may continue to be used only for the purposes permitted in the zone applicable to the property prior to its T Tentative classification. No permits shall be issued, no buildings or structures shall be erected or constructed, and no land shall be used for any other purpose. Provided, however, that grading or other improvements which have been required as a prerequisite to the approval of the Final Map or Parcel Map or other required dedications, payments and improvements of the property may be accomplished. The Council may also permit the removal of the T Tentative classification by the recordation of a Parcel Map or by completion of all required dedications, payments and improvements in lieu of a Final Map after report and recommendations from the Director that all the necessary improvements can be accomplished and assured under Parcel Map procedures; or where no map is necessary, completion of all required dedications, payments and improvements.

(e) **Time Limit.** Property shall remain in the T Tentative classification until a Final Map or a Parcel Map of the property has been approved by the Council and recorded in the County Recorder's Office, or until the Department has notified the Superintendent of Building of the completion to the satisfaction of the appropriate City agencies of all required dedications, payments and improvements, or until the classification expires as provided in this subsection. Unless otherwise authorized by the City Council, dedications, payments and improvements must be completed for the entire area subject to the change of zone.

(f) **Removal of T.** When a Final Map or Parcel Map has been approved by the Council and recorded, or the Superintendent of Building has been notified by the Department of the completion of all required dedications, payments, and improvements, the property shall no longer be designated as being within the T Tentative classification, the T Tentative designation shall be removed from City records, and the new zone designation shall become finally effective. The Council may authorize the removal of a T Tentative classification by any procedure which assures any appropriate dedications, payments or improvements including any dedication, payment or improvement described in
Section 12.33 of this chapter. If the Tentative classification expires, the zone change and height district proceedings shall terminate and the property shall be redesignated as described in Paragraph (h) below.

(g) Assurance of Dedications, Payments and Improvements. Prior to making a report and recommendation, the Director of Planning or his authorized representative shall obtain a report from the Bureau of Engineering as to whether all the necessary improvements can be accomplished and assured under Parcel Map procedures, or, if no map is necessary, without a map. The report shall be made within 40 calendar days of the date of request or within additional time as may be agreed upon by the Department and the Bureau of Engineering.

(h) Expiration of T. Except as provided for in Subdivision 2 of this subsection, as to those properties placed in the T classification subsequent to March 26, 1973, whenever property remains in the T Tentative classification for a period of six years after the effective date of the ordinance creating it without the recording of a Final Tract Map or a Final Parcel Map, or a decision by the Department that all required dedications, payments and improvements have been made or assured to the satisfaction of the appropriate City agencies, the T Tentative Zone classification and the zoning authority thereby shall become null and void, the rezoning proceeding shall be terminated, and the property thereafter may only be utilized for those purposes permitted prior to the commencement of the rezoning proceedings and shall be so redesignated.

(i) Time limit Does Not Include Moratoria. The time limit for property placed in a T Tentative classification which is also the subject of a Tentative Map shall not include any time during which a development moratorium, as defined in California Government Code Section 66452.6(b), has been imposed and is in existence after the effective date of the ordinance placing the property in a T Tentative classification, provided that the moratorium affects the property and does not exceed five years. Provided further that for property placed in a T Tentative Classification which is also the subject of a Tentative Map and which requires the expenditure of $125,000.00 or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the Tentative Map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, then the T Tentative Classification shall be extended for the life of the Tentative Map.

(j) Restoration to Former Zoning. Except as provided for in subdivision 2 of this subsection, as to those properties placed in the T Tentative classification prior to March 26, 1973 and which remain in a T Tentative
classification for more than six years, the City Planning Commission, the Director or the Director’s designee may investigate the circumstances therefor. When deemed appropriate by the Commission or upon the request of the Council, and after due notice to the owner of the property as shown on the records of the City Clerk or the records of the County Assessor, the City Planning Commission, the Director or the Director’s designee shall submit a report and recommendation to the Council concerning the restoration of the property to its former zoning or height district classification. Where the recommendation is that the property be changed to its former classification, or when the Council requests that the property be changed to its former classification, an ordinance accomplishing the change shall be transmitted with the report and recommendation to the Council. Notwithstanding any other provisions of this Code to the contrary, no public hearing need be held nor further notice given as a prerequisite to the adoption of an ordinance restoring the property to its former classification.

(k) General Plan Consistency. In the implementation of Paragraph (i) of this Subdivision, the former zoning or height district classification may be inconsistent with the current General Plan designation for the property. In this case, the property shall be changed to the least intense zoning or height district classification consistent with the General Plan.

2. Q Qualified Classification.

(a) Purpose. Except where property is being changed to the RA, RE, RS or R1 Zone, provision may be made in a zoning ordinance that the property not be utilized for all the uses ordinarily permitted in a particular zone classification and/or that the development of the site shall conform to certain specified standards, if the limitations are deemed necessary to:

(1) Protect the best interests of and assure a development more compatible with the surrounding property or neighborhood;

(2) Secure an appropriate development in harmony with the objectives of the General Plan; or

(3) Prevent or mitigate potential adverse environmental effects of the zone change.

(b) Q Classification.

(1) Where limitations are deemed necessary the zoning ordinance may, instead of immediately and finally changing the zone or height district on the property, place it in a Q Qualified classification. Except as
provided for in Paragraphs (f) of (g) of this subdivision, the Q Qualified classification shall be deemed to be a temporary classification until the time the proceedings are either terminated or completed as provided in this Section.

(2) Prior to the issuance of permits for the construction of buildings or structures authorized by the Qualified enactment, the plans for them shall be submitted to and approved by the Director as being in full compliance with all limitations and standards set forth in the ordinance.

(c) Map Symbol. The Q classification shall be indicated by the symbol Q in parentheses preceding the proposed designation; for example, (Q)C2-1.

(d) Allowed Uses. While property remains in a Q Qualified classification, whether temporary or permanent as provided for in Subdivision 3 of this subsection, it may be used for any of the uses permitted in the zone applicable to the property prior to its Q Qualified classification, unless the use or uses are prohibited in the zone classification to which the property is being changed, or are subject to limitations as are specified in the Qualified classification to which the property is being changed. Prior to the issuance of permits for the construction of buildings or structures authorized by reason of the Qualified zone enactment, the plans therefor must be submitted to and approved by the Director of Planning or by his designated representative as being in full compliance with all limitations and standards set forth in that ordinance.

(e) Certificate of Occupancy. Property shall remain in a temporary (Q) Qualified classification for the period of time provided in Paragraph (f) of this Subsection or until a Certificate of Occupancy is issued by the Superintendent of Building for one or more of the uses first permitted by the Qualified zone ordinance. The Superintendent of Building shall notify the Director of the issuance of the Certificate of Occupancy. Thereafter the (Q) Qualified classification shall no longer be considered to be temporary, the parentheses shall be removed from the designation, brackets shall be added and the new designation shall become finally effective and shall be placed on the appropriate City records with the symbol [Q] being a permanent part of the symbol designation; for example [Q]R4-1. All applicable limitations and/or standards within the Qualified classification ordinance shall thereafter be considered to apply permanently to the specific uses. The temporary Qualified classification and the accompanying conditions that have become permanent and are shown with brackets shall have the same status as those that have become permanent, but shown with neither parenthesis nor brackets.
(f) **Time Limit.** Except as provided below and in Subsection I, no Q Qualified classification shall be granted for more than six years unless: (i) substantial physical development of the property for one or more of the uses first permitted by the Q has taken place within that time; or (ii) if no physical development is necessary, but the property is being used for one or more of the purposes first permitted by the Q, then the Qualified classification and the authority contained there shall become null and void, the rezoning proceedings shall be terminated, and the property thereafter may only be utilized for those purposes permitted prior to the commencement of the rezoning proceedings.

In addition, the Director may determine that the development has not been continuously and expeditiously carried on to completion, but that one or more usable units has been completed and that the partial development will meet the requirements for the utilization of the (Q) classification. The Director may impose conditions on the partial development to meet the intent of this subdivision. The Director shall advise the Department of Building and Safety of his or her decision. Thereafter, a Certificate of Occupancy may be issued after compliance with the Director’s decision, and the temporary (Q) classification shall be permanent on that portion of the property determined by the Director to be appropriate to the completed portion of the development. The Qualified classification and the authority contained there shall become null and void as to the remainder of the property. Notwithstanding any other provision of this Code to the contrary, no public hearing need be held nor notice be given before terminating the (Q) Qualified classification and restricting the property to its previously permitted uses.

(g) **Non-Conforming Improvements.** In the event that buildings or structures designed for occupancy by uses which were not permitted prior to the (Q) Qualified classification are located on property on which the (Q) Qualified classification is terminated, the buildings or structures shall be completely removed forthwith by the owner at his or her own expense, unless their design is altered and they are immediately completed in full compliance with all applicable regulations for uses permitted prior to the (Q) Qualified classification.

(h) **Q's with T's.** Property may simultaneously be classified as being in a (Q) or [Q) Qualified classification and T Tentative classification. The T designation shall be removed prior to utilization of the additional uses permitted by the (Q) or [Q) Qualified classification. In no event shall there be any change in the time limitations of this Section or any extension of them.

(i) **Time Limit Does Not Include Moratoria.** However, for property placed in a Q Qualified classification which is also the subject of a Tentative Map, the six year time period for the Q Qualified Classification shall not include
any time during which a development moratorium, as defined in California Government Code Section 66452.6(f), has been imposed and is in existence after the effective date of the ordinance placing the property in a Q Qualified Classification, provided that the moratorium affects the property and does not exceed five years. Provided further that for property placed in a Q Qualified Classification which is also the subject of a Tentative Map and which requires the expenditure of $125,000.00 or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the Tentative Map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, then the Q Qualified classification shall be extended for the life of the Tentative Map, including any time extensions approved by the Advisory Agency. For the purposes of this subsection, a zone change or height district change shall be deemed a change incident to division of land when the project's environmental analysis includes a description of both the change and the division of land, and the proposed development of the site does not deviate substantially from the original project description. In particular, the proposed development shall be substantially the same regarding density, the number of dwelling units, the amount of floor area, uses, height and massing of buildings, amount of grading, and other relevant attributes.

3. Permanent [Q] Qualified Classification. In consideration of a proposed change of zone or height district, the Council may determine to impose a permanent Q Qualified classification rather than a classification which expires. The permanent Qualified classification shall be identified on the Zoning Map by the symbol Q in brackets, preceding the proposed zoning designation; for example, [Q]M2-1; or, in combination with a T Tentative classification, [T][Q]C2-2. There shall be no time limit on removal of the brackets around the [Q] Qualified designation nor on removal of the T Tentative designation. After the conditions of the permanent [Q] Qualified classification have been fulfilled, the brackets surrounding the Q symbol shall be removed. After the conditions of the T Tentative classification have been fulfilled, the symbol [T] shall be removed from the zone designation.


(a) Purpose. Notwithstanding any provisions of Section 12.21.1 of this Code to the contrary, provisions may be made in an ordinance establishing or changing any Height District that a building or structure may be built to a specific maximum height or floor area ratio less than that ordinarily permitted in the particular Height District classification; or that buildings may cover only a fixed percentage of the area of the lot; or that buildings be set back in addition to
setbacks otherwise required by this Code. These limitations shall be known as D Development limitations.

(b) Findings. In establishing D limitations, the Council shall find that any or all the limitations are necessary:

(1) to protect the best interests of and assure a development more compatible with the surrounding property or neighborhood, and
(2) to secure an appropriate development in harmony with the objectives of the General Plan, or
(3) to prevent or mitigate potentially adverse environmental effects of the Height District establishment or change.

(c) Map Designation. The imposition of D Development limitations shall be indicated by the symbol D following the Height District designated on the Zone Map; for example, C2-1-L-D, R4-2-D, RD1.5-1-VL-D, etc.).

(d) Permanence of D Development Limitations. D Development limitations shall not be affected by any failure to remove a (T) Tentative classification or the parentheses of a Q Qualified classification.

H. Amendments of the T Classification and Clarifications of the Q Classification or D Limitation.

1. Application. A request for an amendment of Council's instructions involving the T Classification or a clarification of a Q Classification or D Limitation set forth in an ordinance pursuant to Subsections C and G of this section may be filed by one or more of the owners or lessees of the subject property with the Department on a form accompanied by information required by the Department and by a fee as provided in Section 19.01.

2. Guidelines. The City Planning Commission shall adopt guidelines for the Director to utilize in considering these requests. The City Planning Commission may amend the guidelines from time to time as it deems appropriate.

3. Hearing. Proceedings for an amendment to Council instructions or a clarification need not be set for hearing.

4. Director's Authority.
(a) Approval of Request. If the Director decides that the request complies with the City Planning Commission's guidelines, then the Director may approve or conditionally approve a request subject to the findings below.

(b) Disapproval of Request. If the Director decides that the request does not comply with the City Planning Commission guidelines for considering requests for amendments or clarifications, the Director shall deny the request. The decision of the Director that a request does not comply with the City Planning Commission guidelines shall be final.

5. Findings. The Director, or the City Council on appeal, shall approve an amendment or clarification if the Director or the City Council finds that:

(a) The request is consistent with the City Planning Commission guidelines; and

(b) The amendment or clarification is necessary in order to carry out the intent of the City Council in adopting the T or Q Classification or D Limitation; and

(c) The amendment or clarification would have only a minimal effect on adjacent property and would not result in a significant or substantial deprivation of the property rights of other property owners.


(a) Notice. After making a decision pursuant to this subsection, the Director or City Clerk, as appropriate, shall notify the applicant in writing. Written notice shall also be mailed to the owners of all property within and outside of the City that is within 300 feet of the exterior boundaries of the property involved, using for the purpose of notification the last known name and address of owners shown upon the records of the City Clerk or the records of the County Assessor.

(b) Expanded Notice.

(1) If all property within the 300-foot radius is under the same ownership as the property involved in the proceeding, then the owners of all property which adjoins the ownership, or is separated only by a street, alley, public right-of-way or other easement, shall also be notified as provided in this subdivision.

(2) If these notice provisions will not result in notice being given to at least 20 different owners of at least 20 different parcels of property
other than the subject property, then the 300-foot radius for notification shall be increased in increments of 50 feet until the required number of owners, and parcels of property, are encompassed within the expanded area. Notification shall then be given to all property owners within that area.

7. Effective Date of Decision. A decision of the Director pursuant to this subdivision shall become final and effective upon the close of the 20 day appeal period, if not appealed.

8. Appeals of Director’s Decision. An applicant or any person aggrieved by a decision of the Director may appeal that decision to the City Council. The appeal shall be in writing and shall set forth specifically where there is error or abuse of discretion in the decision by the Director pursuant to this subdivision. The appeal shall be filed with the Department of City Planning and accompanied by a fee as provided in Section 19.01 of this Code. The City Council may approve, conditionally approve, or disapprove the appeal if it finds there is error or abuse of discretion in the determination by the Director. If the Council makes this decision, it shall make written findings pursuant to Subdivision 5 of this subsection. The decision of the City Council shall be final.

I. Changes Incident to Divisions of Land.

1. Purposes. To provide for the orderly arrangement of the property concerned into lots;

2. Council Authority. In the subdivision of an area, it may be determined by the Commission that the zones or height districts, as shown on the zoning map, do not conform with the best subdivision and use of the land. The Council may, upon the recommendation of the Commission, authorize within the boundaries of the area being subdivided the appropriate adjustment of zone or height district boundaries or the reclassification of the area into a more restrictive zone or height district where the zone or height district is consistent with the General Plan. The Council shall have the authority to make changes without the Commission holding a public hearing on the adjustment.

3. Restriction on Commission Authority. The Commission shall make no recommendation to the Council pursuant to Subdivision 4 of this Subsection except upon written application made by the owner of the land being subdivided.

4. Procedure. Notice of a public hearing on any change of zone incident to division of land to a less restrictive zone shall be included in the notice for the division. The notice shall conform to the procedures for zone change notification
and the subdivision and zone change hearings shall be held concurrently. Appeal procedures shall conform to those required for zone changes as set forth in this section.

J. F Funded Improvement Classification.

1. Purpose. In consideration of a proposed change of zone, the Council may determine that public necessity, convenience or general welfare indicate rezoning for an area is desirable, but that street lighting and fire hydrants in the area are so lacking or inadequate that provision for these facilities shall be made prior to the more intensive use of the area contemplated by the zone change.

2. Improvements. If the Council determines that provision should be made for street lighting, fire hydrants, or both, it shall designate the improvements. The ordinance changing the zone of the property concerned may in addition to rezoning the property place it in an F or Funded Improvement classification pending installation of all designated street lighting and fire hydrants by the owners of the property, or payment of a pro rata share of the cost of improvement as estimated by the City Engineer. Unless otherwise determined by the Council, the entire area rezoned in each zone change case shall have its own separate Funded Improvement Account.

3. Map Symbol. The F or Funded Improvement classification shall be indicated by the symbol F in parentheses immediately before the combination of symbols designation; for example, (F)R3-1.

4. Issuance of Permits. While the property remains in an F Funded Improvement classification, and until the Department of Building and Safety has received notification from the Board of Public Works that the required improvements have been installed to the satisfaction of the City Engineer, or that the pro rata share of the improvement charge has been paid to the City, or that the improvements are assured by an assessment district, the property may continue to be used only for the purposes permitted in the zone applicable to the property prior to its F Funded Improvement classification. No permits shall be issued, no buildings or structures shall be erected or constructed, and no land shall be used for any other purpose.

5. Funded Improvement Accounts.

(a) Establishment. Unless otherwise determined by the Council, the Board of Public Works shall establish a separate Funded Improvement Account for each zone change area placed in the F Funded Improvement classification. Each account shall be maintained until the funds are expended to complete all
the designated improvements in that the area, or until the Board of Public Works determines the account is no longer necessary.

(b) Unit Charges. The Board of Public Works shall establish one or more standard unit charge, based upon front footage, acreage, or other equitable measurements. The charges shall be estimated by the City Engineer to be sufficient to reimburse the City for its cost of installation, materials, design, surveying, inspection, testing of materials, appurtenant work, and all other applicable costs. Unit charges may vary depending on geographic or other special conditions. Upon request, the City Engineer shall advise any property owner of the total charge for the installation of the required improvements, and the proportionate share of the charges for the property. In the event a property owner installs any of the improvements designated for the property, a proportionate adjustment of the pro rata improvement charge shall be made.

(c) Earlier Improvements. The Board of Public Works may authorize the earlier installation of certain of the designated improvements which are more urgently needed than the others when its Funded Improvement Account contains sufficient funds to cover the cost of the improvements.

(d) Completion of Improvements. When 60% of the total estimated improvement charges have been collected in any Funded Improvement Account, the Board of Public Works may cause the designated improvements for the area to be completed either by the City or by contract, using monies from the revolving fund established by Paragraph (e) below for the remainder of the costs, if sufficient amounts are available in it. Upon completion of all the designated improvements in a zone change area placed in the F Funded Improvement classification, the Funded Improvement Account for that area shall be terminated.

(e) Revolving Fund. There is hereby established the Funded Improvement Revolving Fund to be administered by the Board of Public Works, which shall be used to finance completion of improvements in areas in the F Funded Improvement classification. The Council, after a report from the Board of Public Works, may appropriate monies to the Fund. The Board of Public Works shall periodically report to the Council on the operation of the Revolving Fund as well as any need for additional funds. When a Funded Improvement Account for a rezoned area has been terminated, all remaining pro rata improvement charges due as a prerequisite to obtaining building permits shall be paid into the Revolving Fund.

(f) Removal of F Classification. Each parcel of property shall remain in the F Funded Improvement classification until the owner has installed all
designated improvements determined by the City Engineer to pertain to the
property, or has paid the improvement charges, or the improvements have been
completed or guaranteed under assessment proceedings, and the Board of
Public Works has notified the Department of Building and Safety. Thereafter,
each parcel shall no longer be designated as being within the classification and
the F Funded Improvement designation shall be removed from the City records.
A copy of the notification shall be furnished to the Department.

K. Parking Restriction District.

1. An area may be designated by the Council by ordinance adopted in the
manner required for a change of zone or height district as a Parking Restrictions
District and provide parking requirements more restrictive than those otherwise
required in Paragraph 12.21 A 4 (c) of this Code for the same use, if it meets one
or more of the following criteria. In adopting the ordinance the Council shall
make the following findings:

   (a) There is a lack of transit service; or

   (b) There is a high potential for spillover parking impacts on adjacent
       residential areas; or

   (c) There is a low probability that parking management programs,
       transportation demand management programs, or public parking
       facilities will be available.

2. The boundaries of the area shall be accurately defined as a Parking
Standards District (PSD) by ordinance, adopted in the same manner required for
a change of zone or height district.

3. Within a Parking Standards District, the minimum or maximum spaces
required for commercial uses and commercial uses within industrial buildings,
shall be established in the text of the ordinance.

L. Parking Reduction District. An area may be designated by the Council by
ordinance as a Parking Reductions District and provide parking requirements less
restrictive than those otherwise required in Paragraph 12.21 A 4 (c) of this Code for the
same use. In adopting the ordinance the Council shall make the following findings:

1. A parking overflow impact on residential neighborhoods will not be created
nor will traffic congestion increase; and
2. There exists a combination of parking management programs, transportation alternatives, or other infrastructure improvements, and commercial building access programs, along with a method for City monitoring and ensuring compliance therewith, that negate the need for higher parking requirements; and

3. Flexible transportation approaches and parking management programs instead of a higher number of fixed parking space requirements are more consistent with the region's air quality goals, community character and general plan of the area than the accommodation of additional automobiles.

M. Changes of Zone Relating to Projects Subject to Section 12.24.1. In connection with a change of zone subject to the provisions of Section 12.24.1 of this Code, the ordinance changing the zone may provide that one or more of the uses permitted by that ordinance shall be exempt from the requirements of this Code.

N. Changes Incident to Self-Contained Communities.

1. Agricultural Zones. Where property is in an A1, A2 or RA Zone, a proposed plan for the development of a new self-contained community with a town lot subdivision design may be submitted to the Commission for its consideration, provided the plan indicates that adequate provision is made for school and playground sites, municipal facilities, utilities and other services.

2. Subdivision Map Required. If the Commission finds that the location and plan of the proposed community are tentatively acceptable, it shall initiate the zone changes which may be necessary for the completion of the plan. After holding the public hearing required in connection with the proposed zone changes, the Commission may approve the plan including the proposed zone changes, but the approval shall be subject to the filing and recordation of a subdivision map conforming to the plan. If the self-contained community plan and the proposed zone changes are approved by the Commission, the plan and the proposed zone changes shall be submitted to the Council for its consideration. If the Council concurs in the action of the Commission, the ordinance required to effect the changes shall be presented to the Council only after a tentative subdivision map has been submitted to and approved by the Council.

O. Establishment or Change of H Hillside Areas.

1. Procedure. Whenever the public necessity, convenience or general welfare justify the action, the Council by ordinance may create or change the boundaries of an H Hillside Area. The fees to be paid and the procedure to be followed shall be the same as prescribed in this Section for a change of zone. However, where
the establishment or change of an H Hillside Area is initiated by the Council or the Commission and consists of a parcel or parcels of land totaling in excess of 20 acres, publication in a newspaper of general circulation, designated by the City Clerk for official advertising in the area involved, not less than 24 days prior to the date of the public hearing, giving notice of the time, place and purpose of the hearing shall be sufficient notice of the hearing, and the mailing of individual notices shall not be required.

2. Exception. Where the Commission initiates a change of zone from the R1-H to the RE15-H zone on property generally described in Subdivision 3 of this Subsection, publication in a newspaper of general circulation, designated by the City Clerk for official advertising in the area involved, at least ten days prior to the date of the public hearing, giving notice of the time, place and purpose of the hearing shall be sufficient notice, and the mailing of individual notices shall not be required.

3. Boundaries. Sunset Boulevard from Pacific Coast Highway to Western Avenue, Western Avenue and its northerly extension to the common city boundary line between Los Angeles City and the City of Glendale, westerly on the City boundary line from the northerly extension of Western Avenue to Lankershim Boulevard, southerly on Lankershim Boulevard to Ventura Boulevard, westerly on Ventura Boulevard from Lankershim Boulevard to the westerly City boundary line, southerly on the westerly City boundary line to Pacific Coast Highway, and easterly on Pacific Coast Highway to Sunset Boulevard.

P. Minor Changes to Parking Requirements Incident to Legislative Actions. As part of any legislative land use ordinance, the Council may approve changes to the parking requirements not to exceed 20% of the requirements otherwise required by the Code.

Q. Vesting Applications.

1. Application. Whenever a provision of the Los Angeles Municipal Code requires the filing of an application for a zone change, a vesting zone change may instead be filed, in accordance with these provisions. If an applicant does not seek the rights conferred by this subsection, the filing of a vesting application shall not be required by the City for the approval of any proposed zone change.


   (a) The approval of a vesting application shall confer a vested right to proceed with a development in substantial compliance with the rules, regulations,
ordinances, zones and officially adopted policies of the City of Los Angeles in force on the date the application is deemed complete, and with the conditions of approval imposed and specifically enumerated by the decision maker in its action on the vesting application case. These rights shall not include exemption from other applications or approvals that may be necessary to entitle a project to proceed (i.e., subdivision, parcel map, zone variance, design review, etc.) and from subsequent changes in the Building and Safety and Fire regulations contained in Chapters V and IX of the Los Angeles Municipal Code found necessary by the City Council to protect the public health and safety and which are applicable on a citywide basis and policies and standards relating to those regulations or from citywide programs enacted after the application is deemed complete to implement State or Federal mandates.

(b) If the ordinances, policies, or standards described in Paragraph 2 (a) of this section are changed subsequent to the approval or conditional approval of a vesting application case, the applicant, or his or her successor or assignee, at any time prior to the expiration of the vesting application case, may apply, pursuant to Subdivision 4 of this subsection, for an amendment to the vesting application case to secure a vested right to proceed with the changed ordinances, policies, or standards. An application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.

(c) Prior to final signoff on a building permit filed pursuant to a vesting application, the Planning Department shall submit a copy of the final site plan to the office of the affected council district for informational purposes only.

3. Procedures.

(a) Vesting Zone Change.

(1) Filing and Processing an Application. A vesting zone change shall be filed on the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as procedures for applications in Subsection C 3 for a zone change, except as provided here. The application shall specify that the case is for a vesting zone change. If any rules, regulations, or ordinances in force at the time of filing require any additional approvals (such as a variance or coastal development permit), the complete application for these additional approvals shall be filed prior to or simultaneously with the vesting zone change in order for the City Planning Department to be able to schedule a concurrent hearing. In all vesting zone change cases a site plan and a rendering of the architectural plan of the building envelope shall be submitted. The plans and renderings shall show the proposed
project's height, design, size and square footage, number of units, the use
and location of buildings, driveways, internal vehicular circulation patterns,
loading areas and docks, location of landscaped areas, walls and fences,
pedestrian and vehicular entrances, location of public rights-of-way and
any other information deemed necessary by the Director of Planning.

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

(i) that the condition is deemed necessary to protect the
best interest of and assure a development more compatible with
the surrounding property or neighborhood; to secure an appropriate
development in harmony with the objectives of the General Plan; to
prevent or mitigate potential adverse environmental affects of the
zone change; or that public necessity, convenience or general
welfare require that provisions be made for the orderly
arrangement of the property concerned into lots and/or that
provisions be made for adequate streets, drainage facilities,
grading, sewers, utilities and other public dedications and
improvements; or

(ii) the zone change is denied because it is not in
substantial conformance with the purposes, intent or provisions of
the General Plan or is not in conformance with public necessity,
convenience, general welfare and good zoning practice and the
reason for not conforming with the plan.

If the Council does not adopt the Commission's findings and
recommendations, the Council shall make its own findings.

(3) Expiration. The approval or conditional approval of a vesting
zone change shall expire at the end of a six year time period. Where a
project to be developed under a vesting zone change contains multiple
phases, the vested zoning shall terminate if less than 25 percent of the
total project allowed by the vesting zone change and as described in the
vesting application has not received a certificate of occupancy before the
end of the period of time specified.

4. Amendment of Vested Project Plans or Amendment of Vested City
Regulations to Comply With Subsequent Regulation Changes.
(a) One or more of the owners or lessees of the subject property may file a verified application requesting an amendment of the City regulations as described in Paragraph 2 (a) of this section vested by a zone change issued pursuant to this section. They shall file the application with the Department of City Planning upon a form designated for this purpose, and accompany it with a fee as provided in Section 19.01 A of this Code.

(b) The City Council, after a report and recommendation from the Director of Planning or his or her authorized representative, may amend the vested building or site plans or add to the set of City regulations to which the applicant’s project has vested by a zone change issued pursuant to this section. The Department’s report shall be made within 40 calendar days of the date of the request or within any additional time as may be mutually agreed upon by the Department of City Planning and the applicant.

(c) The City Council, prior to making a decision pursuant to this paragraph shall hold a public hearing. Written notice shall be mailed to the owners or tenants of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved.

R. Building Lines.

1. Purpose. It is the purpose of this article to provide regulations for the establishment, change or removal of building lines along any street or portion of a street in order to provide for the systematic execution of the General Plan; to obtain a minimum uniform alignment from the street at which buildings, structures or improvements may be built or maintained; to preserve the commonly accepted characteristics of residential districts; to protect and implement the "Highways and Freeways Element of the General Plan;" to provide sufficient open spaces for public and private transportation; to facilitate adequate street improvements; to prevent the spread of major fires and to facilitate the fighting of fires; and to promote the public peace, health, safety, comfort, convenience, interest and general welfare.

2. Procedures for Establishment, Change or Removal of Building Lines. Except for the provisions below, the procedures set forth in Subsection C shall be used for the establishment, change or removal of building lines.

   (a) Initial Decision-Maker. Area Planning Commissions shall have the authority to make recommendations on building line ordinances.

   (b) Notice. Notwithstanding the notice requirements of Subsection C 4, the following notice shall be required for actions on building lines:

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(1) **By Mailing Notices:** A written notice shall be mailed at least 24 days prior to the date of the hearing to the applicant, to the owner or owners of the property involved and to the owners of properties abutting that portion of the street on which the building line is to be established, changed or removed. The written notice shall be mailed to the last known name and address of the owners as shown upon the records of the City Clerk or the records of the County Assessor: or

(2) **By Posting Notices on the Street Affected:** The Board of Public Works shall be notified whenever a public hearing on a building line proceeding is set. The Board shall cause copies of the notice of the public hearings to be posted within 20 days after receiving the notification and at least 24 days prior to the date set for public hearing. The Board shall post at least three notices, not more than 300 feet apart, in front of each block or part of a block along the street involved in the building line proceeding.

The posted notice of public hearing shall conform to the following requirements:

(i) It shall be at least 10 ½ inches x 11 inches in size;
(ii) It shall be titled "Notice of Public Hearing," and the title shall also state whether the purpose of the hearing is to establish, change or remove a building line. All letters in the title shall be at least one inch in height;
(iii) It shall include, in legible characters, the time and place of the public hearing; and
(iv) It shall include a diagram or other description of the building line to be established, changed or removed.

(c) **Public Hearing for Certain Building Line Actions.** Notwithstanding the provisions of Section C 4, no separate public hearings will be required for the establishment, change or removal of a building line when it is incidental to subdivisions or zone changes as specified in Paragraphs (d) and (e).

(d) **Action on Building Line Change.** The procedures in Subsection C shall be used for establishment or change to a building line.

(d) **Building Line Incident to Subdivision.** In connection with the consideration of a tentative subdivision map by the Director of Planning, he or she may recommend to the Area Planning Commission the establishment, change or removal of a building line on streets within the subdivision, if he or she
finds it is necessary for the proper development and use of the lots or to achieve any purpose set forth in Subdivision 1 of this subsection. The recommendation shall be in the form of a written report. Upon the receipt of the report, the Area Planning Commission shall advise the subdivider that the proposed building line matter will be considered at a regular Area Planning Commission meeting. The meeting shall constitute the required public hearing and no further notice need be given. If the Area Planning Commission approves the establishment, change or removal of a building line, an ordinance in conformity with that recommendation shall be presented to the Council for adoption concurrently with its action on the final subdivision tract map.

(e) Building Line Incident to Zone Change. In connection with its hearing and consideration of a proposed zone change, the Area Planning Commission may also consider the establishment, change or removal of a building line on the property involved or on adjoining property under than same ownership as the property involved in the zone change proceeding. If the Area Planning Commission finds that it is necessary to establish, change, or remove a building line in order to give proper effect to the zoning proposed in the proceeding, or to achieve any purpose set forth in Subdivision 1 of this subsection, the Area Planning Commission may act upon the building line matter simultaneously with the zone change proposal. Only one notice of public hearing need be given concerning the proposed zone change and the building line proceeding and both matters may be considered at the one public hearing. If the Area Planning Commission approves the establishment, change or removal of a building line, an ordinance in conformity with that recommendation shall be presented to the City Council for adoption concurrently with the ordinance involving the proposed zone change.

(f) Notification to Building and Safety. The Department of Building and Safety shall be notified relative to an initial City Council or Area Planning Commission approval of a building line proceeding, and whenever the proceeding is terminated by the City Council.

3. Building Permits Shall Not Be Issued During Proceedings. After the approval of a building line proceeding by the Area Planning Commission or by the Council upon an appeal from a disapproval, and until the time the ordinance establishing, changing or removing a building line in the proceedings becomes effective, or until the time the proceedings are terminated by the City Council, no building permit shall be issued for the erection of any building, structure or improvement between any proposed building line and the street line, and any permits so issued shall be void.
4. Compliance. After the effective date of any ordinance establishing a building line, no person shall build or maintain any building, structure, wall, fence, hedge or other improvement within the space between the street line and the building line so established, and the Department of Building and Safety shall refuse to issue any permit for any building, structure or improvement within that space.


(a) Permitted Projections. Any improvements or projection permitted in a front yard, or in a side yard adjoining a street by Section 12.22 C 20 of Article II, may extend or be located in the same manner in the space between an established building line and the adjacent street line. Further, a marquee may extend into the space between an established building line and the adjacent street line a distance of not more than 12 feet from the face of the building to which it is attached, providing the building be lawfully devoted to a business use.

(b) Nonconforming Buildings. A nonconforming building, structure or improvement may be maintained except as otherwise provided in Sections 12.23 A and 12.23 D.

(c) Subsurface Improvements. The provisions of this article do not apply to buildings, structures or improvements located below the natural or finished grade of a lot whichever is lower.

(d) Street Vacation. Any building line existing along a public street hereafter vacated shall be deemed automatically removed when the City Council makes its order of vacation unless the order of vacation provides otherwise.

(e) Enforcement. The provisions of Section 12.26 concerning enforcement of the zoning regulations shall also apply to the enforcement of the provisions of this article.

S. Supplemental Use Districts.

1. Establishment of Districts.

(a) Purpose. The purpose of this article is to regulate and restrict the location of certain types of uses whose requirements are difficult to anticipate and cannot adequately be provided for in the "Comprehensive Zoning Plan." These uses, the boundaries of the districts where they are permitted, the limitations governing their operations, and the procedure for the establishment of new districts, are provided for in this article. Except for the "Supplemental Uses"
permitted by this article, all property within the districts hereby established is subject to the provisions of the "Comprehensive Zoning Plan."

(b) Districts. In order to carry out the provisions of this article, the following districts are hereby established:

"O" Oil Drilling District  
"S" Animal Slaughtering District  
"G" Surface Mining District  
"RPD" Residential Planned Development District  
"K" Equinekeeping District  
"CA" Commercial and Artcraft District  
"POD" Pedestrian Oriented District  
"CDO" Community Design Overlay District  
"MU" Mixed Use District  
"FH" Fence Height District

These districts and their boundaries are shown on portions of the "Zoning Map" as provided for in Section 12.04 and made a part thereof by a combination of the zone and district symbols. This map and the notations, references and other information shown on it which pertain to the boundaries of these districts are made a part of this article as if fully described here. Reference is hereby made to those maps, notations, references and other information for full particulars.

(c) Establishment of Districts.

(1) Requirements. The procedures for initiation or an application to establish, change the boundaries of or repeal a supplemental use district shall be as set forth in this Section with the following additional requirements.

(2) Additional Requirements for Application. One or more of the owners or lessees of property within the boundaries of the proposed district may submit a verified application for the establishment of a district. An application for the establishment of a Commercial and Artcraft District, a Pedestrian Oriented District, an Equinekeeping District, a Community Design Overlay District or a Mixed Use District shall contain the signatures of at least 75 percent of the owners or lessees of property within the proposed district. An application for the establishment of a Fence Height District shall contain the signatures of at least 50 percent of the owners or lessees of property within the proposed district. An application shall be accompanied by any information deemed necessary by the Department.
If establishment of a district is initiated by the City Council or the City Planning Commission, the signatures of the property owners or lessees shall not be required.

(3) Action on the Initiation or Application.

(i) Authority. Notwithstanding the provisions of Subsection C, only the City Planning Commission is authorized to make recommendations regarding approval or disapproval in whole or in part of an application for or initiation of the establishment of a supplemental use district to the Council.

(ii) Notice. Notice of the public hearing shall also be given to the Bureau of Engineering and Department of Transportation for an application or initiation to establish a supplemental use district.

(iii) Time for Commission to Act on Application. The City Planning Commission shall act on an application to establish an "O", "S", "G", "K", "CA", "POD", "CDO", "MU", or "FH" District within 75 days from the date of the filing of the application. The City Planning Commission shall act on an application to establish an "RPD" District within 75 days from receipt of the Subdivision Committee report and recommendation. The City Planning Commission shall act on proceedings initiated by the Council within 75 days of receipt of that action from the Council, or within the time that Council may otherwise specify.

(iv) Disapproval - Appeal to Council. If the City Planning Commission recommends disapproval of an application, in whole or in part, any owner or lessee of property included in a proposed district may appeal that decision to the Council by filing an appeal with the City Planning Commission pursuant to the procedures set forth in Subsection C of this section.

Sec. 92. The last sentence of Subsection A of Section 12.33 of the Los Angeles Municipal Code is amended to read:

The required dedication or payment shall be in an amount calculated in the same manner as provided in Section 17.12, and shall be based on the maximum number of dwelling units permitted by the requested zone or upon the number of dwelling units which may be constructed under restrictions imposed pursuant to Section 12.32 G 2.
Sec. 93. Section 12.35 of the Los Angeles Municipal Code is amended to read:

SEC. 12.35. ZONING OF ANNEXED OR UNZONED AREAS.

All land or territory annexed to the City after the effective date of this section shall be immediately classified in the R1 Zone and in Height District No. 1 (R1-1) unless the Council specifically determines otherwise by ordinance. The Council may establish specific zoning by ordinance for land or territory to be annexed. The zoning ordinance may be adopted concurrently with the annexation. Unless the specific zoning is established by ordinance, the Zoning Map shall be amended to indicate the land or territory annexed as R1-1 without additional proceedings.

Any land or territory in the City which is not indicated on the Zoning Map as being in any zone shall be construed as being classified in the same zone as that existing on the side of the street opposite the subject land or territory, and the Zoning Map is hereby amended to indicate that zone without additional procedure.

In those portions of the City where height districts have been established, any land or territory which is not indicated on the Zoning Map as being in any height district shall be construed as being classified in the same height district as that existing on the side of the street opposite the subject land or territory, and the Zoning Map is hereby amended to indicate that height district without additional procedure.

Where uncertainty exists as to the zone or height district to be indicated on the map, the zone or height district shall be determined by the City Planning Commission by written decision.

Sec. 94. A new Section 12.36 is added to the Los Angeles Municipal Code to read:

Sec. 12.36. Procedures for Multiple Approvals (Charter Section 564).

A. Applications. If a project involves more than one discretionary land use approval, the applicant shall file applications for all of the approvals the applicant reasonably believes are necessary at the same time. If the applicant does not file a single application form for all of the approvals, the applicant shall make reference on each application to each of the other applications filed for the project.

B. Projects Requiring Multiple Quasi-Judicial Approvals. If a project requires more than one quasi-judicial approval by the Zoning Administrator, the Area Planning Commission or the City Planning Commission, those approvals that otherwise would be considered by the Zoning Administrator shall be decided by either the Area Planning Commission.
Commission or the City Planning Commission, whichever has jurisdiction over at least one of the approvals. If both the Area Planning Commission and the City Planning Commission have jurisdiction over approvals, all of the applications shall be considered by the City Planning Commission. The procedures used for consideration of initial decisions and any appeals of all of the required approvals shall be those set forth in Section 12.24 B through Q. If the Area Planning Commission is the initial decision-maker, and there are not at least three members of the Area Planning Commission who have been appointed and taken the oath of office at the time the application is deemed complete, the City Planning Commission shall have initial decision-making authority.

C. Projects Requiring Both Quasi-Judicial and Legislative Approvals.

1. Except as provided in Subdivision 2 below, if a project requires at least one quasi-judicial approval and at least one legislative approval, all of the applications shall be considered by the City Planning Commission. The procedures used for consideration of initial decisions and any appeals of all of the required approvals will be those set forth in Section 12.32 B through D.

2. Notwithstanding Subdivision 1 above, if a project requires at least one quasi-judicial approval and at least one legislative approval and the City Planning Commission has delegated consideration of those legislative approvals to the Area Planning Commission pursuant to Charter Section 565, all of the applications shall be considered by the Area Planning Commission. The procedures used for consideration of initial decisions and any appeals of all of the required approvals shall be those set forth in Section 12.32 B through D. If the Area Planning Commission is the initial decision-maker, and there are not at least three members of the Area Planning Commission who have been appointed and taken the oath of office at the time the application is deemed complete, the City Planning Commission shall have initial decision-making authority.

D. Projects Requiring Multiple Approvals, Including Subdivision Approval. If a project subject to Subsections B or C also requires tract map or parcel map approval by the Advisory Agency, that subdivision approval and any appeals shall be decided and governed by the rules applicable to subdivision approvals as set forth in Article 7 of this Chapter. Hearings for and consideration of appeals of subdivision approvals by the Advisory Agency shall be scheduled for the same time as the hearing and decision by the Area Planning Commission or City Planning Commission, whichever has jurisdiction over the other approvals. Any time limit within which the Area Planning Commission or City Planning Commission must act on the applications before it are extended by the number of days required by this Code for hearings to be held and decisions made on a subdivision appeal and other discretionary approvals at the same time.
E. Projects Requiring Multiple Approvals, Including Director Approval. If a project subject to Subsections B, C, or D also requires an application for approval by the Director, all the applications shall be decided by either the Area Planning Commission or the City Planning Commission as provided in Subsections B, C, or D. The procedure used for consideration of initial decisions and any appeals of all of the required approvals shall be those set forth in Subsections B, C, or D.

F. Separate Decisions. When acting on multiple applications for a project, the initial decision-maker or appellate body shall separately make all required findings for each application. When appropriate, the initial decision-maker or appellate body may make findings by reference to findings made for another application involving the same project.

G. No Additional Appeals Created by This Section. This section is not intended to create any additional appeal or level of appeal in connection with any application for a land use approval under this Code.

Sec. 95. Subsection E of Section 12.40 of the Los Angeles Municipal Code is amended to read:

E. Landscape Point System. The Department of City Planning shall not approve proposed landscape for any Project unless the landscape satisfies the requirements of the landscape point system, as established by the City Planning Commission. A Project that satisfies any landscape requirements of Sections 12.40 through 12.43 of this Code or any other sections of this Code, may accrue points.

Sec. 96. Subsection F of Section 12.40 of the Los Angeles Municipal Code is amended to read:

F. Approvals. The Director of Planning shall have the authority to issue approvals under Sections 12.40 through 12.43 of this Code. The Director shall review and approve or disapprove the proposed landscape. These decisions shall be based on the requirements for application submittal established by the City Planning Commission. The City Planning Commission shall adopt and revise, as necessary, guidelines to implement the provisions of Sections 12.40 through 12.43. The Director may also grant exemptions from Sections 12.40 through 12.43 if he or she finds that these landscaping requirements are inappropriate due to the temporary nature of the Project.

Sec. 97. Subdivision 2 of Subsection A of Section 12.42 of the Los Angeles Municipal Code is amended to read:
2. Tree Planting. Applications for landscape approval shall contain a proposal for shading of walls of structures in accordance with the guidelines established by the City Planning Commission.

Sec. 98. Subdivision 2 of Subsection B of Section 12.42 of the Los Angeles Municipal Code is amended to read:

2. Vehicular Use Areas. Notwithstanding any other provisions of this Code to the contrary, applications for landscape approval shall contain a proposal for heat and glare reduction in vehicular use areas in accordance with guidelines established by the City Planning Commission.

Sec. 99. Subdivision 2 of Subsection C of Section 12.42 of the Los Angeles Municipal Code is amended to read:

2. Procedure. Applications for landscape approval shall contain a proposal for air quality enhancement, in accordance with the guidelines established by the City Planning Commission.

Sec. 100. Paragraph (a) of Subdivision 2 of Subsection D of Section 12.42 of the Los Angeles Municipal Code is amended to read:

(a) The Department of Building and Safety shall not issue any building permits for a Project where soil and watershed conservation techniques, as provided in this section and in the guidelines established by the City Planning Commission, have not been used, as determined by the Department of City Planning. Notwithstanding the provisions of Article 1 of Chapter IX of this Code, all cut and fill slopes in Hillside Areas determined under the provisions of that article of this Code to be subject to erosion, shall be planted and irrigated pursuant to the provisions of this subdivision.

Sec. 101. Subdivision 3 of Subsection D of Section 12.42 of the Los Angeles Municipal Code is amended to read:

3. Required Vegetation. Manufactured slopes shall be planted in accordance with the guidelines established by the City Planning Commission.

Sec. 102. Subdivision 3 of Subsection E of Section 12.42 of the Los Angeles Municipal Code is amended to read:

3. Planting Techniques. All planting shall be accomplished in accordance with the guidelines established by the City Planning Commission.
Sec. 103. Section 12.50 of the Los Angeles Municipal Code is amended to read:

SEC. 12.50. AIRPORT APPROACH ZONING REGULATIONS.

A. Scope and Applicability of Regulations. It is hereby found that potential airport hazards exist or may be created in connection with the maintenance and operation of the Van Nuys and Los Angeles International Airports. In order to prevent the creation or establishment of these hazards, special airport zoning regulations controlling height limits and regulating the use of the land are hereby established within the airport hazard areas surrounding the Van Nuys and Los Angeles International Airports. The provisions of this section are not intended to abrogate any other section of this Code, and when it appears that there is a conflict with other sections, the most restrictive requirement shall apply.

B. Airport Hazard Areas Map. The boundaries of the airport hazard areas and the height limitations imposed in those areas are shown on the "Airport Hazard Areas Map," made up of separate sheets and bearing appropriate marks, notations, references and other information and consisting of: (1) the Airport Hazard Areas Map relating to the Van Nuys Airport and adopted as part of Ordinance No. 130,500, which added Section 12.50 to this Code; (2) the Airport Hazard Areas Map relating to the Los Angeles International Airport, (both of which maps are attached and by this reference incorporated into this ordinance and made a part of it as though set forth at length); and (3) any future amendments and additions to the maps as may be adopted by ordinance.

C. Definitions. For the purpose of this section certain terms and words are defined as follows:

1. Airport Hazard means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off of aircraft.

2. Airport Hazard Area means any area of land or water upon which an airport hazard might be established if not prevented as provided in this Section.

3. Structure means any object constructed or installed by man, including, but without limitation, buildings, towers, smoke stacks, and overhead lines.

4. Tree means any object of natural growth.

D. General Provisions. Except where it is determined by a Zoning Administrator, or by the Area Planning Commission upon appeal pursuant to Subsections B through Q of Section 12.24, after consideration of any report and recommendation which might be
submitted by the General Manager of the Department of Airports, that compliance with this section in a particular situation would result in practical difficulty or unnecessary hardship and that the proposed height of a structure or tree beyond that otherwise permitted by the provisions of this section will not constitute a hazard to aircraft or in any way interfere with air safety or the safety of persons and objects on the ground, no structure shall be erected, structurally altered, enlarged or maintained, and no tree shall be planted, allowed to grow or be maintained within the airport hazard areas surrounding the Van Nuys or Los Angeles International Airports which exceeds the heights as shown on the Airport Hazard Areas Map or as further provided in Subsection F for transitional surface areas. The procedure and fees for requesting and procuring a determination of an exception mentioned herein, for appealing from the determination or requesting a transfer of jurisdiction to the Area Planning Commission, and the time limitations applicable to those actions shall be the same as those provided in Subsections B through Q of Section 12.24 of this code; provided, however, that upon the filing of a request for exception with the Department of City Planning, the Department shall immediately request a report and recommendation from the General Manager of the Department of Airports and time shall not commence to run for a Zoning Administrator to act until the report and recommendation has been received or 60 days have elapsed from the time of the request.

E. Use Restrictions. Notwithstanding any other provisions of this article, no use may be made of land within an airport hazard area, as established by this section in a manner as to create electrical or electronic interference with radio or radar communication between the Van Nuys or Los Angeles International Airports and approaching or departing aircraft. No illuminated or flashing advertising or business sign, billboard or any other structure shall be installed or maintained within an airport hazard area which would make it difficult for flyers to distinguish between those lights and the aeronautical lights of the airport, or which would result in glare in the eyes of pilots and impairment of visibility or otherwise endanger the landing, taking off or maneuvering of aircraft.

F. Transitional Surface Area Height Limits. The height limit in the transitional surface areas, as shown on the above described map, shall be an inclined plane surface having a slope ratio of one vertical to seven horizontal, sloping upward and outward from the boundary of the transitional surface area on either side of a runway or from the edge of a runway approach area, whichever is adjacent. The direction of the slope shall be at right angles to the center line of the runway or its prolongation and shall extend upward from the elevation of the nearest runway or from the height limit elevation permitted in a runway approach area, whichever is adjacent.

G. Interpretations. Where uncertainty exists in applying the provisions of this section, the Zoning Administrator, upon written request, shall determine the location of the boundary lines of the airport hazard areas or the height limits by written decision
pursuant to Subsections B through Q of Section 12.24. A copy of the decision shall be furnished to the Department of Building and Safety.

Any person claiming to be aggrieved by the determination of the Zoning Administrator with respect to the location of the boundary lines of the airport hazard areas or the height limits permitted therein may, within 15 days after the decision of the Zoning Administrator, appeal to the Area Planning Commission pursuant to Subsections B through Q of Section 12.24 of this Code.

The Area Planning Commission, upon notice to the person claiming to be aggrieved, shall hear the appeal within 15 days after it is filed. Upon hearing the appeal, the Area Planning Commission shall within 14 days declare its findings. It may sustain, modify or overrule the decision of the Zoning Administrator.

H. Exception. The provisions of this section shall not prevent structures, including all projections from the structure, to be erected, structurally altered, enlarged or maintained and trees to be planted and maintained to an overall height of not to exceed 45 feet above the natural or finished grade, whichever is lower.

I. Continuation of Existing Regulations. The provisions of this section, insofar as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

J. Before any existing structure which conforms to all other provisions of this article but which does not conform with the provisions of this section may be replaced, substantially altered or repaired, or rebuilt in a manner not conforming with the height limitations of this section, a permit must be secured from the Department of Building and Safety in addition to all other permits required by this Code. All applications for these permits shall be granted except those which would permit a nonconforming structure to be made higher or become a greater hazard to air navigation than it was when the applicable restrictions of this section were adopted or when the application for the permit was made, whichever is the more restrictive. No permit is required by this section to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of those structures.

Any existing tree which does not conform with the provisions of this section may remain or be replaced by one of comparable or smaller size or be replanted but shall not be allowed to grow higher or become a greater hazard to air navigation than it was when the applicable restrictions of this section were adopted.

Sec. 104. Subdivision 10 of Subsection G of Section 12.95.2 of the Los Angeles Municipal Code is amended to read:
10. On July 1 of each year, the monetary assistance specified in Subdivisions 5 and 8 of this subsection shall be automatically increased to the amount specified by the Community Development Department pursuant to Los Angeles Administrative Code Section 22.468.5. The date the assistance is actually paid shall determine the monetary amount due. If the automatic increase occurs before the actual payment of all or a portion of the assistance, then the applicant shall pay the increased amount of that portion. The Advisory Agency, the Area Planning Commissions and the City Planning Commission may impose monetary amounts in excess of those provided in this subsection.

Sec. 105. Section 13.15 of the Los Angeles Municipal Code is amended to read:

SEC. 13.15. Violation. The violation of any condition imposed by a Zoning Administrator, Director of Planning, the Area Planning Commission, City Planning Commission or Council in approving the site requirements, methods of operation, development plans or other actions taken pursuant to the authority contained in this article shall constitute a violation of this article and shall be subject to the same penalties as any other violation of this Code.

Sec. 106. Subsection A of Section 13.01 of the Los Angeles Municipal Code is amended to read:

A. Application. The provisions of this section shall apply to the districts where the drilling of oil wells or the production from the wells of oil, gases or other hydrocarbon substances is permitted. The provisions of this section shall not apply to the property in the M3 Zone, except as specifically provided here to the contrary. The provisions of this section shall not apply to the location of subterranean gas holding areas which are operated as a public utility and which are regulated by the provisions of Section 14.00 of this Code.

Sec. 107. The following definitions in Subsection B of Section 13.01 of the Los Angeles Municipal Code are amended to read:

CONTROLLED DRILLING SITE shall mean that particular location within an oil drilling district in an "Urbanized Area" upon which surface operations for the drilling, deepening or operation of an oil well or any incidental operation are permitted under the terms of this section, subject to the conditions prescribed by written determination by the Zoning Administrator.

NON URBANIZED AREA shall mean all those portions of the City which the City Planning Commission or Council has determined will not be detrimentally affected by the drilling, maintenance, or operation of oil wells. In making its determination, the City
Planning Commission, or the Council on appeal, shall give due consideration to the amount of land subdivided, the physical improvements, the density of population and the zoning of the district.

**URBANIZED AREA** shall mean all land in the City, except land in the M3 Zone, and land which has been determined to be "Nonurbanized Area" by the City Planning Commission or Council or land located in the "Los Angeles City Oil Field Area."

Sec. 108. Subsection C of Section 13.01 of the Los Angeles Municipal Code is amended to read:

C. **Status of Areas.** Where uncertainty exists as to whether or not a particular area shall be continued as an urbanized area, any person contemplating filing a petition for the establishment of an oil drilling district, may prior to its filing, request the City Planning Commission to determine the status of the area in which the proposed district is to be located. The Commission shall refer the request to the Director of Planning for investigation and upon receipt of his or her report shall determine whether the area is "Urbanized" or "Nonurbanized." The determination of the City Planning Commission may be appealed to the Council, which may, by resolution, approve or disapprove the determination.

Sec. 109. Subparagraph (1) of Paragraph (b) of Subdivision 2 of Subsection D of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(1) A summary of the provisions of the Los Angeles Municipal Code, as amended, which are applicable to the district, prepared or approved by the person authorized to be in charge of Petroleum Administration by the Director of the Office of Administrative and Research Services for the City of Los Angeles;

Sec. 110. Subparagraph (2) of Paragraph (d) of Subdivision 2 of Subsection D of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(2) meets the educational and experience requirements to become an active member of the American Association of Petroleum Geologists or the American Institute of Professional Geologists, that the production of oil from under the proposed district would not, in his or her opinion, result in any noticeable subsidence. If the City's authorized person in charge of Petroleum Administration disagrees in any way with the report, he or she shall submit in writing his or her own views on the report as part of the report to the City Planning Commission.

Sec. 111. Subdivision 5 of Subsection D of Section 13.01 of the Los Angeles Municipal Code is amended to read:
5. **General - All Areas.** No application for the establishment of an oil drilling district shall be accepted for filing in the City Planning Department unless it has first been submitted to and reported on by the authorized person in charge of Petroleum Administration. The report shall consider the propriety of the proposed boundaries of the district, the desirability of the drill site location and whether or not the exploration for oil is geologically justified in the district. The report shall be made within 30 days of the receipt of the application. A copy of the report shall accompany the application when it is filed with the City Planning Department.

Sec. 112. Paragraph (b) of Subdivision 1 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(b) Each drilling site in any district shall contain a net area of one acre or more and shall be composed of contiguous parcels of land which may be separated only by an alley or walk. A drilling site may contain less than one acre of area where it is surrounded on all sides by public or approved private streets.

Only one oil well Class A may be established or maintained on each acre of land, except that there may be one oil well Class A on any land surrounded on all sides by public or approved private streets. Provided, however, in determining conditions for drilling pursuant to Subsection H, the Zoning Administrator may permit surface operations for more than one oil well Class A in a semi-controlled drilling site where the additional wells are to be bottomed under adjacent land in a drilling district in lieu of surface operations. There shall be no less than one net acre of land in the combined drill site and production site for each well in a semi-controlled drilling site. The Zoning Administrator shall require a site of more than one acre for each oil well where a larger area is required in the particular oil drilling district. The Zoning Administrator may require larger minimum drilling sites or production areas when reasonably necessary in the public interest for a particular oil producing section.

Where drilling sites greater than one acre are required and two or more lessees or oil drilling developers in a block or area have at least one net acre each, but all lessees or developers do not have the greater area required for drilling under these regulations, the Zoning Administrator shall equitably allocate permitted wells among the competing lessees or developers. Where necessary, the lessee or developer having control of the larger portion of the property shall be given preference. In those situations outlined above, in addition to the proration required by Paragraph (d) of this subdivision, the Zoning Administrator shall require that the lessee or developer having control of the larger portion of the property shall offer an equitable consolidation agreement to the lessee or developer who has not been permitted to drill. This consolidation agreement shall contain an offer.
in writing, open for acceptance for 30 days, giving the other lessees or developers a choice of either: (i) a lease on terms and conditions agreed upon, or on substantially the same terms and conditions contained in leases owned by the applicant; or, (ii) a consolidation agreement agreed upon providing that each lessee or developer shall contribute to the cost of drilling and operation of the well and share in the production from the well in the proportion that the area of his property bears to the total area in the drilling unit.

Sec. 113. Paragraph (d) of Subdivision 1 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(d) Where the drilling site is so located as to isolate any parcel of land in the drilling district in such a manner that it could not be joined with any other land so as to create another drilling site of the area required in the particular district in which it is located, the Zoning Administrator shall require, as a condition to the drilling and production on the drilling site that the owner, lessee or permittee or his or her successor shall pay to the owners of the oil and gas mineral rights in each isolated parcel, a pro-rata share of the landowners' royalty in all of the oil and gas produced from the drilling site, the share to be in that proportion as the net area of the isolated parcel is to the total net area of the drilling site plus the area of all the isolated parcels; provided that the landowners' royalty shall be determined in accordance with any existing contracts for payments to the landowners of the drilling site, but, in no event, as to the owner of the isolated parcel or parcels, shall it be less than a 1/6th part of the oil and gas produced and saved from the drilling site.

Sec. 114. Paragraph (b) of Subdivision 2 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(b) Not more than one controlled drill site shall be permitted for each 40 acres in any district and that site shall not be larger than two acres when used to develop a district approximating the minimum size; provided, however, that where the site is to be used for the development of larger oil drilling districts or where the Zoning Administrator requires that more than one oil drilling district be developed from one controlled drilling site, the site may be increased, at the discretion of the Zoning Administrator when concurred in by the Board of Fire Commissioners, by not more than two acres for each 40 acres included in the district or districts.

Sec. 115. Paragraph (d) of Subdivision 2 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:
(d) Each applicant, requesting a determination by the Zoning Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection H of this section, must have proprietary or contractual authority to drill for oil under the surface of at least 75 percent of the property in the district to be explored.

Sec. 116. Paragraph (e) of Subdivision 2 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(e) Each applicant or his or her successor in interest shall, within one year from the date the written determination is made by a Zoning Administrator prescribing the conditions controlling drilling and production operations as provided in Subsection H of this section, execute an offer in writing giving to each record owner of property located in the oil drilling district who has not joined in the lease or other authorization to drill the right to share in the proceeds of production from wells bottomed in the district, upon the same basis as those property owners who have, by lease or other legal consent, agreed to the drilling for and production of oil, gas or other hydrocarbon substances from the subsurface of the district. The offer hereby required must remain open for acceptance for a period of five years after the date the written determination is made by a Zoning Administrator. During the period the offer is in effect, the applicant, or his or her successor in interest, shall impound all royalties to which the owners or any of them may become entitled in a bank or trust company in the State of California, with proper provisions for payment to the record owners of property in the district who had not signed the lease at the time the written provisions were made by a Zoning Administrator, but who accepts the offer in writing within the five-year period. Any such royalties remaining in any bank or trust company at the time the offer expires which are not due or payable as provided above shall be paid pro-rata to those owners who, at the time of the expiration, are otherwise entitled to share in the proceeds of the production.

Sec. 117. Paragraph (f) of Subdivision 2 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(f) The entire controlled drilling site shall be adequately landscaped, except for those portions occupied by any required structure, appurtenance or driveway, and all landscaping shall be maintained in good condition at all times. Plans showing the type and extent of the landscaping shall be first submitted to and approved by the Zoning Administrator.

Sec. 118. Paragraph (g) of Subdivision 2 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:
(g) Each applicant, requesting a determination by a Zoning Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection H of this section, shall post in the Office of Zoning Administration a satisfactory corporate surety bond (to be approved by the City Attorney and duplicates to be furnished to him or her) in the sum of $5,000 in favor of the City of Los Angeles, conditioned upon the performance by the applicant of all of the conditions, provisions, restrictions and requirements of this section, and all additional conditions, restrictions or requirements determined and prescribed by a Zoning Administrator. No extension of time that may be granted by a Zoning Administrator or any change or specifications or requirements that may be approved or required by him or her or by any other officer or department of the City or any other alteration, modification of waiver affecting any of the obligations of the grantee made by any City authority or by any other power or authority whatsoever shall be deemed to exonerate either the grantee or the surety on any bond posted pursuant to this section.

Sec. 119. Paragraph (h) of Subdivision 2 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(h) If a Zoning Administrator determines, after first receiving a report and recommendation from the Director of the Office of Administrative and Research Services, that oil drilling and production activities within the district have caused or may cause subsidence in the elevation of the ground within the district or in the immediate vicinity, then after consulting with recognized experts in connection with that problem and with those producing hydrocarbons from the affected area, he or she shall have the authority to require the involved oil producer or producers to take corrective action, including re-pressurizing the oil producing structure or cessation of oil drilling and production.

Sec. 120. Paragraph (i) of Subdivision 2 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(i) A Zoning Administrator may impose additional conditions or require corrective measures to be taken if he or she finds, after actual observation or experience with drilling one or more of the wells in the district, that additional conditions are necessary to afford greater protection to surrounding property.

Sec. 121. Paragraph (c) of Subdivision 3 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(c) Onshore drilling and producing operations utilizing directional or slant drilling may be approved by a Zoning Administrator only when a showing is
made that production of oil and gas cannot be accomplished from already approved or permissible sites.

Sec. 122. Paragraph (e) of Subdivision 3 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(e) Each applicant requesting a determination by a Zoning Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection H, shall post in the Office of Zoning Administration a satisfactory corporate surety bond (to be approved by the City Attorney and duplicates to be furnished to him or her) in the sum of $50,000 in favor of the City of Los Angeles, conditioned upon the performance by the applicant of all of the conditions, provisions, restrictions and requirements of this section, and all additional conditions, restrictions, or requirements determined and prescribed by a Zoning Administrator. No extension of time that may be granted by a Zoning Administrator on any change of specifications on requirements that may be approved or required by him or her or by any other officer or department of the City or any other alteration, modification or waiver affecting any of the obligations of the applicant made by any City authority or by any other power or authority whatsoever shall be deemed to exonerate either the applicant or the surety on any bond posted pursuant to this section.

Sec. 123. Paragraph (e) of Subdivision 4 of Subsection F of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(e) Each applicant, requesting a determination by the Zoning Administrator prescribing the conditions controlling new drilling and production operations as provided in Subsection H, must have proprietary or contractual authority to drill for oil under the surface of at least 75% of the total land area of the property in the district to be explored.

Sec. 124. Paragraph (f) of Subdivision 4 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(f) Within one year from the date the written determination is made by a Zoning Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection H, each applicant or his or her successor in interest shall offer in writing to each record owner of property located in the oil drilling district who has not joined in the lease or other authorization to drill, the right to share in proceeds of production from new wells bottomed in the district upon the same basis as those property owners who have, by lease or other legal consent, agreed to the drilling for and production of oil, gas or other hydrocarbon substances from the sub-surface of the district. The offer hereby required must
remain open for acceptance for a period of five years after the date the written determination is made by a Zoning Administrator. During the period the offer is in effect, the applicant, or his or her successor in interest, shall impound all royalties to which the owners or any of them may become entitled in a bank or trust company in the State of California, with proper provisions for payment to the record owners of property in the district who had not signed the lease at the time the written determination was made by a Zoning Administrator, but who accepts the offer in writing within the five-year period. Any royalties remaining in any bank or trust company at the time the offer expires which are not due or payable as provided above shall be paid pro-rata to those owners who, at the time of the expiration, are otherwise entitled to share in the proceeds of the production.

Sec. 125. Paragraph (g) of Subdivision 4 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(g) the entire site upon which new oil wells are to be drilled shall be adequately fenced and landscaped; plans showing the type and extent of the landscaping shall be first submitted to and approved by the Zoning Administrator.

Sec. 126. Paragraph (h) of Subdivision 4 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(h) Each applicant requesting a determination by a Zoning Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection H, shall post in the Office of Zoning Administration a satisfactory corporate surety bond (to be approved by the City Attorney and duplicates to be furnished by him or her) in the sum of $5,000 in favor of the City of Los Angeles, conditioned upon the performance by the applicant of all of the conditions, provisions, restrictions, and requirements of this section, and all additional conditions, restrictions, or requirements determined and prescribed by a Zoning Administrator. No extension of time that may be granted by a Zoning Administrator or any change of specifications or requirements that may be approved or required by him or her or by any other officer or department of the City or any other alteration, modification or waiver affecting any of the obligations of the grantees made by any city authority or by any other power or authority whatsoever shall be deemed to exonerate either the grantees or the surety of any bond posted pursuant to this section.

Sec. 127. Paragraph (i) of Subdivision 4 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(i) If a Zoning Administrator determined after first receiving a report and recommendation from the Director of the Office of Administrative and Research
Services, that oil drilling and production activities within the district have caused or may cause subsidence in the elevation of the ground within the district or in the immediate vicinity, he or she shall have the authority, after consulting with recognized experts in connection with the problem and with those persons producing hydrocarbons from the affected area, to require the involved oil producer or producers to take corrective action, including re-pressurizing the oil producing structure or cessation of oil drilling and production.

Sec. 128. Paragraph (j) of Subdivision 4 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(j) A Zoning Administrator may impose additional conditions or require corrective measures to be taken if he or she finds, after actual observation or experience with drilling one or more of the wells in the district, that additional conditions are necessary to afford greater protection to surrounding property.

Sec. 129. Paragraph (k) of Subdivision 4 of Subsection E of Section 13.01 of the Los Angeles Municipal Code is amended to read:

(k) Any operator of any site within an oil drilling district, approved by the Zoning Administrator pursuant to Section 12.23 C 4 (c), may apply to the Department of City Planning for the establishment of fencing and landscaping requirements. Once the requirements have been satisfied, the operator shall be relieved of the restrictions specified in Section 12.23 C 4 (b) and (c). Should an operator of such a site in a district desire to redrill or deepen a Class A oil well, if the oil well was (i) in existence on January 24, 1982; and (ii) had not been officially abandoned in accordance with State Division of Oil and Gas Regulations prior to January 24, 1982; and (iii) has a Los Angeles Fire Department Serial Number and the number was in existence on January 24, 1982, that operator shall comply with the provisions of Subsection H of Section 13.01. Compliance with the Determination of Conditions issued shall relieve the operator of the restrictions specified in Section 12.23 C 4 (b) and (c) of this Code.

Sec. 130. The first unnumbered paragraph of Subsection F of Section 13.01 of the Los Angeles Municipal Code is amended to read:

F. Additional Conditions. In addition to the standard conditions applying to oil drilling districts, the Council, by ordinance, or the Zoning Administrator may impose other conditions in each district as deemed necessary and proper. Where these conditions are imposed by ordinance, they may be subsequently modified or deleted in the following manner: (a) where the condition relates to the location of a drill site within a district, by amending the ordinance, only after the submission of an application, the
payment of fees, notice, hearing and procedure identical to that required by this article for the establishment of an oil drilling district; and (b) where the condition does not relate to the location of a drill site, by amending the ordinance, without the necessity of fees, notice or hearing. In its report to the Council relative to the establishment of a district, the City Planning Commission may recommend conditions for consideration. Some of these additional conditions, which may be imposed in the ordinance establishing the districts or by the Zoning Administrator in determining the drilling site requirements, and which may be applied by reference, are as follows:

Sec. 131. Subdivision 3 of Subsection F of Section 13.01 of the Los Angeles Municipal Code is amended to read:

3. That the operator of any well or wells in the district shall post in the Office of Zoning Administration a $5,000 corporate surety bond conditioned upon the faithful performance of all provisions of this article and any conditions prescribed by a Zoning Administrator. No extension of time that may be granted by a Zoning Administrator, or change of specifications or requirements that may be approved or required by him or her or by any other officer or department of the City, or other alteration, modification or waiver affecting any of the obligations of the grantee made by any City authority shall be deemed to exonerate either the grantee or the surety on any bond posted as required in this article.

Sec. 132. Subdivision 5 of Subsection F of Section 13.01 of the Los Angeles Municipal Code is amended to read:

5. That the drilling site shall be fenced or landscaped as prescribed by the Zoning Administrator.

Sec. 133. Subdivision 17 of Subsection F of Section 13.01 of the Los Angeles Municipal Code is amended to read:

17. That any person requesting a determination by the Zoning Administrator prescribing the conditions under which oil drilling and production operations shall be conducted as provided in Subsection H, shall agree in writing on behalf of him or herself and his or her successors or assigns, to be bound by all of the terms and conditions of this article and any conditions prescribed by written determination by the Zoning Administrator; provided, however, that the agreement in writing shall not be construed to prevent the applicant or his or her successors or assigns from applying at any time for amendments pursuant to this Article or to the conditions prescribed by the Zoning Administrator, or from applying for the creation of a new district or an extension of time for drilling or production operations.
Sec. 134. Subdivision 23 of Subsection F of Section 13.01 of the Los Angeles Municipal Code is amended to read:

23. That not more than two wells may be drilled in each city block of the drilling district and bottomed under that block. However, at the discretion of the Zoning Administrator, surface operations for additional wells may be permitted in each of the blocks where each additional well is to be directionally drilled and bottomed under an adjacent block now or hereafter established in an oil drilling district in lieu of a well drilled on the adjacent block and under a spacing program which will result in not exceeding two wells bottomed under each block.

Sec. 135. Subdivision 33 of Subsection F of Section 13.01 of the Los Angeles Municipal Code is amended to read:

33. That drilling operations shall be commenced within 90 days from the effective date the written determination is made by the Zoning Administrator or Area Planning Commission, or within any additional period as the Zoning Administrator may, for good cause, allow and thereafter shall be prosecuted diligently to completion or else abandoned strictly as required by law and the premises restored to their original condition as nearly as practicable as can be done. If a producing well is not secured within eight months, the well shall be abandoned and the premises restored to its original condition, as nearly as practicable as can be done. The Zoning Administrator, for good cause, shall allow additional time for the completion of the well.

Sec. 136. Subsection H of Section 13.01 of the Los Angeles Municipal Code is amended to read:

H. Drilling Site Requirements. Any person desiring to drill, deepen or maintain an oil well in an oil drilling district which has been established by ordinance, or to drill or deepen and subsequently maintain an oil well in the M3 Zone within 500 feet of a more restrictive zone shall file an application in the Office of Zoning Administration requesting a determination of the conditions under which operations may be conducted.

Where the district is in an urbanized or off-shore area, a Zoning Administrator, after investigation, may deny the application if he finds that there is available and reasonably obtainable in the same district or in an adjacent or nearby district within a reasonable distance one or more locations where drilling could be done with greater safety and security with appreciably less harm to other property, or with greater conformity to the comprehensive zoning map. A Zoning Administrator shall deny an application for a drill site in an urbanized or off-shore area unless the applicant first files with the Zoning Administrator in a form and executed in a manner approved by a Zoning Administrator (1) either of the following continuing written offers (a) to make the
drill site available to competing operators upon reasonable terms, or (b) to enter into or conduct joint operations for a unit or cooperative plan of development of hydrocarbon reserves upon reasonable terms, if whichever course offered is determined to be feasible by a Zoning Administrator, and is subsequently required by him or her in order to effectuate the above set forth purposes, and (2) an agreement to abide by the determination of the Director of Administrative and Research Services if any dispute arises as to the reasonableness of those terms after first having an opportunity to be heard. Where the district is in a nonurbanized area, in the Los Angeles City Oil Field Area, or in those cases where a Zoning Administrator approves an application in an urbanized or off-shore area; a Zoning Administrator shall determine and prescribe additional conditions or limitations, not in conflict with those specified in the ordinance establishing the district, which he or she deems appropriate in order to give effect to the provisions of this section and to other provisions of this chapter relating to zoning. Where the proposed operation is in the M3 Zone and is within 500 feet of a more restrictive zone, a Zoning Administrator shall prescribe conditions and limitations, if any, as he or she deems appropriate to regulate activity which may be materially detrimental to property in the more restrictive zone. All conditions previously imposed by a Zoning Administrator in accordance with the provisions of this chapter are continued in full force and effect.

A Zoning Administrator shall make his or her written determination within 60 days from the date of the filing of an application and shall forthwith transmit a copy to the applicant.

The determination shall become final after an elapsed period of 15 days from the mailing of the notification to the applicant, unless an appeal is filed within that period, in which case the provisions of Section 12.24 B through I concerning the filing and consideration of appeals shall apply.

Sec. 137. Subsection I of Section 13.01 of the Los Angeles Municipal Code is amended to read:

I. Permits. No person shall drill, deepen or maintain an oil well or convert an oil well from one class to the other and no permits shall be issued for that use, until a determination has been made by the Zoning Administrator or Area Planning Commission pursuant to the procedure prescribed in Subsection H of this section.

Sec. 138. Subsection B of Section 13.02 of the Los Angeles Municipal Code is amended to read:

B: Conditions. In the ordinance establishing an animal slaughtering district, the Council may impose conditions as it deems necessary and proper. In its report to the
Council relative to the establishment of a district, the City Planning Commission may suggest conditions for consideration.

Sec. 139. Subsection E of Section 13.02 of the Los Angeles Municipal Code is amended to read:

E. Development Plans. Prior to the erection or enlargement of any building in any animal slaughtering district and prior to the development of an animal slaughtering plant in a new district established in accordance with the provisions in this section, plans for the use shall first be submitted to and approved by the Zoning Administrator. In approving the plans, the Zoning Administrator may require changes and additional improvements in connection with the proposed development as he or she deems necessary in order to give effect to the provisions of this section and to other provisions of this chapter relating to zoning, and which are not in conflict with the conditions specified in the ordinance establishing the district. Any determination by the Zoning Administrator may be appealed to the Area Planning Commission as provided for in Section 12.24 B through I.

Sec. 140. Subdivision 1 of Subsection D of Section 13.04 of the Los Angeles Municipal Code is amended to read:

1. Establishment of District Height and Area Regulations. The Council shall in the ordinance establishing an RPD District also establish the density area regulations, and height regulation applicable to the district. The height and area regulations, including peripheral setbacks, of the zone in which the land is located, shall not apply to structures, buildings and lots in an approved RPD District. However, the setback requirements of the zone in which the RPD District is located shall be the minimum setback from the periphery required for structures and buildings within the RPD District itself. Whenever the City Planning Commission recommends that the Council adopt an ordinance establishing an RPD District, it shall also recommend maximum density, height and area limitations, including peripheral setbacks, and shall transmit to the Council the recommended plan of development for the entire proposed development. At the time the Council is considering the establishment of an RPD District, it shall submit to the City Planning Commission for report and recommendation any revised or alternative development plans submitted by the applicant prior to final action. The Commission shall act on a revised or alternate plan within 50 days of receipt of the file from the Council. Should the City Planning Commission fail to act within the 50 days, the applicant may request transfer of jurisdiction to the Council.

Sec. 141. Subsection F of Section 13.04 of the Los Angeles Municipal Code is amended to read:
F. Final Development Plans. Any final development plans shall be in substantial conformance with the preliminary plans. Prior to the issuance of any permits for the erection or enlargement of any buildings within an established RPD District, final precise site and elevation plans for all buildings and landscaping within the district or approved phase of the development, shall be submitted to and approved by the Zoning Administrator and to the Area planning Commission on appeal. If the original action establishing an RPD District included the submission and approval of final precise plans for the complete development, building permits may be issued in accordance with those plans. In connection with the review of final development plans, deviations in any of the conditions previously established may be authorized pursuant to the provisions of Subsection I of this section.

Sec. 142. Subdivision 1 of Subsection B of Section 13.07 of the Los Angeles Municipal Code is amended to read:

1. Requirements. The procedures set forth in Section 12.32 S shall be followed except that each Pedestrian Oriented District (POD) shall include only lots which are zoned either CR, C1, C1.5, C2, C4 or C5. No District shall contain less than one block or three acres in area, whichever is the smaller. The total acreage in the district shall include contiguous parcels of land which may only be separated by public streets, ways or alleys, or other physical features, or as set forth in the rules approved by the Director of Planning. Precise boundaries are required at the time of application for or initiation of an individual POD.

Sec. 143. Subdivision 1 of Subsection F of Section 13.07 of the Los Angeles Municipal Code is amended to read:

1. Determination. The Director or the Director's designee shall make a determination of approval or conditional approval within 25 days of the Department's acceptance of an application. Notice of the Director's determination shall be mailed to the applicant, the Councilmember in whose District the project is located, and to all owners and lessees of property within a radius of 500 feet of the project. The determination by the Director shall include written findings in support of the determination. In order to approve a proposed construction project pursuant to this subsection, the Director must find that:

(a) If adjacent to a cultural resource that the project will be compatible in scale (i.e., bulk, height, setbacks) to that resource.

(b) The project conforms with the intent of the development regulations contained in Subsection E of this section.
(c) The project is compatible with the architectural character of the Pedestrian Oriented District where the character is defined pursuant to the ordinance establishing that district.

(d) The project complies with theme requirements or other special provisions when required in the individual Pedestrian Oriented District.

(e) The project is consistent with the General Plan.

Sec. 144. Subdivision 2 of Subsection F of Section 13.07 of the Los Angeles Municipal Code is amended to read:

2. Appeals. The determination of the Director shall become final after an elapsed period of 15 days from the date of mailing of the determination to the applicant, unless an appeal is filed with the Area Planning Commission within that period. Appeals shall be processed in accordance with Section 12.24 B through I of this Code, except as otherwise provided here.

Sec. 145. Subsection B of Section 13.08 of the Los Angeles Municipal Code is amended to read:

B. Establishment of District. The City Council may establish new districts, or change boundaries of districts, by following the procedures set forth in Section 12.32 S of this Code. A district may encompass all or portions of the area of a community plan, as recommended by the policies of that plan. Precise boundaries are required at the time of application or initiation of an individual Community Design Overlay District. A Community Design Overlay District shall not encompass an area designated as an Historic Preservation Overlay Zone pursuant to Section 12.20.3 of this Code.

Sec. 146. Subdivision 3, 4, and 5 of Subsection D of Section 13.08 of the Los Angeles Municipal Code is amended to read:

3. Commission Hearing and Notice. The proposed or amended Guidelines and Standards shall be set for a public hearing before the City Planning Commission or a hearing officer as directed by the City Planning Commission prior to the Commission action. Notice of the hearing shall be given as provided in Section 12.24 D 2 of this Code.

4. Reports. If a hearing officer is designated to conduct the public hearing, after the conclusion of the hearing, the hearing officer shall submit his report to the City Planning Commission within a period of time as may be fixed by the Commission, setting forth his or her conclusions and recommendations in writing and stating briefly the reasons therefor.
5. Decision by City Planning Commission. The City Planning Commission shall, by resolution, approve, modify or disapprove the proposed Guidelines and Standards. If the City Planning Commission fails to act within 75 days from the receipt of the report and recommendation of the Planning Department, the proposed Guidelines and Standards shall be automatically submitted to the City Council for action. In approving the Guidelines and Standards, the City Planning Commission or Council shall find that they are consistent with the policies of the adopted Community Plan and the purposes of this section.

Sec. 147. Subsection E of Section 13.08 of the Los Angeles Municipal Code is amended to read:

E. Design Overlay Plan Approvals. Within a Community Design Overlay District, no building permit shall be issued for any project, and no person shall perform any construction work on a Project, until a Design Overlay Plan has been submitted and approved according to the following procedures. No building permit shall be issued for any project, and no person shall do any construction work on a project except in conformance with the approved Design Overlay Plan.

EXCEPTION: No Design Overlay Plan approval shall be required for any project until the Guidelines and Standards have been approved.

1. Approval Authority. The Director of Planning, or his or her designee, shall approve or conditionally approve Design Overlay Plans if the plans comply with the provisions of approved Community Design Guidelines and Standards. An approval of a Design Overlay Plan by the Director of Planning, or his or her designee, shall be appealable to the Area Planning Commission.

2. Procedures.

(a) Application. An application for a Design Overlay Plan approval shall be filed with the Department of City Planning on the prescribed form, and shall be accompanied by any required materials. The application shall not be considered complete unless and until the form has been properly completed, all required information has been provided and the filing fee set forth in Section 19.01 T of this Code has been paid.

(b) Action of Director. The Director of Planning, or his or her designee, shall make a determination within 20 working days from the date of the filing of a completed application and the payment of the applicable fee. This time limit may be extended by mutual written agreement of the applicant and the Director.
(c) **Transfer of Jurisdiction.** If the Director or his or her designee fails to make a determination within the prescribed time period, the applicant may file a request for a transfer of jurisdiction to the Area Planning Commission for a determination on the original application, in which case, the Director shall lose jurisdiction. This request shall be filed in the public office of the Department of City Planning. Once filed, the request and the Department file shall be transmitted to the Area Planning Commission for action.

3. **Findings.** The Director of Planning, or the Area Planning Commission on appeal, shall approve a Design Overlay Plan as requested or in modified form if, based on the application and the evidence submitted, if the Director or Area Commission determines that it satisfies all of the following requirements:

   (a) The project substantially complies with the adopted Community Design Overlay Guidelines and Standards.

   (b) The structures, site plan and landscaping are harmonious in scale and design with existing development and any cultural, scenic or environmental resources adjacent to the site and in the vicinity.

4. **Notice of Director’s Determination.** Within five working days following the decision, a Notice of the Director’s Determination, and copies of the approved plans, shall be mailed to the applicant, the Councilmember in whose district the Project is located, the Citizen Advisory Committee, and any persons or organizations commenting on the application or requesting a Notice.

5. **Effective Date and Appeal.**

   (a) The Director’s determination shall become effective and final 15 days after the date of mailing the Notice of Director’s Determination to the applicant, unless an appeal is filed with the Area Planning Commission within that period.

   (b) An applicant, member of the City Council, or any other interested person adversely affected may appeal the Director’s decision to the Area Commission. Appeals shall be processed in the manner prescribed in Section 16.05 H of this Code, except as otherwise provided here.

6. **Notice to Building and Safety.** The Director of Planning shall notify the Department of Building and Safety of the final approval action of the Design Overlay Plan.

Sec. 148. Subsection B of Section 13.10 of the Los Angeles Municipal Code is amended to read:
B. Establishment of Districts. The procedures set forth in Section 12.32 S shall be followed except that each Fence Height District (FH) shall include only lots with are in residential zones, and shall not include lots which are in Hillside Areas, in the Coastal Zone, in Historic Preservation Overlay Zones, or in Specific Plan Areas.

Sec. 149. Section 14.00 of the Los Angeles Municipal Code is amended to read:

SEC. 14.00. PUBLIC BENEFIT PROJECTS.

A. PUBLIC BENEFIT PROJECTS AND PERFORMANCE STANDARDS. The following public benefit uses are permitted, provided they meet the performance standards set forth below or alternative compliance measures approved pursuant to Subsection B.

1. Cemeteries.

(a) Performance Standards:

(1) All buildings on the site are at least 300 feet from any adjoining street or any A or R zoned property or residential use;

(2) Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties;

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

(4) The front yard setback is as least as deep as the setback required by the zone;

(5) The property is improved with a ten foot landscaped buffer along the periphery of the property which is maintained and is equipped with an automatic irrigation system;

(6) The site has only one double-faced monument sign, with a maximum of 20 square feet per side;

(7) All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence; and
(8) All streets, alleys or sidewalks adjoining the property meet standard street dimensions.

(b) Purposes: The purposes of these Performance Standards are to provide landscaping, open space, scale, bulk, height, yards and setbacks, particularly with regard to the main building, which are similar to those in the adjacent properties in the neighborhood. Signage, where permitted by city regulations, should not exceed in size or number those located on the same block or across the street from the site. The noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. Sufficient off-street parking should be provided so as to preclude the need for utilization of on-street parking by the use allowed on the site. Assembly areas for funeral services should be located so as not to block the City streets. The proposed use should be designed so that loitering of individuals on or adjacent to the site will not be generated by the use. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current level of service. Ingress and egress to the main buildings or uses on the site should be sufficient to accommodate expected usage by the public and/or occupants of the facility. Access to and from the site should be sufficient to meet police and fire safety needs beyond the explicit requirements of City codes as determined by the Police, Fire and Building and Safety Departments. Lighting on the site should be located so as to not reflect on adjoining residential uses. A decorative wall or fence should be located to ensure protection for the site and adjacent uses. Graffiti should be prevented and eliminated when it is found on the site.

2. Density increase for an affordable housing development project to provide for additional density in excess of a 25 percent density increase.

(a) Performance Standards:

(1) The development project contains the requisite number of affordable and/or senior citizen units as set forth in California Government Code Section 65915(b);

(2) The development project complies with the standards contained in the Affordable Housing Incentives Guidelines approved by the City Planning Commission;

(3) The use is conducted in conformance with the City's noise regulations pursuant to Chapter 11 of this Code;
(4) No buildings are higher than any main building on adjoining property;

(5) All portions of the required front yard not used for necessary driveways and walkways, including decorative walkways, are landscaped and maintained, not otherwise paved, and equipped with an automatic irrigation system;

(6) The development meets the open space requirements of Section 12.21 G;

(7) Only one identification sign is displayed on the site and it is on the building face. The sign does not exceed 20 square feet, does not extend more than two feet beyond the wall of the building, and does not project above the roof ridge or parapet wall (whichever is higher) of the building;

(8) Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties;

(9) Yards, at a minimum, should meet Code requirements or those prevalent on adjoining or abutting properties, whichever is the most restrictive;

(10) All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence; and

(11) Parking areas are landscaped pursuant to the requirements of Section 12.21 A 6.

(b) Purposes: The purposes of these Performance Standards are to provide for landscaping, open space, scale, bulk, height, yards and setbacks, particularly with regard to the main buildings, which are similar to those in the adjacent properties in the neighborhood. Signage, where permitted by City regulations, should not exceed in size or number those located on the same block or across the street from the site. The noise levels created on the site should not increase the ambient noise level so as to be disturbing to persons on adjoining or abutting properties after completion of the project. Public telephones on the site should be located to discourage loitering. Sufficient off-street parking should be provided to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed in a manner that will minimize the generation of loitering of individuals.
on or adjacent to the site. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current level of service. Ingress and egress to the main buildings or uses on the site are sufficient to accommodate expected usage by the public and/or occupants of the facility. Access to and from the site should be sufficient to meet police and fire safety needs beyond the explicit requirements of City codes as determined by the Police, Fire and Building and Safety Departments. Lighting on the site should not reflect on adjoining residential uses. Walls, fences, or other visible security devices should be similar to those on the adjoining properties. Graffiti should be prevented and eliminated when it is found on the site.

3. Libraries, museums, fire or police stations or governmental enterprises which are controlled by this article.

   (a) Performance Standards:

   (1) The use is conducted in conformance with the City's noise regulations pursuant to Chapter 11 of this Code;

   (2) No outdoor public telephones are present on the site;

   (3) No buildings are higher than any structure on adjoining property;

   (4) No guard dogs are used to patrol at night;

   (5) There is no use of barbed, razor or concertina wire;

   (6) Security lighting is provided in parking areas;

   (7) Setbacks are at least as deep as required for institutions by Section 12.21 C 3;

   (8) The property is improved with a ten foot landscaped buffer along the periphery of the property which is maintained and is equipped with an automatic irrigation system;

   (9) Parking areas are landscaped pursuant to the requirements of Section 12.21 A 6;

   (10) Only one identification sign is displayed on the site and it is on the building face. The sign does not exceed 20 square feet, and does not
extend more than two feet beyond the wall of the building, and does not project above the roof ridge or parapet wall (whichever is higher) of the building;

(11) Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties;

(12) All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence;

(13) The use meets the parking requirements of Section 12.21 A;

(14) The site is a corner site;

(15) The majority of the frontage is on a major or secondary highway; and

(16) All streets, alleys and sidewalks adjoining the property meet standard street dimensions.

(b) Purposes: The purposes of these Performance Standards are to provide for landscaping, open space, scale, bulk, height, yards and setbacks, particularly with regard to the main buildings, which are similar to those in the adjacent properties in the neighborhood. Signage, where permitted by city regulations, should not exceed in size or number those located on the same block or across the street from the site. The noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. Public telephones on the site should be located to discourage loitering. Sufficient off-street parking should be provided to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed in a manner that will minimize the generation of loitering of individuals on or adjacent to the site. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current level of service. Ingress and egress to the main buildings or uses on the site are sufficient to accommodate expected usage by the public and/or occupants of the facility. Access to and from the site should be sufficient to meet police and fire safety needs beyond the explicit requirements of City codes as determined by the Police, Fire and Building and Safety Departments. Lighting on the site should not reflect on adjoining residential uses. Walls, fences, or other visible security devices should be similar to those on the adjoining properties. Graffiti should be prevented and eliminated when it is found on the site.
4. Mobile home parks where any trailer or mobile home is permitted to remain longer than one day, and which were lawfully in existence on December 6, 1986.

(a) Performance Standards:

(1) No buildings are higher than any main building on adjoining property or across a street or alley from the use.

(2) The use is conducted in conformance with the City’s noise regulations pursuant to Chapter 11 of this Code.

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

(4) The front yard is at least as deep as the setback required by the zone.

(5) The property is improved with a ten foot landscaped buffer along the periphery of the property, which is maintained and is equipped with an automatic irrigation system.

(6) Parking areas are landscaped pursuant to the requirements of Section 12.21 A 6.

(7) All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.

(8) Only one identification sign is displayed on the site and it is on the building face. The sign does not exceed 20 square feet, and does not extend more than two feet beyond the wall of the building, and does not project above the roof ridge or parapet wall (whichever is higher) of the building.

(9) The use meets the parking requirements of Section 12.21 A.

(10) All streets, alleys or sidewalks adjoining the property meet standard street dimensions.

(b) Purposes: The purposes of these Performance Standards are to provide for landscaping, open space, scale, bulk, height, yards and setbacks,
particularly with regard to the main buildings, which are similar to those in the adjacent properties in the neighborhood. Signage, where permitted by City regulations, should not exceed in size or number those located on the same block or across the street from the site. The noise levels created on the site should not increase the ambient noise level so as to disturb persons on adjoining or abutting properties after completion of the project. Public telephones on the site should be located to discourage loitering. Sufficient off-street parking should be provided to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed in a manner that will minimize the generation of loitering of individuals on or adjacent to the site. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current existing level of service. Ingress and egress to the main buildings or uses on the site are sufficient to accommodate expected usage by the public and/or occupants of the facility. Access to and from the site should be sufficient to meet police and fire safety needs beyond the explicit requirements of City codes as determined by the Police, Fire and Building and Safety Departments. Lighting on the site should not reflect on adjoining residential uses. Walls, fences, or other visible security devices should be similar to those on the adjoining properties. Graffiti should be prevented and eliminated when it is found on the site.

5. Parks, playgrounds, or recreational or community centers in the A, R or C1 Zones.

(a) Performance Standards:

(1) The outdoor play/recreational area is at least 100 feet away from any A or R zones or residential use;

(2) There are no outdoor public telephones on the site;

(3) There is no public address system or amplified sound on the site;

(4) The use is conducted in conformance with the City's noise regulations set forth in Chapter 11 of this Code;

(5) The hours of operation are restricted to between 7 a.m. and 10 p.m. of every day;

(6) There is no outdoor activity from dusk to dawn;
(7) No buildings are higher than any main building on adjoining property or across the street or alley from the use;

(8) The property is improved with a ten foot landscaped buffer along the periphery of the property, which is maintained and is equipped with an automatic irrigation system;

(9) Only one identification sign is displayed on the site and it is on the building face. The sign does not exceed 20 square feet, does not extent more than two feet beyond the wall of the building, and does not project above the roof ridge or parapet wall (whichever is higher) of the building;

(10) Parking areas are landscaped pursuant to the requirements of Section 12.21 A 6;

(11) The use meets the parking requirements of Section 12.21 A;

(12) The site is a corner site;

(13) The majority of the frontage is on a major or secondary highway; and

(14) All streets, alleys or sidewalks adjoining the property meet standard street dimensions.

(b) Purposes: The purposes of these Performance Standards are to provide for landscaping, open space, scale, bulk, height, yards and setbacks, particularly with respect to the main buildings, which are similar to those in other properties in the neighborhood. Signage, where permitted by City regulations, should not exceed in size or number those located on the same block or across the street from the site. The noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. When adjacent to residential uses, the site should not be used at times or in a manner that would be disturbing to neighbors. Public telephones should not be located in places where they would encourage loitering. Sufficient off-street parking should be provided to preclude the need for utilization of on-street parking by the use allowed on the site.

The proposed use should be designed so that loitering of individuals on or adjacent to the site will not be generated by the use. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current level of service. Ingress
and egress to the main building(s) or uses on the site should be sufficient to accommodate expected usage by the public and/or occupants of the facility. Access to and from the site should be sufficient to meet police and fire safety needs beyond the explicit requirements of City codes as determined by the Police, Fire and Building and Safety Departments. Lighting on the site should be located so that it does not reflect on adjoining residential uses. A decorative wall or fence should be located to ensure protection for the site and adjacent uses. Graffiti should be prevented or eliminated when it is found on the site.

6. Public utilities and public services uses and structures, except wireless telecommunication facilities and radio or television transmitters in the A, R, C or MR Zones.

(a) Performance Standards:

(1) Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties;

(2) The use is conducted in conformance with the City’s noise regulations pursuant to Chapter 11 of this Code;

(3) There are no outdoor public telephones on the site;

(4) No buildings are higher than any building on adjoining property;

(5) No guard dogs are used to patrol at night;

(6) There is no use of barbed, razor or concertina wire;

(7) Security lighting is provided in parking areas;

(8) The property is improved with a ten foot landscaped buffer along the periphery of the property which is maintained and is equipped with an automatic irrigation system;

(9) Parking areas are landscaped pursuant to the requirements of Section 12.21 A 6;

(10) Only one identification sign is displayed on the site and it is on the building face. The sign does not exceed 20 square feet, and does not extend more than two feet beyond the wall of the building, and does not project above the roof ridge or parapet wall (whichever is higher) of the building;
(11) All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence;

(12) The use meets the parking requirements of Section 12.21 A;

(13) The site is a corner site;

(14) Yards, at a minimum, should meet Code requirements or those prevalent on adjoining properties, whichever is the most restrictive;

(15) The majority of the frontage is on a major or secondary highway; and

(16) All streets, alleys or sidewalks adjoining the property meet standard street dimensions.

(b) Purposes: The purposes of these Performance Standards are to provide for landscaping, open space, scale, bulk, height, yards and setbacks, particularly with regard to the main buildings, which are similar to those in the adjacent properties in the neighborhood. Signage, where permitted by City regulations, should not exceed in size or number of those located on the same block or across the street from the site. The noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. Public telephones on the site should be located to discourage loitering. Sufficient off-street parking should be provided to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed in a manner that will minimize the generation of loitering of individuals on or adjacent to the site. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current level of service. Ingress and egress to the main buildings or uses on the site are sufficient to accommodate expected usage by the public and/or occupants of the facility. Access to and from the site should be sufficient to meet police and fire safety needs beyond the explicit requirements of City codes as determined by the Police, Fire and Building and Safety Departments. Lighting on the site should not reflect on adjoining residential uses. Walls, fences, or other visible security devices should be similar to those on the adjoining properties. Graffiti should be prevented and eliminated when it is found on the site.

7. Recreational vehicle parks and mobile home parks in the A, R or C Zones where any trailer, mobile home or recreational vehicle is permitted to remain longer than one day and which were lawfully created after the effective date of the ordinance adding this use to the Code.
(a) Performance Standards:

(1) No buildings are higher than any main building on adjoining property or across a street or alley from the use;

(2) The use is conducted in conformance with the City’s noise regulations pursuant to Chapter 11 of this Code;

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

(4) The front yard setback is at least as deep as the setback required by the zone;

(5) The property is improved with a ten foot landscaped buffer along the periphery of the property, which is maintained and is equipped with an automatic irrigation system;

(6) Parking areas are landscaped pursuant to the requirements of Section 12.21 A 6;

(7) Only one identification sign is displayed on the site and it is on the building face. The sign does not exceed 20 square feet, and does not extend more than 2 feet beyond the wall of the building, and does not project above the roof ridge or parapet wall (whichever is higher) of the building;

(8) All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence;

(9) The use meets the parking requirements of Section 12.21 A;

and

(10) All streets, alleys or sidewalks adjoining the property meet standard street dimensions.

(b) Purposes: The purposes of these Performance Standards are to provide for landscaping, open space, scale, bulk, height, yards and setbacks, particularly with regard to the main buildings, which are similar to those in the adjacent properties in the neighborhood. Signage, where permitted by City regulations, should not exceed in size or number those located on the same
block or across the street from the site. The noise levels created on the site should not increase the ambient noise level so as to be disturbing to persons on adjoining or abutting properties after completion of the project. Public telephones on the site should be located to discourage loitering. Sufficient off-street parking should be provided to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed in a manner that will minimize the generation of loitering of individuals on or adjacent to the site. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the existing level of service. Ingress and egress to the main buildings or uses on the site are sufficient to accommodate expected usage by the public and/or occupants of the facility. Access to and from the site should be sufficient to meet police and fire safety needs beyond the explicit requirements of City codes as determined by the Police, Fire and Building and Safety Departments. Lighting on the site should not reflect on adjoining residential uses. Walls, fences, or other visible security devices should be similar to those on the adjoining properties. Graffiti should be prevented and eliminated when it is found on the site.

8. Shelters for the homeless (as defined in Section 12.03) containing not more than 30 beds are permitted by right in the R3, M1, M2 and M3 Zones with reduced parking requirements.

(a) Performance Standards:

(1) There no other shelters for the homeless within 300 feet of the subject property;

(2) The use is conducted in conformance with the City’s noise regulations pursuant to Chapter 11 of this Code;

(3) There are no outdoor public telephones on the site;

(4) No signs are present on the property relating to its use as a shelter for the homeless;

(5) No outdoor toilets are present on the site;

(6) All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence;
(7) At least ten percent of the number of parking spaces otherwise required by Section 12.21 A 4 are provided, and in no event are fewer than two spaces provided; and

(8) All streets, alleys or sidewalks adjoining the property meet standard street dimensions.

(b) Purposes: Shelters should be separated from one another a sufficient distance to avoid too many in one neighborhood. Noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. In order to avoid attracting persons hostile to the occupants, the site should be designed to remain anonymous. Sufficient off-street parking should be provided so as to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed so that loitering of individuals on or adjacent to the site will not be generated by the use. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current level of service. Public telephones should be located so as to avoid loitering. Measures should be taken to protect public health by preventing and eliminating graffiti when it is found on the site.

9. The installation and maintenance of trailers for use as temporary accommodations for homeless persons. The term "temporary accommodations" shall have the same meaning that it has in the definition of "shelter for the homeless" in Section 12.03. The height and area regulations contained in other provisions of this chapter shall not apply to trailers permitted pursuant to this subdivision. Parking spaces otherwise required by this Code for the trailers permitted pursuant to this subdivision shall not be required.

(a) Performance Standards:

(1) The installation and maintenance of no more than six trailers for use as temporary accommodations for homeless persons is carried out and maintained by a religious or philanthropic institution on the site of the institution; or by a government unit, agency or authority on each individual property owned by the government unit, agency or authority;

(2) There are no shelters for the homeless within 300 feet of the public property;

(3) There are no outdoor public telephones on the site;
(4) The use is conducted in conformance with the City's noise regulations pursuant to Chapter 11 of this Code;

(5) No signs are present on the property relating to its use as a shelter for the homeless;

(6) No outdoor toilets are present on the site;

(7) All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence; and

(8) All streets, alleys or sidewalks adjoining the property meet standard street dimensions.

(b) Purposes: Shelters should be separated from one another a sufficient distance to avoid too many in one neighborhood. Noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. In order to maintain appropriate quality of the neighborhood and safety to occupants, the site should be designed to remain anonymous. Sufficient off-street parking should be provided so as to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed so that loitering of individuals on or adjacent to the site will not be generated by the use. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the level of service. Public telephones should be located so as to avoid loitering. Graffiti should be prevented and eliminated when it is found on the site.

B. ALTERNATIVE COMPLIANCE PROCEDURES FOR PUBLIC BENEFIT PROJECTS.

1. Applicability. If a proposed public benefit project does not comply with the performance standards delineated in Subsection A, the applicant may apply for approval of alternative compliance measures pursuant to the following procedures.

2. Application for Permit. To apply for an alternative compliance approval for a public benefit project listed in Subsection A, an applicant shall file an application, on a form provided by the Department of City Planning, and include all information required by the instructions on the application and the guidelines adopted by the Director of Planning. The application shall include a description of how the proposed alternative compliance measures meet the goals set forth in
Subsection A. The Director of Planning shall adopt guidelines which shall be used to determine when an application is deemed complete.

3. Initial Decision. The initial decision on an application shall be made by the Director.

4. Public Hearing and Notice. Upon receipt of a complete application, the Director shall set the matter for public hearing, unless otherwise provided in Subsection A, and shall conduct a hearing at which evidence shall be taken.

The Department shall give notice to the applicant of the time, place and purpose of the hearing by mailing a written notice no less than 24 days prior to the date of the hearing. No further notice is required in connection with applications for public utilities and public service uses or structures, or governmental enterprises, including libraries, museums, fire or police stations. In connection with all other applications, unless otherwise provided in Subsection A, notice of the hearing shall also be given in all of the following manners:

(a) Publication. By at least one publication in a newspaper of general circulation in the City, designated for that purpose by the City Council, no less than 24 days prior to the date of hearing; and

(b) Written Notice.

(1) By mailing a written notice no less than 24 days prior to the date of the hearing to the owner or owners of the property involved, and to the owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved, using for the purpose of notification, the last known names and addresses of owners as shown on the records of the City Clerk or the records of the County Assessor. Where all property within the 500-foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right-of-way or other easement, shall also be notified as set forth above; and

(2) By mailing a written notice no less than 24 days prior to the date of the hearing to residential, commercial and industrial occupants of all property within 500 feet of the exterior boundaries of the property involved. This requirement can be met by mailing the notice to "occupant"; and
(3) If notice pursuant to this Subdivision 4 (b) (1) and (2) will not result in notice being given to at least 20 different owners of at least 20 different lots other than the subject property, and at least 50 different persons, then the 500-foot radius for notification shall be increased in increments of 50 feet until the required number of persons, and lots are encompassed within the expanded area. Notification shall then be given to all property owners and occupants within the expanded area; and

(c) Site Posting. By the applicant posting notice of the public hearing in a conspicuous place on the property involved at least ten days prior to the date of the public hearing. The Director of Planning may adopt guidelines consistent with this Section for the posting of notices if the Director determines that those guidelines are necessary and appropriate.

5. Findings for Approval. In approving any public benefit project, the Director must find that the proposed project substantially meets the goals of the performance standards set forth in Subsection A. The Director shall adopt written findings of fact supporting the decision based upon evidence in the record, including staff investigations.

6. Conditions of Approval. In approving any alternative compliance measures for a public benefit project pursuant to this section, the Director shall impose conditions to secure compliance with the applicable performance standards and goals set forth in Subsection A and with any alternative methods of compliance approved pursuant to this procedure.

7. Time to Act. The initial decision shall be made within 75 days of the date the application is deemed complete, or within an extended period as mutually agreed upon in writing by the applicant and the Director. An initial decision shall not be considered made until written findings are adopted in accordance with Subdivision 5. Upon making a decision, the Director shall transmit a copy of the written findings and decision to the applicant, to all owners of properties abutting, across the street or alley from, or having a common corner with the subject property and to all persons who have filed a written request for the notice with the Department of City Planning.

8. Failure to Act - Transfer of Jurisdiction.

(a) If the Director fails to act on an application within the time provided in Subdivision 7, the applicant may file a request for a transfer of jurisdiction to the City Planning Commission for decision. The Director of Planning shall prescribe the form and manner of filing requests for transfers of jurisdiction.
(b) When the City Planning Commission receives the applicant's request for a transfer of jurisdiction, the Director shall lose jurisdiction; provided, however, that in a transfer of jurisdiction from the Director, the City Planning Commission may remand the matter to the Director, who shall regain jurisdiction for the time and purpose specified by the City Planning Commission. Upon receipt of a written request for withdrawal of the transfer of jurisdiction, the City Planning Commission shall remand the matter to the Director.

(c) If no remand or written request for withdrawal of the transfer occurs, the City Planning Commission shall consider the application following the same procedures and subject to the same limitations as are applicable to the Director, except that the City Planning Commission shall act within 45 days of the transfer of jurisdiction. The Department of City Planning, shall make investigations and furnish any reports as the City Planning Commission may request.

9. Appeals.

(a) Effective Date of Initial Decision. An initial decision becomes final and effective upon the close of the 15-day appeal period if no appeal is filed, or as provided in this subdivision, if an appeal is filed.

(b) Appeals from Initial Decision. An applicant or any other person aggrieved by an initial decision of the Director may appeal the decision to the City Planning Commission. The appeal shall be filed within 15 days of the date of mailing of the initial decision on forms provided by the Department. The appeal shall set forth specifically the points at issue, and the reasons for the appeal. Any appeal not filed within the 15-day period shall not be considered by the City Planning Commission. The filing of an appeal stays proceedings in the matter until decision by the City Planning Commission. Once an appeal is filed, the Director shall transmit the appeal and the file to the City Planning Commission, together with a report responding to the allegations made in the appeal. Notwithstanding the above, the City Council shall be the appellate body instead of the City Planning Commission, if: (i) the City Planning Commission was the initial decision-maker for an initial decision taken prior to July 1, 2000; and (ii) an appeal was filed, but no action on the appeal was taken prior to July 1, 2000.

(c) Appellate Decision - Hearing and Notice. When considering an appeal from the decision of the Director, the City Planning Commission shall make its decision within 75 days after the expiration of the appeal period. This period may be extended by mutual written consent of the applicant and the City Planning Commission. Before acting on any appeal, the City Planning
Commission shall set the matter for hearing, giving the same notice as provided for the original hearing.

(d) Time for Appellate Decision. The City Planning Commission shall act within 75 days after the expiration of the appeal period or within any additional period as may be agreed upon by the applicant and the City Planning Commission. The failure of the City Planning Commission to adopt a resolution within this time period shall be deemed a denial of the appeal.

(e) Appellate Decision. The City Planning Commission may reverse or modify, in whole or in part, any decision of the Director.

(f) Procedures and Effective Date of Appellate Decision. If the City Planning Commission makes a decision on an appeal pursuant to this subdivision, the appellate decision shall be final and effective as provided in Charter Section 245.

10. Approval Expiration. Alternative compliance measures approved pursuant to the provisions of this section are conditional on the privileges being utilized within two years after the effective date of the approval or other time specified in the grant.

The alternative compliance measure approval to permit establishment of the public benefit project shall become void if the privileges granted are not utilized or construction work is not begun within that time and carried on diligently without substantial suspension or abandonment of work. In addition, the conditions of the approval which guarantee compliance with the performance standards and any alternative methods of compliance shall be fulfilled before the use can be established, unless the approval itself expressly provides otherwise.

Prior to the expiration of the time period, the applicant may file a written request with the Director for an extension of the termination period set forth above. Pursuant to the written request or on his or her own, the Director may extend the termination time for a period up to one year based on a finding that good and reasonable cause exists to grant the extension of time.

11. Fee Deferral for Density Increase for Affordable Housing Pursuant to Section 14.00 A 2. The payment of filing fees may be deferred pursuant to the provisions of Sections 19.01 O and 19.05 A 1 and 5.

12. Exception to Time Limits. Where alternative compliance measures have been approved for a governmental enterprise use, no time limit to utilize the privilege shall apply provided that all of the following conditions are met:
(a) The property involved is acquired or legal proceeding for its acquisition is commenced within one year of the effective date of the approval.

(b) A sign is immediately placed on the property indicating its ownership and the purpose to which it is to be developed; as soon as legally possible after the effective date of the permit. This sign shall have a surface area of at least 20 square feet.

(c) The sign is maintained on the property in good condition until the conditional use privileges are utilized.


(a) Shelter for the Homeless Pursuant to Subsection A 8. An application for approval of an alternative compliance measure for a shelter for the homeless as defined in Section 12.03 shall be set for public hearing, and notice shall be given in the same manner as provided for in Section 12.27 C. However, in the M1, M2, M3 Zones, the Director may waive the public hearing if the applicant submits with the application the written approval of all of the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

(b) Temporary Accommodations for Homeless Persons Pursuant to Subsection A 9. An application for approval of an alternative compliance measure for temporary accommodations for homeless persons as defined in Section 12.03 need not be set for public hearing. The application shall be submitted on a form and shall be accompanied by information as required by the Director. There shall be no filing fee and no appeal fee in connection with an application.

Before approving an application pursuant to this section, the Director shall notify all adjacent property owners of the pendency of the application and shall provide them an opportunity to present their comments. After making a decision pursuant to this subdivision, the Director shall notify, in writing, the applicant and owners of all properties located within 300 feet of the subject property, of his or her decision.

Sec. 150. Section 14.5.1 of the Los Angeles Municipal Code is amended to read:

SEC. 14.5.1. SCOPE.
A. This article, as provided for in Sections 418b and 1000 of the Redevelopment Plan for the Central Business District Redevelopment Project, supersedes Sections 418a and 437 of the Redevelopment Plan for the Central Business District Redevelopment Project, as those sections apply to transfers of development rights in excess of 50,000 square feet. This article does not, however, supersede or amend any other provision of the Central Business District Redevelopment Plan.

B. This article provides the exclusive procedure to transfer floor area for all projects involving a transfer of a gross floor area in excess of 50,000 square feet within the Redevelopment Project Area.

C. This article facilitates the implementation of the Los Angeles Central City Community Plan and the Central Business District Redevelopment Plan.

D. This article provides the procedure for allocating public benefit resources derived from the transfer of floor area pursuant to this ordinance, and provides for their disposition by the Community Redevelopment Agency within the Central Business District Redevelopment Project Area.

Sec. 151. Section 14.5.2 of the Los Angeles Municipal Code is amended to read:

SEC. 14.5.2. PURPOSE.

It is the purpose of this article to establish standards and approval procedures for the transfer of floor area in the Central Business District Redevelopment Project Area; to effect maximum coordination between the Community Redevelopment Agency and the Area Planning Commission; to provide for the keeping of records of available development rights within the Central Business District Redevelopment Project Area; to provide for an accounting of allocations of public benefit resources derived from the transfer of floor area pursuant to this article; and to facilitate those transfer of floor area projects which generate public benefits and which serve a public purpose, such as: providing for housing, open space, historic preservation, cultural and community and public facilities, and public transportation improvements.

Sec. 152. Section 14.5.3 of the Los Angeles Municipal Code is amended to read:

SEC. 14.5.3. DEFINITIONS.

The following terms, whenever used in this article, shall apply only to the transfer of development rights procedures as provided for in this Article and shall be defined as
follows. Other terms used in this article shall have the meanings set forth in Section 12.03 of this Code, if defined there.

**Agency** means the Community Redevelopment Agency of the City of Los Angeles.

**Agency Board** means the Board of Commissioners of the Community Redevelopment Agency of the City of Los Angeles.

**Commission** means the Area Planning Commission of the City of Los Angeles.

**Community Plan** means the Central City Community Plan, a part of the General Plan of the City of Los Angeles, and including amendments to the plan.

**Donor Site** means a site within the Central Business District Redevelopment Project Area from which floor area is transferred pursuant to provisions of this article.

**Floor Area Ratio (FAR)** means the floor area of a building divided by the buildable area of the lot upon which it is located.

**Joint Resolution** means a joint policy statement of the Agency Board and the Area Commission regarding the disposition of public benefit resources in the form of monetary funds and in-kind amenities derived from a transfer of development rights.

**Lot Area** means the total horizontal area within the lot lines of a lot.

**Project** means a building or structure or structural alteration or enlargement of an existing building or structure on a receiving site within the Central Business District Redevelopment Project Area.

**Receiving Site** means a site within the Central Business District Redevelopment Project Area which receives floor area pursuant to the provisions of this article.

**Redevelopment Plan** means the Redevelopment Plan for the Central Business District Redevelopment Project adopted by Ordinance No. 147,480 on July 18, 1975, or as subsequently amended.

**Redevelopment Project Area** means the Central Business District Redevelopment Project Area, as described in the Redevelopment Plan.

**Subarea** means those development areas identified in the community plan.

**Transfer** means the transfer of the unused allowable floor area of a lot from a donor site to a receiving site, which is approved in accordance with the requirements of this
No transfer pursuant to this article shall result in a project which exceeds the maximum floor area ratios and applicable height districts for receiving sites permitted by the zoning as set forth in the Community Plan and this article.

Transfer Plan means a plan which identifies and describes the donor site(s), receiving site(s), amount of floor area to be transferred and the proposed conditions of approval.

Sec. 153. Section 14.5.4 of the Los Angeles Municipal Code is amended to read:

SEC. 14.5.4. PROHIBITION.

A. Notwithstanding any provision of this article to the contrary, no building permit shall be issued for any project which is inconsistent with the zoning on the lot.

B. No building permit shall be issued for a project on any lot within the Redevelopment Project Area which exceeds a floor area ratio greater than 6:1 or 3:1, as set forth with respect to a particular lot in Section 413 of the Redevelopment Plan and in the Community Plan, except for the following:

1. Development permitted by Sections 415 (Rehabilitation and/or Remodeling of Existing Buildings) and 416 (Replacement of Existing Buildings) of the Redevelopment Plan, when in conformance with the applicable height district designations of the Redevelopment Plan and the Community Plan; and

2. Development permitted as a result of a transfer of floor area approved pursuant to this article; and

3. Development permitted as a result of a transfer of floor area pursuant to Section 418, or density variation pursuant to Section 437, of the Redevelopment Plan, approved by the Agency Board and/or Commission prior to the effective date of this article; and

4. Development permitted as a result of a transfer of floor area or density variation of 50,000 square feet or less, approved by the Agency Board and/or the Area Commission, pursuant to Sections 418 and/or 437 of the Redevelopment Plan.

Sec. 154. Section 14.5.5 of the Los Angeles Municipal Code is amended to read:

SEC. 14.5.5. EARLY CONSULTATION SESSION.
The Agency staff shall consult with the Planning Department at the earliest reasonable point in the design and development of any project involving a transfer of floor area, and prior to entering into an Owner Participation Agreement (OPA) or a Disposition and Development Agreement (DDA). This consultation shall be known as an Early Consultation Session. The Early Consultation Session shall be used to identify any development issues which may be identified by affected City departments regarding project approval, including but not limited to: parking and transportation requirements, transfers of floor area, and public benefits. An early consultation shall be accomplished at the earliest reasonable time prior to approval of a Transfer Plan for the project by the Agency Board.

Sec. 155. Section 14.5.6 of the Los Angeles Municipal Code is amended to read:

SEC. 14.5.6. APPROVAL OF TRANSFERS - AUTHORITY AND PROCEDURES.

The City Council, acting on recommendations of the Area Planning Commission and Agency Board, shall have the authority to grant transfers of development rights.

A. Application. The owner of property seeking a transfer shall file a request for an application for approval of a Transfer Plan with the Agency on a form prescribed jointly by the Director of Planning and the Administrator of the Agency. The request shall be accompanied by a proposed Transfer Plan. The Transfer Plan shall be the only mechanism for approving the transfer of floor area for any project involving a transfer of floor area of over 50,000 square feet, pursuant to this article.

B. Action by Agency.

1. The Agency and the applicant shall jointly submit an application for a proposed transfer plan to the Area Planning Commission after approval of the request by the Agency Board.

2. The Agency shall initially determine the types and amounts of public benefits to be provided.

3. At the same time that the Agency and the applicant submit the Agency Board's approved transfer plan to the Commission, the Agency shall also submit the Owner Participation Agreement, Disposition and Development Agreement and any other applicable agreement, for informational purposes only, in order to assist the Commission in its action on the Transfer Plan.

4. If the Agency disapproves a request for an application for a transfer, or fails to act on the request within 12 months after the submission to the Agency of a
completed request to file an application, the applicant may appeal the decision of the Agency in accordance with this subdivision. For purposes of this subdivision, a request to file an application shall be deemed to be complete when the Agency has received sufficient information with which to assess the environmental impacts of the proposed project.

(a) Not later than 20 days after the earlier of (i) the date of disapproval of a request to submit an application for a transfer or (ii) 12 months after the submission to the Agency of a completed request to submit an application, the applicant may appeal the Agency’s disapproval or failure to act by filing a written appeal with the Area Planning Commission.

(b) The appeal shall include the proposed transfer plan, and any documentation received by the applicant from the Agency disapproving the request for application. The appeal shall specify in detail the grounds for the appeal. In the event that the Agency has specified grounds on which it has disapproved a request for application, the appeal shall be limited to those matters. The appeal shall include other information as the Commission may request.

(c) The Commission shall act on the appeal within 75 days after receipt of the appeal. The Commission shall determine whether the Agency acted reasonably, in light of all the circumstances, in disapproving or failing to act on the request for application. In the event the Commission fails to act within 75 days after receipt of the appeal, the appeal shall be automatically submitted to City Council for its action.

(d) If the Commission finds for the applicant on any matter in dispute, the Commission shall remand the matter to the Agency for further action consistent with the Commission’s decision. The Commission may impose conditions on the remanded application as it deems necessary to accomplish the purposes and objectives of this Article. Upon remand, the Agency shall complete its proceedings with respect to the proposed transfer in a manner that is consistent with the Commission’s action on the matter. If the Agency fails to approve the request for application within 90 days after the Commission remands the matter to the Agency, the applicant may submit an application directly to the Commission without Agency approval. Thereafter, the Commission shall proceed pursuant to Subsection B of Section 14.5.6.

(e) If the Commission upholds the Agency’s action or failure to act, the applicant may appeal the action of the Commission by filing a written appeal with the City Council. The Council shall determine whether the Agency acted reasonably, in light of all of the circumstances, in disapproving or failing to act on
the request for application. An appeal to the City Council shall be filed with the City Clerk within 20 days after the Commission's action, and shall contain the proposed transfer plan and the record of the proceedings before the Agency and the Commission.

(f) If the City Council finds for the applicant on any matter in dispute, the City Council shall remand the matter to the Agency for further action consistent with the City Council's decision. The City Council may impose conditions on the remanded application as it deems necessary to accomplish the purposes and objectives of this article. Upon remand, the Agency shall complete its proceedings with respect to the proposed transfer in a manner that is consistent with the City Council's action on the matter. If the Agency fails to approve the request for application within 90 days after the City Council remanded the matter to the Agency, the applicant may submit an application directly to the City Council without Agency approval.

C. Authority of Area Planning Commission.

1. Before an application for a proposed transfer plan is presented to the City Council for its action, it shall be presented to the Area Planning Commission for its recommendation. The Commission may recommend approval, conditional approval or disapproval of the Transfer Plan.

2. In acting on a transfer plan, the Commission shall make findings. The Commission shall not approve or conditionally approve a transfer plan unless it finds that the development resulting from the transfer meets each of the following standards:

   (a) That the increase in density generated by the proposed transfer is appropriate with respect to location and access to the circulation system, compatible with other existing and proposed developments and the City's supporting infrastructure, unless specific overriding considerations justify a greater density;

   (b) That the Agency found the project to be consistent with the purposes and objectives of the Redevelopment Plan;

   (c) That the transfer does not result in a project which causes the aggregate development of the subarea to exceed its limit as set forth in the applicable height district, as provided in the Community Plan and appropriate sections of the Los Angeles Municipal Code;
(d) That the transfer of any floor area, relative to subareas, is consistent with the Community Plan;

(e) That the transfer plan demonstrates that the floor area ratios of the donor and receiving sites involved in a transfer are in conformance with the Community Plan;

(f) That the transfer plan serves the public interest by providing public benefits, which mitigate the impacts on transportation, housing, open space, historic preservation, cultural, community and public facilities, caused by the projects either by itself or cumulatively with other development in the area;

(g) That the transfer plan is in conformance with the Community Plan, and any other relevant policy documents when adopted by the Commission and/or the Council; and

(h) That the public benefits to be provided pursuant to the transfer plan are consistent with the Joint Resolution between the Agency Board and the Commission regarding the disposition of public benefit resources derived from the transfer of floor area, and as it is amended from time to time.

3. The Commission may condition the transfer as it deems necessary to accomplish the purposes and objectives of the Redevelopment Plan and the Community Plan and to assure that the development resulting from the transfer meets the standards set forth in Subdivision 2 of this subsection, and to secure an appropriate development in harmony with the General Plan.

D. Area Planning Commission Hearing. A public hearing on the proposed transfer plan shall be held by the Area Planning Commission in accordance with the procedures set forth in Section 12.24 D of this Code.

E. Area Planning Commission Action.

1. The Commission shall act upon any proposed transfer plan within 75 days from the date of submittal to it of the Agency's Board approved Transfer Plan. This time limit may be extended by mutual consent of the applicant and the Commission. The Commission shall forthwith transmit a copy of its action to the applicant, the Agency and any other person requesting notice in writing. If the Commission fails to act on the proposed transfer within 75 days, the application shall be automatically submitted to the City Council for its action.

2. If the Commission recommends disapproval of an application in whole or in part, its action on any portion which is disapproved shall be final unless an
appeal is taken to the City Council. The applicant may appeal any disapproval within 15 days after the Commission mails its decision to the applicant by filing the appeal with the City Clerk on a form prescribed by the Commission.

3. If the Commission recommends approval or conditional approval of a Transfer Plan in whole or in part, the recommendation shall be presented to the City Council at the same time that the Agency submits the final Owner Participation Agreement or Disposition and Development Agreement.

F. City Council Action.

1. The City Council may approve, conditionally approve or disapprove a proposed Transfer Plan. In acting on the transfer plan, the Council shall make findings. The Council shall not approve or conditionally approve a transfer plan unless it finds that the development resulting from the transfer meets each of the standards set forth in Subdivision 2 of Subsection C of this section.

2. The Council may approve the transfer plan as recommended by the Commission by a majority vote of the whole Council. With regard to any portion of an application which the Commission disapproved, the Council on appeal may approve that portion only by a two-thirds vote of the whole Council. The Council may impose conditions as it deems appropriate to accomplish the purposes and objectives of the Redevelopment and Community Plans and to assure that the development resulting from the transfer meets the standards set forth in Subdivision 2 of Subsection C of this section.

Sec. 156. Section 14.5.7 of the Los Angeles Municipal Code is amended to read:

SEC. 14.5.7. DIRECTOR'S DETERMINATION.

If the Director of Planning determines that the Agency substantially changed the final Owner Participation Agreement or Disposition and Development Agreement subsequent to City Council approval of a transfer plan, the Director of Planning shall make a determination whether the Owner Participation Agreement or Disposition and Development Agreement is still consistent with the transfer plan. If the Director of Planning determines the changes are not consistent with the Council's previous action, the Director shall report those findings in writing to the Area Planning Commission for action by the Commission and Council or the Transfer Plan shall be deemed null and void.

Sec. 157. Section 14.5.8 of the Los Angeles Municipal Code is amended to read:
SEC. 14.5.8. GENERAL REQUIREMENTS.

A. The Agency shall establish an accounting of all transfers of floor area and of allocations of public benefit resources in the Redevelopment Plan Area. The accountings shall be transmitted semi-annually to the Area Planning Commission for its review.

1. The Agency shall maintain a record of the available development rights for each block and subarea within the Redevelopment Project Area, any transfers of development rights and other records as may be necessary or desirable to provide an up-to-date account of the development rights available for use in any block and subarea within the Redevelopment Project Area. The records shall be available for public inspection.

2. The Agency shall maintain an accounting of all public benefit resources derived from the transfer of floor area, and an accounting of all allocation of the public benefit resources. The records shall be available for public inspection.

B. The Planning Department shall establish a procedure to coordinate the obtaining of timely responses from affected City departments and agencies on each project involving a transfer, as a part of the early consultation process, referenced above.

C. Any transfer of floor area, approved pursuant to this Article, shall be evidenced by a recorded document, signed by the transferor and transferee and in a form designed to run with land and satisfactory to the City Attorney. This document shall clearly set forth the amount of floor area transferred and restrict the allowable floor area remaining on the transferor site.

Sec. 158. Section 16.00 of the Los Angeles Municipal Code is amended to read:

SEC. 16.00. DECLARATION OF PURPOSE. It is the purpose and objective of this Article to establish reasonable and uniform regulations to protect the public welfare and to provide a streamlined method for consideration of applications for temporary use, approvals and other land use approvals in an emergency, such as fire, storm, severe earthquake, civil disturbance, or other disaster declared by the Governor.

Sec. 159. Section 16.01 of the Los Angeles Municipal Code is amended to read:

SEC. 16.01. LONG-TERM TEMPORARY USES.
A. Authority of the Zoning Administrator. Notwithstanding any other provision of this Code to the contrary, the Zoning Administrator shall have the authority to approve the use of a lot in any zone for the temporary use of property which will aid in the immediate restoration of an area adversely impacted by a severe fire, storm, earthquake, similar natural disaster, or a civil or military disturbance, and declared by the Governor as an emergency area if the Zoning Administrator finds:

1. That the nature and short duration of the proposed temporary use assures that the proposed use will not be materially detrimental to the character of development in the immediate neighborhood;

2. That the proposed use will not adversely affect the implementation of the General Plan or any applicable specific plan; and

3. That the proposed use will contribute in a positive fashion to the reconstruction and recovery of areas adversely impacted during the emergency.

In making a determination pursuant to this section, the Zoning Administrator shall balance the public interest and benefit to be derived from the proposed temporary use against the degree, significance of, and temporary nature of the inconvenience to be caused in the area where the temporary use is located. The Zoning Administrator may promulgate regulations and guidelines as are necessary and proper to administer the provisions of this article.

B. Conditions of Approval. In approving the location of any temporary use, the Zoning Administrator may impose those conditions he or she deems necessary to protect the peaceful and quiet enjoyment of nearby properties. The Zoning Administrator shall also require the posting of a completion bond, or other guarantee satisfactory to the Zoning Administrator, to cover the cost of the removal of any improvements made to a site or cleaning of the site after termination of the temporary authorized use.

Furthermore, the Zoning Administrator shall require termination of the temporary use within one year from the date of the approval of the temporary use, the removal of all temporary improvements on the site, and the restoration of the site to a permitted use within a reasonable period of time determined by the Zoning Administrator. Approval of any application for a temporary use shall not result in any vested or nonconforming rights to carry on the temporary use after the term authorized.

The design and improvement provisions of Sections 12.21 A 5 and 6 and the yard requirements of Chapter 1 of this Code shall not apply to temporary permits for public parking in the R Zones. However, in approving permits, the Zoning Administrator
may impose those conditions as the Zoning Administrator deems necessary to protect the peaceful and quiet enjoyment of the subject and nearby properties.

C. Revocation. The Zoning Administrator may suspend or revoke any temporary use approval, if the Administrator determines that the temporary use bears no significant relation to the reconstruction and recovery of areas adversely impacted by the emergency, or that the conditions imposed on any temporary use approval have not been complied with, or that an unreasonable level of interference with the peaceful enjoyment of neighboring properties is created by the conduct of any authorized activity.

Prior to the revocation of a temporary use approval, the Zoning Administrator shall give written notice to the record owner or lessee to appear within five days or less (if justified by a threat to public health and safety) at a time and place fixed by the Zoning Administrator and show cause why the temporary use approval should not be revoked or why further conditions should not be imposed.

A determination of the Zoning Administrator pursuant to this subsection may be appealed to the Area Planning Commission on a form prescribed by the Department of City Planning in accordance with the procedures described in this section.

D. Other Permits and Licenses. This article shall not, except as stated here, modify or affect in any way the duty of any applicant to obtain any other permit or license which may be required under any other provision of this Code or state law.

E. Application. An application to permit any temporary use referred to in this article shall be filed with the Department of City Planning upon forms and accompanied by data as the Department of City Planning may require.

The application may be filed by an owner or a lessee and shall be verified by the applicant attesting to the truth and correctness of all facts and information presented with, or contained in the application and shall also be signed by the owner of record of any site where the proposed temporary use will be located.

A copy of any application so filed shall be transmitted by the Department of City Planning to the Councilmember of the district in which the proposed use would be located and to the Department of Transportation for their information.

F. Notice and Hearing. Upon the filing of a verified application, the Zoning Administrator shall set the matter for public hearing. Notice of the time, place, and purpose of the hearing shall be given by mailing a written notice at least 14 days prior to the date of the hearing to the applicant, to the owner of the subject property, to adjoining and abutting property owners, and to property owners directly across the
street or alley from the subject property. For this notice the following shall be used: the last known name and address of the property owners as shown upon the records of the City Clerk or the records of the County Assessor.

An application for a temporary use shall be set for public hearing unless the Zoning Administrator makes written findings, attached to the file involved, that the requested temporary use:

1. will not have a significant effect on adjoining properties or on the immediate neighborhood; or

2. is not likely to evoke public controversy.

G. Time Limit. The Zoning Administrator shall make a determination within 30 days from the filing of a verified application. This time limit may be extended by mutual written consent of the applicant and Zoning Administrator.

H. Fee. An application for an approval pursuant to this section shall not require any filing fee.

I. Decisions by the Zoning Administrator. Decisions by the Zoning Administrator shall be supported by written findings of fact based upon written or oral statements and documents presented to the Zoning Administrator, which may include photographs, maps and plans, together with the results of the Zoning Administrator's investigations. Upon making a decision, the Zoning Administrator shall forthwith mail a copy of his or her written findings and decisions to the applicant, and to the other persons who were required to be notified under Subsection F.

J. Decision Effective and Appeal. The decision of the Zoning Administrator shall become final after an elapsed period of ten days from the date of mailing a copy of the written findings and decision to the applicant. During this period, any person aggrieved by the decision may file a written appeal to the Area Planning Commission. The appeals shall set forth specifically the points at issue, the reasons for the appeal, and how the appellant believes there was an error or abuse of discretion by the Zoning Administrator. No fee shall be charged for this appeal.

K. Failure to Act. If the Zoning Administrator fails to make a decision on a temporary land use application within the time limit specified in Subsection C of this section, then the applicant may file a request in the Office of Zoning Administration for a transfer of jurisdiction to the Area Planning Commission and for a decision by the Area Planning Commission on the original application. In that case, the Zoning Administrator shall lose jurisdiction and the Area Planning Commission shall assume jurisdiction, provided, however, that the matter may be remanded to the Zoning Administrator or the Area
Planning Commission may accept the applicant’s request for withdrawal of the transfer of jurisdiction. In either case, the Zoning Administrator shall regain jurisdiction for the time and purpose specified by the Area Planning Commission.

L. Transfer of Jurisdiction. When considering any matter transferred to its jurisdiction pursuant to Section 16.02 of this article because of the failure of the Zoning Administrator to act, the Area Planning Commission shall make its decision within 30 days after the request to transfer jurisdiction is filed. All decisions shall become final on the date of mailing a copy of the Board’s decision to the applicant.

M. Record on Appeal. Within five days of receipt of the filing of an appeal, the file of the Zoning Administrator appealed from and the appeal shall be delivered to the Area Planning Commission. At any time prior to the action by the Area Planning Commission on the appeal, the Zoning Administrator may submit supplementary pertinent information he or she deems necessary or as may be requested by the Area Planning Commission.

N. Hearing Date-Notice. Upon receipt of the appeal, the Area Planning Commission shall set the matter for hearing and give notice by mail of the time, place and purpose of the hearing to the appellant, to the applicant, to the owner or owners of the property involved, to the Zoning Administrator and to any other interested party who has requested in writing to be so notified. This notice shall be in writing and mailed at least five days prior to the hearing.

O. Hearing Date-Continuance. Upon the date set for the hearing, the Area Planning Commission shall hear the appeal, unless, for cause, the Area Planning Commission shall on that date continue the matter. No notice of continuance need be given if the order to continue is announced at the time for which the hearing was set.

P. Decision. When considering an appeal from an action by the Zoning Administrator, the Area Planning Commission shall make its decision within 15 days (in the case of a revocation, within 10 days) after the expiration of the appeal period, or within an extended period of time as may be mutually agreed upon in writing by the applicant and the Area Planning Commission. The Area Planning Commission shall base its decision only upon: (i) evidence introduced at the hearing, or hearings, if any, before the Zoning Administrator, on the issue; (ii) the record, findings and determination of the Zoning Administrator; and (iii) the consideration of arguments, if any, presented to the Area Planning Commission orally or in writing. If an applicant or aggrieved person wishes to offer into the proceedings any new evidence in connection with the matter, a written summary of that evidence, together with a statement as to why that evidence could not reasonably have been presented to the Zoning Administrator shall be filed with the Area Planning Commission prior to the hearing. If the Area Planning
Commission fails to act on any appeal within the time limit specified in the subsection, the determination of the Zoning Administrator shall be final.

The Area Planning Commission may modify or reverse the ruling, decision or determination appealed from only upon making findings indicating how the action of the Zoning Administrator was in error or constituted an abuse of discretion and shall make specific findings supporting any modification or reversal. The decision of the Area Planning Commission shall be final as of the date of its determination on the matter. After making a decision, a copy of the findings and determination shall forthwith be placed on file in the City Planning Department and a copy of the determination shall be furnished to the applicant, the appellant and the Department of Building and Safety.

Sec. 160. Section 16.02 of the Los Angeles Municipal Code is amended to read:

SEC. 16.02. SPECIAL PROVISIONS FOR OTHER LAND USE PROCEEDINGS. Notwithstanding any provision of Articles 1 through 9 of Chapter I of this Code or any other ordinance to the contrary, with respect to those uses, buildings and sites destroyed or damaged in connection with a declared emergency, and in the area covered by the declaration of emergency, the following exceptions shall apply:

A. Payment of all Planning Department and Zoning Administrator fees may be deferred until the applicant seeks a certificate of occupancy or a temporary certificate of occupancy, whichever occurs first.

B. For applications relating to new conditional uses, other similar quasi-judicial approvals, site plan review, exceptions from specific plans, project permits pursuant to moratorium ordinances or interim control ordinances, Sections 12.23, 12.27 and 14.00 actions and any revocation or modification proceedings:

If the law otherwise requires or authorizes a public hearing, the matter shall be set for public hearing unless the Zoning Administrator, the Area Planning Commission, the City Planning Commission, or Director of Planning, makes written findings, attached to the file involved, that the matter:

1. will not have a significant effect on adjoining properties or on the immediate neighborhood; or

2. is not likely to evoke public controversy.

Provided, however, that no hearing shall be waived in any proceeding involving establishments dispensing alcoholic beverages for consideration, swap meets, gun shops, pawnshops and automobile repair establishments.
When a matter is set for public hearing, written notice of the hearing shall be given to the applicant, the owner or owners of the property involved and to the owners of all property within and outside of the City within 500 feet of the property involved.

Sec. 161. Section 16.03 of the Los Angeles Municipal Code is amended to read:

SEC. 16.03. RESTORATION OF DAMAGED OR DESTROYED BUILDINGS.

A. Nonconforming. Notwithstanding any other provisions of this article to the contrary, a building nonconforming as to use, yards, height, number of stories, lot area, floor area, residential density, loading space, parking, off-site signs or other nonconforming provisions of the Los Angeles Municipal Code, which is damaged or destroyed as a result of the declared emergency may be repaired or reconstructed with the same nonconforming use, yards, height, number of stories, lot area, floor area, residential density, loading space, parking or off-site signs as the original building. Provided, however, that repair or reconstruction shall be commenced within two years of the date of damage or destruction and completed within two years of obtaining a permit for reconstruction. Provided, further, that neither the footing nor any portion of the replacement building may encroach into any area planned for widening or extension of existing or future streets as determined by the Planning Department upon the recommendation of the City Engineer.

The provisions of this section shall supersede any Interim Control Ordinances, Interim Plan Revision Ordinances, Specific Plans (except for the South Central Alcohol Beverage Specific Plan, Ord. No. 171,681), Section 16.05 and the City's hillside regulations under Section 12.21 A 17 (except for Paragraphs (d) and (e)). Notwithstanding any provision in this section to the contrary, any existing provision of law regulating the issuance of building or demolition permits for buildings or structures currently with historical or cultural designations on the federal, state and City lists shall remain in full force and effect. All Historic Preservation Overlay Zone regulations shall continue in full force and effect with respect to the demolition, repair and reconstruction of damaged or destroyed buildings or structures.

For purposes of this subsection, a building or structure may only be demolished and rebuilt to its non-conforming status, relative to the provisions of this Code, any Interim Control Ordinances, Interim Plan Revision Ordinances, Specific Plans (except for the South Central Alcohol Beverage Specific Plan, Ord. No. 171,681) and the City's hillside regulations under Section 12.21 A 17 (except for Paragraphs (d) and (e)), if the building or structure either is destroyed or is "damaged" in the following manner:

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1. Any portion of the building or structure is damaged by earthquake, wind, flood, fire, or other disaster, in such a manner that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and is less than the minimum requirements of this Code for a new building or structure of similar structure, purpose or location, as determined by the Department of Building and Safety; and

2. The cost of repair would exceed 50 percent of the replacement cost of the building or structure, not including the value of the foundation system, as determined by the Department of Building and Safety.

Nothing here shall be interpreted as authorizing the continuation of a nonconforming use beyond the time limits set forth in Section 12.23 of this Code that were applicable to the site prior to the events which necessitated the declaration of the emergency.

If issues of interpretation relating to the above provisions arise, the Zoning Administrator is hereby authorized to resolve those issues in light of the scope and purposes of this subsection.

Notwithstanding the time periods described above or in Section 16.04.2, nonconforming properties damaged during the January 17, 1994 Northridge Earthquake shall have until January 17, 1999 to obtain building permits for repair or reconstruction; and that work shall be completed within two years of obtaining building permits. The City Council may, by resolution extend these time periods for one additional year.

B. Conditional Uses and Public Benefits. The following conditional uses and public benefits are considered to be of such importance and their expeditious replacement is of such value to the health and safety of the community that they are hereby granted an exemption from the plan approval process required by Section 12.24 M, provided that the structures containing these uses are rebuilt as they lawfully existed prior to their destruction, with the same building footprint and height.

Conditional Uses and Public Benefits
Airports or aircraft landing fields
Correctional or penal institutions
Educational institutions
Libraries, museums, fire or police stations or governmental enterprises
Piers, jetties, man-made islands, floating installations
Public utilities and public service uses and structures
Schools, elementary and high
Electric power generating sites, plants or stations
OS Open Space Zone uses
Child care facilities or nursery schools
Churches or houses of worship
Hospitals or sanitariums

If issues of interpretation or administration relating to the above exemptions arise, the Director of Planning is hereby authorized to resolve those issues relating to those conditional uses and public benefit projects under the authority of the Area Planning Commission and the City Planning Commission, and the Zoning Administrator are authorized to resolve those issues in the case of conditional uses and public benefit projects under the authority of the Zoning Administrator.

C. Notwithstanding Subsections A and B above, the following five uses shall not be exempt from the provisions of this Code, interim control ordinances, specific plans, and interim plan revision ordinances: establishments dispensing alcoholic beverages for consideration, swap meets, gun shops, pawnshops and automobile repair establishments.

D. Highway and Collector Street Dedication and Improvement. For any lot identified by the City as having sustained damage during and as a result of the situation causing the declared emergency, the issuance of a building permit for a new development on that site shall not require improvement of frontage for major or secondary highway and collector street widening purposes under Section 12.37 A.

. Nothing here shall prevent a property owner from voluntarily improving the right of way and undertaking public improvements which conform to the applicable sections of this Code.

E. The Zoning Administrator may grant deviations of no more than ten percent from the City's floor area, height, yard, setback, parking, and loading space requirements for buildings and structures damaged or destroyed in an emergency declared by the Governor when the deviations are necessary to accommodate the requirements of the Americans With Disabilities Act, Federal Fair Housing Amendments Act of 1988, the California Code of Regulations, Title 24, provided he or she finds:

1. That the deviations are not likely to cause an undue burden on nearby streets or neighboring properties;

2. That the grant is not likely to evoke public controversy; and

3. That the development cannot feasibly be designed to meet the requisite disabled access standards without the deviations.
Prior to acting on an application for a deviation, the Zoning Administrator shall give notice to all adjoining property owners and shall hold a public hearing. The Zoning Administrator may waive the public hearing if he or she makes the two findings in Section 16.02 B. The notice and procedures provided in Section 16.01 shall be followed for granting any deviation.

Sec. 162. Section 16.04 of the Los Angeles Municipal Code is amended to read:

SEC. 16.04. CRITICAL RESPONSE FACILITIES.

A. Authority of the Department of Building and Safety. Notwithstanding any other provision of this Code to the contrary, the Department of Building and Safety shall, during the first six months following the declaration of an emergency, have the authority to issue a temporary permit for the duration of the emergency, on any lot, regardless of zone, for any police, fire, emergency medical or emergency communications facility which will aid in the immediate restoration of an area adversely impacted by a severe fire, storm, earthquake, similar natural disaster, or a civil or military disturbance, and declared by the Governor as an emergency area, provided that the department shall maintain records of all temporary permits.

Sec. 163. Section 16.04.1 of the Los Angeles Municipal Code is amended to read:

SEC. 16.04.1. SHORT-TERM TEMPORARY USES.

A. Authority of the Department of Building and Safety. Notwithstanding any other provision of this Code to the contrary, the Department of Building and Safety shall, during the first six months following the declaration of an emergency, have the authority to issue a temporary 90-day permit on any lot, regardless of zone, for any temporary use which will aid in the immediate restoration of an area adversely impacted by a severe fire, storm, earthquake, similar natural disaster, or a civil or military disturbance, and declared by the Governor as an emergency area, provided that the department shall maintain records of all temporary permits.

Sec. 164. Section 16.04.2 of the Los Angeles Municipal Code is amended to read:

SEC. 16.04.2. ACTIVATION AND TERMINATION OF EFFECT. The provisions of this article shall be applicable to a particular area upon the declaration of an emergency pursuant to Chapter 7 of Division 1 of Title 2 of the Government Code by the Governor relating to that area. The provisions of this article shall cease to be applicable to a particular area two years following the date of declaration of emergency, and for one
additional year if an extension is approved by the City Council; provided, however, that the provisions of this article shall be considered as still remaining in full force and effect thereafter for the purpose of maintaining or defending any civil or criminal proceeding with respect to any right, liability or offense that may have arisen under the provisions of this article during its operative period, or with respect to enforcing any condition of approval of the temporary land use permit. The City Council may also extend by resolution any other time limits in this article for one additional year.

Sec. 165. The first paragraph of Subsection F of Section 16.05 of the Los Angeles Municipal Code is amended to read:

F. In granting an approval, the Director, or the Area Planning Commission on appeal, shall adopt written findings, and shall grant site plan approval only upon finding that the development project meets all of the following requirements:

Sec. 166. Paragraph (b) of Subdivision 3 of Subsection G of Section 16.05 of the Los Angeles Municipal Code is amended to read:

(b) If the Director finds that the matter may have a significant effect on neighboring properties, the Director shall set the matter for public hearing. If the application is set for public hearing, written notice shall be sent by First Class Mail at least 15 days prior to the hearing to the applicant, owners and tenants of the property involved, owners and tenants of all property within 100 feet of the boundary of the subject site, the City Council members in whose district the property is located, the Administrator of the Community Redevelopment Agency for projects within an adopted redevelopment project area, and any organization representing property owners or the community in the project vicinity if it requests in writing to be notified. Notice shall also be given by at least one publication in a newspaper of general circulation in the City, designated for that purpose by the City Clerk, at least 15 days prior to the date of the hearing.

Sec. 167. Subparagraph 5 of Paragraph (c) of Subdivision 3 of Subsection G of Section 16.05 of the Los Angeles Municipal Code is amended to read:

5. Failure to Act - Transfer of Jurisdiction. If the Director fails to make a decision on an application within the time limit specified in this subsection, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission, in which case the Director shall lose jurisdiction. The Area Planning Commission shall consider the matter following the same procedures and limitations as are applicable to the Director. A request for transfer of jurisdiction may be filed in any public office of the Department of City Planning.
Sec. 168. Subdivisions 1, 2, 3 and 4 of Subsection H of Section 16.05 of the Los Angeles Municipal Code are amended to read:

1. Authority. The Area Planning Commission of the area in which the property is located shall have the authority to decide appeals from site plan review decisions made by the Director. Prior to deciding an appeal, the Area Planning Commission shall hold a hearing or direct a hearing officer to do so.

2. Filing an Appeal. The applicant, any officer, board, department, or bureau of the City, or any interested person aggrieved by the decision of the Director may file an appeal to the Area Planning Commission. Appeals shall be in writing and shall set forth specifically the reasons why the decision should not be upheld. Appeals shall be filed in any public office of the Department of City Planning, upon required forms and accompanied by applicable fees, within 15 days of the mailing of the decision to the applicant. An appeal not properly or timely filed shall not be accepted.

3. Hearing Notice. Upon receipt of the appeal application, the Area Planning Commission Secretary shall set the matter for a public hearing to be held within 30 days of the filing of the appeal. The Secretary shall give notice of the hearing to the appellant and to all the other parties specified in Subsection G 3 (b) above, within the time and in the manner specified in that subsection.

4. Decision. The Area Planning Commission shall render its decision in writing within 15 days after completion of the hearing. The Area Planning Commission may sustain or reverse any decision of the Director, and may establish additional conditions to conform with the findings required in Subsection F. The decision shall be in writing and based upon evidence in the record, including testimony and documents produced at the hearing before the Area Planning Commission, and supported by additional findings as may be required by Section 16.05 F above. If the Area Planning Commission fails to act within the time specified, the action of the Director shall be final.

Sec. 169. Section 16.50 of the Los Angeles Municipal Code is amended to read:

SEC. 16.50. DESIGN REVIEW BOARD PROCEDURES.
A. Purpose and Objectives. The role of design review boards is to evaluate the placement of mass, form, spatial elements and overall quality of the design of proposed projects based on defined objectives established in specific plans. Design review boards should assist the City decision-makers, the community, private developers, property owners, and design professionals in implementing the design goals of communities contained within specific plan boundaries.

The objectives of this section are as follows:

1. To establish uniform citywide procedures for design review within specific plan areas;

2. To establish uniform citywide authority for design review boards to advise the Director, and/or the Area Planning Commission on aspects of exterior design, site layout and landscape, signs, and other design elements governed by a specific plan;

3. To promote the general welfare of the community;

4. To protect the community from the adverse effects of poor design; and

5. To encourage good professional design practices and quality exterior design and appearance to improve the community and surrounding area.

B. Relationship To Provisions Of Specific Plans. The provisions of this section do not convey any rights not otherwise granted under the provisions and procedures contained in any specific plan, except as specifically provided.

If any procedure established in a specific plan governing a design review board created by or authorized to act pursuant to the specific plan, differs from any procedure set forth in this section, the provisions of this section shall prevail.

C. Design Review Determination.

The initial decision-maker shall be the Director for all design review decisions. These decisions shall be appealable to the Area Planning Commission which has jurisdiction over the property involved.

D. Design Review Boards.

1. Authority.
(a) Notwithstanding any provisions of a specific plan to the contrary, no design review required by a specific plan shall be recommended for approval by a design review board or approved by the Director except as provided in this section.

(b) No building permit shall be issued for any building or structure regulated by a specific plan where design review is required, unless the Director has reviewed and approved the project after finding that the project complies with the design criteria and guidelines set forth in the specific plan and after considering the recommendation of the design review board, if any. If no design review board has been appointed, the Planning Department shall review the application and make its recommendation to the Director.

(c) Design review boards shall review applications and accompanying materials in relation to compliance with the design components and criteria set forth in this section, any applicable specific plan and adopted design guidelines, and provide their recommendations to the Director.

2. Name of Board. Each design review board shall have, as part of its name, words linking it to its area of administration and distinguishing it from other similar associations and boards.

3. Number of Members and Composition of Membership.

(a) Number of Members. Design review boards shall consist of a minimum of five and maximum of seven voting members.

(b) Appointment of Members. With the exception of the Mulholland Specific Plan, the members of design review boards shall be appointed by the councilmember(s) of the council district(s) in which the specific plan area is located.

(c) Composition of Membership. Unless otherwise specifically required in a specific plan, to the maximum extent practicable, each design review board shall be composed of two architects and two professionals from the following or related fields: planning, urban design, and landscape architecture. The remaining member or members need not be design professionals. All members shall reside, operate a business, or be employed within the specific plan area. If no eligible person is known to be available for appointment in the designated disciplines who resides, operates a business, or is employed within the specific plan area, then the councilmember(s) may make the appointment from the community plan area(s) in which the specific plan area is located. If a specific
plan is located in more than one community plan area, then the members may be chosen from any of those community plan areas.

If the design review board area is represented by more than one councilmember, then the President of the City Council shall, to the extent feasible, determine the number of members appointed by the councilmember of each council district, based on the percentage of design review board area located in each council district.

4. Terms of Membership. A term of office of a member of a design review board shall be four years. The members of design review boards shall be appointed to staggered terms so that at least one term becomes vacant on each successive year. The chairperson and vice-chairperson shall be elected annually by a majority of the design review board members.

5. Vacancies. In the event of a vacancy occurring during the term of a design review board member, the councilmember(s) who appointed the member, or the councilmember(s)’ successor, shall make an appointment to serve the unexpired term of that member. Where the member is required to have specific qualifications, the vacancy shall be filled by a person having similar qualifications.

6. Expiration of Term. Upon expiration of the term of any member of the design review board, the appointment for the next succeeding term shall be made by the appointing authority. No member of a Board shall serve more than two consecutive four year terms. Members of the board whose terms have expired shall remain members until their replacements have been appointed.

7. Organization. Design review boards shall hold regular meetings at fixed times within the month with a minimum of two meetings a month. Meetings may be canceled if no applications which have been deemed complete are received at least 14 calendar days prior to the next scheduled meeting.

8. Quorum. The presence of a simple majority of the members shall constitute a quorum. If a design review board cannot obtain a quorum for action within the stated time limits, the application shall be transferred forthwith to the Director for action with no recommendation from the design review board. An action by the board requires a majority vote of the members of the board.

E. Design Review Procedure. The design review process may, pursuant to Subdivision 3 of this subsection, be conducted in two steps consisting of an optional preliminary review and a mandatory final review. An applicant may request a technical review by the Land Development Counseling Center (LDCC) or its equivalent, for
clarification of requirements of the Los Angeles Municipal Code or applicable specific plan.

1. Application. All applications for design review shall be submitted to the Department of City Planning on a form supplied by the Department.

(a) If an applicant requests an optional preliminary design review, the following materials must be submitted in addition to any material required by applicable specific plans or ordinances:

Conceptual drawings without finished details and plans and materials which include, but are not limited to the following:

1. Proposed site plan showing proposed improvements;
2. Building elevations;
3. General description of materials and colors to be used;
4. Proposed landscape plan;
5. Photographs of the site and surrounding properties;
6. Information on existing trees on the site and within 20 feet of the property; and
7. Additional information that demonstrates adherence to the specific plan design criteria.

(b) An application for a mandatory final review shall be deemed complete only if it includes, in addition to any material required in the applicable specific plan or ordinance, the following materials:

1. Drawings with finished details;
2. Environmental review clearance;
3. Results of technical review, if required;
4. Written narrative addressing specific plan design criteria and guidelines - and a finding of the project's consistency with either the Specific Plan or an approved Specific Plan Exception;
5. Vicinity map of appropriate scale, indicating the location of the project site in relation to nearby access streets, significant physical features of the project, and other relevant issues affecting the project. Where possible, the map shall show the location of buildings on adjoining properties having a bearing on the project;
6. Color photographs of the site and surrounding area and buildings to clearly represent the context of the design;
Site plan of appropriate scale that clearly represents all the features of the site and significant design issues;

Plans of appropriate scale, including all significant items or floor levels necessary to clearly represent design intent;

Elevations of appropriate scale, including all sides of the item or building to clearly represent design intent;

Sections, as deemed necessary by the architect or designer, of appropriate scale to clearly represent design intent;

Either perspective drawings or model material sample board to be presented at the design review board meeting;

Sign plan, if applicable, indicating proposed sign(s) and all existing signs on the property;

Landscape plans which shall include the approximate size, maturity and location of all plant materials, the scientific and common names of the plant materials, the proposed irrigation plan, and the estimated planting schedule. The plan shall specify the length of time required to attain plant maturity; and

Mailing labels with the names of the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. Should these properties not be owner-occupied, mailing labels shall also be provided for the occupants.

Before the acceptance of the completed application for a mandatory final review, the Department of City Planning shall review the proposal for compliance with the provisions and intent of the applicable specific plan or ordinances under which the design review board has been established. An application shall not be deemed incomplete for failure of the proposed project to meet the requirements of the applicable specific plan. Note, however, if the project is not in compliance with these requirements, the project will be denied unless it is redesigned or appropriate relief is secured.

In addition, prior to submitting a complete application, the applicant may request a technical review by the LDCC. If this review is requested, the LDCC may require further materials and plans to be submitted to facilitate that review.

No building permit shall be issued until a copy of the plans for the proposed project, stamped by the Planning Department as approved by the Director, is made available to the Department of Building and Safety to be included with the field set of approved plans.

2. Fees.
(a) The filing fee for processing an optional preliminary application shall be one-half of the fee for processing a design review application.

(b) The filing fee for processing an optional technical review requested by the applicant shall be as set forth in Section 19.09.

(c) The filing fee for processing a final design review application shall be as set forth in Section 19.01.

(d) The filing fee for processing an applicant's appeal from the Director's decision shall be the fee for an appeal from a specific plan design review decision as set forth in Section 19.01. The filing fee for processing an appeal by a person other than the applicant shall be as provided in Section 19.01 K 2.

(e) The filing fee for processing a modification to a design review determination, if requested by the applicant, shall be one-half of the fee for processing a final design review application.


(a) Optional Preliminary Design Review. An applicant may request a preliminary design review to consult with the design review board for advice on the design of a proposed project. The design review board shall review all projects for which applications for preliminary design review have been accepted. The board shall provide comments to the applicant concerning the overall design of the project, materials and colors to be used, and landscaping.

(1) Transmittal of Applications for Preliminary Review. Upon acceptance of a completed optional preliminary application, the application shall, within five calendar days, be referred to the design review board for placement on its agenda for its recommendation.

(2) Review and Recommendation of Design Review Board. The design review board shall preliminarily review the project within 21 calendar days after the request for the optional preliminary review has been referred to the board along with all of the required materials.

The design review board shall review the project with reference to all specific plan design criteria and guidelines as requested by the applicant. Results of the optional preliminary review shall be transmitted by the board to the Director within ten days after the design review board meeting for the Director's information only.
(b) Design Review of Final Applications. The design review board shall review all projects for which applications for final design review have been accepted.

(1) Transmittal of Applications for Final Review. Upon acceptance of a completed application for final design review, the application shall, within five calendar days, be referred to the design review board for its recommendation.

(2) Final Review and Recommendation of the Design Review Board. In making its recommendation to approve, conditionally approve or disapprove an application, the design review board shall hold a public hearing and shall notify the owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property, at least ten days prior to the date of the hearing. Notice of the hearing shall be posted by the applicant in a conspicuous place on the subject property at least five days prior to the date of the public hearing. The design review board shall review and make its recommendation on the project within 21 calendar days after the application which has been deemed complete has been referred to the board.

The design review board shall submit its recommendation to the Director within five calendar days after it has acted on the application or within any additional time as is mutually agreed upon in writing between the applicant and the Department of City Planning.

The design review board’s recommendation shall include approval, disapproval, or approval with conditions to the project. The design review board shall make its recommendation based upon design criteria in the specific plan. In the event of a recommendation for denial, the board shall specify those areas in which the project fails to comply with the design criteria in the specific plan. Recommendations and summaries of discussions shall be transmitted to the Director.

The design review board’s recommendation shall not affect any entitlement or discretionary approvals by applicable agencies and departments. Nothing in this subparagraph shall interfere with the Mulholland Scenic Parkway Design Review Board’s authority to advise under Section 11 of the Mulholland Scenic Parkway Specific Plan.

If the design review board does not act and an extension of time is agreed upon as specified above in order for the applicant to provide a
revised application with modifications for the project, then the revised project shall be submitted to the design review board for a second meeting to be held within 30 calendar days of the first meeting.

(c) Failure to Act. In the event the design review board fails to act on an application within the time limits specified in this section, the application shall be immediately referred without recommendation to the Director for determination.

(d) Action of the Director. Within ten calendar days following the receipt of the design review board's recommendation or of the design review board's failure to act, the Director shall approve a project as presented to the board if it is in compliance with the specific regulations of the applicable specific plan. If the project is not in compliance with specific regulations in the specific plan and cannot be made to be so by imposition of conditions, the Director shall disapprove the project. The Director shall make findings consistent with the specific plan criteria for any approval or disapproval.

In addition, if the Director requests changes or additional information, copies of all materials submitted in connection with the request shall be transmitted to the design review board for its information.

A copy of all decisions shall be forwarded to the applicant, the design review board, the councilmember(s) in whose district(s) the specific plan area is located, the Department of Building and Safety, and any interested parties who make a written request for notice.

4. Duration of Design Review Board Preliminary Review and the Director's Decision or the Area Planning Commission's Decision on Appeal. A design review board's advice on an optional preliminary application shall be valid for 24 months.

A final decision of the Director or Area Planning Commission on appeal shall be valid for a period of two years, so long as all necessary building permits are obtained within that two years. In the event a building permit is obtained in a timely manner but subsequently expires, the Director's decision or Area Planning Commission's decision on appeal shall expire with the building permit.

5. Modification of Approved Plans or Materials Before Issuance of Building Permit or Certificate of Occupancy. The Director or Area Planning Commission on appeal may, prior to the issuance of a building permit or certificate of occupancy, approve exterior changes to a proposed project from that which was approved in the design review board only if these changes were required by a public agency. Unless otherwise specifically required in a specific
plan, at the discretion of the Director or Area Planning Commission on appeal, these modifications may be transmitted to the design review board for its review at the next available meeting provided that the appropriate materials were received 14 days prior to that meeting.

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

In reviewing any modification, the Director or Area Planning Commission on appeal shall limit its review and reconsideration to those areas identified as changed or influenced by the changes.

F. Appeal Procedure. An applicant or any other person aggrieved by a decision of the Director, may appeal to the Area Planning Commission. An appeal may also be filed by the Mayor or a member of the City Council. Unless a board member is an applicant, he or she may not appeal any design review determination of the Director.

The appeal shall set forth specifically how the decision of the Director fails to conform to the requirements of the specific plan.

An appeal must be made within fifteen calendar days after the postmark of the Director’s decision, pursuant to the procedures prescribed for Conditional Uses in Section 12.24 l. After notification to the applicant, the appellant, the board and any interested party, the Area Planning Commission shall act on the appeal within 30 days after the end of the appeal period.

G. Conflict of Interest. No design review board member shall discuss with anyone the merits of any matter either pending or likely to be pending before the board other than during a duly called meeting of the board or subcommittee of the board. No member shall accept professional employment on a case that has been acted upon by the board in the previous 12 months or is reasonably expected to be acted upon by the board in the next 12 months.

Sec. 170. The definition of Appeal Board in Section 17.02 of the Los Angeles Municipal Code is amended to read:
Appeal Board

(a) The City Planning Commission, for the purpose of hearing and making decisions upon appeals from actions of the Advisory Agency with respect to any parcel map or tentative map which creates or results in (a) 50,000 or more gross square feet of nonresidential floor area; or (b) 65,000 or more gross square feet of lot area; or (c) 50 or more dwelling units or guest rooms or combination of dwelling units and guest rooms; and/or the kind, nature and extent of improvements required in connection with these actions.

(b) The Area Planning Commission, for the purpose of hearing and making decisions upon appeals from actions of the Advisory Agency with respect to any parcel map or tentative map which creates or results in (a) less than 50,000 gross square feet of nonresidential floor area; or (b) less than 65,000 gross square feet of lot area; or (c) fewer than 50 dwelling units or guest rooms or combination of dwelling units and guest rooms; and/or the kind, nature and extent of improvements required in connection with these actions. The Area Planning Commission which hears the matter shall be the Area Planning Commission in the area in which the parcel map or tentative map is located.

Sec. 171. Section 17.02 of the Los Angeles Municipal Code is amended by deleting the definition of Board.

Sec. 172. Each reference in Sections 17.05 R 1 (a) (ii), 17.50 D 2 and 17.59 D of the Los Angeles Municipal Code to “Board of Zoning Appeals” is amended to read “Appeal Board.”

Sec. 173. Subsection A of Section 17.54 of the Los Angeles Municipal Code is amended to read:

An applicant or any other person claiming to be aggrieved by an action or determination of the Advisory Agency with respect to a preliminary Parcel Map, certificate or conditional certificate of compliance pursuant to California Government Code Section 66499.35 or an exemption from the Parcel Map regulations pursuant to Section 17.50 B 3 (c) of this Code may, within a period of 15 days after the date of mailing of the decision of the Advisory Agency, appeal to the Appeal Board for a public hearing. Appeals to the Appeal Board shall be filed in duplicate in a public office of the Department of City Planning on forms provided for that purpose and shall be accompanied by the fees required in Section 19.02 of this Code. The appeal shall not be considered as having been filed unless and until the form has been properly completed and all information required by it has been submitted. The complete appeal form and file shall then immediately be transmitted to the Appeal Board Secretary for hearing before the Appeal Board.
The Appeal Board, upon notice to the applicant, the person claiming to be aggrieved, if any, and the Advisory Agency, shall hear the appeal within 18 days after the expiration of the 15 day appeal period unless the applicant consents to an extension of time pursuant to Section 17.54 C of this Code. At the time established for the hearing, the Appeal Board shall hear the testimony of the applicant and witnesses in his/her behalf, the testimony of any aggrieved person, if there are any, and the testimony of the Advisory Agency and any witnesses in its behalf. The Appeal Board may also hear the testimony of other competent persons respecting the character of the neighborhood in which the division of land is to be located, the kinds, nature and extent of improvements, the quality or kinds of development to which the area is best adapted or any other phase of the matter into which the Appeal Board may desire to inquire.

Upon conclusion of the hearing, the Appeal Board shall within 14 days declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendation or ruling of the Advisory Agency and may make findings consistent with applicable provisions of this article. If at the end of the time limit specified in this subsection or at the end of any extension of time pursuant to Section 17.54 C of this Code the Appeal Board fails to act, the appeal shall be deemed denied; the decision from which the appeal was taken shall be deemed affirmed and an appeal may be taken to the City Council pursuant to Subsection B of this section.

Sec. 174. The definition of “Board” in Section 18.01 of the Los Angeles Municipal Code is amended to read:

“Board” shall mean the Area Planning Commission.

Sec. 175. Section 19.00 of the Los Angeles Municipal Code is amended to read:

SEC. 19.00. FILING OF APPLICATIONS AND APPEALS.

A. Filing Date. An application or appeal shall be considered as filed whenever it has been completed in accordance with the applicable rules and regulations, has been submitted to the Department together with the required filing fees, and a receipt for the filing fees has been issued. If at any time during the processing of an application it is discovered that an application has been improperly prepared, or required pertinent information has not been submitted in accordance with the previously established rules and regulations, upon notification to the applicant by the appropriate officer or employee the time limits specified within this ordinance shall be suspended and not continue to run until the application has been rectified or the omitted information furnished in a proper manner.
B. Time Limit - Appeals. Notwithstanding any provisions of Articles 2, 3 or 4 of this chapter, whenever the final day for filing an appeal from any action, decision or determination of the Director of Planning, Zoning Administrator, Area Planning Commission or City Planning Commission falls on a Saturday, Sunday or legal holiday, the time for filing an appeal shall be extended to the close of business on the next succeeding working day, and the effective or final date of any action, decision or determination shall be extended to the close of that appeal period. No appeal shall be accepted or in any way considered as officially on file which is not presented in proper form and received within the appeal period specified by other sections of this chapter or the extended period specified above in this section.

If in any individual case involving a 15-day appeal period, that appeal period fails to include at least ten working days, then the appeal period shall be extended as many days as the Director of Planning, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council determines are necessary to include ten working days.

C. Place of Filing. Whenever the provisions of Articles 2, 3 or 4 of this chapter provide that applications, requests or appeals be filed with the City Planning Commission, in the public office of the Department of City Planning, those applications, requests or appeals may be filed in any of the branch offices of the Department when designated for this purpose by the City Planning Commission; that decision to be based upon considerations of need and available facilities.

D. Whenever the provisions of this chapter provide that an applicant shall post notice of a public hearing or meeting, the applicant shall file a declaration in the appropriate public office prior to the date of the noticed public hearing or meeting. In this declaration the applicant shall declare, under penalty of perjury, that notice has been posted in accordance with the applicable provisions of this chapter.

The Director of Planning shall have the authority to adopt guidelines consistent with this ordinance for the posting of notices if the Director determines that guidelines are necessary and appropriate.

Sec. 19.01 of the Los Angeles Municipal Code is amended to read:

SEC. 19.01. FILING FEE - APPLICATIONS AND APPEALS.

Before accepting for filing any application or appeal involving any of the matters specified in this section, the Department of City Planning shall charge and collect for each application or appeal the following filing fees:
A. ESTABLISHMENT OR CHANGE IN BOUNDARIES OF ZONES, HEIGHT DISTRICTS OR SUPPLEMENTAL USE DISTRICTS.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Flat Fee</th>
<th>For First Block or Portion Thereof</th>
<th>For Each Additional Block or Portion Thereof</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone Change - for the Construction of a One-Family Dwelling or Dwellings. (Section 12.32)</td>
<td>(3)</td>
<td>$3,314.00</td>
<td>$1,682.00</td>
</tr>
<tr>
<td>Zone Change - for the Construction of a Dwelling or Dwellings Other Than a One-Family Dwelling. (Section 12.32)</td>
<td>(3)</td>
<td>$4,256.00</td>
<td>$2,160.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$205.00 per unit not to exceed $10,487.00</td>
<td></td>
</tr>
<tr>
<td>Zone Change - for the Construction of a Building or Buildings Other Than a Dwelling or Dwellings. (Section 12.32)</td>
<td>(3)</td>
<td>$9,219.00</td>
<td>$1,899.00</td>
</tr>
<tr>
<td>Height District. (Section 12.32)</td>
<td></td>
<td>$1,536.00</td>
<td>$1,026.00</td>
</tr>
<tr>
<td>Height District Filed Incident to Zone Change. (Section 12.32)</td>
<td></td>
<td>$288.00</td>
<td>None</td>
</tr>
<tr>
<td>Rock and Gravel or Animal Slaughtering. (Section 12.32)</td>
<td></td>
<td>$1,501.00</td>
<td>$1,001.00</td>
</tr>
<tr>
<td>Oil Drilling District. (Section 12.32)</td>
<td></td>
<td>$1,246.00</td>
<td>(1) $773.00</td>
</tr>
<tr>
<td>Determination of Conditions for Oil Drilling</td>
<td></td>
<td>$2,240.00</td>
<td>None</td>
</tr>
<tr>
<td>Boundary Adjustment</td>
<td>(2)</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
<td>-----------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>Horsekeeping District. (Section 12.32)</td>
<td>$2,387.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$3,314.00</td>
<td></td>
<td>$1,682.00</td>
</tr>
<tr>
<td>Building Line. (Section 12.32)</td>
<td>$2,048.00</td>
<td></td>
<td>$1,367.00</td>
</tr>
<tr>
<td>Building Line Filed Incident to Zone or Height Change Application. (Section 12.32)</td>
<td>$179.00</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Residential Planned Development District. (Section 12.32)</td>
<td></td>
<td>$875.00</td>
<td>$362.00</td>
</tr>
<tr>
<td>Any Supplemental Use District Not Covered Elsewhere. (Section 12.32)</td>
<td></td>
<td>$1,018.00</td>
<td>$679.00</td>
</tr>
<tr>
<td>Historic Preservation Zone</td>
<td></td>
<td>$851.00</td>
<td>$562.00</td>
</tr>
<tr>
<td>Certificate of Appropriateness</td>
<td>$184.00</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Surface Mining Permit</td>
<td></td>
<td>$788.00</td>
<td>$521.00</td>
</tr>
<tr>
<td>Amendments to Approved Plans or Additions To Vested Regulations in Vesting Zone Change Ordinances or Conditional Use Permits</td>
<td>$380.00</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

Notes:

(1) Notwithstanding the general fee schedules set forth above, the filing fee for an oil drilling district shall not exceed the fee charged for a 600-acre oil drilling district.

(2) Notwithstanding the general fee schedules set forth above, the filing fee for a boundary adjustment application shall be $315.00 when incident to a subdivision.

(3) If a combination of one-family dwellings, dwellings other than one-family dwellings, and/or buildings other than dwellings, the fee charged shall be the same as the higher or highest fee charged for any of the above categories in the combination.
Determination of Credit of Recreation and Park Fees.

(a) A filing fee of $93.00 shall accompany each application for a credit pursuant to Subsection B of Section 12.33.

(b) A fee equal to 85 percent of the filing fee shall accompany each appeal of a determination of credit made pursuant to Subsection B of Section 12.33.

B. APPEAL FEES.

Except as expressly otherwise provided in Sections 19.01 through 19.06, the following fees shall be charged and collected with the filing of all appeals:

1. A fee equal to 85 percent of the underlying application when the appeal is made by the applicant.

2. A fee of $64.00 in the case of an appeal by a person, other than the applicant, claiming to be aggrieved.

C. CONDITIONAL USE, OTHER QUASI-JUDICIAL APPROVALS AND PUBLIC BENEFIT APPROVALS.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Flat Fee</th>
<th>For First Block or Portion Thereof</th>
<th>For Each Additional Block or Portion Thereof</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditional Use by City or Area Planning Commissions. (Sections 12.24 U and 12.24 V)</td>
<td>$2,810.00</td>
<td>$777.00</td>
<td></td>
</tr>
<tr>
<td>Other Similar Quasi-Judicial Approvals by City or Area Planning Commissions. (Section 12.24 X)</td>
<td>$2,810.00</td>
<td>$777.00</td>
<td></td>
</tr>
<tr>
<td>Public Benefits (Section 14.00)</td>
<td>$2,810.00</td>
<td>$777.00</td>
<td></td>
</tr>
<tr>
<td>Conditional Use by Zoning Administrator (Entertainment Uses Only). (Section 12.24 W 18)</td>
<td>$4,052.00</td>
<td>$1,120.00</td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>-------------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>Conditional Use by Zoning Administrator (On-Site Alcohol Sales Only). (Section 12.24 W 1)</td>
<td>$4,052.00</td>
<td>$1,120.00</td>
<td></td>
</tr>
<tr>
<td>Conditional Use by Zoning Administrator (Off-Site Alcohol Sales Only). (Section 12.24 W 1)</td>
<td>$2,810.00</td>
<td>$857.00</td>
<td></td>
</tr>
<tr>
<td>Conditional Use by Zoning Administrator Other Than Sections 12.24 W 1 or 12.24 W 18.</td>
<td>$2,810.00</td>
<td>$857.00</td>
<td></td>
</tr>
<tr>
<td>Approval of Plans Required with a Conditional Use Existing Prior to Enactment of More Restrictive Zoning</td>
<td>$802.00</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Approval of Plans Required in Connection with any Conditional Use other than the South Central Alcoholic Beverage Specific Plan. (Section 12.24 L)</td>
<td>$1,722.00</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Amendment of Council's Instructions Involving the Removal of the (T) Tentative Classification</td>
<td>$1,364.00</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Clarification of T, Q, or D Classification</td>
<td>$380.00</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Land Use Determinations by City Planning Commission. (Section 12.24.1)</td>
<td>$2,580.00</td>
<td>$713.00</td>
<td></td>
</tr>
</tbody>
</table>
### D. VARIANCE FROM THE REGULATIONS AND REQUIREMENTS OF THE ZONING ORDINANCES.

**[FILING FEE]**

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Flat Fee</th>
<th>For First Block or Portion of a Block</th>
<th>For Each Additional Block or Portion of a Block</th>
</tr>
</thead>
<tbody>
<tr>
<td>Variance Requiring Public Hearing. (Section 12.27)</td>
<td>$3,680.00</td>
<td>$908.00</td>
<td></td>
</tr>
<tr>
<td>Variance Not Requiring Public Hearing. (Section 12.27)</td>
<td>$2,302.00</td>
<td>$768.00</td>
<td></td>
</tr>
<tr>
<td>Adjustments to Yard, Area and Height, other than Single-Family Dwelling</td>
<td>$3,379.00</td>
<td>$1,831.00</td>
<td></td>
</tr>
<tr>
<td>Adjustments to Yard, Area and Height, Single-Family Dwelling. (Section 12.28)</td>
<td>$890.00</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Slight Modification of Area Requirements of Article 2 of this chapter. (Section 12.28)</td>
<td>$135.00</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Adjustments to Yard, Area and Height in Combination with Variance. (Section 12.28)</td>
<td>$249.00 (in addition to first block fee)</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Slight Modification of Parking Requirements for Showcase Theaters. (Section 12.24 X 18)</td>
<td>$73.00</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

### E. ZONING ADMINISTRATOR INTERPRETATIONS.

**[FILING FEE]**

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<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Flat Fee</th>
<th>For First Block or Portion of a Block</th>
<th>For Each Additional Block or Portion of a Block</th>
<th>Appeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interpretations of Yard Regulations or Use Regulations</td>
<td></td>
<td>$2,709.00</td>
<td>$1,233.00</td>
<td></td>
</tr>
<tr>
<td>Interpretation of Fence Height Limitation. (Section 12.24 X 7 &amp; X 8)</td>
<td></td>
<td>$498.00 (one lot) $996.00 (2 or more lots)</td>
<td>$848.00</td>
<td></td>
</tr>
<tr>
<td>Interpretation of Fence Height Limitation for Rebuilding a Pool Enclosure on Corner, Reserved Corner or Hillside Lots in Connection with a Declared Emergency.* (Section 12.24 X 7 &amp; X 8)</td>
<td></td>
<td>$135.00 (one lot) $270.00 (2 or more lots)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child care facility for no more than 50 children in the R3 Zone. (Section 12.24 U 3)</td>
<td>$802.00</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Request to Establish a Shelter for the Homeless. (Section 14.00)</td>
<td>$367.00</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Request to Permit Operation of a Certified Farmer's Market. (Section 12.24 X 6)</td>
<td>$367.00</td>
<td>None</td>
<td>$734.00</td>
<td></td>
</tr>
<tr>
<td>Request to Permit the Service of Alcoholic Beverages in a Restaurant with a Seating Capacity of no more than 50 Seats. (Section 12.24 X 2)</td>
<td>$143.00</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Application for Approval to Erect an Amateur Radio Antenna (where no public hearing is required) (Section 12.24 X 3)</td>
<td>$166.00</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Approval to Erect an Amateur Radio Antenna (where a public hearing is required). (Section 12.24 X 3)</td>
<td>$332.00</td>
<td>None</td>
<td>None</td>
<td>$50.00</td>
</tr>
<tr>
<td>Joint Living and Work Quarters for Artists and Artisans with Reduced Parking. (Section 12.24 X 13)</td>
<td>$750.00</td>
<td>None</td>
<td>None</td>
<td>$50.00 for applicant or non-applicant</td>
</tr>
<tr>
<td>Commercial Uses and/or Reduced Parking in Historically Significant Buildings. (Section 12.24 X 12)</td>
<td>$750.00</td>
<td>None</td>
<td>None</td>
<td>$50.00 for applicant or non-applicant</td>
</tr>
<tr>
<td>Adaptive Reuse Projects in the M Zones in the Downtown Project Area. (Section 12.24 X 1)</td>
<td>$750.00</td>
<td>None</td>
<td>None</td>
<td>$50.00 for applicant or non-applicant</td>
</tr>
<tr>
<td>Type of Application</td>
<td>Flat Fee</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Request for Open Storage for Automotive Repair Business (Section 12.24 X 4)</td>
<td>$467.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* A Declared Emergency is an emergency, such as fire, storm, severe earthquake, civil disturbance, or other disaster declared by the Governor.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**F. REVIEW BY ZONING ADMINISTRATOR.**

[FILING FEE]

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Flat Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request to Permit Continued Operation of Nonconforming Oil Wells</td>
<td>$295.00</td>
</tr>
<tr>
<td>Request for Fencing and Landscaping Requirements for Oil Wells in the Los Angeles City Oil Field Area</td>
<td>$367.00</td>
</tr>
<tr>
<td>Request for Approval of Plans re: Conditional Use Existing Prior to Enactment of More Restrictive Zoning</td>
<td>$802.00</td>
</tr>
<tr>
<td>Request for Approval of Plans re: Conditional Use for the Sale of Alcoholic Beverages or for a Dance Hall which Use Existing Prior to Enactment of More Restrictive Zoning</td>
<td>$1,047.00</td>
</tr>
<tr>
<td>Request for Approval In Oil Drilling Cases Where Control Site is in City of Los Angeles but Well is Bottomed Outside City Limits</td>
<td>$797.00</td>
</tr>
<tr>
<td>Request for Determination Made Pursuant to Section 12.21 A 2</td>
<td>$2,691.00</td>
</tr>
<tr>
<td>Request for Second and Subsequent Continuation of Non-Conforming Uses in R Zones</td>
<td>$403.00</td>
</tr>
<tr>
<td>Request for Determination for Building Permit for Dwelling Adjacent to an Equine-keeping Use</td>
<td>$110.00</td>
</tr>
<tr>
<td>Request for Approval of Plans in Connection with Reduced On-Site and Remote Off-Site Parking Authorization</td>
<td>$653.00</td>
</tr>
</tbody>
</table>
G. BLOCK.

For the purpose of this section, a "block" shall mean either:

1. A contiguous area of not more than five acres not divided by streets; or

2. Property consisting of not more than five acres, on one or both sides of one street extending for a distance of not more than 660 feet, excluding any intersecting or intercepting streets.

3. For the purpose of computing a filing fee for establishment of an oil drilling district, a block shall mean five acres including that portion of the width of all abutting streets or alleys which would normally revert to the lot if the street or alley were vacated.

H. TEMPORARY SUBDIVISION DIRECTION SIGNS.

[FILING FEE]

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>For First Sign Appertaining to One Subdivision</th>
<th>For Each Additional Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request for Approval to Erect Directional Signs or for One Year Time Extensions</td>
<td>$625.00</td>
<td>$306.00</td>
</tr>
</tbody>
</table>

I. FEES FOR PLAN APPROVALS.

[FILING FEE]

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Filing Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miscellaneous, Plan Approval</td>
<td>$467.00</td>
</tr>
<tr>
<td>Landscape Plan Approval</td>
<td>$50.00</td>
</tr>
</tbody>
</table>
Landscape Plan Part of A Discretionary Approval, Including Water Management Approval  $107.00

J. EXCEPTIONS FROM SPECIFIC PLANS.

[FILING FEE]

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>For First Block or Portion of a Block</th>
<th>For Each Additional Block or Portion of a Block</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exception from a Specific Plan</td>
<td>$2,409.00</td>
<td>$1,607.00</td>
</tr>
</tbody>
</table>

K. FEES - EXCEPTIONS. The fees as provided for in this section shall be subject to the following exceptions:

1. The fees contained in this section shall apply to the City departments of Airports, Harbor, and Water and Power, but shall not apply to any other governmental agency.

2. A fee of $64.00 shall be paid for an appeal to the Area Planning Commission, City Planning Commission, or City Council, when filed by a person other than the applicant, his representative or the owner or lessee of the property involved in the application or in connection with filing an appeal which requires no initial filing fee.

3. No fee shall be required in connection with an application for variance from the minimum lot area requirements of an improved lot, or on appeal from a ruling on the variance application, where it is shown that the lot neither conformed with the minimum lot area requirements at the time of issuance of the original building permit nor constituted a nonconforming lot.

4. No fee shall be required in connection with an application, appeal, or approval of plans for a conditional use for a child-care facility or nursery school which is determined to be nonprofit, including but not limited to parent-cooperatives and facilities funded by a governmental agency or owned or operated by a philanthropic institution, church, or similar institution. A facility funded by a governmental agency shall indicate the principal current and anticipated source of funds. Where any uncertainty exists as to the nonprofit status of the facility, the applicant shall file a copy of the articles of incorporation or an affidavit, to the satisfaction of a Zoning Administrator, showing that the child-care facility will be nonprofit.
5. No fee shall be required in connection with an application, appeal or approval of plans for a conditional use or variance for a nonprofit counseling and referral facility.

6. At the discretion of the appropriate decision-maker, an applicant for any determination for which fees are required by this section may be allowed credit for the fees paid upon a reapplication for the same project under a different procedure when the decision-maker finds:

   a. That the applicant made a good-faith attempt to file the application properly, and
   
   b. That the application could be more appropriately approved if filed under a different procedure.

This subdivision shall not be construed to allow credit to be given at the applicant's option, nor to allow refunds of any fees paid on the original application.

7. No fee shall be required in connection with an initial application for continuation of a nonconforming use made pursuant to Section 12.23 A 6 of this Code.

8. Where an exception from a specific plan and a variance or conditional use or other similar quasi-judicial approval are both required for a project, the lower of the fees charged for the exception and variance, conditional use or other similar quasi-judicial approval shall be waived.

9. TRANSFER PLAN.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>For First Block or Portion of a Block</th>
<th>For Each Additional Block or Portion of a Block</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval of a Transfer Plan</td>
<td>$9,108.00</td>
<td>$2,517.00</td>
</tr>
</tbody>
</table>

10. No fee shall be required in connection with an initial application for a site plan review for a project within a designated Enterprise Zone or Employment and Economic Incentive Zone.

11. In addition to the fees set forth in this article, the Department of City Planning may negotiate with an applicant for reimbursement of the actual costs associated with the City's processing of applications involving extraordinary projects which require unusually heavy commitments of department resources but not involving major projects as that term is defined in Los Angeles Administrative Code Section 5.400.
L. Repealed

M. EXTENSION OF TIME OR SUSPENSION OF TIME LIMITS FOR PLANNING AND ZONING MATTERS IN LITIGATION. Except as otherwise expressly provided in this Code, the fee is $125.00.

N. ADULT ENTERTAINMENT BUSINESS EXCEPTION.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Filing Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exception from the Prohibition Against Adult Entertainment Businesses Within 500 ft. of an A or R Zone (Section 12.22 A 20)</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

O. DENSITY INCREASE.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Filing Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for a density increase in excess of 25 percent, pursuant to Section 14.00 A 2. (Payment of the filing fee may be deferred until prior to the issuance of any Certificate of Occupancy, or until two years after the City's final decision granting or denying the application, whichever comes first. Moreover, the payment may be deferred only if a covenant and agreement is recorded with the County Recorder, to the satisfaction of the Housing Department, which covenant and agreement preserves the affordability of the restricted units in the event that the application is granted. No Certificate of Occupancy for the development project may be issued unless the developer presents evidence that the fee has been paid and all other requirements for its issuance have been met.)</td>
<td>$2,810.00</td>
</tr>
</tbody>
</table>

P. MODIFICATIONS OR DISCONTINUANCE OF USE.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Imposition of Conditions</th>
<th>Fee for Reconsideration</th>
<th>Appeal Fee for an Initial or a Reconsideration Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modification or Discontinuance of Use (Cost Recovery)</td>
<td>$2,000.00</td>
<td>$467.00</td>
<td>$64.00</td>
</tr>
</tbody>
</table>

**Q. APPLICATION FOR SPECIFIC PLAN DESIGN REVIEW APPROVAL.**

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>For First Block or Portion of a Block</th>
<th>For Each Additional Block or Portion of a Block</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign Reviews Only</td>
<td>$200.00</td>
<td>None</td>
</tr>
<tr>
<td>All Other Reviews</td>
<td>$743.00</td>
<td>$313.00</td>
</tr>
</tbody>
</table>

**R. APPLICATION FOR ADDITIONAL HEIGHT FOR BUILDINGS AND STRUCTURES.**

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Filing Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for Additional Height for Buildings and Structures on C and M Zoned Lots</td>
<td>$750.00</td>
</tr>
</tbody>
</table>

**S. SITE PLAN REVIEW.**

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Filing Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plan Review Applications for Residential Projects of 50 or More Dwelling Units.</td>
<td>$800.00</td>
</tr>
<tr>
<td>All Other Site Plan Review Applications</td>
<td>$1,500.00</td>
</tr>
</tbody>
</table>

**T. APPLICATION FOR COMMUNITY DESIGN OVERLAY PLAN APPROVAL.**

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Flat Fee</th>
<th>Appeal Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request for Approval of Design Overlay Plan</td>
<td>$184.00</td>
<td>85%</td>
</tr>
</tbody>
</table>
U. APPLICATION TO PERMIT INCREASED LOT COVERAGE, REDUCED YARDS, REDUCED PARKING OR ADDITIONAL HEIGHT FOR ONE-FAMILY DWELLINGS IN HILLSIDE AREAS; AND APPLICATION TO PERMIT CONSTRUCTION OF OR ADDITION TO ONE-FAMILY DWELLINGS IN HILLSIDE AREAS ON SUBSTANDARD HILLSIDE LIMITED STREETS, WHICH ARE IMPROVED TO A WIDTH OF LESS THAN TWENTY FEET; AND APPLICATION TO PERMIT CONSTRUCTION OF OR ADDITION TO ONE-FAMILY DWELLINGS IN HILLSIDE AREAS WHERE PROVIDING PARKING REQUIRES THE GRADING OF 1000 OR MORE CUBIC YARDS OF EARTH FROM THE LOT.

<table>
<thead>
<tr>
<th>Filing Fee</th>
<th>Fee for Each Appeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>$750.00</td>
<td>85 Percent of Filing Fee</td>
</tr>
</tbody>
</table>

V. MULTIPLE APPLICATIONS OR COMBINATION APPLICATIONS.

If more than one application is filed at the same time for the same project and the fee for each separate application is set forth in this section then, the Director need not collect a separate fee for each application. Rather, the Director may charge and collect the highest applicable fee and a flat fee of $1,095 for each additional application.

Sec. 177. Section 19.02 of the Los Angeles Municipal Code is amended to read:

SEC. 19.02. FILING FEES - DIVISION OF LAND AND PRIVATE STREET MAPS AND APPEALS.

The following fees and charges shall be paid to the City Planning Department except as otherwise specified here, in connection with the following:

A. Subdivision Maps.

1. Tentative Map. For each and every tentative map filed in accordance with this chapter, the following fees shall be charged and collected:

$2,110.00 plus $36.00 per lot or $179.00 per acre, whichever is greater, where one-family dwellings will be constructed;

$1,663.00 plus $56.00 per unit, not to exceed $3,287.00, where dwellings other than one-family dwellings will be constructed;
$3,375.00 plus $26.00 per lot or $131.00 per acre, whichever is greater, where buildings other than dwellings will be constructed.

Where the construction project involves a combination of the above categories, the higher fee category shall be charged. In addition to those charges, the following fees shall be charged and collected:

(a) For each and every lot shown on the subdivision map, excepting the lots as are shown at the request of the City Engineer to facilitate the description of the land to be acquired in condemnation proceedings, a fee of $31.00 or, for each and every acre shown on the subdivision map, a fee of $156.00, whichever is greater.

(b) For each additional lot shown on a revised tentative subdivision map filed within one year, a fee of $6.25, or, for each additional acre, a fee of $31.25, whichever is greater.

(c) For each additional lot shown on the final subdivision map at the request of the Advisory Agency, a fee of $3.47, or, for each additional acre, a fee of $18.74, whichever is greater. The additional fee shall be paid prior to submission of the final subdivision map to the City Council for approval.

(d) For each request for the Advisory Agency to approve the recording of a final map which covers only a portion of the property shown on an approved tentative map pursuant to the provisions of Subsection B of Section 17.07, a fee of $100.00.

(e) For each report prepared by the Director of Planning recommending the establishment, change or removal of a building line on streets within the proposed development, a fee of $354.00.

(f) For each application for condominium conversion, a surcharge totaling 100 percent of the fee paid pursuant to the first two sentences of this subdivision.

(g) For tentative maps within Mountain Fire Districts as described in Section 57.25.01 of this Code, a surcharge of one-half of the sum of the fee paid pursuant to the first sentence of this subdivision and the fees paid pursuant to Paragraph (a) of this subdivision.

(h) For the approval of building inspection reports required by Sections 12.95.2 and 12.95.3, a fee of $780.00.
For the approval of any relocation assistance plan required by Section 12.95.2 F 6, a fee of $97.00.

For review of revised tentative maps, a fee of $386.00.

For review of grading plans in hillside areas having an area in excess of 60,000 square feet to determine whether a tract map is required to be filed, a fee of $1,899.00 [see Section 91.7002 (h)].

2. Final Map.

(a) Before acceptance for examination by the City Engineer, the Department of Public Works, through its Bureau of Engineering, shall charge and collect a fee for each and every final map submitted to the City Engineer, plus a fee for each lot shown on the map except the lots required by the City to be reserved as planting strips or for street purposes. The fees to be charged shall be determined and adopted in the same manner as provided in Section 12.37 I 1 for establishing fees.

(b) Where a part of the subdivision is located in an area established as a mountain fire district pursuant to Section 57.25.01 of this Code, a hillside surcharge of one-half the fee collected for each final map and each lot shown on the map shall be charged.

(c) In addition to the original fee, a resubmission fee shall be charged and collected for each and every map, or any part of a map, submitted to the City Engineer more than three times, including the original submission, and shall be paid each time a map or any part is submitted. Resubmission shall include submitting a final map to the City Engineer after the map or any part has been returned to the subdivider or his or her representative by the City, upon the City's initiative or upon request of the subdivider or his or her representative. The fee charged shall be determined and adopted in the same manner as provided in Section 12.37 I 1 for establishing fees.

(d) In the event a final map is filed for the purpose of reverting subdivided land to acreage or for merger and resubdivision of land pursuant to the Subdivision Map Act, the Department of Public Works, through its Bureau of Engineering, shall charge and collect, in addition to any fee imposed here, an additional fee determined and adopted in the same manner as provided in Section 12.37 I 1 for establishing fees.

(e) In the event a final map is filed for the purpose of reverting subdivided land to acreage or for merger and resubdivision of land pursuant to the
Subdivision Map Act, and the City Council has given preliminary approval to the vacation of any street or streets within the subject property, the Department of Public Works, through its Bureau of Engineering, shall charge a fee in lieu of the fee imposed under Paragraph (d) above which shall be in addition to any other fee imposed here. The fee shall be determined and adopted in the same manner provided in Section 12.37 I I for establishing fees.

3. Improvement Plans. Engineering, checking and inspection fees shall be deposited with the City in accordance with the provisions of Sections 62.109 and 62.110 of this Code.

4. Appeal to Council. Each appeal on a tentative map or on a ruling of the Area Planning Commission or City Planning Commission shall be accompanied by the payment of a fee equal to 85 percent of the filing fee when the appeal is made by the subdivider or, in the case of an appeal by a person, other than the subdivider, claiming to be aggrieved, a fee of $64.00.

5. Modifications.

(a) A request to the Advisory Agency for modification pursuant to Sections 17.11 or 17.14 made after action has been taken on a map shall be accompanied by a fee of $1,358.00 plus a fee of $31.00 for each additional lot for which the modification is being requested in the case of a tentative map, and by a fee of $1,049.00 plus a fee of $24.00 for each additional lot in the case of a final map.

(b) No application to the City Council for modification or revision of a subdivision approval shall be accepted by the City Clerk until a fee in the amount of $825.00 has been paid to the Department of City Planning.

6. Deleted

7. Appeal to the Appeal Board. Each appeal to the Appeal Board from a determination of the Advisory Agency on a tentative map or private street shall be accompanied by the payment of a fee equal to 85 percent of the filing fee when the appeal is made by the applicant or, in the case of an appeal by a person, other than the applicant, claiming to be aggrieved, a fee of $25.00.

8. Zone Change to a More Restrictive Zone Incident to Subdivision. Each application to the Area Planning Commission or City Planning Commission for a zone change to a more restrictive zone incident to subdivision shall be accompanied by a fee of $93.00 in addition to the fees required for the subdivision.
B. Parcel Map.

1. Preliminary Parcel Map. For each preliminary parcel map filed in accordance with this chapter, the following fees shall be charged and collected:

   $698.00 plus $43.00 for each additional lot where a one-family dwelling or one-family dwellings will be constructed;

   $621.00 plus $38.00 per unit plus $38.00 for each additional lot where a dwelling or dwellings other than one-family dwellings will be constructed;

   $1,710.00 plus $41.00 for each additional lot where a building or buildings other than a dwelling or dwellings will be constructed.

   Where the construction project involves a combination of the above fee categories, the higher or highest fee category shall be charged.

2. Each appeal to the City Council from the determination of the Appeal Board with respect to the map shall be accompanied by the payment of a fee equal to 85 percent of the filing fee if the appeal is made by the applicant. In the case of an appeal by a person, other than the applicant, claiming to be aggrieved, the appellant shall pay a fee of $64.00.

3. Final Parcel Map.

   (a) Before acceptance for examination by the City Engineer, the Department of Public Works, through its Bureau of Engineering, shall charge and collect a fee for each final parcel map submitted to the City Engineer, plus an additional fee for each parcel shown on each map except those areas required by the City to be reserved as planting strips or for street purposes. The fees shall be determined and adopted in the same manner as provided in Section 12.37.11 for establishing fees.

   (b) Where the final parcel map includes parcels located in an area established as a Mountain Fire District pursuant to Section 57.25.01 of this Code, a hillside surcharge of one-half the fee collected for each final parcel map and each parcel map shown on the map shall be charged.

   (c) In addition to the original fee, a resubmission fee shall be charged and collected for each map, or any part of the map, submitted to the City Engineer more than three times, including the original submission, and shall be paid each time a map or any part is submitted. Resubmission shall include submitting a parcel map to the City Engineer after the map or any part has been returned to
the subdivider or his or her representative by the City, either upon the City's initiative or upon request of the subdivider or his or her representative. The fee shall be determined and adopted in the same manner as provided in Section 12.37 I 1 for establishing fees.

(d) In the event a final parcel map is filed for the purpose of reverting subdivided land to acreage or for merger and resubdivision of land pursuant to Sections 17.10 or 17.10.1, the Department of Public Works, through its Bureau of Engineering, shall charge and collect, in addition to any fee imposed, a fee of $600.00.

4. For each request for an extension of time in which to record a parcel map filed in accordance with the provisions of this chapter, a fee of $240.00 shall be paid.

5. A fee of $655.00 shall be paid for each determination by the Advisory Agency made pursuant to Paragraph (c), Subdivision 3, Subsection B of Section 17.50 of this Code.

6. Deleted

7. Appeal to Appeal Board or City Council. Each appeal to the Appeal Board or City Council from a determination of the Advisory Agency with respect to a preliminary parcel map, certificate or conditional certificate of compliance pursuant to California Government Code Section 66499.35 or an exemption from the parcel map regulations as provided for in Section 17.50 R 3 (c) of this Code shall be accompanied by the payment of a fee equal to 85 percent of the filing fee when the appeal is made by the applicant or, in the case of an appeal by a person, other than the applicant, claiming to be aggrieved, a fee of $64.00.

8. A fee of $583.00 shall be paid for each determination of the Advisory Agency with respect to a certificate or conditional certificate of compliance pursuant to California Government Code Section 66499.35. The above fee shall be waived when the Advisory Agency has approved a division of land and collected a fee without the requirement of a final map being filed with the County Recorder. In every case, the applicant shall also pay a fee equal to the amount required by law for recording any certificate or conditional certificate of compliance issued in connection with the decision.

9. For each application for condominium conversion, a surcharge totaling 100 percent of the base fee paid pursuant to Subdivision 1 of this subsection shall be paid.
10. For parcel maps within Mountain Fire Districts as described in Section 57.20.01 of this Code, a surcharge of one-third of all fees paid pursuant to Subdivision 1 of this subsection shall be paid.

11. For the approval of building inspection reports required by Sections 12.95.2 and 12.95.3, a fee of $97.00 shall be paid.

12. For the approval of any relocation assistance plan required by Section 12.95.2 F 6, a fee of $97.00 shall be paid.

13. No application to the Advisory Agency for slight modification of a preliminary parcel map or for modification of a recorded parcel map shall be accepted until a fee in the amount of $1,680.00 has been paid to the Department of City Planning.

C. Private Street Map. The Department of City Planning shall charge and collect the following fees:

1. For each private street map filed in accordance with the provisions of this chapter, a fee of $7,046.00 shall be paid.

2. For each lot or building site shown on a private street map, excepting the lots or building sites as are shown at the request of the City Engineer to facilitate the description of the land to be acquired by condemnation proceedings, a fee of $291.00 shall be paid.

3. Where a private street map includes lots located in an area established as a Mountain Fire District pursuant to Section 57.25.01 of this Code, a surcharge of one-half of all the fees paid pursuant to Subdivisions 1 and 2 of this subsection shall be paid.

4. In the event the person plotting or dividing land as lots or building sites pursuant to Article 8 of this chapter shall elect to subdivide land in accordance with Article 7 of this chapter within one year from the filing date of the private street map, the fees required and paid under this subsection may be applied against the payment of the fees required by Subsection A of this section.

5. For each request for modification of the requirements governing private streets pursuant to the provisions of Section 18.12, the fee of $1,984.00 shall be paid. For each and every lot or building site shown on a private street map, excepting the lots or building sites as are shown at the request of the City Engineer to facilitate the description of the land to be acquired by condemnation proceedings, a fee of $35.00 shall be paid.
6. Deleted

D. Mobilehome Park Impact Reports. For each impact report filed pursuant to Section 47.09 of this Code, a fee of $1,554.00 shall be paid. If no request for hearing is filed within the time periods set forth in Subdivision 5 of Subsection D of Section 47.09 of this Code, upon written demand by park management a refund of $714.00 shall be made to park management.

E. City Departments. This section shall apply to the Board of Education, and to the City Departments of Airports, Harbor, Pensions, and Water and Power but shall not apply to any other department of the City Government.

Sec. 178. Section 19.03 of the Los Angeles Municipal Code is amended to read:

SEC. 19.03. FILING FEES FOR ZONE CHANGES PURSUANT TO SECTION 11.5.8.

A. Applications. For an application for a zone or height district change which is necessary to achieve consistency between zoning and the General Plan pursuant to Section 11.5.8 of this Code, the following fees shall be charged and collected:

1. $11,003.00 for the first block or portion of the block and $3,667.00 for each additional block or portion, or, in the case of an annexation, $3,000.00 for the first block or portion and $1,000.00 for each additional block or portion, for an application involving property of 20 acres or less if the Director finds that the application involves the following:

   (a) 400 or fewer dwelling units; and

   (b) 500,000 square feet or less of non-residential development; and

   (c) 250,000 square feet or less of development combining residential and commercial uses; and

   (d) property not located, in whole or in part, within the boundaries of an adopted community redevelopment area, or within the boundaries of a specific plan.

2. $5,000.00 for the first block or portion of the block and $1,000.00 for each additional block or portion, for an application involving property of 20 acres or less located, in whole or in part, within the boundaries of an adopted community redevelopment area, if the Director finds that the application involves the following:
(a) 400 or fewer dwelling units; and
(b) 500,000 square feet or less of non-residential development; and
(c) 250,000 square feet or less of development combining residential and commercial uses; and
(d) property not located, in whole or in part, within the boundaries of a specific plan.

3. $23,223.00 for the first block or portion of the block and $4,645.00 for each additional block or portion, for an application involving property of more than 20 acres but less than 100 acres, if the Director finds that the application involves the following:

(a) 20 or fewer acres within a hillside area; and
(b) 400 or fewer dwelling units; and
(c) 500,000 square feet or less of non-residential development; and
(d) 250,000 square feet or less of development combining residential and commercial uses; and
(e) property not located, in whole or in part, within the boundaries of an adopted community redevelopment plan, or within the boundaries of a specific plan.

4. $15,000.00 for an application involving property of fewer than 100 acres, if the Director finds that the application involves any of the following:

(a) more than 20 acres within a hillside area; or
(b) more than 400 dwelling units; or
(c) more than 500,000 square feet of non-residential development; or
(d) more than 250,000 square feet of development combining residential and commercial uses; or
(e) property located, in whole or in part, within the boundaries of a specific plan; or
(f) more than 20 acres located within the boundaries of an adopted community redevelopment area.

5. $18,600.00 for an application involving property of 100 acres or more.

B. Limitation. As used in this section, the term specific plan does not include the Flood Hazard Management Specific Plan, the Coastal Transportation Corridor Specific Plan, or a transportation specific plan.

C. Deleted

Sec. 179. Section 19.04 of the Los Angeles Municipal Code is amended to read:

SEC. 19.04. FILING FEE - PLANS AND CONDITIONS OF APPROVAL.

The following fees and charges shall be paid to the City Planning Department in connection with the following:

A. Development Plans. Each final development plan for a residential planned development filed with the City Planning Commission for its report and recommendation subsequent to the application for the establishment of an RPD District shall be accompanied by a filing fee of $118 plus $1 for each acre or portion of an acre shown on the plan.

B. Modification of Plans or Conditions. Each request to the City Planning Commission for its report and recommendations on modifications of an approved final development plan in an RPD District or of a condition imposed on a residential planned development shall be accompanied by a filing fee of $157.00.

Sec. 180. Section 19.05 of the Los Angeles Municipal Code is amended to read:

SEC. 19.05. FILING FEES FOR ENVIRONMENTAL IMPACT REPORTS AND INITIAL STUDIES.

A. Fees. For the processing of each initial study prepared or environmental impact report (EIR) filed in connection with a permit application, or for the processing of any supplemental report or for the preparation of a general exemption pursuant to City CEQA Guidelines, the following fees shall be paid to the appropriate City departments at the time the permit application is filed or the supplemental report or general exemption is prepared or processed:
1. For the processing of each initial study, a fee of $578.00 shall be paid. This fee also covers the processing of any negative declaration filed in connection with the initial study. Payment of this fee for a project for a density increase pursuant to Section 14.00 A 2 may be deferred until prior to the issuance of any Certificate of Occupancy, or until two years after the application for the initial study, whichever occurs first. No Certificate of Occupancy for that development project may be issued until the developer presents evidence that the fee has been paid and all other requirements for its issuance have been met.

2. For the processing of each environmental impact report filed affecting non-Mountain Fire District areas:

   (a) A fee of $4,479.00 where the affected property is less than one acre in size;
   
   (b) A fee of $7,211.00 where the affected property is one or more, but less than five, acres in size;
   
   (c) A fee of $7,322.00 where the affected property is five or more acres in size.

3. For the processing of each environmental impact report filed affecting Mountain Fire District areas:

   (a) A fee of $9,208.00 where the affected property is less than one acre in size;
   
   (b) A fee of $13,426.00 where the affected property is one or more, but less than five acres in size;
   
   (c) A fee of $21,444.00 where the affected property is five or more acres in size.

4. A fee of one-half the original filing fee shall be paid for the processing of any report supplemental to the environmental impact report.

5. A fee of $49.00 shall be paid for the preparation and processing of a general exemption or categorical exemption prepared pursuant to Article VII of the City CEQA Guidelines. Payment of this fee for a project for a density increase pursuant to Section 14.00 A 2 may be deferred until prior to the issuance of any Certificate of Occupancy, or until two years after the application for the general or categorical exemption, whichever occurs first. No Certificate of Occupancy for that development project may
be issued unless the developer presents evidence that the fee has been paid and all other requirements for its issuance have been met.

6. A fee of $2,224.00 shall be paid for the preparation and processing of a traffic report in connection with obtaining any environmental clearance.

7. For the processing of an environmental clearance pursuant to the provisions of Public Resources Code Section 21083.3, a fee of one-half of the fee otherwise imposed for the processing of an environmental impact report shall be charged in those circumstances where there are no effects on the environment peculiar to the parcel or project under consideration. Where there are effects peculiar to the parcel or project under consideration, the same fee shall be charged as would otherwise be charged for the processing of an environmental impact report.

8. In addition to the fees set forth above, the City may negotiate with the applicant for reimbursement of the actual costs associated with the City's preparation of an environmental impact report.

9. In addition to the fees set forth in Subdivisions 2 and 3 of Subsection A of this section, fees shall be paid for the actual costs associated with the City's preparation and processing of an environmental impact report, and processing of applications for all discretionary approvals associated with it.

For purposes of this section, any discretionary approval related to the use of land where an environmental impact report is required include the following: adjustment; building line; coastal development permit; conditional use; parcel map; plan approval; private street; adoption, amendment or repeal of a specific plan pursuant to Subsection (b) of Government Code Section 65456; any approval which is required to be consistent with a specific plan pursuant to Subsection (a) of Government Code Section 65456; subdivision map, zone change, including zone changes pursuant to Section 11.5.8; and variance. The actual costs shall be offset by the fees collected pursuant to this chapter.

The Planning Department shall calculate the actual costs and resultant fee, in accordance with Chapter 35, Section 5.403 (b) 3 of Division 5 of the Los Angeles Administrative Code and shall maintain appropriate accounting records of the actual costs. The Director of Planning shall resolve any dispute related to the fee. The Director shall exclude from consideration any cost incurred or attributed to the processing of appeals. The provisions of this subdivision shall not apply to cases filed prior to February 11, 1993.

The processing of an initial study is not required as a prerequisite to the filing of an environmental impact report. For the purposes of this section, the definition of "Mountain Fire District" contained in Section 57.25.01 of this Code shall apply.
The requirements of this subsection shall not apply to the Harbor Department.

B. Child-Care Fees. No fee shall be charged in connection with the processing of an initial study or filing of an environmental impact report for any child care facility or nursery school which is determined to be nonprofit, including but not limited to parent cooperatives and facilities funded by a governmental agency or owned or operated by a philanthropic institution, church, or similar institution. A facility funded by a governmental agency shall indicate the principal current and anticipated source of funds.

Where any uncertainty exists as to the nonprofit status of the facility, the applicant shall file a copy of the articles of incorporation or an affidavit showing, to the satisfaction of a Zoning Administrator, that the child care facility will be nonprofit.

C. Reconsideration of Determination. A fee of $91.00 shall be charged for the processing of each request for reconsideration of any determination made by the City Planning Department with respect to the filing of an environmental impact report or negative declaration. The fee shall be paid at the time the request is made.

Sec. 188. Section 19.06 of the Los Angeles Municipal Code is amended to read:

SEC. 19.06. FILING FEES FOR COASTAL DEVELOPMENT PERMITS.

A. Filing Fees. In addition to any other fees set forth in this Code, the following fees shall be charged and collected by the permit granting authority in connection with the filing of all applications for coastal development permits:

1. A fee of $804.00 for a development which involves a single-family home.

2. A fee of $714.00 for the initial unit and $650.00 for each unit thereafter, for a development involving a multiple-family structure. Where the application is combined with another discretionary private application this fee shall not exceed a maximum of $2,500.00.

3. A fee of $698.00 for the initial lot and $318.00 for each lot thereafter for divisions of lands. Where the application is combined with another discretionary private application, this fee shall not exceed a maximum of $2,997.00.

4. A fee of $4,438.00 for office, commercial, convention or industrial development of up to and including 25,000 gross square feet; or any other development not otherwise covered within this fee schedule with a development cost of less than $1,250,000.00.
5. A fee of $6,662.00 for office, commercial, convention or industrial
development of more than 25,000 but less than 50,000 gross square feet; or any other
development not otherwise covered within this fee schedule with a development cost of
between $1,250,000.00 and $2,500,000.00.

6. A fee of $10,941.00 for office, commercial, convention or industrial
development containing from 50,000 to 100,000 gross square feet; or any other
development not otherwise covered within this fee schedule with a development cost of
between $2,500,000.00 and $5,000,000.00.

7. A fee of $13,873.00 for office, commercial, convention or industrial
development having more than 100,000 gross square feet; or any other development
not otherwise covered within this fee schedule with a development cost of more than
$5,000,000.00.

8. A fee of $64.00 for public works improvements with a development cost of
less than $625.00 which are not covered by any of the above.

9. A fee of $128.00 for all other public works improvements not covered by the
above.

10. A fee of $2,525.00 for all developments not covered by the above.

11. A fee of $135.00 for any amendment to a coastal development permit for a
single dwelling unit, or $802.00 for a multiple residential, commercial or industrial
development requiring a public hearing.

The applicant may apply for a refund of fifty percent of the fee paid for an
amendment to a coastal development permit for a multiple residential, commercial or
industrial development if no public hearing is held.

12. Deleted

13. A fee of $68.00 for a determination pursuant to Public Resources Code
Section 30610 that a development is exempt from the requirement that a coastal
development permit be obtained.

14. A fee of $229.00 for approval in concept by the City preliminary to an
application to the California Coastal Commission for a permit under the provisions of
Public Resources Code Section 30624.

15. A fee of $125.00 for an extension of time for a coastal development permit.
B. Filing Fees for Environmental Impact Reports and Negative Declarations.
Where an environmental impact report or negative declaration is prepared for a project for which application for a coastal development permit has been made, a negative declaration or environmental impact report shall consider the effect of the project in light of the criteria established in Section 12.20.2 G 1 (a) through (e), and no additional charge shall be made. Where the underlying project is otherwise exempt from the preparation of a negative declaration or environmental impact report but either document is required for the coastal development permit, those fees set forth in Section 19.05 shall be applicable, and shall be collected by the appropriate permit granting authority.

Sec. 189. Section 19.07 of the Los Angeles Municipal Code is amended to read:

SEC. 19.07. FEE FOR FLOOD HAZARD REPORT. A fee shall be charged and collected by the Department of Public Works, through its Bureau of Engineering, for the preparation by the City Engineer of a flood hazard report other than a report required under Ordinance No. 154,405, and as amended, establishing the Flood Hazard Management Specific Plan. The fee shall be determined and adopted in the same manner as provided in Section 12.37 I 1 for establishing fees.

Sec. 190. Section 19.08 of the Los Angeles Municipal Code is amended to read:

SEC. 19.08. SURCHARGE FOR ONE-STOP PERMIT CENTER. There shall be added to each fee imposed for any permit, license or application provided for in this article a surcharge in an amount equal to the greater of two percent of the fee or $1.00.

Sec. 191. Section 19.09 of the Los Angeles Municipal Code is amended to read:

SEC. 19.09. LAND DEVELOPMENT COUNSELING - FEE FOR SECOND AND SUBSEQUENT SESSIONS. For the second and each subsequent land development counseling session conducted by the City Planning Department and other City personnel in connection with the operation of the One-Stop Permit Center, a fee of $270.00 shall be paid.

Sec. 192. Section 19.10 of the Los Angeles Municipal Code is amended to read:

SEC. 19.10. DEVELOPMENT AGREEMENT FEES. The following fees and charges shall be paid to the City Planning Department in connection with the following:

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A. A request for a pre-development agreement counseling session with City Planning Department staff prior to filing an application for a Development Agreement shall be accompanied by a fee of $500.00.

B. The initial application for a development agreement shall be accompanied by a filing fee of $2,550.00. However, when an application for a Development Agreement is filed in conjunction with any other City approval for which a fee is required to be paid, the filing fee shall be $1,035.00.

C. In addition to the fees set forth in Subsections A and B above, the City may negotiate with the applicant for reimbursement of the actual costs to the City associated with administering the development agreement. The actual costs assessed shall be offset by the fees collected in Subsections A and B above.

Sec. 193. Section 19.11 of the Los Angeles Municipal Code is amended to read:

SEC. 19.11. ANNUAL INSPECTION OF COMPLIANCE WITH FAR AVERAGING COVENANT. A fee of $300.00 shall be charged and collected by the Department of Building and Safety to cover the cost of an annual inspection to monitor compliance with the FAR Averaging Covenant required pursuant to Sections 12.24 B 25 and 12.24 C 58 prior to July 1, 2000 and Section 12.24 W 19 on and after July 1, 2000, and for maintaining records of those covenants.

Sec. 194. Section 19.12 of the Los Angeles Municipal Code is amended to read:

SEC. 19.12. Applicants for determinations by the Zoning Administrator for deviations pursuant to Section 16.03 E of of this Code shall pay a fee of $498.00.

Sec. 195. Section 19.13 of the Los Angeles Municipal Code is amended to read:

SEC. 19.13. SURCHARGE FOR AUTOMATED SYSTEMS FOR THE DEPARTMENT OF CITY PLANNING.

A. Operating Surcharge. There shall be added to each fee imposed for any permit, plan check, license or application provided for in Chapter I of this Code a surcharge in an amount equal to the greater of 7 percent of the fee or $1.00, except that any other surcharge shall be excluded from the computation of this surcharge. Moneys received from this surcharge shall be deposited and maintained in the City Planning Systems Development Fund pursuant to Los Angeles Administrative Code Section 5.457 for the...
maintenance and operation of automated systems. Exempted from this surcharge are all fees and costs imposed pursuant to Section 12.37.

B. Development Surcharge. There shall be added to each fee imposed for any permit, plan check, license or application provided for in Chapter I of this Code an automated systems development surcharge in an amount equal to the greater of 3 percent of the fee or $1.00, except that any other surcharge shall be excluded from the computation of this surcharge. Moneys received from this surcharge shall be deposited into the City Planning Systems Development Fund pursuant to Los Angeles Administrative Code Section 5.457. This surcharge shall remain in effect until July 1, 2001, unless further extended by ordinance. Exempted from this surcharge are all fees and costs imposed pursuant to Section 12.37.

Sec. 196. Each reference to "Commission" or "Planning Commission" in Ordinance No. 159,748 (AB 283) is amended to read "City Planning Commission."

Sec. 197. Each reference to "Hearing Examiner" in Ordinance No. 159,748 is amended to read "Hearing Officer."

Sec. 198. Section 5 of Ordinance No. 171,681 is amended to read:

Sec. 5. PROCEDURES.

A. The Zoning Administrator, and the Area Planning Commission on appeal, shall have authority to approve the use of a lot in the Area for an establishment dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, for off-site consumption. In granting a conditional use approval, the Zoning Administrator, and the Area Planning Commission on appeal, shall follow the procedures set forth in Los Angeles Municipal Code Section 12.24.

B. In addition to the findings required in Los Angeles Municipal Code Section 12.24 E, the Zoning Administrator, or the Area Planning Commission on appeal, shall also make all of the following findings:

1. that the proposed use will not adversely affect the welfare of area residents;

2. that the granting of the application will not result in an undue concentration in the Area of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness,
the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the Area; and

3. that the proposed use will not detrimentally affect nearby residentially zoned communities in the Area after giving consideration to the distance of the proposed use from the following:

(a) residential buildings;
(b) churches, schools, hospitals, public playgrounds and other similar uses; and
(c) other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

The distance between any two establishments which dispense alcoholic beverages, including beer and wine, for sale or other consideration for off-site consumption shall be measured in a straight line without regard to intervening structures from the closest property line of each establishment. The distance between any establishment and any religious institution, school or public park shall be measured in a straight line without regard to intervening structures from the closest property line of the establishment to the closest property line of the religious institution, school or public park.

C. Whenever an application for a conditional use has been filed pursuant to this ordinance, the Office of Zoning Administration shall give notice of this fact forthwith to the City Council members whose districts include portions of the Area.

D. Each application or appeal filed in connection with a conditional use pursuant to this ordinance shall be accompanied by payment of the same fee as that set forth in Los Angeles Municipal Code Section 19.01 C.

E. Whenever an application for a conditional use is approved pursuant to the provisions of this ordinance, the Zoning Administrator shall review the operation of the establishment at least one year but not more than two years after the approval is granted. The purpose of this review is to determine if the establishment is in compliance with all conditions imposed. The applicant shall file an application for a conditional use plan approval, which shall be accompanied by the payment of appropriate fees pursuant to Los Angeles Municipal Code Section 19.01 I. An application shall be accompanied by any information deemed necessary by the Department.

F. Covenant and Agreement. Prior to the issuance of any permits relative to this matter, a covenant and agreement to comply with all the terms and conditions
established in the approval shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Office of Zoning Administration for attachment to the subject case file.

Sec. 199. The provisions of this ordinance shall become operative on July 1, 2000
Sec. 200. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAY 16 2000.

J. MICHAEL CAREY, City Clerk

Approved MAY 23 2000

Mayor

Approved as to Form and Legality

James K. Hahn, City Attorney

Pursuant to Sec. 97.8 of the City Charter, approved of this ordinance recommended for the City Planning Commission...

May 2000

see attached report.

CON HOWE
Director of Planning

File No. C.F. 99-1800 - 579