

LA NEIGHBORS UNITED

128 N. Swall Drive, #304 Los Angeles, CA 90048 www.LAneighbors.org

November 2, 2010

Ed Reyes
Jose Huizar
Paul Krekorian
Members, Planning and Land Use Management Committee
Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

Date: 11-2-10
Submitted in PLUM Committee
Council File No: 09-2199
Item No.: 2
Deputy: submitted by public

RE: Council File 09-2199, CPC-2009-437-CA and ENV-2009-438-ND, Otherwise Known as "Community Plan Implementation Overlay Districts Ordinance"
Zoning Code Update Staff Report on Nine Zoning Code Section Studies
Department of City Planning Recommendation Report on CPC-2010-1572-CA and ENV-2010-1573-ND, Otherwise Known as "Core Findings Ordinance"

Honorable Councilmembers:

We are pleased to provide the following comments on the proposed Community Plan Implementation Overlay Districts Ordinance ("CPIO Ordinance").

We have carefully reviewed and analyzed the CPIO Ordinance and its impacts, and assessed the potential cumulative impacts of the ordinance in combination with the Core Findings Ordinance also under consideration by the City at this juncture. The Core Findings Ordinance affects all manner of land use decisions regarding zoning adjustments, Specific Plan exceptions and conditional use permits. The CPIO Ordinance affects land use decisions within Community Plan areas excepting Specific Plan areas and Historic Preservation Overlay Zones. Separately and together, these ordinances ease growth restrictions and contribute to cumulative impacts, none of which have been identified and analyzed by the City, despite the fact that the City acknowledges these ordinances are intended to "enable infill development that will ... impact communities" (Draft CPIO Ordinance, p.4).

Community Plan Implementation Overlay Ordinance: The Good, Bad and Ugly

To the extent that the CPIO Ordinance encourages planning on a district-wide basis, it is well intended. Similarly, creating a streamlined application process for Plan-compliant projects is a laudable goal; projects in compliance with Plans should be processed in an expedited fashion and with lower application fees. That said, this ordinance is not necessary to achieve those results, and in fact the ordinance subverts the City's constitution of planning.

- First, the existing Community Plan process, including Plan updates and amendments, already allows for Plan implementation regulations to be promulgated. The creation of CPIO Districts is not necessary to approve implementation regulations for subareas within Community Plan areas. The new Draft Hollywood Community Plan stands as an example of a detailed Community Plan with specific implementation language included. Combined with the City's new Urban Design Guidelines, applicants have even more implementation guidance to facilitate well-designed infill projects that comply with Plans.
- Second, this ordinance is not necessary for the City to effect an expedited administrative review process for projects that are in Plan compliance. In fact, there are multiple efforts under way in the City, including through zoning code simplification and 12-2 development reform, to expedite project applications and approvals.

If CPIO Districts are not necessary either to promulgate Community Plan implementation regulations or to effect a streamlined project approval process, why is the City advocating CPIO Districts? The answer is three-fold, as we understand it:

- First, the City is woefully behind in its process of updating Community Plans. Many if not most of the City's Community Plans are more than a generation old (more than 20 years' old). In the interest of expediency and because Planning Staff dedicated to Community Plan updates has been significantly reduced, the City seeks with this ordinance to impose an easy way to intensify allowable development, if not effectively upzone large swaths of the City, across multiple Community Plan areas.
- Second, and more specifically, the CPIO Ordinance will allow for spot zoning (or upzoning, as the case may be) across every Community Plan area in the City excepting Specific Plan areas and Historic Preservation Overlay Zones. We're talking about the potential for spot rezoning across hundreds of square miles in all 35 of the City's Community Plan areas:
 - Arleta-Pacoima
 - Bel Air-Beverly Crest
 - Boyle Heights
 - Brentwood-Pacific Palisades
 - Canoga Park-Winnetka-Woodland Hills
 - Central City
 - Central City North
 - Chatsworth-Porter Ranch
 - Encino-Tarzana
 - Granada Hills-Knollwood
 - Harbor Gateway
 - Hollywood

- Mission Hills-Panorama City-North Hills
- North Hollywood
- Northeast Los Angeles
- Northridge
- Palms-Mar Vista-Del Rey
- Port of Los Angeles
- Reseda-West Van Nuys
- San Pedro
- Sherman Oaks-Studio City-Toluca Lake
- Silver Lake-Echo Park
- South Central Los Angeles
- Southeast Los Angeles
- Sun Valley
- Sunland-Tujunga-Lake View Terrace-Shadow Hills
- Sylmar
- Van Nuys-North Sherman Oaks
- Venice
- West Adams-Baldwin Hills-Leimert Park
- West Los Angeles
- Westchester-Playa del Rey
- Westlake
- Westwood
- Wilmington-Harbor City
- Wilshire

Projects in the new CPIO Districts will not be required to conform to existing underlying zoning, especially relative to density and parking. (“Regulations contained in the CPIO District dealing with uses, height, floor area ratio, and/or signage shall be more restrictive than applicable regulations in the underlying zone(s) ...” Draft CPIO Ordinance, p.4.) Density and parking are intentionally omitted from this requirement in the interest of encouraging intensified development.

At the same time, the CPIO Ordinance effectively provides a 20% development bonus to all applicants seeking new project approvals and enlargements of already approved projects in Community Plan Implementation Overlay Districts through a new “Administrative Clearance” process (Draft CPIO Ordinance, p.3.). The City will not have to hold hearings or provide community notification before granting approval of projects that conform with implementing regulations to be adopted (in the future) in each CPIO District. Given that these implementing regulations, including their impacts, are now unknown, it is unwise, if not unlawful, to grant to the Planning Department the authority to automatically approve projects that conform with the now unknown implementing regulations. What will be the impacts of the now unknown regulations?

Similarly, under the proposed CPIO Ordinance approval of 20% development bonuses characterized as zoning adjustments will be automatic, with little or no due process review. (See attached November 2, 2010 letter from *Save Westwood Village*.)

Thus, the ordinance also places limitations on public involvement in the review of potentially impactful projects, in direct contravention with the public accountability purposes of CEQA. “CEQA broadly invokes the policy of permitting full public participation throughout the environmental review process it commands.” (*Plaggmier v. City of San Jose* (1980) 101 Cal.App.3d 842, 854.) Allowing the public to fully participate in the review of projects enables the full analysis of project impacts and full disclosure to those who would be impacted.

- Third, the CPIO Ordinance creates a new class of projects eligible for approval as “exceptions” in Community Plan areas. Currently, project applications requesting this level of deviation from underlying zoning must apply for a zoning variance.

CPIO Districts will be, in effect, mini-Specific Plan areas. The CPIO Ordinance introduces one set of thresholds required to secure an exception. Projects seeking exceptions in Specific Plan areas are subject to a different set of thresholds for approval and, if the Core Findings Ordinance is approved in its current form, the applicable threshold will be lowered. We are particularly concerned that CPIO District exceptions will become subject to the same lower thresholds as Specific Plan exceptions as a result of the CPIO Ordinance in combination with the Core Findings Ordinance; if this happens, CPIO exceptions will be as available as candy.

This is significant for two reasons: First, creating a new class of projects allowable in Community Plan areas via exceptions rather than variances will exacerbate growth, with growth-inducing impacts. Second, CPIO District exceptions constitute Plan amendments. As such, they need to be approved by the City Council (the Legislative Branch of City government) versus at the discretion of the Planning Department. This transfer of approval authority from the Legislative to the Executive Branch may be unlawful.

Further, exceptions granted within these new CPIO Districts will be inconsistent with underlying zoning and, thus, inconsistent with the City’s General and Community Plans. Vertical consistency is a requirement of the City’s land use hierarchy and the State’s constitution of planning (California Government Code § 65300.5). Community Plans cannot be overridden via ordinance. Amendments are required, or zoning variances. Also, notably, the City is limited in its ability to frequently amend its governing Plans. The prospect of multiple CPIO District project exceptions, which are the equivalent of Plan amendments, is at odds with State limits on the number of allowable Plan amendments.

Growth-Inducing Impacts of Anticipated New Infill Development Have Not Been Identified and Analyzed

- These two ordinances will make the zoning code significantly more malleable, which will produce more growth than the currently restrictive zoning code.

The fact that applicants will be able to develop larger projects with lower pursuit costs (as a result of easier approval of larger projects) will incentivize the development of more and larger projects.

California Courts of Appeal have found that similar policy changes that do not on their face directly increase growth but that do indirectly make growth much easier do in fact require full environmental review in an EIR. (*City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398; see also attached unpublished decision *San Franciscans for Livable Neighborhoods v. City and County of San Francisco* 2007 WL 1793881.)

- A significantly more malleable zoning code will produce significantly more growth than the currently restrictive code. Make no mistake, the proposed ordinances will affect all 35 Community Plan areas of the City and all 46 Specific Plan areas of the City. The very likely result will be significantly more development in the City, resulting in more demands on infrastructure, including roadways, police, fire, utilities, schools, libraries, parks, water supply, air quality, etc.
- Through serial entitlements and in combination with other available development incentives, including under California Government Code § 65915, growth will be even more explosive.
- The introduction of form-based codes into the City's otherwise Euclidean zoning code (through changes proposed in the Core Findings Ordinance) will allow the Planning Department to approve virtually all manner of buildings virtually everywhere in the City.
- Based on the scope of project types affected by the proposed ordinances, hundreds of already entitled projects will get new findings or have their old ones deleted, resulting in enlarged or otherwise compromised projects.
- Based on the sheer volume of entitlements processed by the Planning Department, the proposed new ordinances will have a significant environmental impact. The City processes about 2,000 entitlements annually (City Planning Recommendation Report on Proposed Core Findings Ordinance, p.9.). These entitlements require that land use findings be met. If only 25 percent, or 500, of these entitlements are "upsized" annually based on project enlargements that will be allowable under the new ordinance, that result alone will produce a significant environmental impact as a result of the growth. If 50 percent of the entitlements processed, or 1,000 entitlements, are upsized or otherwise

allow projects or conditional uses based on lower thresholds of review, the environmental impact will be even more significant.

- The aesthetics of neighborhoods across the City will be significantly altered by the new ordinances.

For all of these reasons, the adoption of Negative Declarations relative to the two proposed ordinances is grossly insufficient. Relative to the CPIO Ordinance, the Negative Declaration is flawed in at least the following specific areas:

- Section VIII involves hydrology/water quality and states “no impact” without taking into account density increases that may occur as more intensified and/or larger developments are approved.
- Section IX states “no impact” on a conflict with any applicable land use policy despite specific findings in the General Plan with regard to maintaining residential neighborhoods and a complete failure by the City to provide the specific findings upon which Negative Declarations are supposed to rely.
- Section XII states “no impact” with regard to population and housing, which contradicts the fact that the City itself has said that the ordinance is intended to “enable infill development,” in particular housing development in support of the City’s Housing Element.
- Section XIII states “no impact” for any public services. It is clear that no such finding can be made.
- Section XV states “no impact” for transportation/circulation. Intensifying development, including housing density, and decreasing required parking, will indeed create impacts.
- Section XVII states “no impact” on cumulative impacts. Considered on its own due to its broad scope, and considered in combination with the Core Findings Ordinance, it is clear that no such finding can be made relative to the CPIO Ordinance.

CEQA Requires Preparation of an EIR for the CPIO Ordinance and the Core Findings Ordinance

The California Environmental Quality Act (CEQA) requires an EIR whenever a project *may* have a significant adverse impact on the environment. (California Public Resources Code § 21151.) “If there is substantial evidence of a significant environmental impact, evidence to the contrary does not dispense with the need for an EIR when it can still be ‘fairly argued’ that the project may have a significant impact.” (*Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1001.)

These two projects represent the most massive rewrite of the City’s zoning code since 1946. An EIR clearly is required for the two ordinances to proceed.

City’s Infrastructure Capacity to Support New Growth Is Unknown

It is unknown whether the City’s infrastructure capacity is sufficient to support the growth that will result from the ordinances given the City’s noncompliance with infrastructure reporting requirements under the City’s General Plan. Although the City is required by the Framework Element (Program P43) to prepare and publish Annual Growth and Infrastructure Reports, no such reports have been prepared or published since the year 2000. It is questionable whether these zoning code changes can be undertaken lawfully in the absence of compliance with this General Plan reporting requirement.

No Community Discussion of Impacts of CPIO Ordinance in Conjunction with Core Findings Ordinance

We just yesterday posted the CPIO Ordinance to our website (<http://www.LAneighbors.org>), but it certainly has not gotten the public circulation and attention that it deserves. There has been no Planning Department-led public discussion of the ordinance in conjunction with the Core Findings Ordinance, as far as we are aware, including no outreach to Neighborhood Councils.

Some Additional Points to Note

- The only areas of the City that will be immune from the new CPIO Districts are Specific Plan areas and Historic Preservation Overlay Zones. This means areas potentially affected include Community Design Overlay Districts, Pedestrian Oriented Districts, Neighborhood Stabilization Overlay Districts and districts governed by Interim Control Ordinances. In each of these cases allowable spot zoning within a new CPIO District effectively could override existing district designations.

- There is no provision in the proposed CPIO Ordinance that precludes the City from designating even a single parcel of land as a CPIO District, which increases the likelihood that spot zoning will occur.

For your reference, we are enclosing copies of both proposed ordinances (CPIO Ordinance and Core Findings Ordinance) and both ordinances' Negative Declarations. We also are attaching some community comment letters on both ordinances. We incorporate by reference all materials, exhibits, comment letters and hearing transcripts relative to both ordinances and their respective Council and Project Files.

LA Neighbors United respectfully requests that the CPIO Ordinance be withdrawn, and that resources be identified to accelerate the updating of Community Plans across the City. It is our view that the community planning process is the best mechanism for incorporating more specific implementation regulations into Community Plans.

In the absence of that result, we request that the ordinance be amended to disallow exceptions in CPIO Districts, thus deferring to the existing system of Plan-Adjustment-Variance. We also request that the ordinance be amended to disallow CPIO Districts in CDOs, PODs, NSOs and ICOs, thereby leaving intact the integrity of already-designated planning districts within Community Plan areas.

We are hopeful that the CPIO Ordinance will be amended, and that sufficient environmental review of both proposed ordinances will be undertaken. Absent those outcomes, we reserve the right to pursue all legal remedies, including access to justice through the courts.

Thank you for your consideration.

Sincerely,



Cary Brazeman
Founder, LA Neighbors United
Former Managing Director, CB Richard Ellis Group, Inc.*
Member, Urban Land Institute – Los Angeles District Council*
Member, Los Angeles Area Chamber of Commerce*
Member, Board of Directors, Mid City West Community Council*

*Titles for Identification Purposes Only

Attachments

Save Westwood Village

A Business-Community Alliance Dedicated to Quality Revitalization

1557 Westwood Blvd. #235, Los Angeles, CA 90024

Tel. 310-470-4522

SaveWestwoodVillage@hotmail.com

November 2, 2010

The Hon. Ed Reyes, Chair , and Councilmembers Krekorian and Huizar
PLUM Committee
Los Angeles City Council

**RE: CF 09-2199, CPC 2009-437-CA
ENV-2009-438-ND**

Community Plan Implementation Overlay Districts

Save Westwood Village was established in 1996. Many of our board members have extensive experience in drafting specific plans and enforcing them. We wish to incorporate by reference all testimony submitted to this file.

SUMMARY OF ORDINANCE DEFECTS

- 1. *Denies the public due process for CPIO requests of less than 20 percent.***
- 2. *Creates Spot Zoning***
- 3. *Has a defective environmental clearance: a full EIR is required to analyze the indirect impacts of a 20 percent increase in the buildout for Los Angeles.***
- 4. *Increases authority of ZA and Planning Director to grant increased entitlements from ten to twenty percent***
- 5. *Confers special privileges to those requesting less than twenty percent even if it is a self-imposed hardship.***
- 6. *Creates an inconsistency between adopted Community and/or Specific Plans;***
- 7. *Alters Q-Conditions that may be environmental mitigations – this requires a new EIR and a Plan Amendment***
- 8. *May severely exceed the infrastructure capacity of the City of Los Angeles and***

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thus violate the General Plan Framework Element mandating an Annual Infrastructure Capacity Report.

9. *There are notice defects.*

10. *Public outreach was inadequate and is not documented in the file.*

GOOD-BYE DUE PROCESS

This proposed ordinance throws due process under the “streamlining” and “standardizing” bus. It is unacceptable to allow secret approvals that are beyond public scrutiny.

- *There is no required posting, publication in a newspaper, mailed notice or public hearing for a CPIO application or Adjustment.*
- *It's just the developer and the Director of Planning who has never seen a project he did not support.*

If you lived next door to the applicant, or a block away, you'd want to know that additional height, FAR, or reduced setbacks, etc., have been requested. **With this proposal, you will not know.** And you'd want to have a voice in that decision. With this ordinance **the public will be excluded from the approval process.**

This ordinance is reinventing the wheel while eliminating due process if a request is less than 20 percent. It is a watered-down version of a Specific Plan that lacks due process and the findings required for Specific Plan Exceptions. **Think of CPIO's as wannabe Specific Plans without teeth.** They are not needed and introduce another layer of bureaucracy in the planning process.

Specific Plans remain the perfect tools to customize special conditions in subareas of Community Plans. When a Community Plan is updated, it can have many specific plans within its boundaries. This ordinance is not needed.

Unless there is a community benefit, approving 20 percent increases (without notice or comment) is tantamount to **conferring a grant of special privilege up to 20 percent** to a set of property owners, without any due process. The ordinance does not require community benefits and is not subject to public scrutiny on a case-by-case basis.

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- This ordinance seeks to supplant Specific Plans, but does not specify which ones (Page A-2: “and some specific plans....”).
- It eliminates due process guaranteed by Specific Plan Exceptions for approvals less than 20 percent by creating “a ministerial process” (page A-2). “If the project deviates by more than 20 percent from a given development regulation,” p. A-3, a CPIO Exceptions would be required.
- A CPIO Exception would have public notice and comment, but the findings are weaker than Specific Plan Exceptions. **Specific Plan Exceptions are difficult to get since they are similar to variances and are not granted for self-imposed hardships** (Section 11.5.7.F(a)).
- **CPIO Exceptions can be granted for self-imposed hardships.** This represents is a fundamental policy shift in the wrong direction and spot zoning.

DOUBLES AUTHORITY FOR THE ZA/PLANNING DIRECTOR TO INTENSIFY DEVELOPMENT

Some community leaders are under the mistaken impression that there is already authority for 20 percent increases by the ZA or Director of Planning. This is true, but not across-the-board. This ordinance increases authority to grant **from ten to 20 percent increases**. For example:

- **ADJUSTMENTS OF RESIDENTIAL FLOOR AREA** (Sec. 12.28.A): “The Zoning Administrator shall also have the authority to grant adjustments in residential floor area of no more than a **ten percent increase** beyond what is otherwise permitted by Chapter 1 of this Code.” The ordinance would permit the ZA to grant a 20 percent increase.
- **SLIGHT MODIFICATIONS – DEVIATIONS OF RESIDENTIAL OF REQUIRED LOT AREA REGULATIONS** (Sec. 12.28.B.2): “Deviations of **no more than ten percent** from the required lot area regulations.” The ordinance would permit 20 percent deviations.
- **PROJECT PERMIT ADJUSTMENTS** (Director of Planning, Section 11.5.7.E.2(a), Specific Plan Procedures): “Project Permit Adjustments shall be limited to:

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

- **PARKING ADJUSTMENTS** (Director of Planning, Section 11.5.7.E.2(f): “Adjustments from the minimum or maximum number of required parking spaces associated with a project of **less than ten percent.**”

To call this ordinance a “hybrid tool” makes it sound benign. It does not “re-establish the importance of Community Plans” (Project Analysis, CPC 2009-437-CA, p. A-1) but instead, **sabotages** them by:

- **Allowing spot zoning** (CPIO Draft Ordinance, Section 13.14.D, “Definitions”: “Subareas may be contiguous or non-contiguous parcels characterized by common Community Plan goals, themes and policies and grouped by a common boundary” (Community Plan boundary).
- **Overriding the protections of Community and Specific Plans that have been carefully negotiated across this diverse city may be environmental mitigations for the Community or Specific Plan.**
- **Failing to require Community and Specific Plan Amendments so that the CPIO is consistent with the land-use map of these plans;**
- **Increasing from ten percent to twenty percent, several of the ZA’s approvals; and**
- **Limiting approval time to 75 days – this does not take into account environmental clearance time.** The correct language should be to start the clock when the application is deemed to be complete – with its environmental clearance.

IMPACT DOES ON THE CITY’S INFRASTRUCTURE?

Our infrastructure is crumbling and yet this ordinance essentially proposes a 20 percent increase in development, citywide. Sinkholes, water rationing, gridlock, smog, longer emergency response times are just a few examples of inadequate infrastructure and failed planning. Is there is available infrastructure to support an additional 20 percent build-out?

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First things first. Update 20 year old Community Plans and prepare the General Plan Framework Infrastructure Report. Without this information, the city is flying blind and courting disaster. To approve this ordinance in the absence of an Infrastructure Study and an EIR **violates the General Plan, CEQA and requires amending all 35 Community Plans.**

The prerequisite for Community Plan updates is to implement the General Plan Framework Infrastructure Capacity Element. No such study has been produced since 1998. Therefore the City has no idea if parts of the city can support a 20% increase in development.

The cumulative, growth-inducing impacts of making intensification by-right are significant. **These 20 percent approvals will add up.** This ordinance demonstrate the City's abdication of its responsibility to safeguard the public welfare, safety. It is abusing the police power to give out gifts, regardless of the consequences to neighbors and communities. And it proposes to do this in secret.

The Planning Department seeks to convert **public quasi-judicial approvals** that are noticed and heard publicly, and require that the decision-maker be objective and **base the decision on evidence.** This ordinance makes the process **private**, ministerial over-the-counter transactions.

If one-size-fit-all were true, then there be no need for a planning department. But there is a great need. **Each neighborhood has its own unique vision. This ordinance seeks to eliminate that vision and silence neighborhood voices.**

Rather than spending staff time gutting planning, spend it the Annual Infrastructure Report mandated by the General Plan, and on updating Community Plans which are woefully behind schedule.

The irony is that big developers with massive controversial projects won't utilize this ordinance because they can get so much more through Community and Specific Plan Amendments, which are easier to obtain. **Plan Amendments are legislative** which require just eight votes in Council and attending a lot of fundraisers....

NOTICE INADEQUATE

In addition to the notice defect stated in the October 26, 2010 email sent to Patrice Lattimore, Clerk, PLUM Committee, I wish to add the additional notice defects:

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- A Community Impact Statement was submitted by the Studio City NC on June 20, 2009 in opposition to the proposed ordinance. But **the PLUM Agenda states** "Community Impact Statement: None Submitted." This is incorrect. A copy of the statement is attached.
- The Agenda fails to indicate the Environmental Clearance.

INADEQUATE EVIDENCE OF PLANNING DEPARTMENT OUTREACH

On Page P-1 of Exhibit A, the claim is made that a public workshop was held in City Hall on March 19, 2009 from 5:00-7:00 PM, and that 45 persons attended from NC's and the development community.

If this is true, where is the attendance list? Where are the mailing labels? There are only four names in the file, primarily from Studio City NC. How many NC's were invited, who were the representatives of the development community?

Based on only four mailing labels, and only one speaker's card, the CPC hearing was poorly attended and outreach was woefully inadequate and is not documented in the record.

ENVIRONMENTAL CLEARANCE INADEQUATE

The Negative Declaration fails to provide evidence in the record that there will be no adverse environmental impacts, including growth-inducing, cumulative and indirect impacts ("Evaluation of Environmental Impacts, 2, page 3, ENV-2009-438-ND).

An EIR is required because the ordinance would eliminate or alter Q Conditions by providing an over-the-counter approval process. **Those Q-Conditions are often required as mitigation measures in the Plan EIR and cannot be removed without a new EIR and a Plan Amendment.**

The inadequacy of this ND is compounded by the failure of the City Planning Department to provide an Annual Infrastructure Capacity Report. In the absence of this General Plan Framework Element requirement, there is no way to reach the conclusion that there is capacity to approve any intensification (e.g., 20 percent increases in height, density, FAR, etc.).

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Thus there is no way to make the finding that this proposed ordinance is in conformance with the General Plan or will not have significant adverse impacts in some parts of the city. CEQA review must be based on evidence in the record. No such evidence has been provided.

- *The remedy is twofold: provide the missing annual infrastructure reports since 1998, and*
- *Prepare an EIR for this ordinance (and the Core Findings and related Code Revisions).*

Then, and only then, can the City make a CEQA determination based on data and the Community Plans requirement to limit development if there is inadequate capacity. If this trigger mechanism is not enforced in the event that there is inadequate capacity, then all such approvals would be in violation of the General and Community Plans.

CONCLUSION

The proposed ordinance is not needed. Just update Community Plans and draft Specific Plans for areas that have unique issues. Public the Annual Infrastructure Capacity Reports as mandated by the General Plan Framework.

Do not discard due process, confer special privileges, and pander to self-imposed hardships. If you still wish to proceed, remand this back to the Planning Commission for the preparation of a full EIR. Then, and only then, can you make an informed decision.

Respectfully,

Laura Lake

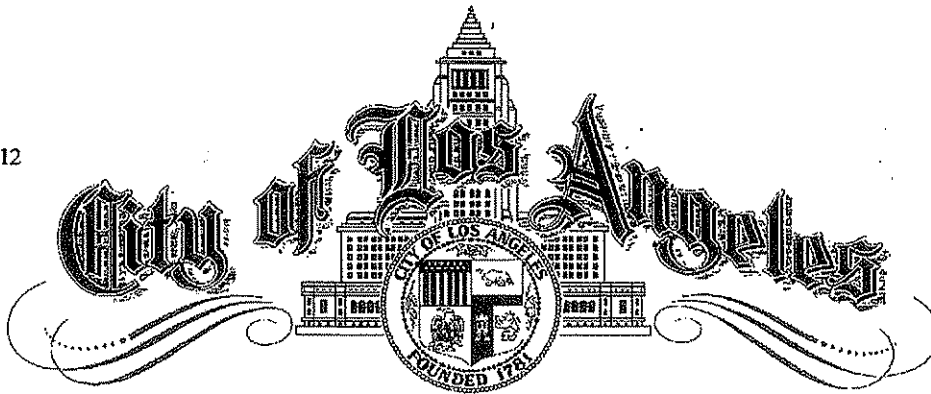
Laura Lake, Ph.D.

Co-President

SAVE WESTWOOD VILLAGE

City Hall East
200 N. Main Street
Room 800
Los Angeles, CA 90012

(213) 978-8100 Tel
(213) 978-8312 Fax
CTrutanich@lacity.org
www.lacity.org/atty



CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 0 - 0 3 3 9
OCT 0 4 2010

REPORT RE:

DRAFT OF ORDINANCE AMENDING SECTIONS 12.04, 12.20.3, AND 12.32 OF THE LOS ANGELES MUNICIPAL CODE, AND ADDING A NEW SECTION 13.14 TO THE LOS ANGELES MUNICIPAL CODE TO ENABLE THE ESTABLISHMENT OF "CPIO" COMMUNITY PLAN IMPLEMENTATION OVERLAY DISTRICTS

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File 09-2199
CPC File No. 2009-437-CA

Honorable Members:

We are transmitting to you for your consideration, approved as to form and legality, a draft ordinance amending Sections 12.04, 12.20.3, and 12.32 of the Los Angeles Municipal Code (LAMC) and adding a new Section 13.14 to the LAMC.

Summary of Ordinance Provisions

The draft ordinance would establish enabling language for the creation of a new type of Supplemental Use District, the Community Plan Implementation Overlay (CPIO) District, in order to provide an additional tool by which Community Plan goals, objectives and policies can be implemented.

PLANNING & LAND
USE MANAGEMENT

OCT 0 6 2010

Charter Findings

Pursuant to Charter Section 559, the Director of Planning has approved this revised draft ordinance on behalf of the City Planning Commission and recommended that you adopt it. Should you adopt this ordinance, you may comply with the provisions of Charter Section 558 by either adopting the findings of the Director of Planning as set forth in his revised report dated September 8, 2010, or by making your own findings.

CEQA Determination

Regarding the California Environmental Quality Act (CEQA), you may find that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Negative Declaration reflects the independent judgment of the lead agency in the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 09-2199 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Negative Declaration [ENV 2009-438 ND]. You must make this determination prior to or concurrent with your action on the ordinance.

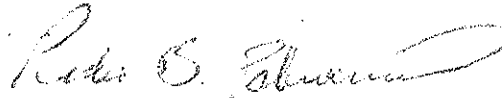
Council Rule 38 Referral

The draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety. The Department of Building and Safety was requested to report its comments directly to you.

If you have any questions regarding this matter, please contact Deputy City Attorney Michael Bostrom at (213) 978-8068. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE/MJB:za
Transmittal

ORDINANCE NO. _____

An ordinance amending Sections 12.04, 12.20.3, and 12.32 of the Los Angeles Municipal Code, and adding a new Section 13.14 to the Los Angeles Municipal Code to enable the establishment of "CPIO" Community Plan Implementation Overlay Districts.

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

Section 1. The first paragraph of Subsection D of Section 12.04 of the Los Angeles Municipal Code is amended by adding a new entry to read "CPIO" Community Plan Implementation Overlay District after the reference to "NSO" Neighborhood Stabilization Overlay District.

Sec. 2. The third paragraph of Subsection D of Section 12.04 of the Los Angeles Municipal Code is amended to read as follows:

Land classified in an "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, "SN" Sign District, "RFA" Residential Floor Area District, "NSO" Neighborhood Stabilization Overlay District, or "CPIO" Community Plan Implementation Overlay District.

Sec. 3. Paragraph (b) of Subdivision 2 of Subsection F of Section 12.20.3 of the Los Angeles Municipal Code is amended by replacing the reference to Section 12.32 S.1(c)(2) with Section 12.32 S.3(b).

Sec. 4. Subparagraph (1) of Paragraph (b) of Subdivision 2 of Subsection F of Section 12.20.3 of the Los Angeles Municipal Code is amended by replacing the reference to Section 12.32 S.1(c)(2) with Section 12.32 S.3(b).

Sec. 5. Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to read as follows:

S. Supplemental Use Districts.

1. **Purpose.** The purpose of Article 3 of this chapter 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 Article 3 of this chapter. Except for the "**Supplemental Uses**" permitted by Article 3 of this chapter, all property within the districts hereby established is subject to the provisions of the

"Comprehensive Zoning Plan."

2. **Districts.** In order to carry out the provisions of this article, the following districts are established:

"O"	Oil Drilling District
"S"	Animal Slaughtering District
"G"	Surface Mining District
"RPD"	Residential Planning 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
"SN"	Sign District
"RFA"	Residential Floor Area District
"NSO"	Neighborhood Stabilization Overlay District
"CPIO"	Community Plan Implementation Overlay 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.

3. **Establishment of Districts.**

(a) **Requirements.** The procedure for initiation or an application to establish, change the boundaries of or repeal a supplemental use district shall be as set forth in this section with the following additional requirements.

(b) **Additional Requirements for Application.** Except for CPIO Districts, which may not be established through the application procedure, 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, a Mixed Use District, a Sign District, a Residential Floor Area District, or a Neighborhood Stabilization Overlay 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, City Planning Commission, or Director of Planning, the signatures of the property owners or lessees shall not be required.

(c) **Action on the Initiation or Application.**

(1) **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 on an application for or the initiation of the establishment of a supplemental use district to the Council.

(2) **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.

(3) **Time for Commission to Act.** The City Planning Commission shall act on an application to establish an "O", "S", "G", "K", "CA", "POD", "CDO", "MU", "FH", "SN", "RFA", NSO", or "CPIO" 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 the Council may otherwise specify.

(4) **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 procedure set forth in Subsection D of this section.

4. **Administrative Clearance – Director Authority for Sign Off**

(a) **Administrative Clearance.** An Administrative Clearance is defined as a ministerial approval for Projects that comply with all applicable Supplemental Use District regulations. The term "Project" shall be defined in any Supplemental Use District that seeks to invoke this Administrative Clearance procedure.

C. Establishment of the District.

1. **Initiation.** The initiation of the establishment of a CPIO District or a change in boundaries of a district shall follow the procedures set forth in Section 12.32 of this Code. In addition, each CPIO District shall have a minimum of one mapped CPIO District Subarea, as defined in Subsection D of this section, to enable the initiation and activation of a CPIO District for an entire Community Plan Area.

2. **Zoning Classification.** At the time of establishment, the City Council may, pursuant to Section 12.32 of this Code, adopt an ordinance to amend Section 12.04 of this Code to establish a zoning classification to indicate the Community Plan Area in which the CPIO is located and the corresponding Subarea as defined in Subsection E of this section.

3. **Boundaries.** A CPIO District shall share the boundaries of a Community Plan and contain at least one Subarea. Precise boundaries of the Subarea are required at the time of application for or initiation of an individual District.

4. **Amendments to a CPIO.** The procedures for amending a CPIO District or its Subareas, or adopting additional Subareas within an established CPIO District, are set forth in Subsections A, C, and E of Section 12.32.

5. **Findings.** In adopting a CPIO District, the City Council shall find that the supplemental development regulations of the CPIO District are consistent with, and necessary to implement, the programs, policies, or urban design guidelines of the Community Plan for that area.

D. Definitions.

Community Plan Implementation Overlay (CPIO) Subarea. A further defined area within the CPIO District in which Community Plan programs and/or policies are implemented through supplemental development regulations. Subareas may be contiguous or non-contiguous parcels characterized by common Community Plan goals, themes and policies and grouped by a common boundary.

E. Content of a CPIO District. Each CPIO District shall contain the following:

1. **Subarea Boundaries.** A map showing all sites within the District's Subarea(s).

2. **Project.** A definition of the term "Project," which shall set forth the type of developments or uses subject to the supplemental development

(b) **Application, Form and Contents.** To apply for an Administrative Clearance, 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 additional submission requirements.

(c) **Procedures.** Applicants for Projects that comply with the provisions of an adopted Commercial and Artcraft District, Pedestrian Oriented District, Community Design Overlay District, Mixed Use District or Community Plan Implementation Overlay District shall submit plans to the Director for an Administrative Clearance. The Director or his/her designee shall review the Project for compliance with the applicable Supplemental Use District development regulations. Projects that do not qualify for Administrative Clearance shall follow the procedures set forth in the applicable Supplemental Use District.

Sec. 6. A new Section 13.14 is added to the Los Angeles Municipal Code to read:

SEC. 13.14. "CPIO" COMMUNITY PLAN IMPLEMENTATION OVERLAY DISTRICT

A. Purpose. This section sets forth procedures, guidelines, and standards for establishment of the "CPIO" Community Plan Implementation Overlay Districts within any zone in the City. The purpose of the CPIO District is to provide for supplemental development regulations tailored to each Community Plan area to:

1. Ensure that development enhances the unique architectural, environmental, and cultural qualities of each Community Plan area, integrates improvements and enhancements to the public right-of-way, and maintains compatible land uses, scale, intensity, and density;
2. Create an approval process to enable infill development that will positively impact communities.

B. Relationship to Other Zoning Regulations. Where the provisions of a CPIO District conflict with those of a Specific Plan or Historic Preservation Overlay Zone (HPOZ), then the provisions of the Specific Plan or HPOZ shall prevail. Regulations contained in the CPIO District dealing with uses, height, floor area ratio, and/or signage shall be more restrictive than applicable regulations in the underlying zone(s) and other supplemental use districts. If the provisions of the CPIO conflict with any other City-wide regulations in the Los Angeles Municipal Code or supplemental use districts other than a Specific Plan or HPOZ, then the requirements of the CPIO District shall prevail.

regulations and/or processes. The District may define the term "Project" differently for each Subarea.

3. Supplemental Development Regulations. Supplemental development regulations and definitions that may apply to any zone and/or public right-of-way within a CPIO District's Subarea(s).

F. Issuance of Permits. For all Projects within a CPIO Subarea, the Department of Building and Safety shall not issue a grading, building or change of use permit unless an Administrative Clearance, CPIO Adjustment, or CPIO Exception has been obtained pursuant to the applicable procedures in Section G.

G. Review Procedures for Projects within a CPIO District. For all Projects within a CPIO District's Subarea(s), an applicant shall follow the applicable procedures set forth below:

1. Application. All Projects proposed within a CPIO District shall be submitted with an application for a CPIO approval to be filed 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. Prior to deeming the application complete, the Director shall determine and, if necessary, advise the applicant of the processes to be followed, materials to be submitted, and fees to be paid. The granting of a CPIO approval shall not imply, or be deemed to constitute, compliance with any other applicable provisions of this Code.

2. Administrative Clearance – Authority of the Director. An applicant for a Project that complies with the provisions of an adopted CPIO District shall submit plans to the Director for an Administrative Clearance pursuant to Section 12.32 S 4. Projects which do not comply with the applicable CPIO District regulations may request relief through the procedures set forth in Subsections 3 and 4 of this section.

3. Community Plan Implementation Overlay Adjustment – Director Authority with Appeals to the Area Planning Commission.
The Director or the Director's designee shall have initial decision-making authority to grant a CPIO Adjustment with an appeal to the Area Planning Commission in accordance with the procedures set forth in Section 11.5.7 C 4-6 of this Code.

(a) Limitations. Unless otherwise limited by a CPIO District or CPIO District Subarea, a CPIO Adjustment shall be limited to deviations of up to 20 percent from the quantitative supplemental development regulations or minor adjustments from the qualitative supplemental development regulations in an adopted CPIO Subarea.

Each adopted CPIO ordinance shall indicate those development regulations which are not eligible for an adjustment through this Section. If an application requests more than one CPIO Adjustment, the Director may advise the applicant, prior to the application being deemed complete, that the request be filed and processed as a CPIO exception, pursuant to Subsection 4 of this section. To the extent that a CPIO contains sign regulations, signs shall not qualify for relief through a CPIO Adjustment. All other Projects seeking relief from any development regulation which contains prohibition language, or development regulations otherwise designated in the CPIO as not eligible for adjustments, shall be processed through the CPIO Exception procedures listed under Subsection 4 of this section.

(b) Findings. The Director's determination shall include written findings in support of the determination. In order to approve a proposed project pursuant to this subsection, the Director must find that:

(i) There are special circumstances applicable to the project or project site which make the strict application of the CPIO regulation(s) impractical;

(ii) The project, as approved, is consistent with the purpose and intent of the CPIO and substantially complies with the applicable CPIO regulations;

(iii) In granting the adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties or public rights-of-way;

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

(v) The project is compatible with the neighborhood character of the CPIO District Subarea.

4. Exceptions from a "CPIO" – Area Planning Commission Authority with Appeals to the City Council.

(a) Area Planning Commission Authority. The Area Planning Commission shall have initial decision-making authority for granting exceptions from CPIO regulations with an appeal to the City Council in accordance with the procedures set forth in Subdivisions 3-8 of Subsection F of Section 11.5.7 of this Code.

In granting an exception from CPIO regulations, the Area Planning Commission shall impose conditions to remedy any resulting disparity of privilege, to protect the public health, safety, welfare, and to assure compliance with the objectives of the General Plan and the purpose and intent of the CPIO District. An exception from a CPIO regulation shall not be used to grant a special privilege, nor to grant relief from self-imposed hardships.

(b) Findings. The Area Planning Commission may permit an exception from a CPIO regulation not involving signage if it makes all the following findings:

(i) The strict application of the CPIO regulations to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the CPIO District and its regulations;

(ii) There are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other properties in the CPIO District and/or Subarea;

(iii) An exception from the CPIO regulation is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the CPIO District and/or Subarea in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;

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

(v) The granting of an exception will be consistent with the principles, intent and goals of the CPIO District and/or Subarea and any applicable element of the General Plan.

The Area Planning Commission may permit an exception from a CPIO regulation concerning signage if it makes all the following findings:

(i) Strict compliance would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning restrictions due to unique existing physical circumstances on the subject property;

(ii) An exception from the CPIO regulation is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the CPIO District and/or Subarea in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;

(iii) The exception would not constitute a special grant of privilege.

Sec. 7. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

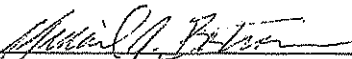
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
MICHAEL J. BOSTROM
Deputy City Attorney

Date 10/14/10

File No(s). _____

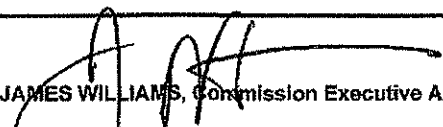
Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted

October 4, 2010

See attached report.

 
Michael LoGrande
Director of Planning

TRANSMITTAL TO CITY COUNCIL

Case No.(s)	Planning Staff Name(s)	Contact No.	C.D. No.
CPC-2009-437-CA (RELATED TO CPC-09-439 & CA, CPC-09-441-CA)	MICHELLE SORKIN 213-978-1199		ALL
Items Appealable to Council:	Last Day to Appeal:	Appealed:	
N/A	N/A	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Location of Project (Include project titles, if any.)			
CITYWIDE			
Name(s), Applicant / Representative, Address, and Phone Number			
CITY OF LOS ANGELES			
Name(s), Appellant / Representative, Address, and Phone Number			
N/A			
Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description <u>only</u> those items which are appealable to Council.)			
<p>A proposed ordinance to establish a Community Plan Implementation Overlay (CPIO), adding a new Supplemental Use District that will provide a new zoning tool by which Community Plan goals, objectives and policies can be implemented.</p>			
Fiscal Impact Statement <small>*Determination states administrative costs are recovered through fees.</small>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Environmental No.	Commission Vote:
		ENV-2009-438-ND	5-0
 JAMES WILLIAMS, Commission Executive Assistant I		Date: <u>SEP 03 2009</u>	

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION

WILLIAM ROSCHEN
PRESIDENT
REGINA M. FREER
VICE-PRESIDENT
SEAN O. BURTON
DIEGO CARDOSO
ROBIN R. HUGHES
FR. SPENCER T. KEZIOS
VACANT
CINDY MONTAÑEZ
MICHAEL K. WOO
JAMES K. WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

EXECUTIVE OFFICES

S. GAIL GOLDBERG, AICP
DIRECTOR
(213) 978-1271
VINCENT P. BERTONI, AICP
DEPUTY DIRECTOR
(213) 978-1272
JOHN M. DUGAN, AICP
DEPUTY DIRECTOR
(213) 978-1274
EVA YUAN-MCDANIEL
DEPUTY DIRECTOR
(213) 978-1273
FAX: (213) 978-1275
INFORMATION
(213) 978-1270
www.planning.lacity.org

SEP 03 2009

Planning and Land Use Management Committee
Council of the City of Los Angeles
City Hall, Room 395
Los Angeles, CA 90012

ATTN: Barbara Greaves, Legislative Assistant

CITY PLAN CASE NO. 2009-437-CA

Transmitted herewith is a proposed ordinance to establish a Community Plan Implementation Overlay (CPIO), adding a new Supplemental Use District that will provide a new zoning tool by which Community Plan goals, objectives and policies can be implemented.

On May 28, 2009, following a public hearing, the City Planning Commission approved the attached Findings of City Planning Staff and approved the proposed ordinance.

This action was taken by the following vote:

Moved: Roschen
Seconded: Burton
Ayes: Freer, Montanez, Woo
Absent: Cardoso, Hughes, Kezios
Vacant: One
Vote: 5-0


James Williams, Commission Executive Assistant I
City Planning Commission

Attachments: Findings, Proposed Ordinance

cc: Jeri Burge, Deputy City Attorney, Land Use Division

FINDINGS

Findings under Charter Section 558

Los Angeles City Charter Section 558 requires that prior to adopting a land use ordinance, the City Council make findings that the ordinance conforms with public necessity, convenience, general welfare and good zoning practice.

The establishment of the Community Plan Implementation Overlay as a new zoning tool conforms to public necessity, convenience, general welfare and good zoning practice in the following respects:

General Plan Framework Objective 3.1: *Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors*

The CPIO ordinance, as proposed, would continue to accommodate a range of uses throughout the City. However, if adopted, the CPIO ordinance would enable individual plans to create CPIO districts to tailor uses in specific areas. CPIO districts could be used to achieve neighborhood and citywide goals such as: promoting mixed use nodes along corridors; refining neighborhood districts, community, regional and downtown centers; protecting commercial and industrial employment centers from incompatible uses; and incentivizing housing production by adopting special regulations in key areas.

General Plan Framework Objective 3.2: *Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction in vehicular trips, vehicle miles traveled, and air pollution.*

The CPIO ordinance, as proposed, will help enable the implementation of CPIO districts grouped by common theme, such as transit-oriented districts and mixed-use corridors in order to promote the reduction of work-related and discretionary vehicle trips. CPIO districts could be used to supplement Commercial and RAS zones and by creating design guidelines for upper stories in mid- to high-rise buildings in designated areas to not only encourage mixed use, but ensure design compatibility and improve walkability in surrounding areas.

General Plan Framework Objective 3.4: *Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.*

The Community Plan Implementation Overlay will enable individual plans to balance growth and preservation in a manner that provides predictability for residents and developers. The CPIO enabling ordinance will facilitate the creation of subsequently adopted CPIO districts that could be grouped by theme or by geography. For example, CPIO districts could be used to resolve conflicts between commercial districts and adjacent residential neighborhoods by addressing setbacks, stepbacks, vehicle access, and open space requirements to ensure a smoother transition between abutting residential and commercial parcels.

General Plan Framework Objective 5.1: *Translate the Framework Element's intent with respect to citywide urban form and neighborhood design to the community and neighborhood levels through locally prepared plans that build on each neighborhood's attributes, emphasize quality of development, and provide or advocate "proactive" implementation programs.*

Zoning tools such as [Q] Conditions and Specific Plans have historically addressed community concerns in a "reactive" manner, often as a result of Interim Control Ordinances. The emphasis of the CPIO ordinance is to create a method for establishing more or less restrictive development requirements when a Community Plan is adopted, in order to promote growth in key areas, such as commercial corridors and transit nodes, while balancing the need for preservation in areas with limited potential for change. Whether more or less restrictive than the underlying zone, a CPIO district would be created in a deliberate, "proactive" manner that is relevant to the goals of each Community Plan and the Framework Element.

General Plan Framework Objective 5.6: *Conserve and reinforce the community character of neighborhoods and commercial districts not designated as growth areas.*

The purpose of the CPIO ordinance is to create a tool by which community character can be preserved and further enhanced in designated preservation areas such as single-family and multi-family residential neighborhoods as well as commercial districts seeking to maintain a Main Street scale. Currently, there are few zoning tools available for addressing mass, scale, and articulation of residential buildings on a neighborhood-specific basis.

In summary, the Community Plan Implementation Overlay tool conforms to public necessity because it fulfills an established need for improved means for implementing Community Plans and the Framework Element of this City's General Plan; Convenience due to the simplified process it establishes for projects which successfully comply with adopted regulations; General welfare as a result of the predictability it provides for residents and property owners by strengthening and improving enforcement of Community Plans; and finally, good zoning practice because it can accomplish detailed zoning regulations of varying degrees of complexity, without creating an onerous process for project approvals.

CEQA Findings

A Negative Declaration (ENV-2009-438-ND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have any significant effect on the environment as the ordinance is enabling in nature and therefore it will not result in any direct or indirect environmental impacts. The attached Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

DRAFT ORDINANCE NO. _____

An ordinance adding a new Section 13.xx to the Los Angeles Municipal Code to establish the enabling language for a "CPIO" Community Plan Implementation Overlay District.

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

Section 1. Subsection D of Section 12.04 of the Los Angeles Municipal Code is amended to read:

D. Certain portions of the City are also designated as being in one or more of the following districts, by the provision of Article 3 of this chapter

- "O" Oil Drilling District
- "S" Animal Slaughtering
- "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
- "SN" Sign District
- "RFA" Residential Floor Area District
- "CPIO" Community Plan Implementation Overlay

The "**Zoning Map**" is amended to indicate these districts and the boundaries of each district.

Land classified in an "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, "SN" Sign District, "RFA" Residential Floor Area District or "CPIO" Community Plan Implementation Overlay is also classified in one or more zones, and land classified in the P Automobile Parking Zone may also be classified in an "A" or "R" Zone.

These classifications are indicated on the "**Zoning Map**" with a combination of symbols, e.g., **R2-2-O, C2-4-S, M1-3-G, M1-1-P and R2-O, C2-G**, etc., where height districts have not been established.

Section 2. The list contained in Paragraph (b) of Subdivision 1 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended by adding a new entry to read "CPIO" Community Plan Implementation Overlay District at the end of the list:

(b) Districts. In order to carry out the provisions of this article, the following districts are established:

- "O" Oil Drilling District
- "S" Animal Slaughtering
- "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
 "SN" Sign District
 "RFA" Residential Floor Area District
 "CPIO" Community Plan Implementation Overlay District

Section 3. Subparagraph (2) of Paragraph (c) of Subdivision 1 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to read:

(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 Equine keeping District, a Community Design Overlay District, a Mixed Use District, a Sign District, a Residential Floor Area District, or a Community Plan Implementation Overlay 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, City Planning Commission, or Director of Planning, the signatures of the property owners or lessees shall not be required.

Section 4. Subparagraph (iii) of Subparagraph (3) of Paragraph (c) of Subdivision 1 of Subsection S of Section 12.32 is amended to read:

(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", "FH", "SN", "RFA", or "CPIO" 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 the 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 the Council may otherwise specify

Section 5. Article 3 of Chapter 1 of the Los Angeles Municipal Code is amended by adding a new Section 13.XX to read:

Section 13.XX. "CPIO" COMMUNITY PLAN IMPLEMENTATION OVERLAY DISTRICT

A. Purpose. This section sets forth procedures, guidelines, and standards for the establishment of a Community Plan Implementation Overlay (CPIO) District within any zone throughout the City. The purpose of the CPIO District is to implement supplemental development standards tailored to each Community Plan area in order to:

1. Ensure that development enhances the unique architectural, environmental, and cultural qualities of each Community Plan Area while maintaining compatibility in scale, intensity, and density;
2. Create a simple approval process to enable infill development that will positively impact communities.

B. Relationship to Other Zoning Regulations. Where the provisions of a "CPIO" Community Plan Implementation Overlay conflict with those of a Specific Plan or Historic Preservation Overlay Zone (HPOZ), then the provisions of the Specific Plan or HPOZ shall prevail. Regulations contained in the CPIO dealing with uses, height, Floor Area Ratio, and/or signage shall be more restrictive than applicable regulations in the underlying zone(s) and other supplemental use districts. If the provisions of the CPIO conflict with any other city-wide regulations in the Los Angeles Municipal Code or supplemental use districts other than a HPOZ, then the requirements of the CPIO shall prevail.

C. Establishment of CPIO District – Director’s Authority. The City Council may adopt new districts, or change boundaries of districts, by following the procedures set forth in Section 12.32 S of this Code; however each CPIO District shall also comply with the following provisors:

- 1. Requirements.** A CPIO District may be initiated for any Community Plan Area if consistent with the policies of that plan. A CPIO shall have a minimum of one mapped district subarea to enable the initiation and activation of a CPIO District for an entire Community Plan Area.
- 2. Initiation.** At the time of establishment, the Director of Planning may establish a zoning classification to indicate the Community Plan Area in which the CPIO is located and the corresponding Subarea as defined in Section E.
- 3. Amendments to a CPIO.** The City Council, City Planning Commission or Director of Planning shall have the authority to initiate an amendment to a CPIO District or its subareas, or to adopt additional subareas within an established CPIO District. The procedures for amending the CPIO are set forth in Subsections A, C, and E of Section 12.32.
- 4. Findings for Establishment of a CPIO District.** In adopting a CPIO District, the City Council shall find that: The regulations of the Community Plan Implementation Overlay District are necessary to implement the programs, policies, or urban design guidelines of the Community Plan for that area.

D. Definitions.

- 1. Community Plan Implementation Overlay (CPIO) District.** A defined area with supplemental development regulations which implement goals and policies in a Community Plan. A CPIO District shares the boundaries of a Community Plan and contains at least one Subarea.
- 2. Community Plan Implementation Overlay(CPIO) Subarea.** A further defined area within the CPIO District in which Community Plan programs and/or policies are implemented through supplemental development regulations. Subareas may be contiguous or non-contiguous parcels characterized by common community plan goals, themes and policies and grouped by a common boundary.

E. Content of a CPIO District. The City Council by separate ordinance shall adopt the applicable development and design standards of each Community Plan Implementation Overlay District and/or Subarea. In addition, each CPIO District shall contain the following:

- 1. Subarea Boundaries.** Only sites within mapped Districts and/or Subareas shall be subject to the regulations and processes of the CPIO District.
- 2. Project.** Each CPIO District and/or Subarea shall contain a definition of what constitutes a Project for the whole District or within each Subarea; and
- 3. Development Regulations.** Supplemental development regulations may apply to any zone within a Community Plan Implementation Overlay Subarea.
- 4. Discretionary Review Process.** Each CPIO District shall establish a discretionary review process for Projects subject to development regulations therein.

F. Review Procedures for Projects within a CPIO District. The Department of Building and Safety shall not issue a grading permit, foundation permit, building permit, or use of land permit for a Project within a Community Plan Implementation Overlay District unless a CPIO District approval has been issued.

1. **Application, Form and Contents.** To obtain a Community Plan Implementation Overlay approval, an application shall be filed 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. Prior to deeming the application complete, the Director shall determine and, if necessary, advise the applicant of the processes to be followed, materials to be submitted, and fees to be paid. The application fees for CPIO Approval shall be as set forth in Section 19.01x of the Los Angeles Municipal Code.
2. **Limitations.** CPIO Approval shall not imply compliance with any other applicable provisions of the Los Angeles Municipal Code.
3. **Sign Off Approvals.** Projects that comply with the provisions of an adopted CPIO ordinance shall submit plans to the Director of Planning for conformance review and ministerial sign off. The Director of Planning or designee shall have 30 days to review the Project for compliance with the supplemental development regulations. Projects which do not comply with the applicable CPIO District regulations, may request relief through procedures set forth in Sections H and I.

G. Community Plan Implementation Overlay Adjustment – Authority of the Director of Planning With Appeals to the Area Planning Commission. The Director of Planning or the Director's designee shall have initial decision-making authority to grant a CPIO Adjustment for adjustments of up to 20 percent, unless a smaller deviation amount is specified.

1. **Limitations.** A CPIO Adjustment shall be limited to deviations of up to 20 percent from quantitative development standards in an adopted CPIO Subarea or minor adjustments from qualitative CPIO design guidelines, or regulations which do not substantially alter the execution or intent of those regulations to a proposed Project.

Each adopted CPIO ordinance shall indicate those development regulations eligible for relief through this Section. If an application requests more than one CPIO Adjustment, the Director may determine and advise the applicant, prior to the application being deemed complete, that the request be filed and processed as a CPIO Exception, pursuant to Subsection H of this section. Projects seeking relief from any development regulation which contains prohibition language, or development regulations not otherwise designated in the CPIO to qualify for adjustments, shall be addressed through the exception procedures listed under Section H.

2. **Findings.** The determination by the Director shall include written findings in support of the determination. In order to approve a proposed project pursuant to this subsection, the Director must find that:
 - (a) There are special circumstances applicable to the project or project site which make the strict application of the "CPIO" regulation(s) impractical;
 - (b) In granting the adjustment, the Director has imposed project requirements and/or decided that the proposed project will substantially comply with the purpose and intent of all applicable "CPIO" regulations;
 - (c) In granting the adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights-of-way;
 - (d) The project incorporates mitigation measures, monitoring of measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible; and

(e) The project is compatible with the neighborhood character of the Community Plan Implementation Overlay District Subarea.

3. The CPIO Adjustment shall follow procedures for **Time Limit, Transmittal of Written Decision, Effective Date of Initial Decision, Expiration, Failure to Act – Transfer of Jurisdiction, and Appeals** set forth in Section 11.5.7, Subsections C 4-6.

H. Exceptions from a "CPIO" – Area Planning Commission with Appeals to the City Council.

1. Authority of the Area Planning Commission. The Area Planning Commission shall have initial decision-making authority for granting exceptions from "CPIO" regulations. In accordance with Subsection D of Section 12.24, the Area Planning Commission shall hold a hearing at which evidence is taken.

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

2. Findings. The Area Planning Commission may permit an exception from a "CPIO" regulation if it makes all the following findings:

- (a) That the strict application of the regulations of the "CPIO" to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the "CPIO" District and the subject regulations;
- (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 "CPIO" District and/or Subarea;
- (c) That an exception from the "CPIO" regulation is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the "CPIO" District and/or Subarea in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question;
- (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 "CPIO" District and/or Subarea and any applicable element of the general plan.

3. The CPIO Exception shall follow procedures for **Decision by Area Planning Commission, Effective Date of Decision, Expiration, Failure to Act - Transfer of Jurisdiction from the Area Planning Commission, Appeal of Area Planning Commission Decision, and Hearing by Council** as set forth in Section 11.5.7, Subsections F 3-8.

Section 6. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, by a vote of not less than three-fourths of all of its members, at its meeting of _____

JUNE LAGMAY, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

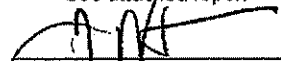
Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted
.....

By _____
City Attorney

May 28, 2009

Date _____

See attached report



JAMES K. WILLIAMS
City Planning Commission

File No(s). _____



DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT



City Planning Commission

Date: May 28, 2009
Time: After 8:30 AM*
Place: Van Nuys City Hall
Council Chambers, Second Floor
14410 Sylvan Street,
Room 201, Council Chamber
Van Nuys, CA 91401

Public Hearing: Required
Appeal Status: N/A
Expiration Date: N/A
Multiple Approval: N/A

Case No.: CPC-2009-437-CA
CEQA No.: ENV-2009-438-ND
Incidental Cases: N/A
Related Cases: CPC-2009-439-CA
CPC-2009-441-CA
Council No.: All
Plan Area: All
Specific Plan: N/A
Certified NC: All
GPLU: N/A
Zone: N/A
Applicant: City Of Los Angeles

PROJECT LOCATION: N/A

PROPOSED PROJECT: The request involves the establishment of a Community Plan Implementation Overlay (CPIO) mechanism, adding a new Supplemental Use District to the Municipal Code, that will provide a new tool by which Community Plan goals, objectives, and policies can be implemented. No individual district is proposed at this time. The CPIO could be used in combination with existing regulations to tailor development standards within a Community Plan area. It would create a "sign off" process for projects which comply with the applicable regulations. If adopted, the enabling ordinance would establish general procedures for the adoption of individual Community Plan Implementation Overlay districts and review of CPIO projects. However, specific development regulations for each individual CPIO district would be adopted subsequently through a separate legislative process.

REQUESTED ACTION:

- Add Subsection 13.xx to Section 13.00 of the Los Angeles Municipal Code (LAMC) to enable a "CPIO" Community Plan Implementation Overlay district, and amend Sections 12.04 and 12.32 to add "CPIO" Community Plan Implementation Overlay to the list of Supplemental Use Districts in each section, respectively. No zone changes to specific properties are part of the requested action; all future zone changes related to the CPIO tool will go through a separate public process.
- Adopt Negative Declaration No. ENV-2009-438 analyzing all possible environmental impacts from the project and determining that no significant impacts to the environment exist and adopt the associated environmental findings.

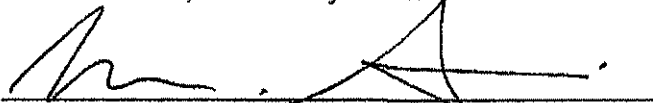
RECOMMENDED ACTIONS:

1. **Approve and recommend** that the City Council Adopt the requested ordinance, subject to the review of the City Attorney as to form and legality, attached as Appendix A.
2. **Adopt** Negative Declaration No. ENV-2009-438 analyzing all possible environmental impacts from the project and determining that no significant impacts to the environment exist and adopt the associated environmental findings.
3. **Adopt** the attached Findings.

S. GAIL GOLDBERG, AICP
Director of Planning



Kevin J. Keller, Senior City Planner



Michelle Sorkin, City Planning Associate
Telephone: (213) 978-1199



Christopher Koontz, City Planner

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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PROJECT ANALYSIS

Overview

The General Plan Framework Element sets forth a comprehensive long-range strategy for citywide growth and emphasizes the importance of reinforcing and enhancing neighborhood identity through the City's 35 Community Plans, which make up the Land Use Element of the General Plan. During Community Plan updates, issues unique to particular neighborhoods surface, as well as common cross-cutting citywide themes, which are usually addressed through Community Plan policies and programs. Given the Department's new direction to re-establish the importance of Community Plans, the need for new zoning tools to implement Community Plan urban design and land use policies and programs has become increasingly apparent. As Community Plans continue to be updated in an ongoing fashion, the expansion of tools available to the Planning Department will enable better implementation of Community Plans and Framework Element concepts.

The proposed ordinance (Appendix A) establishes and defines a new Supplemental Use District which is part of a suite of new zoning tools, including the Ground Floor Commercial designator and Pedestrian Emphasis Design tool, intended to provide flexibility in the creation of carefully crafted development regulations tailored to individual communities within the City. The Community Plan Implementation Overlay (CPIO) will help enable the adoption of implementation measures to carry out Community Plan goals at the time that Community Plans are adopted or shortly following, thereby bridging the gap between Community Plan adoption and the activation of important land use programs such as creating mixed-use centers, transit oriented development, multi-family development standards, and the like.

The proposed CPIO ordinance would add a new Supplemental Use District section to Article 3, Chapter 1 of the Municipal Code which would not automatically create development regulations but instead establish procedures and criteria for the initiation of individual CPIO districts within each Community Plan area. Its purpose is to standardize procedures for the establishment of CPIO districts, address the range of regulations that could be covered by this tool, and establish procedures for the granting of relief through CPIO adjustments and exceptions.

While the CPIO enabling ordinance does not in itself propose specific development standards, it provides a platform that will expand the range of tools available for implementation of Community Plans through subsequent adopted overlay districts. It establishes a new, streamlined process which balances project review with efficacy in case processing, which would allow projects that demonstrate compliance to achieve quick review. At the same time, it will set the stage for zoning regulations tailored to fit individual communities and extend staff's ability to address specific community land use issues through a customized zone. Finally, the enabling language proposed requires that individual CPIO districts justify that development regulations contained in the overlay further the implementation of Community Plan goals, objectives, and policies.

Background

In 2006 an Implementation Committee comprised of Community Planning staff was formed to support the New Community Plan Program. The Implementation Committee investigated the efficacy of three zoning tools commonly used for implementation: Community Design Overlays, Specific Plans, and [Q] conditions. In an effort to strengthen the new round of Community Plans it was determined that existing zones in the Municipal Code could benefit from some revision; in addition, a suite of new tools would be necessary to help improve the implementation of future Community Plans. This tool has been developed to serve a need that surfaced as part of the

Community Plan Program; from public workshops, research and other public input, staff concluded that there was a need for a tool that could be generally more or less restrictive than the underlying zone, potentially consolidate [Q] conditions, and create a ministerial process for projects that meet all requirements of the overlay.

The proposed ordinance would amend section 13.xx of the LAMC to enable a new type of overlay district that can be adapted to each Community Plan to regulate one or more development standards such as uses, design, open space, density, and parking in specified portions of the Plan area or for specific types of development. The CPIO tool is consistent with the intent of the General Plan Framework in that, when applied, it has the potential to achieve conservation of specific areas identified in New Community Plans and at the same time guide the transition of change areas in a manner that maintains compatibility of scale and neighborhood character. The Community Plan Implementation Overlay will dovetail with the urban design and implementation programs of New Community Plans and tie in with Framework policies to make commercial corridors more livable and pedestrian-oriented. It will respond to the overarching needs and specific themes identified through the multi-year New Community Plan efforts throughout the City.

The proposed Community Plan Implementation Overlay is different from tools currently available in the zoning code. By and large, Specific Plans and [Q] Conditions have been applied reactively in the past to limit development in certain areas throughout the City. However, Specific Plans have been difficult to amend once adopted, and [Q] Conditions are often overlapping and confusing to staff and property owners/developers. The CPIO would provide a very deliberate overlay in strategic areas directly addressed in adopted Community Plans. The CPIO would utilize the same general procedures as a Specific Plan, but create a streamlined approval process where compliant projects would go through a shorter approval period. Projects that do not comply with the standards in a given CPIO would qualify to apply for either an adjustment or exception, similar to Specific Plans.

It is anticipated that this tool, as well as multiple other new zoning tools, will be implemented and applied on an individual community basis as part of the forthcoming Community Plan updates and other land use studies.

Key Elements

The CPIO has been developed to consolidate the functions of [Q] Conditions, Community Plan footnotes, Community Design Overlays, and some Specific Plans. As a hybrid tool, it can be used virtually with any underlying zone, but would not supersede existing Specific Plans and Historic Preservation Overlay Zones.

The CPIO would be the first zoning tool in the Municipal Code to relate directly to the Community Plan in its initial establishment. In order for an individual CPIO district to be established within a given Community Plan area a finding must be made that: "The regulations of the Community Plan Implementation Overlay District are necessary to implement the programs, policies, or urban design guidelines of the Community Plan for that area." This is feasible because each New Community Plan would have a single overlay with multiple districts and subdistricts within.

Another key feature of the CPIO tool is the flexibility that it would afford staff writing new CPIO districts for determining the appropriate level of regulation. CPIO districts can vary in size and complexity, as shown in Figure 1. For example, a CPIO district can include targeted geographic areas such as transit oriented district, nodes along commercial corridors, or multi-family residential neighborhoods. Other districts may apply to individual non-contiguous parcels scattered throughout the Community Plan but grouped by a common theme such as multi-family

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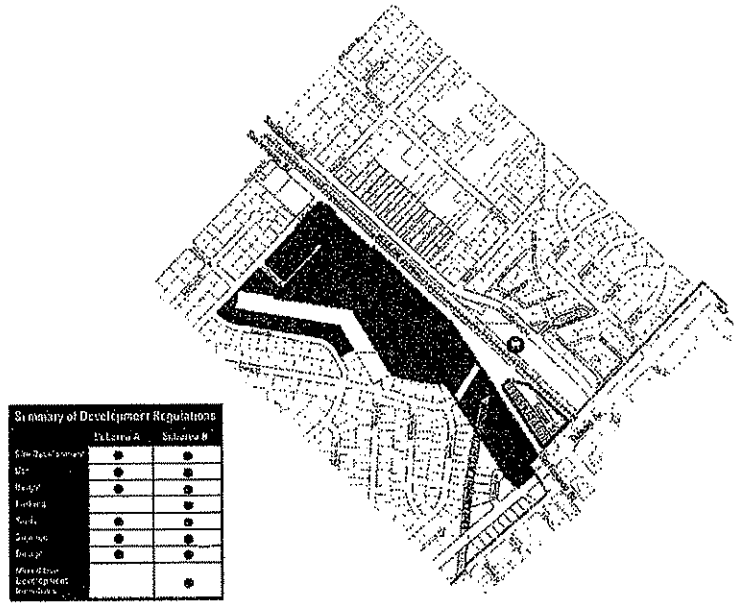
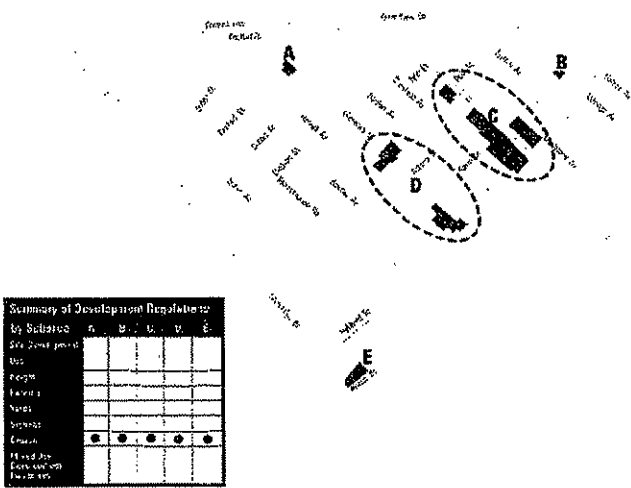
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Another key feature of the CPIO tool is the flexibility that it would afford staff writing new CPIO districts for determining the appropriate level of regulation. CPIO districts can vary in size and complexity, as shown in Figure 1. For example, a CPIO district can include targeted geographic areas such as transit oriented district, nodes along commercial corridors, or multi-family residential neighborhoods. Other districts may apply to individual non-contiguous parcels scattered throughout the Community Plan but grouped by a common theme such as multi-family

development, public facilities, or commercial corners. Having the ability to achieve broad (community-plan wide) or focused (specific parcels) implementation will help staff achieve varied Community Plan and Framework Element goals.

EXAMPLE 1
Require Multi-Family Design
Guidelines At Nodes

EXAMPLE 2
Enable Transit-Oriented
Mixed-Use Village



Improving upon existing Supplemental Use Districts and Specific Plans, a key feature of the CPIO ordinance is the streamlined project review procedures it would establish, thereby allowing the Director of Planning to administer overlay districts sensibly without creating undue amounts of case processing. Each individually adopted CPIO district would define the scope of what would be considered a project and fall under the rubric of CPIO compliance review. The CPIO ordinance is designed to fast track review of projects which demonstrate compliance – these projects would receive a 'sign off' from the Director of Planning prior to issuance of a building permit.

Projects seeking relief from the regulations would be subject to two tiers of relief: Either a Community Plan Implementation Overlay Adjustment or an Exception. Under the authority of the Director of Planning adjustments may be granted for a deviation of up to 20 percent from a development standard or from a qualitative CPIO design guideline. If a project deviates by more than 20 percent from a given development regulation, a CPIO Exception would be sought in which the Area Planning Commission would have initial decision-making authority, similar to Specific Plan Exceptions.

Once the proposed enabling ordinance is adopted into the LAMC, neighborhoods and communities will be studied to decide where special Community Plan Implementation districts are most needed, and a CPIO district could then be implemented through a public process to achieve its goals.

Conclusion

The CPIO tool is intended to be implemented as part of the New Community Plan effort and after careful evaluation of zoning needs in a given district. Staff has considered the need for maximum flexibility in new zoning tools, allowing individual plans to customize the tool to suit neighborhood-specific needs. Staff anticipates that, as proposed, the CPIO could be used in myriad ways because it can address development standards singularly or in combination.

Practical applications of this new zoning would likely include: regulations along commercial corridors to address uses, height transitions, open space and stepback concerns; in multi-family areas it could be used to address articulation, form, and massing; in emerging transit nodes it could promote pedestrian-oriented, mixed-use development using incentives; and perhaps throughout a community plan area it could be used to prevent over-concentrations of particular uses such as drive through establishments. Adoption of a CPIO would build upon the existing base development standards or other supplemental use districts, but would not override adopted Specific Plans or Historic Preservation Overlay Zones. Furthermore, the CPIO could be used in conjunction with other zoning tools such as Community Design Overlays or Pedestrian Oriented Districts or provide supplemental regulations in connection with potential new tools such as the proposed Ground Floor Commercial tool (CPC-2009-439-CA) or the proposed Pedestrian Emphasis Design tool (CPC-2009-441-CA), if desired.

FINDINGS

Findings under Charter Section 558

Los Angeles City Charter Section 558 requires that prior to adopting a land use ordinance, the City Council make findings that the ordinance conforms with public necessity, convenience, general welfare and good zoning practice. The establishment of the Community Plan Implementation Overlay as a new zoning tool conforms to public necessity, convenience, general welfare and good zoning practice in the following respects:

General Plan Framework Objective 3.1: *Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.*

The CPIO ordinance, as proposed, would continue to accommodate a range of uses throughout the City. However, if adopted, the CPIO ordinance would enable individual plans to create CPIO districts to tailor uses in specific areas. CPIO districts could be used to achieve neighborhood and citywide goals such as: promoting mixed use nodes along corridors; refining neighborhood districts, community, regional and downtown centers; protecting commercial and industrial employment centers from incompatible uses; and incentivizing housing production by adopting special regulations in key areas.

General Plan Framework Objective 3.2: *Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction in vehicular trips, vehicle miles traveled, and air pollution.*

The CPIO ordinance, as proposed, will help enable the implementation of CPIO districts grouped by common theme, such as transit-oriented districts and mixed-use corridors in order to promote the reduction of work-related and discretionary vehicle trips. CPIO districts could be used to supplement Commercial and RAS zones and by creating design guidelines for upper stories in mid- to high-rise buildings in designated areas to not only encourage mixed use, but ensure design compatibility and improve walkability in surrounding areas.

General Plan Framework Objective 3.4: *Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.*

The Community Plan Implementation Overlay will enable individual plans to balance growth and preservation in a manner that provides predictability for residents and developers. The CPIO enabling ordinance will facilitate the creation of subsequently adopted CPIO districts that could be grouped by theme or by geography. For example, CPIO districts could be used to resolve conflicts between commercial districts and adjacent residential neighborhoods by addressing setbacks, stepbacks, vehicle access, and open space requirements to ensure a smoother transition between abutting residential and commercial parcels.

General Plan Framework Objective 5.1: *Translate the Framework Element's intent with respect to citywide urban form and neighborhood design to the community and neighborhood levels through locally prepared plans that build on each neighborhood's attributes, emphasize quality of development, and provide or advocate "proactive" implementation programs.*

Zoning tools such as [Q] Conditions and Specific Plans have historically addressed community concerns in a "reactive" manner, often as a result of Interim Control Ordinances. The emphasis

of the CPIO ordinance is to create a method for establishing more or less restrictive development requirements when a Community Plan is adopted, in order to promote growth in key areas, such as commercial corridors and transit nodes, while balancing the need for preservation in areas with limited potential for change. Whether more or less restrictive than the underlying zone, CPIO district would be created in a deliberate, "proactive" manner that is relevant to the goals of each Community Plan and the Framework Element.

General Plan Framework Objective 5.6: *Conserve and reinforce the community character of neighborhoods and commercial districts not designated as growth areas.*

The purpose of the CPIO ordinance is to create a tool by which community character can be preserved and further enhanced in designated preservation areas such as single-family and multi-family residential neighborhoods as well as commercial districts seeking to maintain a Main Street scale. Currently, there are few zoning tools available for addressing mass, scale, and articulation of residential buildings on a neighborhood-specific basis.

In summary, the Community Plan Implementation Overlay tool conforms to public necessity because it fulfills an established need for improved means for implementing Community Plans and the Framework Element of this City's General Plan; Convenience due to the simplified process it establishes for projects which successfully comply with adopted regulations; General welfare as a result of the predictability it provides for residents and property owners by strengthening and improving enforcement of Community Plans; and finally, good zoning practice because it can accomplish detailed zoning regulations of varying degrees of complexity, without creating an onerous process for project approvals.

CEQA Findings


A Negative Declaration (ENV-2009-438-ND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have any significant effect on the environment as the ordinance is enabling in nature and therefore it will not result in any direct or indirect environmental impacts. The attached Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

PUBLIC COMMUNICATIONS

A public workshop on this matter was conducted on March 19, 2009 from 5:00 – 7:00 PM at City Hall. The workshop was attended by approximately 45 members of the public including Certified Neighborhood Council representatives, members of the development community, as well as several representatives from other City departments. Staff answered questions and received general comments in support of the proposed ordinance during the meeting. Staff answered questions and received general comments in support of the proposed ordinance during the meeting. A Public Hearing on this matter will be held at the City Planning Commission meeting on May 14th, 2009.

Exhibit B
Environmental Clearance
CPC-2009-437-CA
ENV-2009-438-ND

CITY OF LOS ANGELES
 OFFICE OF THE CITY CLERK
 ROOM 395, CITY HALL
 LOS ANGELES, CALIFORNIA 90012
 CALIFORNIA ENVIRONMENTAL QUALITY ACT
 NEGATIVE DECLARATION

LEAD CITY AGENCY City of Los Angeles	COUNCIL DISTRICT CITYW
PROJECT TITLE ENV-2009-438-ND	CASE NO. CPC-2009-437-CA
PROJECT LOCATION N/A N/A	
PROJECT DESCRIPTION AN ORDINANCE ADDING A NEW SECTION TO THE LOS ANGELES MUNICIPAL CODE TO ESTABLISH THE ENABLING LANGUAGE FOR A COMMUNITY PLAN IMPLEMENTATION OVERLAY DISTRICT. NO PROJECT IS PROPOSED. INDIVIDUAL COMMUNITY PLAN IMPLEMENTATION OVERLAY AREAS WILL BE ADDED BY ORDINANCE AND CONTAIN SPECIFIC DEVELOPMENT RESTRICTIONS AND CRITERIA TO IMPLEMENT THE COMMUNITY PLAN. THE COMMUNITY PLAN IMPLEMENTATION OVERLAY FUNCTIONS BY PROVIDING DETAILED ZONING, DESIGN AND OTHER RESTRICTIONS TO SPECIFIC POLICIES TO FURTHER THE GOALS AND POLICIES OF THE COMMUNITY PLAN.	
NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY City of Los Angeles 200 North Spring Street, Suite 621 Los Angeles, CA 90012	
FINDING: The City Planning Department of the City of Los Angeles has Proposed that a negative declaration be adopted for this project. The Initial Study indicates that no significant impacts are apparent which might result from this project's implementation. This action is based on the project description above.	
Any written comments received during the public review period are attached together with the response of the Lead City Agency. The project decision-maker may adopt this negative declaration, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record and appropriate findings made.	
THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.	
NAME OF PERSON PREPARING THIS FORM CHRIS KOONTZ	TITLE City Planner
	TELEPHONE NUMBER (213) 978-1193
ADDRESS 200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012	SIGNATURE (Official) 
	DATE 3/2/09

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
INITIAL STUDY
and CHECKLIST
(CEQA Guidelines Section 15063)

LEAD CITY AGENCY: City of Los Angeles		COUNCIL DISTRICT: CITYW	DATE:
RESPONSIBLE AGENCIES: Department of City Planning			
ENVIRONMENTAL CASE: ENV-2009-438-ND		RELATED CASES: CPC-2009-437-CA	
PREVIOUS ACTIONS CASE NO.:		<input type="checkbox"/> Does have significant changes from previous actions. <input checked="" type="checkbox"/> Does NOT have significant changes from previous actions.	
PROJECT DESCRIPTION: COMMUNITY PLAN IMPLEMENTATION OVERLAY			
ENV PROJECT DESCRIPTION: AN ORDINANCE ADDING A NEW SECTION TO THE LOS ANGELES MUNICIPAL CODE TO ESTABLISH THE ENABLING LANGUAGE FOR A COMMUNITY PLAN IMPLEMENTATION OVERLAY DISTRICT. NO PROJECT IS PROPOSED. INDIVIDUAL COMMUNITY PLAN IMPLEMENTATION OVERLAY AREAS WILL BE ADDED BY ORDINANCE AND CONTAIN SPECIFIC DEVELOPMENT RESTRICTIONS AND CRITERIA TO IMPLEMENT THE COMMUNITY PLAN, THE COMMUNITY PLAN IMPLEMENTATION OVERLAY FUNCTIONS BY PROVIDING DETAILED ZONING, DESIGN AND OTHER RESTRICTIONS TO SPECIFIC POLICIES TO FURTHER THE GOALS AND POLICIES OF THE COMMUNITY PLAN.			
ENVIRONMENTAL SETTINGS: This ordinance will apply citywide. Individual Community Plan Implementation Overlay areas may be added in the future by ordinance with accompanying environmental review specific to their individual proposed restrictions and individual environmental setting.			
PROJECT LOCATION: N/A N/A			
COMMUNITY PLAN AREA: CITYWIDE STATUS: <input checked="" type="checkbox"/> Does Conform to Plan <input type="checkbox"/> Does NOT Conform to Plan		AREA PLANNING COMMISSION: CITYWIDE	CERTIFIED NEIGHBORHOOD COUNCIL: CITYWIDE
EXISTING ZONING: All		MAX. DENSITY/INTENSITY ALLOWED BY ZONING: Not Applicable - No Change	
GENERAL PLAN LAND USE: All		MAX. DENSITY/INTENSITY ALLOWED BY PLAN DESIGNATION: Not Applicable - No Change	
		PROPOSED PROJECT DENSITY: Not Applicable - No Change	
		LA River Adjacent: NO	

Determination (To Be Completed By Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

	City Planner	(213) 978-1193
Signature	Title	Phone

Evaluation Of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," cross referenced).
5. Earlier analysis must be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
 - a. **Earlier Analysis Used.** Identify and state where they are available for review.
 - b. **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. **Mitigation Measures.** For effects that are "Less Than Significant With Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated
7. Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whichever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> AESTHETICS	<input type="checkbox"/> HAZARDS AND HAZARDOUS MATERIALS	<input type="checkbox"/> PUBLIC SERVICES
<input type="checkbox"/> AGRICULTURAL RESOURCES	<input type="checkbox"/> HYDROLOGY AND WATER QUALITY	<input type="checkbox"/> RECREATION
<input type="checkbox"/> AIR QUALITY	<input type="checkbox"/> LAND USE AND PLANNING	<input type="checkbox"/> TRANSPORTATION/CIRCULATION
<input type="checkbox"/> BIOLOGICAL RESOURCES	<input type="checkbox"/> MINERAL RESOURCES	<input type="checkbox"/> UTILITIES
<input type="checkbox"/> CULTURAL RESOURCES	<input type="checkbox"/> NOISE	<input type="checkbox"/> MANDATORY FINDINGS OF SIGNIFICANCE
<input type="checkbox"/> GEOLOGY AND SOILS	<input type="checkbox"/> POPULATION AND HOUSING	

INITIAL STUDY CHECKLIST (To be completed by the Lead City Agency)

Background

PROPONENT NAME:

City of Los Angeles

PHONE NUMBER:

(213) 978-1193

APPLICANT ADDRESS:

200 North Spring Street, Suite 621
Los Angeles, CA 90012

AGENCY REQUIRING CHECKLIST:

Department of City Planning

DATE SUBMITTED:

02/11/2009

PROPOSAL NAME (if Applicable):

Community Plan Implementation Overlay (CPIO)

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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I. AESTHETICS				
a.	HAVE A SUBSTANTIAL ADVERSE EFFECT ON A SCENIC VISTA?			✓
b.	SUBSTANTIALLY DAMAGE SCENIC RESOURCES, INCLUDING, BUT NOT LIMITED TO, TREES, ROCK OUTCROPPINGS, AND HISTORIC BUILDINGS, OR OTHER LOCALLY RECOGNIZED DESIRABLE AESTHETIC NATURAL FEATURE WITHIN A CITY-DESIGNATED SCENIC HIGHWAY?			✓
c.	SUBSTANTIALLY DEGRADE THE EXISTING VISUAL CHARACTER OR QUALITY OF THE SITE AND ITS SURROUNDINGS?			✓
d.	CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA?			✓
II. AGRICULTURAL RESOURCES				
a.	CONVERT PRIME FARMLAND, UNIQUE FARMLAND, OR FARMLAND OF STATEWIDE IMPORTANCE, AS SHOWN ON THE MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM OF THE CALIFORNIA RESOURCES AGENCY, TO NON-AGRICULTURAL USE?			✓
b.	CONFLICT THE EXISTING ZONING FOR AGRICULTURAL USE, OR A WILLIAMSON ACT CONTRACT?			✓
c.	INVOLVE OTHER CHANGES IN THE EXISTING ENVIRONMENT WHICH, DUE TO THEIR LOCATION OR NATURE, COULD RESULT IN CONVERSION OF FARMLAND, TO NON-AGRICULTURAL USE?			✓
III. AIR QUALITY				
a.	CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE SCAQMD OR CONGESTION MANAGEMENT PLAN?			✓
b.	VIOLATE ANY AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION?			✓
c.	RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE AIR BASIN IS NON-ATTAINMENT (OZONE, CARBON MONOXIDE, & PM 10) UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD?			✓
d.	EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS?			✓
e.	CREATE OBJECTIONABLE ODORS AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE?			✓
IV. BIOLOGICAL RESOURCES				
a.	HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATION, ON ANY SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME OR U.S. FISH AND WILDLIFE SERVICE ?			✓
b.	HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN THE CITY OR REGIONAL PLANS, POLICIES, REGULATIONS BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME OR U.S. FISH AND WILDLIFE SERVICE ?			✓
c.	HAVE A SUBSTANTIAL ADVERSE EFFECT ON FEDERALLY PROTECTED WETLANDS AS DEFINED BY SECTION 404 OF THE CLEAN WATER ACT (INCLUDING, BUT NOT LIMITED TO, MARSH VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS?			✓
d.	INTERFERE SUBSTANTIALLY WITH THE MOVEMENT OF ANY NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES OR WITH ESTABLISHED NATIVE RESIDENT OR MIGRATORY WILDLIFE CORRIDORS, OR IMPEDE THE USE OF NATIVE WILDLIFE NURSERY SITES?			✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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e.	CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS TREE PRESERVATION POLICY OR ORDINANCE (E.G., OAK TREES OR CALIFORNIA WALNUT WOODLANDS)?				✓
f.	CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN?				✓
V. CULTURAL RESOURCES					
a.	CAUSE A SUBSTANTIAL ADVERSE CHANGE IN SIGNIFICANCE OF A HISTORICAL RESOURCE AS DEFINED IN STATE CEQA 15064.5?				✓
b.	CAUSE A SUBSTANTIAL ADVERSE CHANGE IN SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE PURSUANT TO STATE CEQA 15064.5?				✓
c.	DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE?				✓
d.	DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES?				✓
VI. GEOLOGY AND SOILS					
a.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : RUPTURE OF A KNOWN EARTHQUAKE FAULT, AS DELINEATED ON THE MOST RECENT ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING MAP ISSUED BY THE STATE GEOLOGIST FOR THE AREA OR BASED ON OTHER SUBSTANTIAL EVIDENCE OF A KNOWN FAULT? REFER TO DIVISION OF MINES AND GEOLOGY SPECIAL PUBLICATION 42.				✓
b.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : STRONG SEISMIC GROUND SHAKING?				✓
c.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : SEISMIC-RELATED GROUND FAILURE, INCLUDING LIQUEFACTION?				✓
d.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : LANDSLIDES?				✓
e.	RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL?				✓
f.	BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF THE PROJECT, AND POTENTIAL RESULT IN ON- OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION, OR COLLAPSE?				✓
g.	BE LOCATED ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1-B OF THE UNIFORM BUILDING CODE (1994), CREATING SUBSTANTIAL RISKS TO LIFE OR PROPERTY?				✓
h.	HAVE SOILS INCAPABLE OF ADEQUATELY SUPPORTING THE USE OF SEPTIC TANKS OR ALTERNATIVE WASTE WATER DISPOSAL SYSTEMS WHERE SEWERS ARE NOT AVAILABLE FOR THE DISPOSAL OF WASTE WATER?				✓
VII. HAZARDS AND HAZARDOUS MATERIALS					
a.	CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS?				✓
b.	CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT?				✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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c.	EMIT HAZARDOUS EMISSIONS OR HANDLE HAZARDOUS OR ACUTELY HAZARDOUS MATERIALS, SUBSTANCES, OR WASTE WITHIN ONE-QUARTER MILE OF AN EXISTING OR PROPOSED SCHOOL?					✓
d.	BE LOCATED ON A SITE WHICH IS INCLUDED ON A LIST OF HAZARDOUS MATERIALS SITES COMPILED PURSUANT TO GOVERNMENT CODE SECTION 65962.5 AND, AS A RESULT, WOULD IT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT?					✓
e.	FOR A PROJECT LOCATED WITHIN AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, WOULD THE PROJECT RESULT IN A SAFETY HAZARD FOR PEOPLE RESIDING OR WORKING IN THE PROJECT AREA?					✓
f.	FOR A PROJECT WITHIN THE VICINITY OF A PRIVATE AIRSTRIP, WOULD THE PROJECT RESULT IN A SAFETY HAZARD FOR THE PEOPLE RESIDING OR WORKING IN THE AREA?					✓
g.	IMPAIR IMPLEMENTATION OF OR PHYSICALLY INTERFERE WITH AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN?					✓
h.	EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INJURY OR DEATH INVOLVING WILDLAND FIRES, INCLUDING WHERE WILDLANDS ARE ADJACENT TO URBANIZED AREAS OR WHERE RESIDENCES ARE INTERMIXED WITH WILDLANDS?					✓
VIII. HYDROLOGY AND WATER QUALITY						
a.	VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS?					✓
b.	SUBSTANTIALLY DEplete GROUNDWATER SUPPLIES OR INTERFERE WITH GROUNDWATER RECHARGE SUCH THAT THERE WOULD BE A NET DEFICIT IN AQUIFER VOLUME OR A LOWERING OF THE LOCAL GROUNDWATER TABLE LEVEL (E.G., THE PRODUCTION RATE OF PRE-EXISTING NEARBY WELLS WOULD DROP TO A LEVEL WHICH WOULD NOT SUPPORT EXISTING LAND USES OR PLANNED LAND USES FOR WHICH PERMITS HAVE BEEN GRANTED)?					✓
c.	SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, IN A MANNER WHICH WOULD RESULT IN SUBSTANTIAL EROSION OR SILTATION ON- OR OFF-SITE?					✓
d.	SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, OR SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF IN AN MANNER WHICH WOULD RESULT IN FLOODING ON- OR OFF SITE?					✓
e.	CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF?					✓
f.	OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY?					✓
g.	PLACE HOUSING WITHIN A 100-YEAR FLOOD PLAIN AS MAPPED ON FEDERAL FLOOD HAZARD BOUNDARY OR FLOOD INSURANCE RATE MAP OR OTHER FLOOD HAZARD DELINEATION MAP?					✓
h.	PLACE WITHIN A 100-YEAR FLOOD PLAIN STRUCTURES WHICH WOULD IMPEDE OR REDIRECT FLOOD FLOWS?					✓
i.	EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INJURY OR DEATH INVOLVING FLOODING, INCLUDING FLOODING AS A RESULT OF THE FAILURE OF A LEVEE OR DAM?					✓
j.	INUNDATION BY SEICHE, TSUNAMI, OR MUDFLOW?					✓
IX. LAND USE AND PLANNING						
a.	PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY?					✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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b.	CONFLICT WITH APPLICABLE LAND USE PLAN, POLICY OR REGULATION OF AN AGENCY WITH JURISDICTION OVER THE PROJECT (INCLUDING BUT NOT LIMITED TO THE GENERAL PLAN, SPECIFIC PLAN, COASTAL PROGRAM, OR ZONING ORDINANCE) ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT?				✓
c.	CONFLICT WITH ANY APPLICABLE HABITAT CONSERVATION PLAN OR NATURAL COMMUNITY CONSERVATION PLAN?				✓
X. MINERAL RESOURCES					
a.	RESULT IN THE LOSS OF AVAILABILITY OF A KNOWN MINERAL RESOURCE THAT WOULD BE OF VALUE TO THE REGION AND THE RESIDENTS OF THE STATE?				✓
b.	RESULT IN THE LOSS OF AVAILABILITY OF A LOCALLY-IMPORTANT MINERAL RESOURCE RECOVERY SITE DELINEATED ON A LOCAL GENERAL PLAN, SPECIFIC PLAN, OR OTHER LAND USE PLAN?				✓
XI. NOISE					
a.	EXPOSURE OF PERSONS TO OR GENERATION OF NOISE IN LEVEL IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES?				✓
b.	EXPOSURE OF PEOPLE TO OR GENERATION OF EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS?				✓
c.	A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY ABOVE LEVELS EXISTING WITHOUT THE PROJECT?				✓
d.	A SUBSTANTIAL TEMPORARY OR PERIODIC INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY ABOVE LEVELS EXISTING WITHOUT THE PROJECT?				✓
e.	FOR A PROJECT LOCATED WITHIN AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, WOULD THE PROJECT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS?				✓
f.	FOR A PROJECT WITHIN THE VICINITY OF A PRIVATE AIRSTRIP, WOULD THE PROJECT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS?				✓
XII. POPULATION AND HOUSING					
a.	INDUCE SUBSTANTIAL POPULATION GROWTH IN AN AREA EITHER DIRECTLY (FOR EXAMPLE, BY PROPOSING NEW HOMES AND BUSINESSES) OR INDIRECTLY (FOR EXAMPLE, THROUGH EXTENSION OF ROADS OR OTHER INFRASTRUCTURE)?				✓
b.	DISPLACE SUBSTANTIAL NUMBERS OF EXISTING HOUSING NECESSITATING THE CONSTRUCTION OF REPLACEMENT HOUSING ELSEWHERE?				✓
c.	DISPLACE SUBSTANTIAL NUMBERS OF PEOPLE NECESSITATING THE CONSTRUCTION OF REPLACEMENT HOUSING ELSEWHERE?				✓
XIII. PUBLIC SERVICES					
a.	FIRE PROTECTION?				✓
b.	POLICE PROTECTION?				✓
c.	SCHOOLS?				✓
d.	PARKS?				✓
e.	OTHER GOVERNMENTAL SERVICES (INCLUDING ROADS)?				✓
XIV. RECREATION					

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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a.	WOULD THE PROJECT INCREASE THE USE OF EXISTING NEIGHBORHOOD AND REGIONAL PARKS OR OTHER RECREATIONAL FACILITIES SUCH THAT SUBSTANTIAL PHYSICAL DETERIORATION OF THE FACILITY WOULD OCCUR OR BE ACCELERATED?				✓
b.	DOES THE PROJECT INCLUDE RECREATIONAL FACILITIES OR REQUIRE THE CONSTRUCTION OR EXPANSION OF RECREATIONAL FACILITIES WHICH MIGHT HAVE AN ADVERSE PHYSICAL EFFECT ON THE ENVIRONMENT?				✓
XV. TRANSPORTATION/CIRCULATION					
a.	CAUSE AN INCREASE IN TRAFFIC WHICH IS SUBSTANTIAL IN RELATION TO THE EXISTING TRAFFIC LOAD AND CAPACITY OF THE STREET SYSTEM (I.E., RESULT IN A SUBSTANTIAL INCREASE IN EITHER THE NUMBER OF VEHICLE TRIPS, THE VOLUME TO RATIO CAPACITY ON ROADS, OR CONGESTION AT INTERSECTIONS)?				✓
b.	EXCEED, EITHER INDIVIDUALLY OR CUMULATIVELY, A LEVEL OF SERVICE STANDARD ESTABLISHED BY THE COUNTY CONGESTION MANAGEMENT AGENCY FOR DESIGNATED ROADS OR HIGHWAYS?				✓
c.	RESULT IN A CHANGE IN AIR TRAFFIC PATTERNS, INCLUDING EITHER AN INCREASE IN TRAFFIC LEVELS OR A CHANGE IN LOCATION THAT RESULTS IN SUBSTANTIAL SAFETY RISKS?				✓
d.	SUBSTANTIALLY INCREASE HAZARDS TO A DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT)?				✓
e.	RESULT IN INADEQUATE EMERGENCY ACCESS?				✓
f.	RESULT IN INADEQUATE PARKING CAPACITY?				✓
g.	CONFLICT WITH ADOPTED POLICIES, PLANS, OR PROGRAMS SUPPORTING ALTERNATIVE TRANSPORTATION (E.G., BUS TURNOUTS, BICYCLE RACKS)?				✓
XVI. UTILITIES					
a.	EXCEED WASTEWATER TREATMENT REQUIREMENTS OF THE APPLICABLE REGIONAL WATER QUALITY CONTROL BOARD?				✓
b.	REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW WATER OR WASTEWATER TREATMENT FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?				✓
c.	REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW STORMWATER DRAINAGE FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?				✓
d.	HAVE SUFFICIENT WATER SUPPLIES AVAILABLE TO SERVE THE PROJECT FROM EXISTING ENTITLEMENTS AND RESOURCE, OR ARE NEW OR EXPANDED ENTITLEMENTS NEEDED?				✓
e.	RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IT HAS ADEQUATE CAPACITY TO SERVE THE PROJECTS PROJECTED DEMAND IN ADDITION TO THE PROVIDERS				✓
f.	BE SERVED BY A LANDFILL WITH SUFFICIENT PERMITTED CAPACITY TO ACCOMMODATE THE PROJECTS SOLID WASTE DISPOSAL NEEDS?				✓
g.	COMPLY WITH FEDERAL, STATE, AND LOCAL STATUTES AND REGULATIONS RELATED TO SOLID WASTE?				✓
XVII. MANDATORY FINDINGS OF SIGNIFICANCE					
a.	DOES THE PROJECT HAVE THE POTENTIAL TO DEGRADE THE QUALITY OF THE ENVIRONMENT, SUBSTANTIALLY REDUCE THE HABITAT OF FISH OR WILDLIFE SPECIES, CAUSE A FISH OR WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE A PLANT OR ANIMAL COMMUNITY, REDUCE THE NUMBER OR RESTRICT THE RANGE OF A RARE OR ENDANGERED PLANT OR ANIMAL OR ELIMINATE IMPORTANT EXAMPLES OF THE				✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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MAJOR PERIODS OF CALIFORNIA HISTORY OR PREHISTORY?				
b.	DOES THE PROJECT HAVE IMPACTS WHICH ARE INDIVIDUALLY LIMITED, BUT CUMULATIVELY CONSIDERABLE? (CUMULATIVELY CONSIDERABLE MEANS THAT THE INCREMENTAL EFFECTS OF AN INDIVIDUAL PROJECT ARE CONSIDERABLE WHEN VIEWED IN CONNECTION WITH THE EFFECTS OF PAST PROJECTS, THE EFFECTS OF OTHER CURRENT PROJECTS, AND THE EFFECTS OF PROBABLE FUTURE PROJECTS).			✓
c.	DOES THE PROJECT HAVE ENVIRONMENTAL EFFECTS WHICH CAUSE SUBSTANTIAL ADVERSE EFFECTS ON HUMAN BEINGS, EITHER DIRECTLY OR INDIRECTLY?			✓

DISCUSSION OF THE ENVIRONMENTAL EVALUATION (Attach additional sheets if necessary)

The Environmental Impact Assessment includes the use of official City of Los Angeles and other government source reference materials related to various environmental impact categories (e.g., Hydrology, Air Quality, Biology, Cultural Resources, etc.). The State of California, Department of Conservation, Division of Mines and Geology - Seismic Hazard Maps and reports, are used to identify potential future significant seismic events; including probable magnitudes, liquefaction, and landslide hazards. Based on applicant information provided in the Master Land Use Application and Environmental Assessment Form, impact evaluations were based on stated facts contained therein, including but not limited to, reference materials indicated above, field investigation of the project site, and any other reliable reference materials known at the time.

Project specific impacts were evaluated based on all relevant facts indicated in the Environmental Assessment Form and expressed through the applicant's project description and supportive materials. Both the Initial Study Checklist and Checklist Explanations, in conjunction with the City of Los Angeles's Adopted Thresholds Guide and CEQA Guidelines, were used to reach reasonable conclusions on environmental impacts as mandated under the California Environmental Quality Act (CEQA).

The project as identified in the project description will not cause potentially significant impacts on the environment. Therefore, this environmental analysis concludes that a Negative Declaration shall be issued for the environmental case file known as ENV-2009-438-ND and the associated case(s), CPC-2009-437-CA.

ADDITIONAL INFORMATION:

All supporting documents and references are contained in the Environmental Case File referenced above and may be viewed in the EIR Unit, Room 763, City Hall.

For City information, addresses and phone numbers: visit the City's website at <http://www.lacity.org> ; City Planning - and Zoning Information Mapping Automated System (ZIMAS) cityplanning.lacity.org/ or EIR Unit, City Hall, 200 N Spring Street, Room 763.

Seismic Hazard Maps - <http://gmw.consrv.ca.gov/shmp/>

Engineering/Infrastructure/Topographic Maps/Parcel Information - <http://boemaps.eng.ci.la.ca.us/index01.htm> or City's main website under the heading "Navigate LA".

PREPARED BY:	TITLE:	TELEPHONE NO.:	DATE:
CHRIS KOONTZ	City Planner	(213) 978-1193	03/02/2009

Impact?	Explanation	Mitigation Measures
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APPENDIX A: ENVIRONMENTAL IMPACTS EXPLANATION TABLE

I. AESTHETICS		
a.	NO IMPACT	For All Impacts and All Impact Categories - The proposed code amendment will enable parcel specific implementation of the Community Plans. The proposal under review includes only enabling legislation for the Municipal Code. No change in regulations for any specific parcel is proposed at this time. Specific Community Plan Implementation Overlay areas may be enacted in the future by ordinance and are subject to CEQA review as a legislative discretionary project.
b.	NO IMPACT	
c.	NO IMPACT	
d.	NO IMPACT	
II. AGRICULTURAL RESOURCES		
a.	NO IMPACT	
b.	NO IMPACT	
c.	NO IMPACT	
III. AIR QUALITY		
a.	NO IMPACT	
b.	NO IMPACT	
c.	NO IMPACT	
d.	NO IMPACT	
e.	NO IMPACT	
IV. BIOLOGICAL RESOURCES		
a.	NO IMPACT	
b.	NO IMPACT	
c.	NO IMPACT	
d.	NO IMPACT	
e.	NO IMPACT	
f.	NO IMPACT	
V. CULTURAL RESOURCES		
a.	NO IMPACT	
b.	NO IMPACT	
c.	NO IMPACT	
d.	NO IMPACT	
VI. GEOLOGY AND SOILS		
a.	NO IMPACT	
b.	NO IMPACT	
c.	NO IMPACT	

Impact?	Explanation	Mitigation Measures
---------	-------------	---------------------

d.	NO IMPACT	
e.	NO IMPACT	
f.	NO IMPACT	
g.	NO IMPACT	
h.	NO IMPACT	

VII. HAZARDS AND HAZARDOUS MATERIALS

a.	NO IMPACT	
b.	NO IMPACT	
c.	NO IMPACT	
d.	NO IMPACT	
e.	NO IMPACT	
f.	NO IMPACT	
g.	NO IMPACT	
h.	NO IMPACT	

VIII. HYDROLOGY AND WATER QUALITY

a.	NO IMPACT	
b.	NO IMPACT	
c.	NO IMPACT	
d.	NO IMPACT	
e.	NO IMPACT	
f.	NO IMPACT	
g.	NO IMPACT	
h.	NO IMPACT	
i.	NO IMPACT	
j.	NO IMPACT	

IX. LAND USE AND PLANNING

a.	NO IMPACT	
b.	NO IMPACT	
c.	NO IMPACT	

X. MINERAL RESOURCES

a.	NO IMPACT	
b.	NO IMPACT	

XI. NOISE

a.	NO IMPACT	
b.	NO IMPACT	
c.	NO IMPACT	
d.	NO IMPACT	
e.	NO IMPACT	
f.	NO IMPACT	

XII. POPULATION AND HOUSING

a.	NO IMPACT	
b.	NO IMPACT	
c.	NO IMPACT	

Impact?	Explanation	Mitigation Measures
---------	-------------	---------------------

XIII. PUBLIC SERVICES		
a.	NO IMPACT	
b.	NO IMPACT	
c.	NO IMPACT	
d.	NO IMPACT	
e.	NO IMPACT	
XIV. RECREATION		
a.	NO IMPACT	
b.	NO IMPACT	
XV. TRANSPORTATION/CIRCULATION		
a.	NO IMPACT	
b.	NO IMPACT	
c.	NO IMPACT	
d.	NO IMPACT	
e.	NO IMPACT	
f.	NO IMPACT	
g.	NO IMPACT	
XVI. UTILITIES		
a.	NO IMPACT	
b.	NO IMPACT	
c.	NO IMPACT	
d.	NO IMPACT	
e.	NO IMPACT	
f.	NO IMPACT	
g.	NO IMPACT	
XVII. MANDATORY FINDINGS OF SIGNIFICANCE		
a.	NO IMPACT	
b.	NO IMPACT	
c.	NO IMPACT	

The proposed project is a discretionary legislative action subject to CEQA under Public Resources Code §21080. The proposed project involves an amendment to the Los Angeles Municipal Code to allow for the creation of Community Plan Implementation Overlay zones. The scope of the proposal and the accompanying environmental document relates to the enabling language only. No new regulations and no impact on any real property is proposed, contemplated or analyzed.

If the City of Los Angeles seeks to enact regulations through a specific Community Plan Implementation Overlay a requisite ordinance would need to be adopted. Said adoption of ordinance would trigger new environmental review under §21080 and thus any individual Community Plan Implementation Overlay will be evaluated based on their specific proposals and their individual environmental settings.

The same response to each and every question in the attached initial study and checklist is warranted. This response is as follows:

The proposed code amendment will enable parcel specific implementation of the Community Plans. The proposal under review includes only enabling legislation for the Municipal Code. No change in regulations for any specific parcel is proposed at this time. Specific Community Plan Implementation Overlay areas may be enacted in the future by ordinance and are subject to CEQA review as a legislative discretionary project.

Based upon all the evidence in the record, the proposed Community Plan Implementation Overlay enabling legislation project will have a less than significant impact on the environment and the negative declaration is proper.

Exhibit A
CPIO Enabling Ordinance
CPC-2009-437-CA

DRAFT ORDINANCE NO. _____

An ordinance adding a new Section 13.xx to the Los Angeles Municipal Code to establish the enabling language for a "CPIO" Community Plan Implementation Overlay District.

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

Section 1. Subsection D of Section 12.04 of the Los Angeles Municipal Code is amended to read:

D. Certain portions of the City are also designated as being in one or more of the following districts, by the provision of Article 3 of this chapter

- "O" Oil Drilling District
- "S" Animal Slaughtering
- "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
- "SN" Sign District
- "RFA" Residential Floor Area District
- "CPIO" Community Plan Implementation Overlay

The "**Zoning Map**" is amended to indicate these districts and the boundaries of each district.

Land classified in an "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, "SN" Sign District, "RFA" Residential Floor Area District or "CPIO" Community Plan Implementation Overlay is also classified in one or more zones, and land classified in the P Automobile Parking Zone may also be classified in an "A" or "R" Zone.

These classifications are indicated on the "**Zoning Map**" with a combination of symbols, e.g., **R2-2-O, C2-4-S, M1-3-G, M1-1-P** and **R2-O, C2-G**, etc., where height districts have not been established.

Section 2. The list contained in Paragraph (b) of Subdivision 1 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended by adding a new entry to read "CPIO" Community Plan Implementation Overlay District at the end of the list:

(b) **Districts.** In order to carry out the provisions of this article, the following districts are established:

- "O" Oil Drilling District
- "S" Animal Slaughtering
- "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
- "SN" Sign District
- "RFA" Residential Floor Area District
- "CPIO" Community Plan Implementation Overlay District

Section 3. Subparagraph (2) of Paragraph (c) of Subdivision 1 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to read:

(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 Equine keeping District, a Community Design Overlay District, a Mixed Use District, a Sign District, a Residential Floor Area District, or a Community Plan Implementation Overlay 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 with 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, City Planning Commission, or Director of Planning, the signatures of the property owners or lessees shall not be required.

Section 4. Subparagraph (iii) of Subparagraph (3) of Paragraph (c) of Subdivision 1 of Subsection S of Section 12.32 is amended to read:

(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", "FH", "SN", "RFA", or "CPIO" 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 the 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 the Council may otherwise specify.

Section 5. Article 3 of Chapter 1 of the Los Angeles Municipal Code is amended by adding a new Section 13.XX to read:

Section 13.XX. "CPIO" COMMUNITY PLAN IMPLEMENTATION OVERLAY DISTRICT

A. Purpose. This section sets forth procedures, guidelines, and standards for the establishment of a Community Plan Implementation Overlay (CPIO) District within any zone throughout the City. The purpose of the CPIO District is to implement supplemental development standards tailored to each Community Plan area in order to:

1. Ensure that development enhances the unique architectural, environmental, and cultural qualities of each Community Plan Area while maintaining compatibility in scale, intensity, and density;

2. Create a simple approval process to enable infill development that will positively impact communities.

B. Relationship to Other Zoning Regulations. Where the provisions of a "CPIO" Community Plan Implementation Overlay conflict with those of a Specific Plan or Historic Preservation Overlay Zone (HPOZ), then the provisions of the Specific Plan or HPOZ shall prevail. Regulations contained in the CPIO dealing with uses, height, Floor Area Ratio, and/or signage shall be more restrictive than applicable regulations in the underlying zone(s) and other supplemental use districts. If the provisions of the CPIO conflict with any other city-wide regulations in the Los Angeles Municipal Code or supplemental use districts other than a HPOZ, then the requirements of the CPIO shall prevail.

C. Establishment of CPIO District – Director's Authority. The City Council may adopt new districts, or change boundaries of districts, by following the procedures set forth in Section 12.32 S of this Code; however each CPIO District shall also comply with the following provisions:

1. **Requirements.** A CPIO District may be initiated for any Community Plan Area if consistent with the policies of that plan. A CPIO shall have a minimum of one mapped district subarea to enable the initiation and activation of a CPIO District for an entire Community Plan Area.

2. **Initiation.** At the time of establishment, the Director of Planning may establish a zoning classification to indicate the Community Plan Area in which the CPIO is located and the corresponding Subarea as defined in Section E.

3. **Amendments to a CPIO.** The City Council, City Planning Commission or Director of Planning shall have the authority to initiate an amendment to a CPIO District or its subareas, or to adopt additional subareas within an established CPIO District. The procedures for amending the CPIO are set forth in Subsections A, C, and E of Section 12.32.

4. **Findings for Establishment of a CPIO District.** In adopting a CPIO District, the City Council shall find that: The regulations of the Community Plan

Implementation Overlay District are necessary to implement the programs, policies, or urban design guidelines of the Community Plan for that area.

D. Definitions.

1. **Community Plan Implementation Overlay (CPIO) District.** A defined area with supplemental development regulations which implement goals and policies in a Community Plan. A CPIO District shares the boundaries of a Community Plan and contains at least one Subarea.
2. **Community Plan Implementation Overlay (CPIO) Subarea.** A further defined area within the CPIO District in which Community Plan programs and/or policies are implemented through supplemental development regulations. Subareas may be contiguous or non-contiguous parcels characterized by common community plan goals, themes and policies and grouped by a common boundary.

E. Content of a CPIO District. The City Council by separate ordinance shall adopt the applicable development and design standards of each Community Plan Implementation Overlay District and/or Subarea. In addition, each CPIO District shall contain the following:

1. **Subarea Boundaries.** Only sites within mapped Districts and/or Subareas shall be subject to the regulations and processes of the CPIO District.
2. **Project.** Each CPIO District and/or Subarea shall contain a definition of what constitutes a Project for the whole District or within each Subarea; and
3. **Development Regulations.** Supplemental development regulations may apply to any zone within a Community Plan Implementation Overlay Subarea.
4. **Discretionary Review Process.** Each CPIO District shall establish a discretionary review process for Projects subject to development regulations therein.

F. Review Procedures for Projects within a CPIO District. The Department of Building and Safety shall not issue a grading permit, foundation permit, building permit, or use of land permit for a Project within a Community Plan Implementation Overlay District unless a CPIO District approval has been issued.

1. **Application, Form and Contents.** To obtain a Community Plan Implementation Overlay approval, an application shall be filed 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. Prior to deeming the application complete, the Director shall determine and, if necessary, advise the applicant of the processes to be followed, materials to be submitted, and fees to be paid. The application fees for CPIO Approval shall be as set forth in Section 19.01x of the Los Angeles Municipal Code.

2. **Limitations.** CPIO Approval shall not imply compliance with any other applicable provisions of the Los Angeles Municipal Code.
3. **Sign Off Approvals.** Projects that comply with the provisions of an adopted CPIO ordinance shall submit plans to the Director of Planning for conformance review and ministerial sign off. The Director of Planning or designee shall have 30 days to review the Project for compliance with the supplemental development regulations. Projects which do not comply with the applicable CPIO District regulations, may request relief through procedures set forth in Sections H and I.

G. Community Plan Implementation Overlay Adjustment – Authority of the Director of Planning With Appeals to the Area Planning Commission. The Director of Planning or the Director's designee shall have initial decision-making authority to grant a CPIO Adjustment for adjustments of up to 20 percent, unless a smaller deviation amount is specified.

1. **Limitations.** A CPIO Adjustment shall be limited to deviations of up to 20 percent from quantitative development standards in an adopted CPIO Subarea or minor adjustments from qualitative CPIO design guidelines, or regulations which do not substantially alter the execution or intent of those regulations to a proposed Project.

Each adopted CPIO ordinance shall indicate those development regulations eligible for relief through this Section. If an application requests more than one CPIO Adjustment, the Director may determine and advise the applicant, prior to the application being deemed complete, that the request be filed and processed as a CPIO Exception, pursuant to Subsection H of this section. Projects seeking relief from any development regulation which contains prohibition language, or development regulations not otherwise designated in the CPIO to qualify for adjustments, shall be addressed through the exception procedures listed under Section H.

2. **Findings.** The determination by the Director shall include written findings in support of the determination. In order to approve a proposed project pursuant to this subsection, the Director must find that:
 - (a) There are special circumstances applicable to the project or project site which make the strict application of the "CPIO" regulation(s) impractical;
 - (b) In granting the adjustment, the Director has imposed project requirements and/or decided that the proposed project will substantially comply with the purpose and intent of all applicable "CPIO" regulations;
 - (c) In granting the adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights-of-way;

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

(e) The project is compatible with the neighborhood character of the Community Plan Implementation Overlay District Subarea.

3. The CPIO Adjustment shall follow procedures for **Time Limit, Transmittal of Written Decision, Effective Date of Initial Decision, Expiration, Failure to Act – Transfer of Jurisdiction, and Appeals** set forth in Section 11.5.7, Subsections C 4-6.

H. Exceptions from a "CPIO" – Area Planning Commission with Appeals to the City Council.

1. **Authority of the Area Planning Commission.** The Area Planning Commission shall have initial decision-making authority for granting exceptions from "CPIO" regulations. In accordance with Subsection D of Section 12.24, the Area Planning Commission shall hold a hearing at which evidence is taken.

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

2. **Findings.** The Area Planning Commission may permit an exception from a "CPIO" regulation if it makes all the following findings:

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

(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 "CPIO" District and/or Subarea;

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

(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 "CPIO" District and/or Subarea and any applicable element of the general plan.

3. The CPIO Exception shall follow procedures for Decision by Area Planning Commission, Effective Date of Decision, Expiration, Failure to Act - Transfer of Jurisdiction from the Area Planning Commission, Appeal of Area Planning Commission Decision, and Hearing by Council as set forth in Section 11.5.7, Subsections F 3-8.

Section 6. The City Clerk shall certify...

DETERMINATION LETTER
CPC-2009-437-CA
MAILING DATE: 09/03/09

Lisa Sarkin
11603 Kelsey Street
Studio City, CA 91604

Barbara Monahan Burke
4024 Radford
Studio City, CA 91604

Barry Johnson
4166 Farmdale Avenue
Studio City, CA 91604

Mark Stratton & Lois Becker
3100 Corde Dr.
Los Angeles, CA 90049



DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT



CITY PLANNING COMMISSION	CASE NO:	CPC-2010-1572-CA
DATE: October 14, 2010	CEQA:	ENV-2010-1573-ND
TIME: after 8:30 a.m.*	LOCATION:	Citywide
PLACE: Los Angeles City Hall	COUNCIL DISTRICT:	All
200 North Spring Street	PLAN AREAS:	All
Room 1010		
Los Angeles, CA 90012		

PUBLIC HEARING REQUIRED


SUMMARY: The proposed ordinance (Appendix A) amends Sections 11.5.7, 12.03, 12.24, 12.28, 12.32, 12.81, 13.03, 13.07, 14.3.1, 16.01, and 16.05 of the Los Angeles Municipal Code (LAMC) to update common findings for conditional uses, adjustments, and other quasi-judicial land use approvals to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing.

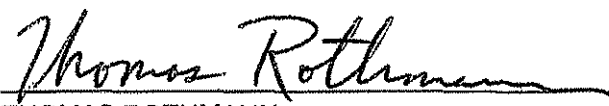
RECOMMENDED ACTIONS:

1. Adopt the staff report as its report on the subject.
2. Adopt the findings in Attachment 1.
3. Adopt the Negative Declaration (ENV-2010-1573-ND) as the CEQA clearance on the subject.
4. Approve the proposed ordinance (Appendix A) and recommend its adoption by the City Council.

VINCENT P. BERTONI, AICP
Acting Director of Planning


MICHAEL LOGRANDE
Chief Zoning Administrator


ALAN BELL, AICP
Senior City Planner, Office of Zoning Administration


THOMAS ROTHMANN
City Planner, Code Studies
Telephone: (213) 978-1370

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communication may be mailed to the Commission Secretariat, 200 North Main Street, Room 532, Los Angeles, CA 90012 (Phone No. 213/978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at 213/978-1300.

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ATTACHMENTS:

- APPENDIX A – PROPOSED ORDINANCE**
- ATTACHMENT 1 – ORDINANCE FINDINGS**
- ATTACHMENT 2 – CHART OF FINDING CHANGES**
- ATTACHMENT 3 – CEQA CLEARANCE**

EXECUTIVE SUMMARY

The proposed ordinance (Appendix A) updates Chapter 1 (the "Zoning Code") of the Los Angeles Municipal Code (LAMC) with clear and consistent findings necessary to make sound land use decisions. It focuses on establishing clear "core findings" - those findings that appear more than once in the Zoning Code - to better implement the goals of the City's General Plan and the Planning Department's and the City Planning Commission's strategic directions. As such, the changes will improve the quality of development citywide by providing a better framework for analyzing the merits of proposed projects that require discretionary reviews.

The proposed ordinance consolidates common findings that have the same intent but different phrasing, clarifies ambiguous finding language, deletes duplicative findings, deletes unnecessary findings, and moves findings to more appropriate places in the Zoning Code. There are 349 findings scattered throughout the Zoning Code for 113 procedures and entitlements. The proposed ordinance rewrites 39 findings, deletes 37, and relocates seven; the remaining 266 are unchanged. This report identifies three core conditional use findings that are weighed for every conditional use and quasi-judicial process. This report also identifies four additional core findings that are used throughout the Zoning Code. None of the changes alter the substantive analyses necessary for thoughtful review of development projects. The proposed ordinance will not lessen the ability of stakeholders to participate in the public process nor eliminate any criteria that protects the citizenry from inappropriate land uses.

Eliminating duplicative and obsolete findings will lead to clearer and shorter staff reports and will free up staff for more essential planning functions. Synchronizing and consolidating findings will lead to more consistent report language and more transparent report writing since many findings will become standardized and more easily recognizable. These revised findings will enable decision makers to be more succinct in their determinations and will provide a more consistent platform for all neighborhood councils and other stakeholders to participate in the various land use processes.

STAFF REPORT

Initiation

Pursuant to Charter Section 558 and Section 12.32-A of the Los Angeles Municipal Code, the Director of Planning has initiated development of six recommended zoning code amendments intended to streamline and simplify the Department's case processing function. The attached Appendix A is the first of these six proposed ordinances to be presented to the City Planning Commission.

Background

Since its inception in 1946, the Zoning Code has greatly expanded, resulting in 349 findings for a growing number of entitlements and processes (there are currently 113). Many of the findings are duplicative or outdated, yet every finding for each entitlement must be addressed in order for a decision-maker to render a legal decision. Despite the fact that the Code's "core" findings generally address the same basic set of issues there are inconsistencies in their wording. Consequently, if a project applicant files for two or more land use approvals, each requiring its own set of findings, the total number of required findings can quickly multiply. In many cases, our land use decisions result in lengthy determination reports. More direct and concise reports could better serve the land use decision making process.

Every discretionary approval necessary for development projects to be constructed in Los Angeles requires that land use findings be made in the affirmative. The Zoning Code dictates the criteria for when a discretionary entitlement (variance, adjustment, site plan review, specific plan exception, etc.) is necessary and the procedures and findings required for each determination. Of the 113 determinations and discretionary actions delineated in the Zoning Code, some require as few as one finding and others require more than ten. Together, the findings must explain the basis for making the land use decision.

In an effort to reform the Zoning Code, simplifying the findings is a top priority for the Planning Department. Fewer findings with clear, simple language will reduce report size thereby freeing up staff time for long range planning objectives. These Zoning Code amendments will also reduce the complexity of reports thus increasing the transparency of decision making. Concise determination reports with findings that clearly explain the progression from facts to the decision make for a transparent planning process. These more focused, precise findings will provide better platforms for decision makers allowing them to build stronger bridges connecting facts to decisions.

Discussion

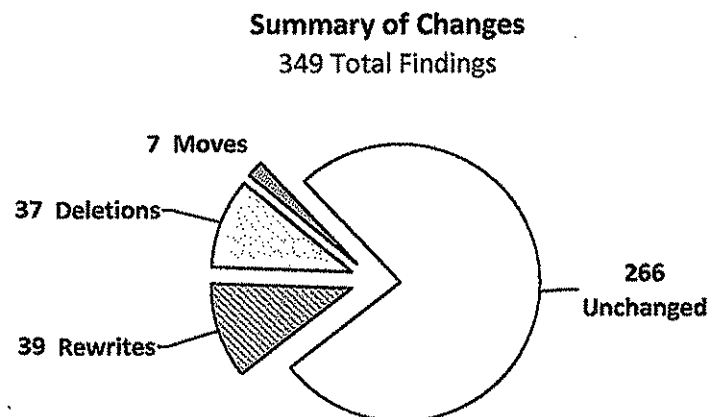
A "finding" is an explanation of why a land use decision is made and it is needed to ensure that decisions are rational and based on evidence. They also protect the due process rights of parties who can more easily see why the decision was made and they provide a record of the decision that can be used in litigation.

Findings require that decision makers opine on the potential land use impacts of a proposed project. Those impacts include how the project will coincide with various Planning Department regulations, policies, and objectives. For example, a core finding for many entitlements requires the decision maker to determine how a project will relate to the size and scale of surrounding properties. This commonly used core finding is located throughout the Zoning Code and although its objective is apparent, several of its iterations are wordy. The proposed ordinance (Appendix A) ensures that consistent phrasing for all core findings is achieved.

Other commonly used findings require that decision makers restate that a project conforms to regulations that are otherwise required anyway. For example, a common finding for four entitlements requires that the decision maker incorporate mitigation measures imposed through its CEQA review. Since CEQA mitigation measures are State mandated such findings are unnecessary and duplicative. The proposed ordinance deletes such redundant findings.

The Zone Variance findings in the Zoning Code are dictated by the City Charter (Section 562) and cannot be amended through this ordinance. However, the proposed ordinance synchronizes the language of many other findings with the variance findings for consistency.

The proposed ordinance (Appendix A) consolidates, deletes, and rewords several existing findings as a result of a complete analysis of the zoning code. The below chart depicts these modifications as applied to the existing body of 349 findings.



The following discussion clarifies the changes and common groupings:

Unchanged Findings

Most of the existing findings (266) remain unchanged because many entitlements require that project specific findings be met. For example, a conditional use to permit auto-related uses in commercial zones requires that a finding be met to ensure that any spray painting is conducted within a fully enclosed structure at least 500-feet away from a school. Since these findings pertain to project specific reviews, none of them are proposed for deletion, although several have been reworded for clarity.

Moved Findings

Seven findings pertaining to a Historic Vehicle Collection are relocated from the "Definitions" Section to the "Other Quasi-judicial Processes". These findings support a process to assess the appropriate location for an historic vehicle collection, and their current location in the "Definition" Section is not consistent with the code.

Deleted Findings

What happened to the 37 deleted findings?

- 18 are replaced by a new core finding that requires compatibility with neighboring properties
- 6 are redundant of zoning regulations
- 5 are replaced by a new core finding that requires conformance with the General Plan
- 3 are replaced by a new core finding that requires a project to enhance the neighborhood
- 3 are redundant of CEQA
- 2 are replaced by a new core finding that requires a project's design to conform to its surroundings

After a complete analysis of current findings, 37 findings are identified to be redundant or duplicative and are removed from the code. Three of these findings refer to CEQA (or mitigation measures). Since state law mandates project compliance with CEQA, these findings are redundant and unnecessary. Six of these findings are redundant of existing zoning regulations and are unnecessary.

The remaining 28 deleted findings are replaced by one of four new "core" findings. Because of redundant or imprecise language in the existing findings, the comprehensive core findings are more appropriate.

Rewritten Findings

How were the 39 rewritten findings modified?

- 11 are replaced by a new core finding that requires conformance with the General Plan
- 6 are replaced by a new core finding that requires compatibility with neighboring properties
- 5 are replaced by a new core finding that requires a project's design to conform to its surroundings
- 5 are replaced by a new core finding that standardizes the adjustment finding language
- 4 are synchronized with existing variance findings
- 3 are replaced by a new core finding that requires a project to not increase traffic
- 3 are replaced by a new core finding that requires conformance to affordable housing requirements
- 2 are replaced by a new core finding that requires a project to enhance the neighborhood

The proposed ordinance rewrites 39 findings to increase the clarity and consistency of the zoning code language. The purpose of four of these findings is already mandated through the City Charter's variance findings. These are rewritten for additional consistency. To remove internal repetition, 35 of the rewritten findings are replaced by one of seven "core" findings listed below.

The Seven Core Findings

The proposed ordinance consolidates findings that have the same intent and are located in the Zoning Code more than once into seven commonly used "core" findings. This consolidation removes duplication and organizes various sections more coherently.

1. The Neighborhood Enhancement Core Finding

"That the project will enhance the environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region."

This finding replaces five findings that require, in different phrasing, that a project must enhance the neighborhood. This finding provides clear language that a new conditional use must not only be compatible with the neighborhood but must enhance it as well. This revised language targets more than the five original common findings by ensuring that a project will contribute to the overall well-being of its community.

2. The Project Compatibility Core Finding

“That the project’s location, size, operations and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood.”

This enhanced finding replaces 24 common findings that all require, in different phrasing, that a project must be compatible with neighboring properties. This revised finding goes further than simply requiring that a project be compatible with its surroundings by requiring that it also not further degrade its surroundings. The “further degrade” phrasing has been added to this finding to further ensure that the project will not harm the community. For example, although some projects may be compatible with their neighboring properties, those neighboring properties may contain negative characteristics that should not be condoned or exacerbated.

3. The General Plan Core Finding

“That the project is in substantial conformance with the purpose, intent and provisions of the General Plan and applicable community and specific plan.”

This new finding replaces 16 existing findings that require, in differing phrasing, that a project must comply with the General Plan. This revised finding will now also include language that the project must comply with the community plan and any applicable specific plan.

4. The Adjustment Core Finding

“That the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the [zoning regulations, specific plan regulations, or hillside regulations in Section 12.21 A.17 (e) or (h)] impractical or infeasible, the project conforms with the intent of those regulations.”

This new finding replaces five existing findings that standardize the adjustment finding language for the general zoning adjustment, specific plan adjustment, and the substandard hillside street widening relief.

5. The Project Design Core Finding

"That the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood."

This new finding replaces seven existing findings that require a project's spatial arrangement (including height, bulk and setbacks) to conform to those of the surrounding neighborhood. It goes further than the Project Compatibility Core Finding to examine the urban design relationship between a project and its surroundings.

6. The Traffic Core Finding

"That the project will not create an adverse impact on street access or circulation in the surrounding neighborhood"

This new finding replaces three existing findings that require that projects not increase traffic problems in the vicinity.

7. The Housing Element Core Finding

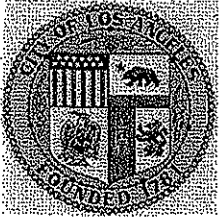
"That the project implements the affordable housing provisions of the Housing Element of the General Plan."

This finding standardizes three findings that require that projects comply with the affordable housing requirements set forth in the Housing Element of the City's General Plan.

Conclusion

The Planning Department processes more than 2,000 entitlements each year, all requiring that land use findings be met. This large volume of cases coupled with multiple findings requires considerable staff time be dedicated to lengthy (and sometimes repetitive) staff reports. The Department's current reduced staffing has furthered the need to examine how the Department can best reduce its processing time without reducing its proficiency.

Concise determination reports with findings that clearly explain the progression from facts to the decision make for a transparent planning process. These more focused, precise findings will provide better platforms for decision makers allowing them to build stronger bridges connecting facts to decisions. This ordinance, in consortium with the other five code reform ordinances, advances the Department's goals of streamlining the development process.



DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT



APPENDIX A- PROPOSED ORDINANCE

APPENDIX A

ORDINANCE NO. _____

An ordinance amending Sections 11.5.7, 12.03, 12.24, 12.28, 12.81, 13.03, 13.07, 14.3.1, 16.01, and 16.05 of the Los Angeles Municipal Code to update common findings for conditional uses, adjustments, and other quasi-judicial land use approvals to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing.

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

Section 1. Subdivision 2 or Subsection C of Section 11.5.7 of the Los Angeles Municipal Code is amended to read:

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

~~(a) That the project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan the project is in substantial conformance with the purpose, intent and provisions of the General Plan and applicable community and 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.~~

Sec. 2. Subdivision 3 of Subsection E of Section 11.5.7 of the Los Angeles Municipal Code is amended to read:

3. **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 Compliance:~~

~~(a) That there are special circumstances applicable to the project or project site which makes the strict application of the specific plan regulation(s) impractical. that the project will enhance the environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region;~~

~~(b) 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 regulations; that the~~

project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan;

(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; that the project's location, size, height, operation and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood; and~~

(d) ~~That the project incorporates mitigation measures, monitoring of measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible. that the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the specific plan regulations impractical or infeasible, the project conforms with the intent of those regulations.~~

Sec. 3. Subdivision 2 of Subsection F of Section 11.5.7 of the Los Angeles Municipal Code is amended to read:

2. **Findings.** The Area Planning Commission may permit an exception from a specific plan if it ~~makes all the following findings~~ finds:

(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; that the strict application of the provisions of the specific plan would result in practical difficulties or unnecessary hardships inconsistent with the general purposes 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; 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 specific plan;~~

(c) ~~That 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 area 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; that the granting of the exception will not be materially detrimental to the public welfare, or injurious to the property or~~

improvements in the same zone or vicinity in which the property is located;
and

~~(e) That the granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan; that the granting of the exception will not adversely affect the specific plan.~~

Sec. 4. The definition of "Accessory Use" in Section 12.03 of the Los Angeles Municipal Code is amended to read:

ACCESSORY USE. A use, which is customarily incidental to that of the main building or the main use of the land and which is located in the same zone or a less restrictive zone and on the same lot with a main building or main use. The relationship between the more restrictive zones and the less restrictive zones shall be determined by the sequence of zones set forth in Section 12.23 B of this Code.

The garaging, maintaining or storage of any commercial vehicle on private property which exceeds a registered net weight of 5,600 pounds shall not be considered an accessory use in the "R" Zones. The rental, storage, or storage for rental purposes of a commercial vehicle which exceeds a registered net weight of 5,600 pounds shall not be considered an accessory use in any zone more restrictive than the MR-1 Zone, except as approved by conditional use.

~~Notwithstanding the above, an accessory use shall also include the maintenance of an Historic Vehicle Collection as defined by Section 12.03 or this Code if the Zoning Administrator finds that all of the following conditions are met:~~

~~(a) all the historic vehicles and parts maintained in outdoor storage, whether currently licensed or unlicensed, or whether operable or inoperable constitute an Historic Vehicle Collection;~~

~~(b) the Historic Vehicle Collection occupies less than 50 percent of the area of the lot for the first 10,000 square feet of the lot area plus 20 percent of additional lot area for lots in excess of 10,000 square feet;~~

~~(c) the Historic Vehicle Collection is maintained in such manner as not to constitute a health or safety hazard;~~

~~(d) the Historic Vehicle Collection is fully screened from ordinary public view by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means;~~

~~(e) no portion of the Historic Vehicle Collection is located within five feet of any building or within any sideyards required by this Code; and~~

~~(f) plans for the maintenance of the Historic Vehicle Collection have been submitted to and approved by the Zoning Administrator in accordance with the procedures in Section 12.28 C.1, 2 and 3 and subject to the same fees as in Section 19.01 E. for relief from fence height limitation.~~

~~An approval of an Historic Vehicle Collection and any use allowed by this Code shall be subject to conditions not in conflict with this Code which the Zoning Administrator may deem necessary or advisable to impose in order to protect the peace and quiet of occupants of contiguous property.~~

Sec. 5. Subsection E of Section 12.24 of the Los Angeles Municipal Code is amended to read:

E. Findings for Approval. In approving any conditional use or other quasi-judicial approval specified in Subsections U, V, W, or X of this Section, the decision-maker must find: ~~that the proposed location will be desirable to the public convenience or welfare, is in proper relation to adjacent uses or the development of the community, that the proposed location 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.~~

1. that the project will enhance the environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region;

2. that the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood; and

3. that the project is in substantial conformance with the purpose, intent and provisions of the General Plan and applicable community and specific 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.

Sec. 6. Subsection F of Section 12.24 of the Los Angeles Municipal Code is amended to read:

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 findings made in Subsection E. 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.~~

Sec. 7. Paragraph (b) of Subdivision 14 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read:

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

~~(1) the Major Development Project conforms with any applicable specific and/or redevelopment plan;~~

~~(2) (1) the Major Development Project provides a compatible arrangement of uses, buildings, structures, and improvements in relation to neighboring properties; that the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood;~~

~~(3) the Major Development Project complies with the height and area regulations of the zone in which it is located;~~

~~(4) (2) that the Major Development Project is consistent with the general requirements adopted by the City Planning Commission as design guidelines for Major Development Projects, if any; and,~~

~~(5) the Major Development Project would have no material adverse impact on properties, improvements or uses, including commercial uses, in the surrounding neighborhood.~~

Sec. 8. Paragraph (e) of Subdivision 22 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is deleted:

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.

Sec. 9. Subdivision 26 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read:

26. Density Bonus for a Housing Development Project in which the density increase is greater than the maximum permitted in Section 12.22 A.25.

~~(a) In addition to the other findings required by this section, the The City Planning Commission shall ~~make the following findings~~ find:~~

~~(1) that the development project is consistent with and implements the Housing Element of the General Plan, which includes objectives to encourage the availability of affordable units; that the project implements the affordable housing provisions of the Housing Element of the General Plan;~~

(2) that the development project contains the requisite number of affordable and/or senior citizen units as set forth in California Government Code Section 65915(b); and

(3) that the development project addresses the policies and standards contained in the Affordable Housing Incentives Guidelines approved by the City Planning Commission.

Sec. 10. Subdivision 27 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read:

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

(a) ~~In addition to the other findings required by this section, the~~ The City Planning Commission shall ~~make the following findings: find:~~

(1) ~~That the residential (including Apartment Hotel and mixed-use) building is consistent with and implements the Housing Element of the General Plan, which includes objectives to encourage the availability of affordable dwelling units; that the project implements the affordable housing provisions of the Housing Element of the General Plan; and~~

~~(2) That the residential (including Apartment Hotel and mixed-use) building is consistent with the applicable community plan; and~~

~~(3)~~ (2) ~~That~~ that a residential (including Apartment Hotel and mixed-use) building in the Central City Community Plan area conforms with Urban Design Standards and Guidelines for the Central City Community Plan Area once those guidelines have been approved by the City Planning Commission.

Sec. 11. Subdivision 2 of Subsection V of Section 12.24 of the Los Angeles Municipal Code is amended to read:

2. Mixed Commercial/Residential Use Development.

(a) **Findings.** ~~Prior to approving a development pursuant to this section, the~~ The Area Planning Commission shall ~~make all of the following findings find:~~

(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 that the project implements the affordable housing provisions of the Housing Element of the General Plan;~~

(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) (3) that the developer has agreed, pursuant to Government Code Sections 65915-65918, to construct the development with the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus, pursuant to Section 12.22 A.25. of this Code; and

~~(5) (4) 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) (5) 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) (6) that approval of the development, pursuant to this section, constitutes the additional incentive required by Government Code Section 65915; and~~

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

Sec. 12. Paragraph (b) of Subdivision 4 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

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

(b) **Findings.** ~~In addition to the findings otherwise required by this section, prior to approval of an automotive repair or automotive spray painting use, a~~ The Zoning Administrator shall make all of the following findings find:

(1) that there is not a detrimental concentration of automotive uses in the vicinity of the proposed automotive use; and

~~(2) that any new or remodeled structure is designed to reflect the scale and character of the surrounding commercial area; and~~

(3) (2) that access and ingress to, egress from and associated parking of the automotive use not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets, create an adverse impact on street access or

circulation in the surrounding neighborhood based on data provided by the Department of Transportation or by a licensed traffic engineer; and

~~(4) that the automotive use is not located in an identified pedestrian oriented, commercial and artercraft, community design overlay, historic preservation overlay, or transit-oriented district area or zone, or, that the use would be consistent with the district, area, or zone; and~~

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

~~(6)~~ (4) that a landscape plan is submitted setting forth all plant materials, irrigation system, and a written maintenance schedule, which indicates how the landscaping will be maintained; and

~~(7)~~ (5) that the automotive use substantially complies with the minimum standards set forth in Section 12.26 I.3 of this Code.

Sec. 13. Paragraph (b) of Subdivision 27 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

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

(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~~ The Zoning Administrator shall make all of the following findings find:

~~(1) that the Mini-Shopping Center or Commercial Corner Development use is consistent with the public welfare and safety;~~

~~(2)~~ (1) 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, that it will not create an adverse impact on street

access or circulation in the surrounding neighborhood based on data provided by the City Department of Transportation or by a licensed traffic engineer; and

~~(3) (2) 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, commercial and artcraft, community design overlay, historic preservation overlay, or transit-oriented district, area or zone, or, if the lot or lots are located in the identified district, area or zone, that the Mini-Shopping Center or Commercial Corner Development would be consistent with the district, area or zone.~~

Sec. 14. Subdivision 28 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

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: find that the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood.

~~(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.~~

Sec. 15. Subdivision 33 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

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.~~

Sec. 16. Paragraph (e) of Subdivision 49 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

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

~~(e) Findings. In making the findings in Section 12.24 E of this Code, to allow any variations from the Wireless Telecommunication Facilities Standards, the Zoning Administrator shall consider and balance the benefit to the public with the technological constraints, the design, the location of the facility, as well as other relevant factors. In addition to the findings otherwise required by this section, in approving a conditional use a Zoning Administrator shall also make the following findings: In approving a conditional use, the Zoning Administrator shall consider and balance the benefit to the public with the technological constraints, the design, the location of the facility, as well as other relevant factors and also find~~

~~(4) that the project is consistent with the general requirements of the Wireless Telecommunication Facilities Standards set forth in Section 12.21 A.20 of this Code and meets the Approval Criteria of Section 12.21 A.20.(c) of this Code; and,~~

~~(2) that the use would have no substantial adverse impact on properties or improvements in the surrounding neighborhood.~~

Sec. 17. Subdivision 50 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

50. Storage buildings for household goods, including truck rentals, in the C2, C5 and CM Zones; and in the M1, M2 and M3 Zones when within 500 or fewer feet from an A or R Zone or residential use, as measured from the lot lines. In addition to the required findings, the Zoning Administrator shall also find that the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other similar pertinent improvements, which is or will be compatible with existing and future development on neighboring properties. provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood.

Sec. 18. Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

X. Further Authority of the Zoning Administrator for Other Similar Quasi-Judicial Approvals. The following uses and activities may be permitted in any zone, unless restricted to certain zones or locations, if approved by the Zoning Administrator as the initial decision-maker or the Area Planning Commission as the appellate body. ~~The Zoning Administrator shall find that approval of any use in this subsection is in conformity with the public necessity, convenience, general welfare and good zoning practice and that the action will be in substantial conformance with the various elements and objectives of the General Plan.~~ Further these uses and activities are subject to the procedures, regulations and limitations set forth below.

Sec. 19. Paragraph b of Subdivision 2 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

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

(1) ~~that the restaurant contains a kitchen as defined in~~ Section 12.03;

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

(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) (5) ~~that the hours of operation will not negatively impact~~ adversely affect or further degrade the surrounding neighborhood.

Sec. 20. Paragraph e of Subdivision 6 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is deleted:

12.24 X 6 – Farmer’s Markets

~~(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.~~

Sec. 21. Paragraph (a) of Subdivision 10 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

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 The 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) (2) 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.~~

(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.

(e) (b) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for slight modifications set forth in Section 12.28C1, 2 and 3.

(d) (c) 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 19.01U when the public hearing has been waived pursuant to Section 12.28C2(a).

Sec. 22. Subdivision 11 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

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:

(4) exceed the maximum 36-foot height limitation required by Section 12.21A17(c);

(2) reduce the front or side yards required by Section 12.21A17(a) and (b);

(3) increase the maximum lot coverage limitations of Section 12.21A17(f); and

(4) reduce the number of off-street parking spaces otherwise required by Section 12.21A17(h). ~~In addition to the findings required by this subsection, a~~
The Zoning Administrator shall find the following:

~~(a) Height:~~

(4) (a) 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:~~

(4) (b) 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.~~

~~(e) Lot Coverage:~~

~~(1) (c) 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) (d) 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) (e) 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.~~

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

Sec. 23. Paragraph (e) of Subdivision 12 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

~~(e) In addition to the findings required by this section, the The Zoning Administrator shall also make the following findings before granting an application pursuant to this subdivision: find:~~

~~(1) The commercial use and/or reduced parking is compatible with, and will not adversely impact property within, the surrounding area or HPOZ; and that it will not create an adverse impact on street access or circulation in the surrounding neighborhood~~

~~(2) The that 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.~~

Sec. 24. Paragraph b of Subdivision 21 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

21. Substandard Hillside Street, Street Access or Grading for Parking in Hillside Areas.

(a) Requirements. If an owner seeks relief, a Zoning Administrator may, permit the grading and construction of buildings and structures on lots in the A1, A2, RA, RE, RS, R1 and RD Zones, which:

(1) do not meet the requirements of Section 12.21A17(e)(2), because they front on a Substandard Hillside Limited Street improved to a roadway width of less than 20 feet,

(2) do not meet the requirements of Section 12.21A17(e)(3), because they do not have vehicular access from streets improved with a minimum 20 foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area; or

(3) providing parking in compliance with Section 12.21A17(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 The Zoning Administrator shall find:

(1) ~~that the vehicular traffic associated with the building or structure project~~ will not create an adverse impact on street access or circulation in the surrounding neighborhood; and

~~(2) that the building or structure will not be materially detrimental or injurious to the adjacent property or improvements; and~~

~~(3) that the building or structure will not have a materially adverse safety impact on the surrounding neighborhood; and~~

~~(4) (2) that the site and/or existing improvements make strict adherence to Section 12.21 A.17 (e) or (h) impractical or infeasible. that the granting of the relief recognizes that while site characteristics or existing improvements make strict adherence to the hillside regulations in Section 12.21 A.17 (e) or (h) impractical or infeasible, the project conforms with the intent of those regulations.~~

Sec. 25. Paragraph (a) of Subdivision 22 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(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.~~ the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood.

Sec. 26. Paragraph (a) of Subdivision 23 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

23. To permit in the Commercial zones uses which support motion picture and television production and other entertainment industries and are not on, or integrated with a motion picture and television studio site. Support uses may include, but are not limited to, sound labs, film editing, film video and audio processing, sets and props production, computer design, computer graphics, animation, offices and ancillary facilities.

(a) **Findings.** ~~In addition to the findings otherwise required by this section, a~~ The Zoning Administrator 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)~~ (2) that the use does not violate the separation and distance requirements of regulated adult entertainment uses as defined and set forth in this Code.

Sec. 27. A new Subdivision 28 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is added to read:

28. Historical Vehicle Collection. The maintenance of a Historic Vehicle Collection shall be considered an accessory use if the Zoning Administrator finds:

(a) that all the historic vehicles and parts maintained in outdoor storage, whether currently licensed or unlicensed, or whether operable or inoperable constitute an Historic Vehicle Collection;

(b) the Historic Vehicle Collection occupies less than 50 percent of the area of the lot for the first 10,000 square feet of the lot area plus 20 percent of additional lot area for lots in excess of 10,000 square feet;

(c) the Historic Vehicle Collection is maintained in such manner as not to constitute a health or safety hazard;

(d) the Historic Vehicle Collection is fully screened from ordinary public view by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means;

(e) no portion of the Historic Vehicle Collection is located within five feet of any building or within any sideyards required by this Code; and

(f) plans for the maintenance of the Historic Vehicle Collection have been submitted to and approved by the Zoning Administrator in accordance with the procedures in Section 12.28 C.1, 2 and 3 and subject to the same fees as in Section 19.01 E. for relief from fence height limitation.

Sec. 28. Subdivision 4 of Subsection C of Section 12.28 of the Los Angeles Municipal Code is amended to read:

4. Findings for Approval of Adjustments. Before granting an application for an adjustment the Zoning Administrator ~~must find:~~ shall make the findings in Section 12.24 E of this Code and also find that the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project conforms with the intent of those regulations.

~~(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.~~

Sec. 29. Subsection A of Section 12.81 of the Los Angeles Municipal Code is amended to read:

A. Notwithstanding any provisions of this article to the contrary, during any period or periods, not totaling more than 120 days between November 1 and March 31, for which the Mayor and/or the City Council has declared a shelter crisis within the meaning of Government Code Section 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2, and M3 Zones without regard to the number of beds or number of persons served, if the shelter is operated by a non-profit, charitable organization and the shelter is located on property owned or leased by that organization. Before a shelter may be established or operated, the City Council, or a City official or body authorized to do so by resolution of the Council, must find that:

1. an emergency exists which affects the health and safety of homeless persons;
2. a shelter for the homeless in the proposed location would contribute to the alleviation of the effects of the shelter crisis;
3. ~~the project is consistent with the various elements and objectives of the General Plan;~~ the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan;
4. ~~the project would have no substantial adverse impact on properties or improvements in the surrounding neighborhood;~~ the project's location, size, height, operation and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood;
5. there is not an over-concentration of shelters for the homeless in the surrounding area; and
6. the land uses and development in the immediate vicinity of the subject site will not constitute an immediate or potential hazard to occupants of the shelter.

Sec. 30. Subsection G of Section 13.03 of the Los Angeles Municipal Code is amended to read:

- G.** Findings. A Permit shall be approved if the Commission or Council finds that:
1. The project complies with the Act and with the policies of the State Board for Surface Mining Operations; and
 2. Minerals described in the application are available; and
 3. The proposed Surface Mining Operations will not be detrimental to the public health, safety, and welfare; and

4. The proposed Surface Mining Operations can be conducted in accordance with the provisions of this section; and

5. ~~The proposed Surface Mining Operations are consistent with the elements and objectives of the General Plan, in particular the open space and conservation elements~~ that the project is in substantial conformance with purposes, intent and provisions of the Open Space and Conservation Elements of the General Plan; and

6. The site analysis, operations analysis, Reclamation plan, and any conditions of approval have been signed by the applicant, Operator, and/or Owner; and

7. The drainage and erosion control plan is adequate to protect the public health, safety, and welfare; and

8. ~~The vehicular access plan is adequate to protect the public health, safety, and welfare; and~~ that it will not create an adverse impact on street access or circulation in the surrounding neighborhood;

9. ~~The proposed Surface Mining Operations are consistent with the General Plan; and~~ that the project is in substantial conformance with purposes, intent and provisions of the General Plan and applicable community and specific plan;

10. A written response to the state Department of Conservation has been prepared, describing the disposition of major issues raised by the Department of Conservation. Where the City's position differs from the recommendations and objections raised by the state Department of Conservation, the response has addressed, in detail, why specific comments and suggestions were not accepted; and

11. In regard to the Reclamation plan, that:

(a) ~~The the~~ Reclamation plan complies with the Act and with the policies of the State Board for Reclamation practice; and

~~(b) The Reclamation plan has been reviewed pursuant to CEQA and the City's CEQA Guidelines, and all significant adverse impacts from Reclamation of Surface Mining Operations are mitigated to the maximum extent feasible; and~~

~~(e) (b) The the~~ Reclamation plan is compatible with future projected uses in the area; and

~~(d) (c) The Reclamation plan provides for one or more beneficial uses or alternate uses of the land which are not detrimental to the public health, safety, and welfare; and~~ the project's location, size, height,

operation and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood;

~~(e) (d)~~ The the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible, and blends in, with the surrounding natural environment, topography, and other resources; or that suitable off-site development will compensate for related disturbance to resource value; and

~~(f) (e)~~ The the Reclamation plan will restore the Mined Lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan; in particular, the open space and conservation elements. that are in substantial conformance with the purposes, intent and provisions of the Open Space and Conservation Elements of the General Plan.

Sec. 31. Paragraph (e) of 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 the project conforms with the intent of the development regulations contained in Subsection E of this section;

(c) The 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 the project complies with theme requirements or other special provisions when required in the individual Pedestrian Oriented District; and

(e) The the project is consistent in substantial conformance with the purposes, intent and provisions of with the General Plan and applicable community and specific plan.

Sec. 32. Subsection E of Section 14.3.1 of the Los Angeles Municipal Code is amended to read:

E. Findings for Approval. In order to grant the approval, the Zoning Administrator must find that the strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. The Zoning Administrator must also find that ~~the Eldercare Facility:~~

1. ~~Will not be materially detrimental or injurious to properties or improvements in the immediate area;~~ that the project's location, size, height, operation and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood; and
2. ~~Will~~ that it will provide services to the elderly such as housing, medical services, social services, or long term care to meet the citywide demand; and
3. ~~Will~~ that it will not create an adverse impact on street access or circulation in the surrounding neighborhood; and
4. ~~Consists of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other pertinent improvements, which is or will be compatible with existing and planned future development on neighboring properties;~~ that the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood; and
5. ~~Is in conformance with any applicable provision of the General Plan.~~ that it is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.

Sec. 33. Paragraph 2 of Subsection A of Section 16.01 of the Los Angeles Municipal Code is amended to read:

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~~ 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; that the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan; and~~

3. ~~That that the proposed use will contribute in a positive fashion to the reconstruction and recovery of areas adversely impacted during the emergency.~~

Sec. 34. 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~~ find:

1. ~~That the project complies with all applicable provisions of this Code and any applicable Specific Plan. that the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan;~~

2. ~~That the project is consistent with the General Plan.~~

3. ~~That the project is consistent with any applicable adopted Redevelopment Plan.~~

4. ~~2. That that the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, which is or will be compatible with existing and future development on neighboring properties; and~~

5. ~~That the project incorporates feasible mitigation measures, monitoring measures when necessary or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and/or any additional findings as may be required by CEQA.~~

6. ~~3. That that any project containing residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate.~~

Sec. 35. The City Clerk shall certify ...



DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT



ATTACHMENT 1- ORDINANCE FINDINGS

ATTACHMENT 1 – ORDINANCE FINDINGS

LAND USE FINDINGS

The Department of City Planning recommends that the City Planning Commission find:

1. In accordance with Charter Section 556, the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan. Specifically, the proposed ordinance implements Economic Development Objective 7.4 to "Improve the provision of governmental services, expedite the administrative processing of development applications" in order to "develop and maintain a streamlined development review process to assure the City's competitiveness within the ... region" (policy 7.4.1) by eliminating duplicative and obsolete findings. Eliminating these findings will lead to clearer and shorter staff reports. The proposed ordinance also implements Objective 7.8, to "maintain and improve municipal service levels throughout the city to support current residents' quality of life and enable Los Angeles to be competitive when attracting desirable new development" by synchronizing and consolidating findings. This will lead to more consistent report language and more transparent report writing since many findings will become standardized and more easily recognizable. These revised findings will enable decision makers to be more succinct in their determinations and will provide a more consistent platform for all neighborhood councils and other stakeholders to participate in the various land use processes.
2. In accordance with Charter Section 558 (b) (2), the proposed ordinance (Appendix A) is in substantial conformance with public necessity, convenience, general welfare and good zoning practice. Consistent with City policy that will expedite the administrative processing of the development application and will encourage "a streamlined development review process" (Framework policy 7.4.1) this ordinance will improve the quality of development citywide by providing a better framework for analyzing the merits of proposed projects that require discretionary reviews.

ENVIRONMENTAL FINDING

In accordance with the California Environmental Quality Act (CEQA), a Negative Declaration (ENV-2010-1573-ND) was published on September 9, 2010. On all measures the proposed ordinance (Appendix A) will have either no or a less than significant effect on the environment. The proposed ordinance makes no changes to existing zoning, any specific plans, or other land use regulations that affect the physical environment.



DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT



ATTACHMENT 2- CHART OF FINDINGS

Core Findings Report

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
1 11.5.7 C 2 (a) - Project Permit Compliance Review - Director w/ Appeals to APC	To allow development in compliance with a specific plan	That the project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan	That the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "General Plan" finding
2 11.5.7 C 2 (b) - Project Permit Compliance Review - Director w/ Appeals to APC	To allow development in compliance with a specific plan	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.		Delete	Redundant of CEQA
3 11.5.7 E 3 (a) - Project Permit Adjustments - Director w/ Appeals to APC	To allow projects with minor adjustments from the specific plan regulations	That there are special circumstances applicable to the project or project site which make the strict application of the specific plan regulation(s) impractical	That the project will enhance the environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.	Rewrite	to be consistent with new core "Adjustment" finding
4 11.5.7 E 3 (b) - Project Permit Adjustments - Director w/ Appeals to APC	To allow projects with minor adjustments from the specific plan regulations	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 regulations	That the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "General Plan" finding
5 11.5.7 E 3 (c) - Project Permit Adjustments - Director w/ Appeals to APC	To allow projects with minor adjustments from the specific plan regulations	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	That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood.	Rewrite	to be consistent with new core "Project Compatibility" finding
6 11.5.7 E 3 (d) - Project Permit Adjustments - Director w/ Appeals to APC	To allow projects with minor adjustments from the specific plan regulations	That the project incorporates mitigation measures, monitoring of measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible	That the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the specific plan regulations impractical or infeasible, the project conforms with the intent of those regulations.	Rewrite	to delete CEQA redundancy and synchronize with core adjustment finding
7 11.5.7 F 2 (a) - Exceptions from Specific Plans - APC w/ Appeals to City Council	To allow projects with exceptions from specific plan regulations	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	That the strict application of the provisions of the specific plan regulations would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the specific plan.	Rewrite	synchronize with Variance findings

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
8 11.5.7 F 2 (b) - Exceptions from Specific Plans - APC w/ Appeals to City Council	To allow projects with exceptions from specific plan regulations	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	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 specific plan.	Rewrite	synchronize with Variance findings
9 11.5.7 F 2 (d) - Exceptions from Specific Plans - APC w/ Appeals to City Council	To allow projects with exceptions from specific plan regulations	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	That the granting of the exception 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.	Rewrite	synchronize with Variance findings
10 11.5.7 F 2 (e) - Exceptions from Specific Plans - APC w/ Appeals to City Council	To allow projects with exceptions from specific plan regulations	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	That the granting of the exception will not adversely affect any element of the specific plan.	Rewrite	synchronize with Variance findings
11 12.03 (c) - Definition of Accessory Use - Historical Vehicle Collection	Defines land uses	the Historic Vehicle Collection is maintained in such manner as not to constitute a health or safety hazard		Move	This ZA process is not a definition
12 12.03 - Definition of Historical Vehicle Collection	Defines land uses	...out-of-production vehicles of historical importance, as determined by the Zoning Administrator...		Move	This ZA process is not a definition
13 12.03 (a) - Definition of Accessory Use - Historical Vehicle Collection	Defines land uses	all the historic vehicles and parts maintained in outdoor storage, whether currently licensed or unlicensed, or whether operable or inoperable constitute an Historic Vehicle Collection		Move	This ZA process is not a definition
14 12.03 (b) - Definition of Accessory Use - Historical Vehicle Collection	Defines land uses	the Historic Vehicle Collection occupies less than 50 percent of the area of the lot for the first 10,000 square feet of the lot area plus 20 percent of additional lot area for lots in excess of 10,000 square feet		Move	This ZA process is not a definition
15 12.03 (d) - Definition of Accessory Use - Historical Vehicle Collection	Defines land uses	the Historic Vehicle Collection is fully screened from ordinary public view by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means		Move	This ZA process is not a definition
16 12.03 (e) - Definition of Accessory Use - Historical Vehicle Collection	Defines land uses	no portion of the Historic Vehicle Collection is located within five feet of any building or within any sideyards required by this Code		Move	This ZA process is not a definition

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
17 12.03 (f) - Definition of Accessory Use - Historical Vehicle Collection	Defines land uses	plans for the maintenance of the Historic Vehicle Collection have been submitted to and approved by the Zoning Administrator in accordance with the procedures in Section 12.28 C.1., 2. and 3.		Move	This ZA process is not a definition
18 12.24 E 1 - CUP - Findings	The core findings necessary to approve all conditional uses	That the proposed location will be desirable to the public convenience or welfare, is in proper relation to adjacent uses or the development of the community, that the proposed location will not be materially detrimental to the ... [continued below]	That the project will enhance the environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.	Rewrite	to be consistent with new core "Neighborhood Enhancement" finding
19 12.24 E 2 - CUP - Findings	The core findings necessary to approve all conditional uses	[continued from above] ... character of development in the immediate neighborhood, and will be in harmony with the various elements and objectives of the General Plan.	That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood.	Rewrite	to be consistent with new core "Project Compatibility" finding
20 12.24 E 3 - CUP - Findings	The core findings necessary to approve all conditional uses		That the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "General Plan" finding
21 12.24 F - Conditions for Approval	Additional findings necessary to approve all conditional uses	...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 surroundingbased upon the findings made in Subsection E...	Rewrite	to be consistent with new core findings
22 12.24 U 14 (b)(1) - CUP - Major Projects	To approve a Major Development Project	the Major Development Project conforms with any applicable specific and/or redevelopment plan		Delete	to be consistent with new core "General Plan" finding
23 12.24 U 14 (b)(2) - CUP - Major Projects	To approve a Major Development Project	the Major Development Project provides a compatible arrangement of uses, buildings, structures, and improvements in relation to neighboring properties	That the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood.	Rewrite	to be consistent with new core "Project Design" finding
24 12.24 U 14 (b)(3) - CUP - Major Projects	To approve a Major Development Project	the Major Development Project complies with the height and area regulations of the zone in which it is located		Delete	to remove zoning redundancy
25 12.24 U 14 (b)(5) - CUP - Major Projects	To approve a Major Development Project	the Major Development Project would have no material adverse impact on properties, improvements or uses, including commercial uses, in the surrounding neighborhood		Delete	to be consistent with new core "Project Compatibility" finding

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
26 12.24 U 22 (e) - Conditional Use Permits - CPC w/ Appeals to City Council - Recycling Centers	To allow recycling centers in permitted zones	In approving an application for a conditional use pursuant to this subdivision... the City Planning Commission shall find that the location of the proposed recycling use will not be materially detrimental to the public welfare ...		Delete	to be consistent with the new core "Compatibility" finding
27 12.24 U 26 (a)(1) - CUP - Density Bonus	To allow a Density Bonus greater than what is allowed by-right	that the development project is consistent with and implements the Housing Element of the General Plan, which includes objectives to encourage the availability of affordable units	That the project implements the affordable housing provisions of the Housing Element of the General Plan.	Rewrite	to be consistent with new core "Housing Element" finding
28 12.24 U 27 (a)(1) - CUP - Floor Area Bonus	To allow a floor area bonus greater than what is allowed by-right	That the residential (including Apartment Hotel and mixed-use) building is consistent with and implements the Housing Element of the General Plan, which includes objectives to encourage the availability of affordable dwelling units	That the project implements the affordable housing provisions of the Housing Element of the General Plan.	Rewrite	to be consistent with new core "Housing Element" finding
29 12.24 U 27 (a)(2) - CUP - Floor Area Bonus	To allow a floor area bonus greater than what is allowed by-right	That the residential (including Apartment Hotel and mixed-use) building is consistent with the applicable community plan		Delete	to remove zoning redundancy
30 12.24 V 2 (a)(1) - CUP - Mixed Commercial/Residential Use Development in any zone	To permit a Mixed Commercial/Residential Use Development in any zone	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	That the project implements the affordable housing provisions of the Housing Element of the General Plan.	Rewrite	to be consistent with new core "Housing Element" finding
31 12.24 V 2 (a)(3) - CUP - Mixed Commercial/Residential Use Development in any zone	To permit a Mixed Commercial/Residential Use Development in any zone	that approval of the development will be in substantial conformity with public necessity, convenience, general welfare and good zoning practice		Delete	to be consistent with new core "Neighborhood Enhancement" finding
32 12.24 W 27 (b)(1) - CUP - Commercial Corners	To approve deviations to a Mini-Shopping Center or Commercial Corner Development	that the Mini-Shopping Center or Commercial Corner Development use is consistent with the public welfare and safety		Delete	to be consistent with the new core "Project Compatibility" finding
33 12.24 W 27 (b)(2) - CUP - Commercial Corners	To approve deviations to a Mini-Shopping Center or Commercial Corner Development	that access, ingress and egress to the Mini-Shopping Center or Commercial Corner Development will not constitute a traffic hazard or cause significant congestion or disruption of vehicular circulation on adjacent	That it will not create an adverse impact on street access or circulation in the surrounding neighborhood...	Rewrite	to be consistent with new core "Traffic" finding
34 12.24 W 27 (b)(4) - CUP - Commercial Corners	To approve deviations to a Mini-Shopping Center or Commercial Corner Development	that the Mini-Shopping Center or Commercial Corner Development is not located in an identified pedestrian oriented, commercial and art/craft, community design overlay,		Delete	to remove zoning redundancy

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
35 12.24 W 28 (a) - CUP - Mixed Use Project	To permit a Mixed Use Project in a Mixed Use District	The Project provides a compatible arrangement of buildings, structures and improvements in relation to neighboring properties	That the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood.	Rewrite	to be consistent with new core "Project Design" finding
36 12.24 W 28 (b) - CUP - Mixed Use Project	To permit a Mixed Use Project in a Mixed Use District	The Project conforms with any applicable specific and redevelopment plans		Delete	to be consistent with new core "General Plan" finding
37 12.24 W 33 (a) - CUP - Pawn Shops	To allow a pawnshop in permitted zones	that its operation would provide an essential service or retail convenience to the immediate residential neighborhood or a benefit to the community		Delete	to be consistent with new core "Neighborhood Enhancement" finding
38 12.24 W 33 (b) - CUP - Pawn Shops	To allow a pawnshop in permitted zones	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		Delete	to be consistent with new core "Project Compatibility" finding
39 12.24 W 4 (b)(2) - CUP - Automotive Uses in the C Zones	To permit automotive uses in C zones that otherwise do not comply with the code	that any new or remodeled structure is designed to reflect the scale and character of the surrounding commercial area		Delete	to be consistent with the new core "Project Compatibility" finding
40 12.24 W 4 (b)(3) - CUP - Automotive Uses in the C Zones	To permit automotive uses in C zones that otherwise do not comply with the code	that access and ingress to, egress from and associated parking of the automotive use not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation	That access... not create an adverse impact on street access or circulation in the surrounding neighborhood...	Rewrite	to be consistent with new core "Traffic" finding
41 12.24 W 4 (b)(4) - CUP - Automotive Uses in the C Zones	To permit automotive uses in C zones that otherwise do not comply with the code	that the automotive use is not located in an identified pedestrian oriented, commercial and artcraft, community design overlay, historic preservation overlay, or transit-oriented district... or that the use would be consistent with the district, area, or zone		Delete	to remove zoning redundancy
42 12.24 W 49 (e)(2) - CUP - Wireless	To approve any zoning variations from the Rooftop Wireless Communications Facilities Standards	that the use would have no substantial adverse impact on properties or improvements in the surrounding neighborhood		Delete	to be consistent with new core "Project Compatibility" finding
43 12.24 W 50 - CUP - Storage buildings for household goods, including truck rentals	To permit storage buildings for household goods, including truck rentals in permitted zones	arrangement of buildings and structures... and other similar pertinent improvements, which is or will be compatible with existing and future development on neighboring properties.	That the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood.	Rewrite	to be consistent with new core "Project Design" finding

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
44 12.24 X - Further Authority of the ZA for Other Similar Quasi-Judicial Approvals	Determines additional uses and activities allowable with Zoning Administrator approval	is in conformity with the public necessity, convenience, general welfare and good zoning practice and that the action will be in substantial conformance with the various elements and objectives of the General Plan.		Delete	to be consistent with new core findings
45 12.24 X 10 (a)(2) - ZAD - Height	To allow buildings and structures in certain zones to exceed the maximum height otherwise required in the zoning code	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		Delete	to be consistent with new core "Project Compatibility" finding
46 12.24 X 10 (b)(2) - ZAD - Reduced Side Yards	To reduce the side yard requirement otherwise regulated in the zoning code	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		Delete	to be consistent with new core "Project Compatibility" finding
47 12.24 X 11 (a)(2) - ZAD - Hillside - Height	To allow buildings and structures in hillside areas of certain zones to exceed maximum height limitations	that the increase in height will result in a building or structure which is compatible in scale with existing structures in the vicinity		Delete	to be consistent with new core "Project Design" finding
48 12.24 X 11 (b)(2) - ZAD - Hillside - Yards	Reduces the side yard requirement in Hillside Areas	that the reduction in yards will not be materially detrimental to the public welfare or injurious to the adjacent property or improvements		Delete	to be consistent with new core "Project Compatibility" finding
49 12.24 X 11 (c)(2) - ZAD - Hillside - Lot Coverage	Increases allowable lot coverage in Hillside Areas	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		Delete	to be consistent with new core "Project Design" finding
50 12.24 X 11 (d)(2) - ZAD - Hillside - Off Street Parking	Allows a reduction in off-street parking in Hillside Areas	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		Delete	to be consistent with new core "Project Compatibility" finding
51 12.24 X 12 (e)(1) - ZAD - Historic Buildings	To allow commercial uses or reduced parking in Historic Buildings	The commercial use and/or reduced parking is compatible with, and will not adversely impact property within, the surrounding area or HPOZ	that it will not create an adverse impact on street access or circulation in the surrounding neighborhood	Rewrite	to be consistent with new core "Project Compatibility" finding
52 12.24 X 2 (b)(4) - CUE (Exception) - Alcohol in small restaurants	To permit a restaurant with no more than 50 seats to serve alcohol	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.(f). When located		Delete	to remove zoning redundancy

Section and Title

Purpose

Current Finding

Proposed Finding

Disposition / Reason

53	12.24 X 2 (b)(6) - CUE (Exception) - Alcohol in small restaurants	To permit a restaurant with no more than 50 seats to serve alcohol	that the use will not be detrimental to the public health, safety or welfare	Delete	to be consistent with new core "Project Compatibility" finding
54	12.24 X 2 (b)(7) - CUE (Exception) - Alcohol in small restaurants	To permit a restaurant with no more than 50 seats to serve alcohol	that the use will be compatible with the surrounding neighborhood	Delete	to be consistent with new core "Project Compatibility" finding
55	12.24 X 21 (b)(1) - ZAD - Substandard Hillside Street	Permits the construction on hillside lots of certain zones that otherwise are not in compliance with zoning requirements	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	Rewrite	to be consistent with new core "Traffic" finding
56	12.24 X 21 (b)(2) - ZAD - Substandard Hillside Street	Permits the construction on hillside lots of certain zones that otherwise are not in compliance with zoning requirements	that the building or structure will not be materially detrimental or injurious to the adjacent property or improvements	Delete	to be consistent with new core "Project Compatibility" finding
57	12.24 X 21 (b)(3) - ZAD - Substandard Hillside Street	Permits the construction on hillside lots of certain zones that otherwise are not in compliance with zoning requirements	that the building or structure will not have a materially adverse safety impact on the surrounding neighborhood	Delete	to be consistent with new core "Project Compatibility" finding
58	12.24 X 21 (b)(4) - ZAD - Substandard Hillside Street	Permits the construction on hillside lots of certain zones that otherwise are not in compliance with zoning requirements	that the site and/or existing improvements make strict adherence to Section 12.21 A.17.(e) or (f) impractical or infeasible	Rewrite	to be consistent with new core "Adjustment" finding
59	12.24 X 22 (a) - ZAD - Transitional Height	To approve development that exceeds the maximum height otherwise permitted	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	Rewrite	to be consistent with new core "Project Design" finding
60	12.24 X 23 (a)(2) - ZAD - Uses which support motion picture and television production	To permit uses in C zones that support motion picture production	that the use will not have a detrimental effect on neighboring properties	Delete	to be consistent with new core "Project Compatibility" finding

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
61 12.24 X 27 (b) 3rd paragraph - ZAD - Nonconforming Use of Building	Imposes time limits on continuations if necessary	the nonconforming use will not have a significant adverse effect on adjoining property or on the immediate neighborhood, and that the nonconforming use is not likely to evoke public controversy		Delete	to be consistent with new core "Project Compatibility" finding
62 12.24 X 6 - Farmers Markets	To permit operation of certified farmers markets	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.		Delete	to be consistent with new core "Project Compatibility" finding
63 12.28 C 4 (a) - Adjustments and Slight Mods	To approve adjustments and slight modifications otherwise restricted by code	That the granting of an adjustment will result in development compatible and consistent with the surrounding uses.		Delete	to be consistent with new core "Project Compatibility" finding
64 12.28 C 4 (b) - Adjustments and Slight Mods	To approve adjustments and slight modifications otherwise restricted by code	That the granting of an adjustment will be in conformance with the intent and purpose of the General Plan of the City		Delete	to be consistent with new core "General Plan" finding
65 12.28 C 4 (c) - Adjustments and Slight Mods	To approve adjustments and slight modifications otherwise restricted by code	That the granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City	That the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project conforms with the intent of those regulations.	Rewrite	to be consistent with new core "Adjustment" finding
66 12.28 C 4 (d) - Adjustments and Slight Mods	To approve adjustments and slight modifications otherwise restricted by code	That there are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated		Delete	to be consistent with the new core "Project Compatibility" finding
67 12.28 C 4 (e) - Adjustments and Slight Mods	To approve adjustments and slight modifications otherwise restricted by code	That the site and/ or existing improvements make strict adherence to zoning regulations impractical or infeasible	That the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project conforms with the intent of those regulations.	Rewrite	to be consistent with new core "Adjustment" finding
68 12.81 A 3 - Homeless Shelters	Allows for the establishment of emergency homeless shelters in certain zones	the project is consistent with the various elements and objectives of the General Plan	That the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "General Plan" finding
69 12.81 A 4 - Homeless Shelters	Allows for the establishment of emergency homeless shelters in certain zones	the project would have no substantial adverse impact on properties or improvements in the surrounding neighborhood	That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood.	Rewrite	to be consistent with new core "Project Compatibility" finding

Section and Title	Purpose	Current Finding	Disposition	Reason
70 13.03 G 11 (b) - Surface Mining Operations District - reclamation plan	Plans the reclamation of surface mining lands	The Reclamation plan has been reviewed pursuant to CEQA and the City's CEQA Guidelines, and all significant adverse impacts from Reclamation of Surface Mining Operations are mitigated to the maximum extent feasible	Delete	Redundant of CEQA
71 13.03 G 11 (d) - Surface Mining Operations District - reclamation plan	Plans the reclamation of surface mining lands	The Reclamation plan provides for one or more beneficial uses or alternate uses of the land which are not detrimental to the public health, safety, and welfare	Rewrite	to be consistent with new core "Project Compatibility" finding
72 13.03 G 11 (f) - Surface Mining Operations District - reclamation plan	Plans the reclamation of surface mining lands	The Reclamation plan will restore the Mined Lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan; in particular, the open space and conservation elements.	Rewrite	to be consistent with new core "General Plan" finding
73 13.03 G 5 - Surface Mining Operations District	To approve surface mining operations	The proposed Surface Mining Operations are consistent with the elements and objectives of the General Plan, in particular the open space and conservation elements	Rewrite	to be consistent with new core "General Plan" finding
74 13.03 G 9 - Surface Mining Operations District	To approve surface mining operations	The proposed Surface Mining Operations are consistent with the General Plan	Rewrite	to be consistent with new core "General Plan" finding
75 13.07 F 1 (e) - Ped oriented District - Director's Determination	To approve a pedestrian oriented project that may not comply with development standards listed in the zoning code	The project is consistent with the General Plan.	Rewrite	to be consistent with new core "General Plan" finding
76 14.3.1 E 1 - Eldercare Facility Unified Permit	A unified permit to allow multiple deviations for an Eldercare Facility	Will not be materially detrimental or injurious to properties or improvements in the immediate area	Rewrite	to be consistent with new core "Project Compatibility" finding
77 14.3.1 E 4 - Eldercare Facility Unified Permit	A unified permit to allow multiple deviations for an Eldercare Facility	Consists of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other pertinent improvements	Rewrite	to be consistent with new core "Project Design" finding
78 14.3.1 E 5 - Eldercare Facility Unified Permit	A unified permit to allow multiple deviations for an Eldercare Facility	Is in conformance with any applicable provision of the General Plan	Rewrite	to be consistent with new core "General Plan" finding

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
79 16.01 A 2 - Long Term Temporary Uses	To approve a temporary use of land in response to an emergency	That the proposed use will not adversely affect the implementation of the General Plan or any applicable specific plan	That the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "General Plan" finding
80 16.05 F 1 - Site Plan Review	Approval for projects with 50 units or 50,000 square feet or more	That the project complies with all applicable provisions of this Code and any applicable Specific Plan	That the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "General Plan" finding
81 16.05 F 2 - Site Plan Review	Approval for projects with 50 units or 50,000 square feet or more	That the project is consistent with the General Plan		Delete	to be consistent with new core "General Plan" finding
82 16.05 F 3 - Site Plan Review	Approval for projects with 50 units or 50,000 square feet or more	That the project is consistent with any applicable adopted Redevelopment Plan		Delete	to remove zoning redundancy
83 16.05 F 5 - Site Plan Review	Approval for projects with 50 units or 50,000 square feet or more	That the project incorporates feasible mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would substantially lessen the significant environmental		Delete	Redundant of CEQA

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NEGATIVE DECLARATION

LEAD CITY AGENCY City of Los Angeles	COUNCIL DISTRICT CITYW
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PROJECT TITLE ENV-2010-1573-ND	CASE NO. CPC-2010-1572-CA
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PROJECT LOCATION
citywide

PROJECT DESCRIPTION
proposed ordinance amending Sections 11.5.7, 12.03, 12.24, 12.28, 12.32, 12.81, 13.03, 13.07, 14.3.1, 16.01, and 16.05 of the Los Angeles Municipal Code to update common land use findings to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code.

No development is proposed as part of the project. No change in land use, density, or intensity is proposed as part of this project.


NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY
City of Los Angeles, Department of City Planning
200 N. Spring Street, Room 763
Los Angeles, CA 90012

FINDING:
The City Planning Department of the City of Los Angeles has Proposed that a negative declaration be adopted for this project. The Initial Study indicates that no significant impacts are apparent which might result from this project's implementation. This action is based on the project description above.

Any written comments received during the public review period are attached together with the response of the Lead City Agency. The project decision-maker may adopt this negative declaration, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record and appropriate findings made.

THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.

NAME OF PERSON PREPARING THIS FORM	TITLE	TELEPHONE NUMBER
THOMAS ROTHMANN	City Planner	(213) 978-1370

ADDRESS	SIGNATURE (Official)	DATE
200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012		07/07/2010

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
INITIAL STUDY
and CHECKLIST
(CEQA Guidelines Section 15063)

LEAD CITY AGENCY: City of Los Angeles		COUNCIL DISTRICT: CITYW	DATE: 06/11/2010
RESPONSIBLE AGENCIES: Department of City Planning			
ENVIRONMENTAL CASE: NV-2010-1573-ND		RELATED CASES: CPC-2010-1572-CA	
PREVIOUS ACTIONS CASE NO.:		<input type="checkbox"/> Does have significant changes from previous actions. <input type="checkbox"/> Does NOT have significant changes from previous actions	
PROJECT DESCRIPTION: CODE AMENDMENT TO UPDATE COMMON LAND USE FINDINGS IN THE ZONING CODE			
ENV PROJECT DESCRIPTION: The proposed ordinance amending Sections 11.5.7, 12.03, 12.24, 12.28, 12.32, 12.81, 13.03, 13.07, 14.3.1, 16.01, and 16.05 of the Los Angeles Municipal Code to update common land use findings to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. No development is proposed as part of the project. No change in land use, density, or intensity is proposed as part of this project.			
ENVIRONMENTAL SETTINGS: The City of Los Angeles is the second largest city in the United States by population with an estimated 4 million residents. The city's boundaries cover a total area of 498.3 square miles (1,291 km ²), comprising 469.1 square miles (1,214.9 km ²) of land and 29.2 square miles (75.7 km ²) of water, reflecting a diverse terrain of urbanized areas, beaches, mountains, and valleys. The City of Los Angeles is divided into 15 City Council districts and 35 Community Plan Areas.			
PROJECT LOCATION: Citywide			
COMMUNITY PLAN AREA: CITYWIDE		AREA PLANNING COMMISSION: CITYWIDE	CERTIFIED NEIGHBORHOOD COUNCIL: CITYWIDE
STATUS: <input type="checkbox"/> Does Conform to Plan <input checked="" type="checkbox"/> Does NOT Conform to Plan			
EXISTING ZONING:		MAX. DENSITY/INTENSITY ALLOWED BY ZONING: N/A	LA River Adjacent: NO
GENERAL PLAN LAND USE:		MAX. DENSITY/INTENSITY ALLOWED BY PLAN DESIGNATION: N/A	
		PROPOSED PROJECT DENSITY: N/A	

etermination (To Be Completed By Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Thomas Rothman

City Planner

(213) 978-1370

Signature

Title

Phone

Evaluation Of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> AESTHETICS	<input type="checkbox"/> GREEN HOUSE GAS EMISSIONS	<input type="checkbox"/> POPULATION AND HOUSING
<input type="checkbox"/> AGRICULTURE AND FOREST RESOURCES	<input type="checkbox"/> HAZARDS AND HAZARDOUS MATERIALS	<input type="checkbox"/> PUBLIC SERVICES
<input type="checkbox"/> AIR QUALITY	<input type="checkbox"/> HYDROLOGY AND WATER QUALITY	<input type="checkbox"/> RECREATION
<input type="checkbox"/> BIOLOGICAL RESOURCES	<input type="checkbox"/> LAND USE AND PLANNING	<input type="checkbox"/> TRANSPORTATION/TRAFFIC
<input type="checkbox"/> CULTURAL RESOURCES	<input type="checkbox"/> MINERAL RESOURCES	<input type="checkbox"/> UTILITIES AND SERVICE SYSTEMS
<input type="checkbox"/> GEOLOGY AND SOILS	<input type="checkbox"/> NOISE	<input type="checkbox"/> MANDATORY FINDINGS OF SIGNIFICANCE

INITIAL STUDY CHECKLIST (To be completed by the Lead City Agency)

Background

PROPOSER NAME:

City of Los Angeles, Department of City Planning

PHONE NUMBER:

(213) 978-1370

APPLICANT ADDRESS:

100 N. Spring Street, Room 763
Los Angeles, CA 90012

AGENCY REQUIRING CHECKLIST:

Department of City Planning

DATE SUBMITTED:

07/22/2010

PROPOSAL NAME (if Applicable):

Common Land Use Findings Ordinance

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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AESTHETICS				
a.	Have a substantial adverse effect on a scenic vista?			✓
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			✓
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			✓
	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		✓	
II. AGRICULTURE AND FOREST RESOURCES				
	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?			✓
	Conflict with existing zoning for agricultural use, or a Williamson Act contract?			✓
	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			✓
	Result in the loss of forest land or conversion of forest land to non-forest use?			✓
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			✓
III. AIR QUALITY				
	Conflict with or obstruct implementation of the applicable air quality plan?			✓
	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			✓
	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			✓
	Expose sensitive receptors to substantial pollutant concentrations?			✓
	Create objectionable odors affecting a substantial number of people?			✓
IV. BIOLOGICAL RESOURCES				
	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓
	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			✓
	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			✓
	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			✓
	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓
	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			✓
V. CULTURAL RESOURCES				

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				✓
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				✓
	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
d.	Disturb any human remains, including those interred outside of formal cemeteries?				✓
I. GEOLOGY AND SOILS					
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?				✓
c.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?				✓
d.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?				✓
	Result in substantial soil erosion or the loss of topsoil?				✓
e.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				✓
	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				✓
h.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓
VII. GREEN HOUSE GAS EMISSIONS					
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				✓
b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				✓
III. HAZARDS AND HAZARDOUS MATERIALS					
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				✓
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓
IV. HYDROLOGY AND WATER QUALITY					
	Violate any water quality standards or waste discharge requirements?				✓
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				✓
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				✓
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				✓
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				✓
f.	Otherwise substantially degrade water quality?				✓
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				✓
	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
	Inundation by seiche, tsunami, or mudflow?				✓
V. LAND USE AND PLANNING					
a.	Physically divide an established community?				✓
	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
	Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓
XI. MINERAL RESOURCES					
	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓
XII. NOISE					
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				✓
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				✓
	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				✓
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

III. POPULATION AND HOUSING					
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

XIV. PUBLIC SERVICES					
	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?				✓
b.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Police protection?				✓
	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Schools?				✓
d.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Parks?				✓
	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Other public facilities?				✓

XV. RECREATION					
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

XVI. TRANSPORTATION/TRAFFIC					
a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			✓
	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			✓
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓
	Result in inadequate emergency access?			✓
f.	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			✓

XVII. UTILITIES AND SERVICE SYSTEMS

	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?		✓	
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓
	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		✓	
	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?		✓	
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✓
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?		✓	
	Comply with federal, state, and local statutes and regulations related to solid waste?			✓

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		✓	
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		✓	
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		✓	

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

DISCUSSION OF THE ENVIRONMENTAL EVALUATION (Attach additional sheets if necessary)

The Environmental Impact Assessment includes the use of official City of Los Angeles and other government source reference materials related to various environmental impact categories (e.g., Hydrology, Air Quality, Biology, Cultural Resources, etc.). The State of California, Department of Conservation, Division of Mines and Geology - Seismic Hazard Maps and reports, are used to identify potential future significant seismic events; including probable magnitudes, liquefaction, and landslide hazards. Based on applicant information provided in the Master Land Use Application and Environmental Assessment Form, impact evaluations were based on stated facts contained therein, including but not limited to, reference materials indicated above, field investigation of the project site, and any other reliable reference materials known at the time.

Project specific impacts were evaluated based on all relevant facts indicated in the Environmental Assessment Form and expressed through the applicant's project description and supportive materials. Both the Initial Study Checklist and Checklist Explanations, in conjunction with the City of Los Angeles's Adopted Thresholds Guide and CEQA Guidelines, were used to reach reasonable conclusions on environmental impacts as mandated under the California Environmental Quality Act (CEQA).

The project as identified in the project description will not cause potentially significant impacts on the environment. Therefore, this environmental analysis concludes that a Negative Declaration shall be issued for the environmental case file known as **ENV-2010-1573-NV-2010-1573-ND** and the associated case(s), **CPC-2010-1572-CA**.

ADDITIONAL INFORMATION:

All supporting documents and references are contained in the Environmental Case File referenced above and may be viewed in the EIR Unit, Room 763, City Hall.

For City information, addresses and phone numbers: visit the City's website at <http://www.lacity.org> ; City Planning - and Zoning Information Mapping Automated System (ZIMAS) cityplanning.lacity.org/ or EIR Unit, City Hall, 200 N Spring Street, Room 763. Seismic Hazard Maps - <http://gmw.consrv.ca.gov/shmp/> Engineering/Infrastructure/Topographic Maps/Parcel Information - <http://boemaps.eng.ci.la.ca.us/index01.htm> or City's main website under the heading "Navigate LA".

PREPARED BY:	TITLE:	TELEPHONE NO.:	DATE:
THOMAS ROTHMANN	City Planner	(213) 978-1370	07/16/2010

Impact?	Explanation	Mitigation Measures
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APPENDIX A: ENVIRONMENTAL IMPACTS EXPLANATION TABLE

I. AESTHETICS

a.	NO IMPACT	<p>The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. The code amendment project itself does not include any specific physical development. The proposed code amendment would not change existing City regulations governing building heights, nor would it change allowed land uses or development intensity within the City of Los Angeles. As this code amendment only alters zoning code language relevant to discretionary approvals applicants may request, all future development projects to which the proposed code amendment would apply will require CEQA review, including an assessment of the project's visual impacts upon existing neighborhood character. Implementation of the proposed regulations through future development projects would not represent any change in how future development would affect scenic vistas. No adverse impact would result.</p>	
b.	NO IMPACT	<p>Scenic resources including trees (inclusive of street trees and other landscape trees) and historic buildings are found throughout the City of Los Angeles. However, the proposed code amendment project itself does not include any specific physical development that would affect these resources, and the proposed regulations would not encourage tree removal, damage to historic structures, or any increase in development intensity or distribution in the project area. No adverse impact would result.</p>	

Impact?	Explanation	Mitigation Measures
c. NO IMPACT	<p>The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. The code amendment project itself does not include any specific physical development. As this code amendment only alters zoning code language relevant to discretionary approvals applicants may request, all future development projects to which the proposed ordinance would apply will require CEQA review, which would include an assessment of the project's visual impacts. No adverse impact would result.</p>	
d. LESS THAN SIGNIFICANT IMPACT	<p>Future development approved within the City of Los Angeles has the potential to create new sources of substantial light or glare that could adversely affect day or nighttime views. However, this proposed code amendment project does not include any specific development and does not encourage more lighting or glare-generating architectural features than are allowed under existing regulations. Impacts would be less than significant.</p>	
I. AGRICULTURE AND FOREST RESOURCES		
a. NO IMPACT	<p>The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. Further, the proposed regulations themselves do not include any specific development and do not encourage conversion of agricultural land to non-agricultural uses or impacts to</p>	

Impact?	Explanation	Mitigation Measures
	land under Williamson Act contract. No impacts to agricultural resources would occur.	
2. NO IMPACT	The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. Further, the proposed regulations themselves do not include any specific development and do not encourage conversion of agricultural land to non-agricultural uses or impacts to land under Williamson Act contract. No impacts to agricultural resources would occur.	
3. NO IMPACT	The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. Further, the proposed regulations themselves do not include any specific development and do not encourage conversion of agricultural land to non-agricultural uses or impacts to land under Williamson Act contract. No impacts to agricultural resources would occur.	
4. NO IMPACT	The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving	

Impact?	Explanation	Mitigation Measures
	findings to more appropriate places in the Planning and Zoning Code. Further, the proposed regulations themselves do not include any specific development and do not encourage conversion of agricultural land to non-agricultural uses or impacts to land under Williamson Act contract. No impacts to agricultural resources would occur.	
e. NO IMPACT	The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. Further, the proposed regulations themselves do not include any specific development and do not encourage conversion of agricultural land to non-agricultural uses or impacts to land under Williamson Act contract. No impacts to agricultural resources would occur.	
III. AIR QUALITY		
i. NO IMPACT	Implementation of the code amendment project would not increase population levels or net density in the City of Los Angeles. As the project would not contribute to population growth in excess of that forecasted in the AQMP, no impact would occur.	
j. NO IMPACT	No development is proposed as part of or would be facilitated by the code amendment project, and no increases in land use density, intensity, or distribution are proposed. Thus, no impact is anticipated from new stationary sources of pollutants, such as generators or household uses (stoves, heaters, fireplaces etc). As no construction is proposed, impacts from construction emissions would not be increased. Thus, overall air quality would be unaffected by project implementation. The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of	

Impact?	Explanation	Mitigation Measures
	<p>proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. The code amendment project itself does not include any specific physical development. No adverse impacts would occur.</p>	
<p>c. NO IMPACT</p>	<p>No development is proposed as part of or would be facilitated by the code amendment project, and no increases in land use density, intensity, or distribution are proposed. Thus, no impact is anticipated from new stationary sources of pollutants, such as generators or household uses (stoves, heaters, fireplaces etc). As no construction is proposed, impacts from construction emissions would not be increased. Thus, overall air quality would be unaffected by project implementation. The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. The code amendment project itself does not include any specific physical development. No adverse impacts would occur.</p>	
<p>d. NO IMPACT</p>	<p>Commercial and industrial uses of the type that would result in substantial pollutant concentrations or objectionable odors would not be facilitated by the proposed code amendment project. No changes in land use designations or allowed uses are proposed, and no development would be directly approved by the project. No adverse impacts would occur.</p>	

Impact?	Explanation	Mitigation Measures
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e.	NO IMPACT	Commercial and industrial uses of the type that would result in substantial pollutant concentrations or objectionable odors would not be facilitated by the proposed code amendment project. No changes in land use designations or allowed uses are proposed, and no development would be directly approved by the project. No adverse impacts would occur.	
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iv. BIOLOGICAL RESOURCES

a.	NO IMPACT	Biological resources may be found throughout the City of Los Angeles. However, the proposed code amendment project itself does not include any physical development that would affect these resources, and the proposed regulations would not encourage tree removal, damage to identified species, riparian communities, or sensitive natural habitats, or any increase in development intensity or distribution in the project area. As this code amendment only alters zoning code language relevant to discretionary approvals applicants may request, all future development projects to which the proposed code amendment would apply will require CEQA review, which would include an assessment of the project's' biological impacts. Implementation of the proposed regulations through future development projects would not represent any change in how future development would affect scenic vistas. No adverse impacts to biological resources, including identified species, riparian communities or sensitive natural communities, wetlands, protected trees, and habitats, are anticipated from the proposed code amendment.	
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b.	NO IMPACT	Biological resources may be found throughout the City of Los Angeles. However, the proposed code amendment project itself does not include any physical development that would affect these resources, and the proposed regulations would not encourage tree removal, damage to identified species, riparian communities, or sensitive natural habitats, or any increase in development intensity or distribution in the project area. As this code amendment only alters zoning code language relevant to discretionary approvals applicants may request, all future development projects to which the proposed code amendment	
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Impact?	Explanation	Mitigation Measures
	<p>would apply will require CEQA review, which would include an assessment of the project's' biological impacts. Implementation of the proposed regulations through future development projects would not represent any change in how future development would affect scenic vistas. No adverse impacts to biological resources, including identified species, riparian communities or sensitive natural communities, wetlands, protected trees, and habitats, are anticipated from the proposed code amendment.</p>	
NO IMPACT	<p>Biological resources may be found throughout the City of Los Angeles. However, the proposed code amendment project itself does not include any physical development that would affect these resources, and the proposed regulations would not encourage tree removal, damage to identified species, riparian communities, or sensitive natural habitats, or any increase in development intensity or distribution in the project area. As this code amendment only alters zoning code language relevant to discretionary approvals applicants may request, all future development projects to which the proposed code amendment would apply will require CEQA review, which would include an assessment of the project's' biological impacts. Implementation of the proposed regulations through future development projects would not represent any change in how future development would affect scenic vistas. No adverse impacts to biological resources, including identified species, riparian communities or sensitive natural communities, wetlands, protected trees, and habitats, are anticipated from the proposed code amendment.</p>	
d. NO IMPACT	<p>Biological resources may be found throughout the City of Los Angeles. However, the proposed code amendment project itself does not include any physical development that would affect these resources, and the proposed regulations would not encourage tree removal, damage to identified species, riparian communities, or sensitive natural habitats, or any increase in development intensity or distribution in the project area. As this code amendment only alters zoning code language relevant to discretionary approvals applicants may request, all future development projects to</p>	

Impact?	Explanation	Mitigation Measures
	<p>which the proposed code amendment would apply will require CEQA review, which would include an assessment of the project's biological impacts.</p> <p>Implementation of the proposed regulations through future development projects would not represent any change in how future development would affect scenic vistas. No adverse impacts to biological resources, including identified species, riparian communities or sensitive natural communities, wetlands, protected trees, and habitats, are anticipated from the proposed code amendment.</p>	
e. NO IMPACT	<p>Biological resources may be found throughout the City of Los Angeles. However, the proposed code amendment project itself does not include any physical development that would affect these resources, and the proposed regulations would not encourage tree removal, damage to identified species, riparian communities, or sensitive natural habitats, or any increase in development intensity or distribution in the project area. As this code amendment only alters zoning code language relevant to discretionary approvals applicants may request, all future development projects to which the proposed code amendment would apply will require CEQA review, which would include an assessment of the project's biological impacts.</p> <p>Implementation of the proposed regulations through future development projects would not represent any change in how future development would affect scenic vistas. No adverse impacts to biological resources, including identified species, riparian communities or sensitive natural communities, wetlands, protected trees, and habitats, are anticipated from the proposed code amendment.</p>	
f. NO IMPACT	<p>Biological resources may be found throughout the City of Los Angeles. However, the proposed code amendment project itself does not include any physical development that would affect these resources, and the proposed regulations would not encourage tree removal, damage to identified species, riparian communities, or sensitive natural habitats, or any increase in development intensity or distribution in the project area. As this code amendment only alters zoning code language relevant to discretionary approvals applicants may</p>	

Impact?	Explanation	Mitigation Measures
	<p>request, all future development projects to which the proposed code amendment would apply will require CEQA review, which would include an assessment of the project's biological impacts.</p> <p>Implementation of the proposed regulations through future development projects would not represent any change in how future development would affect scenic vistas. No adverse impacts to biological resources, including identified species, riparian communities or sensitive natural communities, wetlands, protected trees, and habitats, are anticipated from the proposed code amendment.</p>	

V. CULTURAL RESOURCES

1.	NO IMPACT	<p>The proposed project involves regulatory changes and does not include any specific physical development. The proposed standards would not facilitate nor encourage new development projects, but would update, clarify, and consolidate necessary land use findings required to grant approval of discretionary permit applications. As this code amendment only alters zoning code language relevant to discretionary approvals applicants may request, all future development projects to which the proposed code amendment would apply will require CEQA review, which would include an assessment of the project's potential impacts to historic and cultural resources and would be subject to the City's existing policies and procedures, designed to evaluate and protect such resources. Because no construction or physical changes to existing buildings is proposed as part of the project and because of the existing regulations and protections in place, including required CEQA review for projects with potential impacts to historic resources, adoption of the proposed code amendment is not anticipated to have any adverse impacts to historic resources.</p>	
2.	NO IMPACT	<p>The proposed project involves regulatory changes and does not include any specific physical development. As this code amendment only alters zoning code language relevant to discretionary approvals applicants may request, all future development projects to which the proposed code amendment would apply will require CEQA review, which would include an assessment of the project's potential impacts to archaeological resources and would be subject to the</p>	

Impact?	Explanation	Mitigation Measures
	<p>City's existing policies and procedures, designed to evaluate and protect such resources. In addition, California Health and Safety Code Section 7050.5 et seq. require that if human remains are discovered the Coroner shall be contacted and an investigation undertaken. If the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she must contact the Native American Heritage Commission. No adverse impacts to archaeological or paleontological resources associated with implementation of the proposed code amendment are anticipated.</p>	
c.	<p>NO IMPACT</p> <p>The proposed project involves regulatory changes and does not include any specific physical development. As this code amendment only alters zoning code language relevant to discretionary approvals applicants may request, all future development projects to which the proposed code amendment would apply will require CEQA review, which would include an assessment of the project's potential impacts to archaeological resources and would be subject to the City's existing policies and procedures, designed to evaluate and protect such resources. In addition, California Health and Safety Code Section 7050.5 et seq. require that if human remains are discovered the Coroner shall be contacted and an investigation undertaken. If the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she must contact the Native American Heritage Commission. No adverse impacts to archaeological or paleontological resources associated with implementation of the proposed code amendment are anticipated.</p>	
d.	<p>NO IMPACT</p> <p>The proposed project involves regulatory changes and does not include any specific physical development. As this code amendment only alters zoning code language relevant to discretionary approvals applicants may request, all future development projects to which the proposed code amendment would apply will require CEQA review, which would include an assessment of the project's potential impacts to archaeological</p>	

Impact?	Explanation	Mitigation Measures
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resources and would be subject to the City's existing policies and procedures, designed to evaluate and protect such resources. In addition, California Health and Safety Code Section 7050.5 et seq. require that if human remains are discovered the Coroner shall be contacted and an investigation undertaken. If the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she must contact the Native American Heritage Commission. No adverse impacts to archaeological or paleontological resources associated with implementation of the proposed code amendment are anticipated.

I. GEOLOGY AND SOILS

a. NO IMPACT

Los Angeles County, like most of Southern California, is a region of high seismic activity and is therefore subject to risk and hazards associated with earthquakes. Several active faults within the region are considered capable of affecting property throughout the City of Los Angeles. The proposed project involves regulatory changes and does not include any specific physical development. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed and no development would be specifically approved by adoption of the project. Individual future development projects, to which the proposed regulations would be applicable, would be subject to the requirements of the International Building Code and the California Building Code, which would ensure that the design and construction of new structures are engineered to withstand the expected ground acceleration, liquefaction, or other hazards that may occur on-site. Because no new development is proposed and due to required compliance with applicable building codes, no impacts related to seismic hazards are anticipated.

NO IMPACT

Los Angeles County, like most of Southern California, is a region of high seismic activity and is therefore subject to risk and hazards associated with earthquakes. Several active faults within the region are considered capable of affecting property throughout the City of Los Angeles. The proposed project

Impact?	Explanation	Mitigation Measures
	<p>involves regulatory changes and does not include any specific physical development. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed and no development would be specifically approved by adoption of the project. Individual future development projects, to which the proposed regulations would be applicable, would be subject to the requirements of the International Building Code and the California Building Code, which would ensure that the design and construction of new structures are engineered to withstand the expected ground acceleration, liquefaction, or other hazards that may occur on-site. Because no new development is proposed and due to required compliance with applicable building codes, no impacts related to seismic hazards are anticipated.</p>	
c. NO IMPACT	<p>Los Angeles County, like most of Southern California, is a region of high seismic activity and is therefore subject to risk and hazards associated with earthquakes. Several active faults within the region are considered capable of affecting property throughout the City of Los Angeles. The proposed project involves regulatory changes and does not include any specific physical development. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed and no development would be specifically approved by adoption of the project. Individual future development projects, to which the proposed regulations would be applicable, would be subject to the requirements of the International Building Code and the California Building Code, which would ensure that the design and construction of new structures are engineered to withstand the expected ground acceleration, liquefaction, or other hazards that may occur on-site. Because no new development is proposed and due to required compliance with applicable building codes, no impacts related to seismic hazards are anticipated.</p>	

Impact?	Explanation	Mitigation Measures
f. NO IMPACT	Landslides are often triggered by earthquakes or torrential rainstorms. As noted throughout this document, no specific development is proposed as part of nor would any individual development be approved by the project, and no increases in land use density, intensity, or distribution are proposed. No landslide impacts are anticipated.	
g. NO IMPACT	Erosion potential from site preparation for larger projects would be largely addressed through standard erosion control BMPs that are typically required during project construction; for example, projects with greater than one acre of ground disturbance require State Water Resources Control Board Storm Water Pollution Prevention Plans. In addition, no specific development is proposed as part of this code amendment project, no individual development would be approved by the code amendment, and no increases in land use density, intensity, or distribution are proposed. No impacts resulting from soil erosion or loss of topsoil are anticipated.	
h. NO IMPACT	No specific development is proposed as part of the code amendment project, no individual development would be approved by the code amendment, and no increases in land use density, intensity, or distribution are proposed. In addition, compliance with California Building Code standards for safe construction generally ensures that no impacts related to expansive soils would occur.	
i. NO IMPACT	No specific development is proposed as part of the code amendment project, no individual development would be approved by the code amendment, and no increases in land use density, intensity, or distribution are proposed. In addition, compliance with California Building Code standards for safe construction generally ensures that no impacts related to expansive soils would occur.	
j. NO IMPACT	No specific development is proposed as part of the code amendment project, no individual development would be approved by the code amendment, and no increases in land use density, intensity, or distribution are proposed. No impacts would occur related to septic capability.	
VII. GREEN HOUSE GAS EMISSIONS		

Impact?	Explanation	Mitigation Measures
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c.	NO IMPACT	<p>No development is proposed as part of or would be facilitated by the code amendment project, and no increases in land use density, intensity, or distribution are proposed. Thus, no impact is anticipated, directly or indirectly, regarding generation of greenhouse gas emissions. As no construction is proposed, impacts from construction emissions would not be increased. The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. The code amendment project itself does not include any specific physical development. No adverse impacts would occur.</p>	
d.	NO IMPACT	<p>No development is proposed as part of or would be facilitated by the code amendment project, and no increases in land use density, intensity, or distribution are proposed. Thus, adoption of the code amendment is not anticipated to conflict with applicable plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions. As no construction is proposed, impacts from construction emissions would not be increased. The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. The code amendment project itself does not include any specific physical development. No adverse impacts would occur.</p>	

VIII. HAZARDS AND HAZARDOUS MATERIALS

Impact?	Explanation	Mitigation Measures
a. NO IMPACT	<p>Individual future development projects that may apply for discretionary land use approvals in the City of Los Angeles may be located on or near sites that could raise concerns regarding hazardous materials use, contamination, or other hazards. However, no increases in land use density, intensity or distribution, are proposed as part of the proposed code amendment. No specific development is proposed, and no individual development would be approved by adoption of the code amendment. In addition, a number of existing state and federal laws and programs apply to hazards and hazardous materials and would apply to subsequent future individual development projects. These include the Resource Conservation and Recovery Act, California Fire Codes, Senate Bill 1082 (Facilities Subject to Corrective Action), Department of Health Services regulations, and Department of Housing regulations. Finally, Municipal Code Section 54.05 requires that a hazardous substance clearance report, including provisions for site remediation if warranted, be approved by the County Health Department and recorded with the County for sale or transfer of any property, upon which there has been an unauthorized disposal or release of a hazardous substance.</p>	
b. NO IMPACT	<p>Individual future development projects that may apply for discretionary land use approvals in the City of Los Angeles may be located on or near sites that could raise concerns regarding hazardous materials use, contamination, or other hazards. However, no increases in land use density, intensity or distribution, are proposed as part of the proposed code amendment. No specific development is proposed, and no individual development would be approved by adoption of the code amendment. In addition, a number of existing state and federal laws and programs apply to hazards and hazardous materials and would apply to subsequent future individual development projects. These include the Resource Conservation and Recovery Act, California Fire Codes, Senate Bill 1082 (Facilities Subject to Corrective Action), Department of Health Services regulations, and Department of Housing regulations. Finally, Municipal Code</p>	

Impact?	Explanation	Mitigation Measures
	<p>Section 54.05 requires that a hazardous substance clearance report, including provisions for site remediation if warranted, be approved by the County Health Department and recorded with the County for sale or transfer of any property, upon which there has been an unauthorized disposal or release of a hazardous substance.</p>	
NO IMPACT	<p>Individual future development projects that may apply for discretionary land use approvals in the City of Los Angeles may be located on or near sites that could raise concerns regarding hazardous materials use, contamination, or other hazards. However, no increases in land use density, intensity or distribution, are proposed as part of the proposed code amendment. No specific development is proposed, and no individual development would be approved by adoption of the code amendment. In addition, a number of existing state and federal laws and programs apply to hazards and hazardous materials and would apply to subsequent future individual development projects. These include the Resource Conservation and Recovery Act, California Fire Codes, Senate Bill 1082 (Facilities Subject to Corrective Action), Department of Health Services regulations, and Department of Housing regulations. Finally, Municipal Code Section 54.05 requires that a hazardous substance clearance report, including provisions for site remediation if warranted, be approved by the County Health Department and recorded with the County for sale or transfer of any property, upon which there has been an unauthorized disposal or release of a hazardous substance.</p>	
NO IMPACT	<p>Individual future development projects that may apply for discretionary land use approvals in the City of Los Angeles may be located on or near sites that could raise concerns regarding hazardous materials use, contamination, or other hazards. However, no increases in land use density, intensity or distribution, are proposed as part of the proposed code amendment. No specific development is proposed, and no individual development would be approved by adoption of the code amendment. In addition, a number of existing state and federal laws and programs apply to hazards and hazardous</p>	

Impact?	Explanation	Mitigation Measures
	<p>materials and would apply to subsequent future individual development projects. These include the Resource Conservation and Recovery Act, California Fire Codes, Senate Bill 1082 (Facilities Subject to Corrective Action), Department of Health Services regulations, and Department of Housing regulations. Finally, Municipal Code Section 54.05 requires that a hazardous substance clearance report, including provisions for site remediation if warranted, be approved by the County Health Department and recorded with the County for sale or transfer of any property, upon which there has been an unauthorized disposal or release of a hazardous substance.</p>	
3. NO IMPACT	<p>The City of Los Angeles contains the Los Angeles International Airport, the Van Nuys Airport, and Whiteman Airport. No safety hazard impacts would occur because no new individual development or increases in land use density, intensity, or distribution are proposed as part of the proposed code amendment. No adverse impacts are anticipated.</p>	
. NO IMPACT	<p>The City of Los Angeles contains the Los Angeles International Airport, the Van Nuys Airport, and Whiteman Airport. No safety hazard impacts would occur because no new individual development or increases in land use density, intensity, or distribution are proposed as part of the proposed code amendment. No adverse impacts are anticipated.</p>	
g. NO IMPACT	<p>The circulation network would remain unchanged under the proposed regulations. Access to and from existing structures and to and through the project area would remain unchanged. Existing requirements for fire and other emergency access would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.</p>	
h. NO IMPACT	<p>The City of Los Angeles is highly urbanized but contains large areas of undeveloped lands adjacent to urban areas, where the possibility of wildfires exist at the wildland-urban interface. However, no specific development is proposed by the code amendment project, and no increases in land use density, intensity, or distribution are proposed. Individual future development</p>	

Impact?	Explanation	Mitigation Measures
	<p>projects that may apply for discretionary land use approvals in the City of Los Angeles will be subject to requirements of the International Building Code and the California Building Code. No impacts would occur.</p>	
I. HYDROLOGY AND WATER QUALITY		
<p>a. NO IMPACT</p>	<p>No specific development is proposed as part of the code amendment project, no individual development will be approved as part of the code amendment, and no increases in land use density, intensity, or distribution are proposed. Regulations under the federal Clean Water Act require that a NPDES general construction storm water permit be obtained for projects that would disturb greater than one acre during construction. Acquisition of a NPDES permit is dependent on the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that contains BMPs to control the discharge of pollutants, including sediment, into the local surface water drainages. For project operation, the City's Stormwater and Urban Runoff Pollution Control regulations (Municipal Code, Chapter VI Article 4.4) require measures to control stormwater pollutants, including implementation of practices from the "Development Best Management Practices Handbook" adopted by the Board of Public Works. The City's NPDES Permit requires new development and redevelopment projects to incorporate water quality measures. Depending on the type of project, either a Standard Urban Stormwater Mitigation Plan (SUSMP) or a Site Specific Mitigation Plan is required to reduce the quantity and improve the quality of rainfall runoff that leaves the site. No impacts are anticipated.</p>	
<p>b. NO IMPACT</p>	<p>development is proposed as part of the code amendment project, no individual development would be approved as part of the code amendment, and no increases in land use density, intensity, or distribution are proposed. Adoption of the proposed code amendment would not result in a measurable increase in the demand for water. No impacts are anticipated.</p>	

Impact?	Explanation	Mitigation Measures
c. NO IMPACT	<p>No specific development is proposed as part of the code amendment project, no individual development will be approved as part of the code amendment, and no increases in land use density, intensity, or distribution are proposed. Regulations under the federal Clean Water Act require that a NPDES general construction storm water permit be obtained for projects that would disturb greater than one acre during construction. Acquisition of a NPDES permit is dependent on the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that contains BMPs to control the discharge of pollutants, including sediment, into the local surface water drainages. For project operation, the City's Stormwater and Urban Runoff Pollution Control regulations (Municipal Code, Chapter VI Article 4.4) require measures to control stormwater pollutants, including implementation of practices from the "Development Best Management Practices Handbook" adopted by the Board of Public Works. The City's NPDES Permit requires new development and redevelopment projects to incorporate water quality measures. Depending on the type of project, either a Standard Urban Stormwater Mitigation Plan (SUSMP) or a Site Specific Mitigation Plan is required to reduce the quantity and improve the quality of rainfall runoff that leaves the site. No impacts are anticipated.</p>	
d. NO IMPACT	<p>No specific development is proposed as part of the code amendment project, no individual development will be approved as part of the code amendment, and no increases in land use density, intensity, or distribution are proposed. Regulations under the federal Clean Water Act require that a NPDES general construction storm water permit be obtained for projects that would disturb greater than one acre during construction. Acquisition of a NPDES permit is dependent on the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that contains BMPs to control the discharge of pollutants, including sediment, into the local surface water drainages. For project operation, the City's Stormwater and Urban Runoff Pollution Control regulations (Municipal Code, Chapter VI Article 4.4) require measures to control</p>	

Impact?	Explanation	Mitigation Measures
	<p>stormwater pollutants, including implementation of practices from the "Development Best Management Practices Handbook" adopted by the Board of Public Works. The City's NPDES Permit requires new development and redevelopment projects to incorporate water quality measures. Depending on the type of project, either a Standard Urban Stormwater Mitigation Plan (SUSMP) or a Site Specific Mitigation Plan is required to reduce the quantity and improve the quality of rainfall runoff that leaves the site. No impacts are anticipated.</p>	
e. NO IMPACT	<p>No specific development is proposed as part of the code amendment project, no individual development will be approved as part of the code amendment, and no increases in land use density, intensity, or distribution are proposed. Regulations under the federal Clean Water Act require that a NPDES general construction storm water permit be obtained for projects that would disturb greater than one acre during construction. Acquisition of a NPDES permit is dependent on the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that contains BMPs to control the discharge of pollutants, including sediment, into the local surface water drainages. For project operation, the City's Stormwater and Urban Runoff Pollution Control regulations (Municipal Code, Chapter VI Article 4.4) require measures to control stormwater pollutants, including implementation of practices from the "Development Best Management Practices Handbook" adopted by the Board of Public Works. The City's NPDES Permit requires new development and redevelopment projects to incorporate water quality measures. Depending on the type of project, either a Standard Urban Stormwater Mitigation Plan (SUSMP) or a Site Specific Mitigation Plan is required to reduce the quantity and improve the quality of rainfall runoff that leaves the site. No impacts are anticipated.</p>	
NO IMPACT	<p>No specific development is proposed as part of the code amendment project, no individual development will be approved as part of the code amendment, and no increases in land use density, intensity, or distribution are proposed. Regulations</p>	

Impact?	Explanation	Mitigation Measures
	<p>under the federal Clean Water Act require that a NPDES general construction storm water permit be obtained for projects that would disturb greater than one acre during construction. Acquisition of a NPDES permit is dependent on the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that contains BMPs to control the discharge of pollutants, including sediment, into the local surface water drainages. For project operation, the City's Stormwater and Urban Runoff Pollution Control regulations (Municipal Code, Chapter VI Article 4.4) require measures to control stormwater pollutants, including implementation of practices from the "Development Best Management Practices Handbook" adopted by the Board of Public Works. The City's NPDES Permit requires new development and redevelopment projects to incorporate water quality measures. Depending on the type of project, either a Standard Urban Stormwater Mitigation Plan (SUSMP) or a Site Specific Mitigation Plan is required to reduce the quantity and improve the quality of rainfall runoff that leaves the site. No impacts are anticipated.</p>	
g.	<p>NO IMPACT</p> <p>No development is proposed as part of the code amendment project, no individual development would be approved as part of the code amendment, and no increases in land use density, intensity, or distribution are proposed. Existing requirements for flood management and mitigation would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.</p>	
i.	<p>NO IMPACT</p> <p>No development is proposed as part of the code amendment project, no individual development would be approved as part of the code amendment, and no increases in land use density, intensity, or distribution are proposed. Existing requirements for flood management and mitigation would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.</p>	

Impact?	Explanation	Mitigation Measures
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..	NO IMPACT	No development is proposed as part of the code amendment project, no individual development would be approved as part of the code amendment, and no increases in land use density, intensity, or distribution are proposed. Existing requirements for flood management and mitigation would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.	
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j.	NO IMPACT	No development is proposed as part the code amendment project, no individual development would be approved as part of the code amendment, and no increases in land use density, intensity, or distribution are proposed. Coastal areas of the City of Los Angeles could potentially be subject to tsunami or seiche, and existing requirements for mitigation, including the Coastal Development Permitting process administered by the Coastal Development Commission, would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.	
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. LAND USE AND PLANNING

a.	NO IMPACT	The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed, and no individual development would be approved by adoption of the code amendment. No changes in land use designations are proposed, and no major infrastructure or other projects or changes that would divide existing communities are proposed or would be directly facilitated. No impacts would occur.	
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Impact?	Explanation	Mitigation Measures
J. NO IMPACT	<p>The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed, and no individual development would be approved by adoption of the code amendment. Implementation of the proposed changes to existing conditional use regulations through future requested projects within the City of Los Angeles would be consistent with the General Plan, applicable Community Plans, and Zoning Ordinance as amended by this code amendment project. No impacts would occur.</p>	
J. NO IMPACT	<p>The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed, and no development would be specifically approved by adoption of the program. Therefore, No habitat conservation plans or natural community conservation plans would be impacted.</p>	
XI. MINERAL RESOURCES		

Impact?	Explanation	Mitigation Measures
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i.	NO IMPACT	<p>The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed, and no development would be specifically approved by adoption of the program. Therefore, no impacts to mineral resources would occur.</p>	
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j.	NO IMPACT	<p>The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed, and no development would be specifically approved by adoption of the program. Therefore, no impacts to mineral resources would occur.</p>	
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II. NOISE

a.	NO IMPACT	<p>The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the</p>	
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Impact?	Explanation	Mitigation Measures
	<p>Planning and Zoning Code. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed, and no development would be specifically approved by adoption of the proposed code amendment. Because the proposed project does not include any development proposals or entitlements, adoption of the proposed code amendment would not place sensitive receptors in areas, subject to noise that exceeds noise standards.</p>	
b. NO IMPACT	<p>The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed, and no development would be specifically approved by adoption of the proposed code amendment. Because the proposed project does not include any development proposals or entitlements, adoption of the proposed code amendment would not place sensitive receptors in areas, subject to noise that exceeds noise standards.</p>	
c. NO IMPACT	<p>The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed, and no development would be specifically approved by adoption of the proposed code amendment. Because the proposed</p>	

Impact?	Explanation	Mitigation Measures
	project does not include any development proposals or entitlements, adoption of the proposed code amendment would not place sensitive receptors in areas, subject to noise that exceeds noise standards.	
d. NO IMPACT	No specific development is proposed and no development would be specifically approved by adoption of the proposed code amendment. The proposed regulations do not involve any development proposals or entitlements. All future applications requesting discretionary approvals for development projects in the City of Los Angeles will comply with Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible. Therefore, no impacts related to temporary construction noise would occur.	
e. NO IMPACT	The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. No specific development is proposed, and no individual development would be approved by adoption of the program. If adopted, the proposed code amendment will not impact any existing or planned airport plans. Therefore, the project would not expose people to excessive noise levels associated with airport operations.	
f. NO IMPACT	The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the	

Impact?	Explanation	Mitigation Measures
	<p>Planning and Zoning Code. No specific development is proposed, and no individual development would be approved by adoption of the program. If adopted, the proposed code amendment will not impact any existing or planned airport plans. Therefore, the project would not expose people to excessive noise levels associated with airport operations.</p>	

VIII. POPULATION AND HOUSING

<p>a.</p>	<p>NO IMPACT</p>	<p>No specific development is proposed as part of the code amendment project, no individual development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. No housing is proposed for construction or removal, and no population inducing development or regulations are proposed. The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. However, these revisions to the land use findings required to grant approval of discretionary land use applications will not allow any increase in net density above what has been planned. Therefore, no population and housing impacts would occur.</p>	
<p>b.</p>	<p>NO IMPACT</p>	<p>No specific development is proposed as part of the code amendment project, no individual development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. No housing is proposed for construction or removal, and no population inducing development or regulations are proposed. The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing,</p>	

Impact?	Explanation	Mitigation Measures
	<p>clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. However, these revisions to the land use findings required to grant approval of discretionary land use applications will not allow any increase in net density above what has been planned. Therefore, no population and housing impacts would occur.</p>	
c.	<p>NO IMPACT</p> <p>No specific development is proposed as part of the code amendment project, no individual development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. No housing is proposed for construction or removal, and no population inducing development or regulations are proposed. The proposed code amendment would update the findings required to grant approval of discretionary land use applications in the City of Los Angeles to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing by consolidating core findings that have the same intent but different phrasing, clarifying ambiguous finding language, deleting duplicative and unnecessary findings, and moving findings to more appropriate places in the Planning and Zoning Code. However, these revisions to the land use findings required to grant approval of discretionary land use applications will not allow any increase in net density above what has been planned. Therefore, no population and housing impacts would occur.</p>	
XIV. PUBLIC SERVICES		
i.	<p>NO IMPACT</p> <p>Because no development is proposed as part of or would be facilitated by the code amendment project, and no increases in land use density, intensity, or distribution are proposed, the code amendment project would not increase the demand for fire or police protection services, schools, parks, or other public services. No new facilities would be required, and no alterations to existing facilities would result from adoption of the proposed code amendment. No adverse impacts related to public services or public services facilities would occur from adoption of the proposed code amendment.</p>	

Impact?	Explanation	Mitigation Measures
b. NO IMPACT	Because no development is proposed as part of or would be facilitated by the code amendment project, and no increases in land use density, intensity, or distribution are proposed, the code amendment project would not increase the demand for fire or police protection services, schools, parks, or other public services. No new facilities would be required, and no alterations to existing facilities would result from adoption of the proposed code amendment. No adverse impacts related to public services or public services facilities would occur from adoption of the proposed code amendment.	
c. NO IMPACT	Because no development is proposed as part of or would be facilitated by the code amendment project, and no increases in land use density, intensity, or distribution are proposed, the code amendment project would not increase the demand for fire or police protection services, schools, parks, or other public services. No new facilities would be required, and no alterations to existing facilities would result from adoption of the proposed code amendment. No adverse impacts related to public services or public services facilities would occur from adoption of the proposed code amendment.	
d. NO IMPACT	Because no development is proposed as part of or would be facilitated by the code amendment project, and no increases in land use density, intensity, or distribution are proposed, the code amendment project would not increase the demand for fire or police protection services, schools, parks, or other public services. No new facilities would be required, and no alterations to existing facilities would result from adoption of the proposed code amendment. No adverse impacts related to public services or public services facilities would occur from adoption of the proposed code amendment.	
e. NO IMPACT	Because no development is proposed as part of or would be facilitated by the code amendment project, and no increases in land use density, intensity, or distribution are proposed, the code amendment project would not increase the demand for fire or police protection services, schools, parks, or other public services. No new facilities would be required, and no alterations to existing facilities would result from adoption of the proposed code amendment. No adverse impacts related	

Impact?	Explanation	Mitigation Measures
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	to public services or public services facilities would occur from adoption of the proposed code amendment.	
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V. RECREATION

a.	NO IMPACT	No development is proposed as part of the code amendment project, no specific development would be approved by the code amendment, and no increases in land use density, intensity, or distribution are proposed. No housing or other uses are proposed or would be specifically approved that would result in increased demand for recreational facilities, and no population-inducing development or regulations are proposed. No adverse impacts related to recreation would occur.	
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b.	NO IMPACT	No development is proposed as part of the code amendment project, no specific development would be approved by the code amendment, and no increases in land use density, intensity, or distribution are proposed. No housing or other uses are proposed or would be specifically approved that would result in increased demand for recreational facilities, and no population-inducing development or regulations are proposed. No adverse impacts related to recreation would occur.	
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VI. TRANSPORTATION/TRAFFIC

a.	NO IMPACT	No development is proposed nor would any specific development be approved by the proposed code amendment. Implementation of the proposed code amendment, which would not change the land use designations or density in the project area, would not be expected to affect traffic or circulation. Therefore, and because no specific development, changes in land use, or increases in allowed land use intensity are proposed as part of the proposed code amendment, project implementation would not increase traffic volumes within the City of Los Angeles. It should also be noted that future development projects would be subject to individual review for potential traffic impacts and those impacts would be addressed on a case-by-case basis. No adverse impacts would result.	
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b.	NO IMPACT	No development is proposed nor would any specific development be approved by the proposed code amendment. Implementation of the proposed code amendment, which would not change the land use designations or density in the project area, would not be expected to	
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Impact?	Explanation	Mitigation Measures
	<p>affect traffic or circulation. Therefore, and because no specific development, changes in land use, or increases in allowed land use intensity are proposed as part of the proposed code amendment, project implementation would not increase traffic volumes within the City of Los Angeles. It should also be noted that future development projects would be subject to individual review for potential traffic impacts and those impacts would be addressed on a case-by-case basis. No adverse impacts would result.</p>	
c.	<p>NO IMPACT</p> <p>No development is proposed nor would any specific development be approved by the proposed code amendment. Therefore, no change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks would result. Building heights would not be increased, nor would projects regulated by the proposed code amendment increase airport traffic levels. No adverse impacts would result.</p>	
d.	<p>NO IMPACT</p> <p>No sharp curves, dangerous intersections or other hazardous traffic or intersection configurations are proposed or would be facilitated by implementation of the code amendment project. Major changes in road engineering, alignment or intersection controls that could affect traffic safety are not proposed. Farm equipment and other incompatible vehicular or transportation uses would not be introduced or facilitated by the project. No adverse impacts would result.</p>	
e.	<p>NO IMPACT</p> <p>The circulation network would remain unchanged under the proposed regulations. Access to and from existing structures and to and through the project area would remain unchanged. Existing requirements for fire and other emergency access would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.</p>	
f.	<p>NO IMPACT</p> <p>No development is proposed nor would any specific development be approved by the proposed code amendment. Therefore, no change in parking capacity is anticipated from adoption of the proposed project. The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. No adverse impact would</p>	

Impact?	Explanation	Mitigation Measures
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result.

XVII. UTILITIES AND SERVICE SYSTEMS

a.	LESS THAN SIGNIFICANT IMPACT	No development is proposed as part of the code amendment project, no specific development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. The project would not result in a measurable increase in the demand for water nor in an increase in wastewater generation. No new or expanded facilities are proposed or would be required in order to implement the proposed code amendment. Impacts would be less than significant.	
b.	NO IMPACT	No development is proposed as part of the code amendment project, no specific development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. The project would not result in a measurable increase in the demand for water nor in an increase in wastewater generation. No new or expanded facilities are proposed or would be required in order to implement the proposed code amendment. No adverse impacts are anticipated.	
c.	LESS THAN SIGNIFICANT IMPACT	No new development or increases in potential development are proposed, and no wastewater facilities are proposed for alteration or expansion. New development built subject to the proposed regulations would be subject to various water conservation measures in the citywide landscape ordinance and other regulations. Impacts would be less than significant.	
d.	LESS THAN SIGNIFICANT IMPACT	No development is proposed as part of the code amendment project, no specific development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. The project would not result in a measurable increase in the demand for water nor in an increase in wastewater generation. No new or expanded facilities are proposed or would be required in order to implement the proposed code amendment. Impacts would be less than significant.	

Impact?	Explanation	Mitigation Measures
e. NO IMPACT	No development is proposed as part of the code amendment project, no specific development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. The project would not result in a measurable increase in the demand for water nor in an increase in wastewater generation. No new or expanded facilities are proposed or would be required in order to implement the proposed code amendment. No adverse impacts are anticipated.	
f. LESS THAN SIGNIFICANT IMPACT	No development is proposed as part of the code amendment project, no specific development would be approved, and no increases in land use density or intensity are proposed. Implementation of the proposed code amendment would not result in a measurable increase in solid waste generation. Impacts would be less than significant.	
g. NO IMPACT	No development is proposed as part of the code amendment project, no specific development would be approved, and no increases in land use density or intensity are proposed. Implementation of the proposed code amendment would not result in a measurable increase in solid waste generation. Impacts would be less than significant.	
VIII. MANDATORY FINDINGS OF SIGNIFICANCE		
a. LESS THAN SIGNIFICANT IMPACT	The proposed code amendment project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, or threaten to eliminate a plant or animal community.	
b. LESS THAN SIGNIFICANT IMPACT	The cumulative impacts associated with the proposed code amendment project will result in a less than significant impact.	
c. LESS THAN SIGNIFICANT IMPACT	The proposed code amendment project does not pose significant impacts to humans.	

LA NEIGHBORS UNITED

128 N. Swall Drive, #304 Los Angeles, CA 90048
www.LAneighbors.org

October 7, 2010

BY MESSENGER

Mr. Bill Roschen
President
Los Angeles City Planning Commission
200 N. Spring Street
Los Angeles, CA 90012

RE: Zoning Code Update Staff Report on Nine Zoning Code Section Studies
Department of City Planning Recommendation Report on CPC-2010-1572-CA and
ENV-2010-1573-ND, Otherwise Known as "Core Findings Ordinance"

Dear Bill:

It is with great disappointment that we send this letter regarding the "Core Findings Ordinance" that will be considered by the City Planning Commission on October 14, 2010, at 8:30 a.m. in Room 1010 of Los Angeles City Hall in downtown Los Angeles.

Following careful review of the proposed nine-part zoning code update, including the first proposed ordinance on core findings, it is quite clear that the City intends to gut the zoning code, apparently with callous disregard for the people, neighborhoods and long-term future of Los Angeles.

This action, part of the most massive zoning code rewrite since 1946, is being taken under the guise of "updating" and "streamlining" the code. We have recently posted the Zoning Code Update Staff Report and the draft ordinance to our website (<http://www.laneighbors.org>), but it certainly has not gotten the public circulation and attention that it deserves.

The truth is the first ordinance will severely define down planning standards and subvert zoning controls in Los Angeles to the point where the City is mandated to approve even projects that would have adverse impacts. Similarly, the ordinance will severely limit the City's ability to place conditions on those projects in order to mitigate negative impacts.

Some of my friends in the real estate development and investment community at first glance may think this ordinance is a positive step, but anyone who cares seriously about long-term real estate ownership and investment in the City, including the sanctity of planning and the integrity of zoning, will come to the opposite conclusion after examining the ordinance and its very likely impacts.

The City's action with this ordinance is irresponsible, underhanded and unlawful. The Core Findings Ordinance is unconstitutional, and in violation of the California Environmental Quality Act (CEQA):

- By this ordinance, which so defines down planning standards, virtually all entitlement applications for zoning adjustments, Specific Plan exceptions and conditional uses must be granted by the City, even if the projects and uses anticipated will produce substantial negative impacts that are not mitigated. Clearly, the ordinance is intended to subvert CEQA; it rolls back well-established environmental protections and public accountability standards that help ensure we keep California California ... in other words, that we properly respect the integrity of the natural and built environments that so ensure our quality of life and the aesthetics of our City and our State.
 - The ordinance effectively guts protections afforded residents and commercial property owners in all 46 of the City's Specific Plan areas. No longer will applicants for land use entitlements including development and conditional uses have to comply with existing Specific Plan requirements.
 - The ordinance effectively provides a 20% development bonus to all applicants seeking new project approvals (and enlargements of already approved projects) in Community Plan areas. The City will not have to hold hearings or provide community notification before granting these development bonuses characterized as zoning adjustments. Thus, the ordinance also places limitations on public involvement in the review of potentially impactful projects, in direct contravention with the public accountability purposes of CEQA. "CEQA broadly invokes the policy of permitting full public participation throughout the environmental review process it commands." (*Plaggmier v. City of San Jose* (1980) 101 Cal.App.3d 842, 854.) Allowing the public to fully participate in the review of projects enables the full analysis of project impacts and full disclosure to those who would be impacted.
- By this ordinance, the standards for core findings are defined down to such a point that they are no longer consistent with the findings that are required to meet the applicable legal standard for approving zoning adjustments, exceptions to Specific Plan requirements and conditional use permits. Quite simply, these core findings cannot be used to justify these approvals.
- The transfer of authority effected by this ordinance is illegal. State law in California requires, and the California State Supreme Court has affirmed, that local zone changes, including code amendments, are to be made by legislative bodies, not administrative boards including planning commissions. Only legislators (in the case of Los Angeles, the City Council) can authorize zone changes or amend the local zoning code. By this ordinance, authority to approve zone changes and amend the zoning code within Specific Plan areas and Community Plan areas effectively will be transferred from the City Council to the Mayor's Planning Department; the Planning Department and planning commissions effectively will be able to rewrite the zoning code on an ad hoc, arbitrary basis by virtue of their new mandate to approve building height and size changes, and

changes of use, through zoning adjustments, Specific Plan exceptions and conditional use permits. This transfer of authority is illegal. The Planning Department and planning commissions in the City cannot rewrite the zoning code simply because they may feel like it when they wake up in the morning; only the City Council can approve zone changes and zone code amendments.

- The Core Findings Ordinance — by itself and in conjunction with the other eight ordinances — will produce significant growth and growth impacts that have not been identified by the City through a master, or programmatic, Environmental Impact Report (EIR). A Negative Declaration on this proposed ordinance is grossly insufficient and cuts short the full public review and comment that should be undertaken in connection with such a momentous change to the City's entitlement review and approval process.
- It is unknown whether the City's infrastructure capacity is sufficient to support the growth that will result from this ordinance given the City's noncompliance with infrastructure reporting requirements under the City's General Plan. Although the City is required by the Framework Element (Program P43) to prepare and publish Annual Growth and Infrastructure Reports, no such reports have been prepared or published since the year 2000. It is questionable whether this zoning code project even can be undertaken lawfully in the absence of compliance with this General Plan reporting requirement.

The Staff Report accompanying this ordinance is misleading at best; it is a disingenuous representation of the results the ordinance actually will produce. The ordinance for all intents and purposes will gut Community Plans and Specific Plans in place across the City; this is not communicated in the Staff Report.

We strongly encourage the Planning Commission to reject this ordinance on consideration and remand it to the Planning Department until an EIR is completed on the entire project.

Following is a summary and discussion of the ordinance's impacts and our concerns. To be clear, the Core Findings Ordinance will produce these results:

- The Mayor's Planning Department, at their sole discretion, will be able to effectively override existing zoning by allowing taller buildings, bigger buildings, denser buildings and different uses than the underlying zoning allows — often with no opportunities for community participation to fully identify and understand the environmental impacts of entitlements, including impacts on adjacent and nearby properties.
- All 46 Specific Plan areas in the City will lose protections. Future projects and alterations to existing buildings will not have to comply with existing Specific Plan requirements. The same is true for all 36 Community Plan areas in the City. Future projects and alterations to existing buildings will not have to comply with existing Community Plan requirements. (The sky is the limit for exceptions to Specific Plans; for projects in Community Plan areas outside Specific Plan areas, project applicants are essentially assured of receiving 20% development bonuses in the form of zoning adjustments.)

- Across every neighborhood and commercial center in Los Angeles, new projects no longer will have to be compatible with their surroundings as they do today.
- Neighbors, including commercial property owners, will see their rights to challenge project approvals severely limited if not effectively abridged. This will be the impact of defining down planning standards and removing compatibility requirements. In the case of Specific Plan exceptions granted by the Mayor's Planning Department, while appeal rights still will exist on the City's books, entitlement approvals will be virtually impossible to overturn. Remember the new standard: "Doesn't *further degrade* the neighborhood." On this basis pretty much everything will be allowable in Specific Plan areas. Relative to zoning adjustments in Community Plan areas, it will be similarly difficult to appeal 20% development bonuses granted by the Mayor's Planning Department, especially if there is no public notice of the approvals in the first place.
- Across the San Fernando Valley, undeveloped and modestly developed land zoned for agricultural uses will be swept away. It will be much easier, as a result of the ordinance, for property owners to obtain entitlements including conditional use permits allowing multifamily residential, mixed-use and commercial properties on land zoned for agriculture; the City's ability to condition use permits will be limited by the new ordinance.
- The City Council's authority to intervene on project decisions, including on their constituents' behalf, will be severely limited if not entirely abridged. As discussed, this ordinance represents a massive power shift from the Legislative to the Executive Branch of City government. The City Council will be acting unwisely and unconstitutionally if it delegates this authority to the Executive Branch.
- Neighborhood councils no longer will receive Early Notification of many, if not most, major land use projects in their areas, abridging their Charter-protected right to advise the City on significant issues.
- Oversized density-bonus projects, homeless shelters, recycling centers, mini-shopping centers and a variety of other project types all will be easier to build and open in our communities, with lower standards for approval.
- The expanded scope of allowable adjustments to house sizes, including heights and side yards, and grading requirements, will effectively nullify a host of other ordinances and standards on the city's books that are intended to protect residential neighborhoods from incompatible development and uses.

CEQA Requires Preparation of an EIR for the Overall Zoning Code Project, Including this Ordinance

The California Environmental Quality Act (CEQA) requires an EIR whenever a project *may* have a significant adverse impact on the environment. (California Public Resources Code § 21151.) “If there is substantial evidence of a significant environmental impact, evidence to the contrary does not dispense with the need for an EIR when it can still be ‘fairly argued’ that the project may have a significant impact.” (*Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1001.)

This project, representing the most massive rewrite of the City’s zoning code since 1946, encompasses nine major code studies, affecting the core components of the zoning code:

- Administrative Exceptions, including an “abbreviated review process” for deviations from the zoning code
- Calculation and Measurement, including residential density, floor area ratio and height
- Commercial Development Standards
- Core Findings
- Multiple Approvals
- Open Space and Setback Standards
- Plan Approvals
- Planned Unit Developments
- Site Plan Review

The City has deliberately parsed the zoning code changes into nine ordinances in an effort to avoid recognizing, or to allow the public to recognize, the overall project’s impacts. This segmentation of the review of the ordinances is specifically prohibited by CEQA.

With evidence presented here as well as additional evidence we are gathering in anticipation of submitting further correspondence on this matter, we will demonstrate that this ordinance *alone* is likely to produce significant environmental impacts (including on traffic, scenic views, aesthetics, shade/shadow, infrastructure, air pollution, and water reclamation and stormwater runoff) that have not been identified by the City.

To this end, we are planning to submit computer-generated renderings illustrating the impacts of anticipated new developments on hillsides, canyons, in the flats and in scenic corridors. Also, we anticipate submitting photographic evidence from the city of Houston to demonstrate the impacts on a city when zoning controls are absent. (As most members of the national real estate development and investment community are aware, Houston is the largest city in the U.S. that maintains no meaningful zoning code, including no transitional zoning requirements.) We will be able to demonstrate through photographic evidence of some Houston sites how zoning code changes included in this ordinance will impact sites in Los Angeles.

Given the significant environmental impacts of the Core Findings Ordinance, an EIR clearly is required for the ordinance and the project to proceed.

Proposed Ordinance Will Substantially Define Down the Core Findings Required to Approve Enlarged Development Projects and Many Conditional Uses, Limiting the City's Ability to Deny or Mitigate Impactful Projects

To be clear, if this ordinance were simply intended to “make development easier” in the City by streamlining process, we would not be submitting these comments. But this ordinance goes way beyond that. The City’s intention is to lower planning and development standards to gin up significant growth, with no community input relative to the characteristics and implications of that growth, and no meaningful analysis of the impacts of that growth.

The most significant downward definitions of core findings, and subversions of zoning controls, include:

- Project Compatibility Core Finding – No longer will projects have to be compatible with other projects in the immediate vicinity in which they are located. (City Planning Recommendation Report on Proposed Ordinance, Page 8.) Rather, by the new ordinance, they only will have to be compatible with a surrounding area that can include the entire Community Plan area, the entire Specific Plan area or a surrounding Plan area. In other words, a proposed 20-story building could be found compatible with a largely single-family residential neighborhood if there is another 20-story building two miles away in the same Community Plan area.
- General Plan Core Finding – No longer will projects have to be in conformance with the city’s General Plan to be approved without a zoning variance; rather, they only will have to be in “substantial conformance with the purpose, intent and provisions of the General Plan and [the] applicable Community and Specific Plan.” (City Planning Recommendation Report on Proposed Ordinance, Page 8.)

Here we must call out one of the most fantastical element of the entire proposed Core Findings Ordinance. The notion of “substantial conformance” with plan requirements versus conformance is riddle enough. But the notion of conforming with the “intent” of a Community Plan or Specific Plan is right out of “Alice in Wonderland.” What does it mean to conform with the intent of a plan? It is unclear even after we have consulted with a variety of credentialed planners and expert land use attorneys. We can only conclude that conformance with the intent of plans will mean whatever the Mayor’s Planning Department wants it to mean for any given project on any given day.

Reality check: Plans have requirements. A project complies with applicable plans or it doesn’t comply. Findings are supposed to be made on the basis of fact, not intent. Planners cannot define intent. On this basis alone, this ordinance is truly ridiculous and will be impossible to implement.

The lobbyists representing development interests who drafted the ordinance might as well have taken a match to the entire zoning code; the same objective would be achieved, which was likely *their* intent!

- Adjustment Core Finding – No longer will projects have to comply with established ordinances and policies regarding house sizes, including floor area ratios, heights, setback requirements and grading requirements; rather, they only will have to comply with the “intent of those regulations” on the City’s books. (City Planning Recommendation Report on Proposed Ordinance, Page 8.) Once again, we enter the realm of the fantastical. What does it mean to conform with the “intent” of regulations? Planners cannot define intent.

This ordinance will effectively override existing single-family residential zoning, including anti-mansionization regulations on hillsides and in the flats, and grading requirements.

- Project Design Core Finding – No longer will project designs have to be compatible with neighborhoods as they do today. (City Planning Recommendation Report on Proposed Ordinance, Page 9.) Additionally, project designs no longer will have to conform to the underlying site zoning. The ordinance introduces the element of form-based codes into the City’s otherwise Euclidean zoning code. At the arbitrary and ad hoc discretion of the Mayor’s Planning Department, new projects will be justifiable based on their *form*. (Form speaks to the arrangement of uses, buildings and structures in a surrounding area; by the new ordinance, there may be no relationship between a project design’s form and the underlying site zoning.) We will discuss the environmental impacts of this proposed finding later in this comment letter.

Proposed Ordinance Will Significantly Enlarge the Range of Allowable Zoning Adjustments So That Far Fewer Larger Development Projects Will Require Zoning Variances

State law and the City Charter are quite explicit, and strict, relative to the sanctity of zoning and the necessity to demonstrate the need for zoning variances. Under State and City law, variances are intended to be rare, based on hardship and necessity.

As discussed, the new City ordinance will subvert zoning and the need to justify zoning variances as required under State law and the City Charter. Many entitlement approvals that today require variances will be allowed virtually by-right through administrative exceptions and adjustments at the sole discretion of the Mayor’s Planning Department.

Here are three examples of outcomes to expect as a result of the proposed ordinance:

- Scenario 1: A project applicant in a Specific Plan area wants to build an apartment building that is 180 feet high with a floor area ratio of approximately 6:1. The zoning on the site allows buildings up to 45 feet high with a maximum floor area ratio of 3:1. The

site is adjacent to a single-family home. Under current law, the likelihood of the applicant being able to secure a Specific Plan exception to allow the 180-foot-high building is extremely low, if not impossible. The Specific Plan likely was put in place to head off incompatible development. Under the new law, however, the City will be *mandated* to grant approval of the proposed project because it meets the City's newly defined-down planning standards. If there is another tall building even a mile away from the proposed project site, the applicant will assert, and the City will be hard-pressed to deny, approval of the Specific Plan exception. This is despite the fact that the new building will be by far the tallest structure in the neighborhood and potentially produce shade/shadow and other significant environmental impacts.

Notable about this scenario is that one very tall building in an area will become the justification for finding that other very tall buildings are compatible, even if the underlying zoning doesn't allow them. So, like dominoes, we can expect smaller buildings to fall if they are in the surrounding area of taller ones.

- Scenario 2: A project applicant wants to build a 150-unit apartment building next to two other project sites where an additional 150 apartment units are planned or under construction. Today, the applicant would seek a variance to increase the height of the anticipated building by one story, or about 22%. Typically, this would trigger environmental review, including a traffic study, to analyze the cumulative impact of all three projects. The study is performed; it turns out there is a significant impact at one major intersection that must be mitigated to reduce the cumulative impact of all three projects. The project applicant agrees to pay for the mitigation as a condition for securing project approval. Under the new law, the Mayor's Planning Department could grant the applicant the additional story through a zoning adjustment (no variance required) on the basis of the project's compatibility with the neighborhood, and simply choose not to recognize the potential incremental impact of the additional car trips generated by the third project. As a result, no traffic study might be ordered or, even if it were, it need not be made public for community review prior to project approval because the additional story no longer would require a variance and, thus, a public hearing. (In other words, the City could choose to sweep the traffic study and its findings under the rug.) So the project would be built, but with no measure put in place to mitigate its negative traffic impacts, which would degrade the neighborhood.

Notable about this scenario are four issues. First, development bonuses delivered in the form of zoning adjustments will be the norm under the new law. The City will process entitlement applications such as this one as zoning adjustments versus as variances. Second, "Zoning Plus 20%" (which is allowable via adjustments) will become the new baseline for development. Third, since "Zoning Plus 20%" effectively becomes by-right, CEQA review of projects, including the cumulative impacts of multiple projects, will be compromised. Acting largely out of public view to approve zoning adjustments, it will be easy for the Mayor's Planning Department to skirt compliance with the California Environmental Quality Act, in clear violation of CEQA and an abuse of the City's discretion and authority. Fourth, neighborhoods will be further degraded because negative environmental impacts will be ignored, with mitigation measures avoided.

Scenario 3: A project site is in the middle of a somewhat populated, semi-built-out Community Plan area. The site is zoned for agricultural uses and is undeveloped; as such, it provides environmental benefits including for stormwater runoff mitigation and aquifer recharge. The project applicant wants to build apartments on the site. Project approval requires a land use entitlement. Today, securing project approval is challenging if it is arguable that the proposed use is incompatible with the surrounding area, which is semi-rural. Under the new law, however, the applicant will be virtually assured of securing the entitlement; the City's ability to condition a use permit will be limited.

Most notable about this scenario is that the Mayor's Planning Department, at their sole discretion, will be able to easily and effectively rezone land in a way that significantly changes the character and aesthetic of an area, without meeting the applicable legal standard for approving such changes.

These are realistic outcomes under the proposed new ordinance, notwithstanding the Planning Department's likely denials.

All 46 Specific Plan Areas in the City Will Lose Guaranteed Protections from Incompatible Projects, Including Overdevelopment and Poorly Planned Development

As noted above, no longer will new developments and alterations to existing developments have to comply with Community Plan and Specific Plan requirements; they only will have to be in "substantial conformance" with the "intent" of those requirements, whatever that means. Specific Plan areas in the City include:

- Alameda
- Avenue 57
- Central City West
- Century City
- Coastal Bluffs
- Colorado Boulevard
- Crenshaw Corridor
- Devonshire/Topanga
- Foothill Boulevard
- Girard
- Glencoe/Maxella
- Granada Hills
- Hollywoodland
- LA Sports and Entertainment District
- LAX/El Segundo Dunes
- Mt. Washington/Glassell Park
- Mulholland Scenic Parkway
- North University Park
- Oxford Triangle

- Pacific Palisades
- Park Mile
- Playa Vista
- Porter Ranch
- San Gabriel/Verdugo Mountains Scenic Preserve
- San Vicente Scenic Corridor
- San Pedro
- Sepulveda Corridor
- Valley Circle/Plummer Street Scenic Corridor
- Valley Village
- Venice Coastal
- Ventura/Cahuenga
- Vermont-Western
- Warner Center
- West Los Angeles Traffic Improvement and Mitigation Plan
- Westwood Village
- Wilshire-Westwood Scenic Corridor

Protections against incompatible projects, including from overdevelopment and poorly planned development, also will be lost by all 36 Community Plan areas in the City:

- Arleta-Pacoima
- Bel Air-Beverly Crest
- Boyle Heights
- Brentwood-Pacific Palisades
- Canoga Park-Winnetka-Woodland Hills
- Central City
- Central City North
- Chatsworth-Porter Ranch
- Encino-Tarzana
- Granada Hills-Knollwood
- Harbor Gateway
- Hollywood
- Mission Hills-Panorama City-North Hills
- North Hollywood
- Northeast Los Angeles
- Northridge
- Palms-Mar Vista-Del Rey
- Port of Los Angeles
- Reseda-West Van Nuys
- San Pedro
- Sherman Oaks-Studio City-Toluca Lake
- Silver Lake-Echo Park
- South Central Los Angeles

- Southeast Los Angeles
- Sun Valley
- Sunland-Tujunga-Lake View Terrace-Shadow Hills
- Sylmar
- Van Nuys-North Sherman Oaks
- Venice
- West Adams-Baldwin Hills-Leimert Park
- West Los Angeles
- Westchester-Playa del Rey
- Westlake
- Westwood
- Wilmington-Harbor City
- Wilshire

Proposed Ordinance Will Essentially Eliminate the Due Process Rights of Adjacent and Nearby Property Owners, Including Commercial Property Owners, to Challenge Many, If Not Most, Project Approvals Based on Their Negative Community Impacts

To the extent that virtually all project approvals become allowable by-right as Plan exceptions and adjustments, the due process rights of neighbors, including adjacent and nearby property owners, will be restricted if not entirely abridged. The proposed ordinance effectively *mandates* entitlement approvals at lower standards of planning. The Mayor's Planning Department *must* grant the approvals, and area planning commissions *must* sustain them. Discretion is virtually eliminated from the process, to the extent there will be due process.

Proposed Ordinance Will Shift Massive Authority From the Legislative to the Executive Branch of City Government

The proposed ordinance will shift massive authority from the City Council to the Mayor's Planning Department, effectively shutting the City Council out of the entitlement review process. As virtually all Specific Plan exceptions, zoning adjustments and conditional uses will be allowable by-right at the sole determination of the Mayor's Planning Department, opportunities for Council office involvement (including testimony at hearings) will be severely limited since hearings will be limited, if not nonexistent. To the extent the Council retains the ability to hear appeals of planning commission decisions, the Council will be severely restricted in its ability to overturn administrative decisions; the grounds for reversal will be so limited because the standards for project approval will be so low. In other words, virtually all of the discretion that the current process affords City Council members to influence planning decisions will be eliminated.

Some would say that's a good thing, but we believe the opposite. First, the Legislative Branch serves as a "check" on the Executive Branch's potential abuse of discretion and authority. Second, the Legislative Branch, by law in the City and the State, must retain control over zone changes and zone code amendments. The proposed ordinance, however, effectively transfers that authority to administrative officials. Allowing the Executive Branch to effectively authorize zone changes and zoning code amendments is not legal, and it certainly is not wise. It will open the door to massive potential abuse of discretion, power and corruption, including unlawful deal-making by the Executive Branch.

Proposed Ordinance Will Eliminate the Rights of Neighborhood Councils to Advise the City on Many Major Land Use Decisions in Their Areas

By the terms of the City Charter following Charter reform, which included the establishment of neighborhood councils, neighborhood councils are authorized to advise the City on significant issues, including major land use decisions in their areas. To the extent that major development projects and controversial conditional use applications become virtually by-right under the new ordinance, the City government will not be required to provide neighborhood councils with Early Notification under the terms of the City Charter. Thus, neighborhood councils will be deprived of their right to advise the City on some significant issues in their areas. (I must say, personally, as a member of the Board of Directors of a certified neighborhood council, this ordinance will abridge the rights afforded to my neighborhood council and to me under the City Charter.)

Proposed Ordinance Will Result in More and Lower Quality Density-Bonus Projects, Homeless Shelters, Eldercare Facilities, Recycling Centers, Pawn Shops, Wireless Telecommunications Facilities and Mini-Shopping Centers in the City

All of these project types will become easier to entitle as a result of the new ordinance; thus, there are likely to be more of them. Many projects of these types that already have been entitled but not yet built will get new findings or have their old ones deleted, which means that projects already entitled will be able to be enlarged or otherwise compromised without new hearings or community notification to assess the impacts.

Proposed Ordinance Will Result in Larger, Taller Houses, with Reduced Setbacks, All Across the City

Under the proposed ordinance, new houses and alterations to existing houses will be able to exceed existing height limitations, provide reduced front and side yards, increase their maximum allowable lot coverage and, in some cases, provide a reduced number of off-street parking spaces (which will increase demand for on-street parking). Homes in all hillside areas and the flats will be affected.

Proposed Ordinance Will Limit the City's Ability to Mitigate the Adverse Effects of Projects

The proposed ordinance eliminates the currently required finding for approval of Specific Plan exceptions and Site Plan Review that mitigation measures and monitoring be incorporated into a project to mitigate negative environmental impacts. (Sections 11.5.7(C)(2)(b) and (E)(3)(d) and 16.05(F)(5).) The claimed purpose of removing this required finding is to eliminate a redundancy with CEQA. However, there are many instances where Specific Plan exceptions and Site Plan Review may be exempt from CEQA review (in particular under a Class 32 infill exemption), but up until now the City has had the ability to mitigate any impacts under City code requirements. This change will eliminate the City's ability to mitigate the negative impacts of these projects.

Additionally, the proposed ordinance will limit the City's ability to impose mitigating conditions on projects requiring conditional use permits. The existing code section provides that the decision-maker can impose conditions deemed to be necessary to protect the best interest of the surrounding property or neighborhood, and to ensure compatibility. Under the proposed ordinance, conditions could only be imposed based on the new core findings, which as discussed above, would permit much more impactful projects.

Discussion of Growth and Growth Impacts in the City of Los Angeles

The Core Findings Ordinance will not simply accelerate growth that otherwise would occur; it will produce significant net-new growth in the City, with significant environmental impacts.

Consider these facts and observations:

- A malleable zoning code will produce more growth than the currently restrictive zoning code. The current zoning code, through its designations and restrictions on the location and use of buildings, structures and land for different purposes, effectively serves as a check on growth in the City of Los Angeles. By the new ordinance, most land use entitlements for development projects in Specific Plan areas will become by-right, and in Community Plan areas most projects will be entitled to a 20% development bonus, which the Mayor's Planning Department and planning commissions will be mandated to grant. With entitlements much easier to secure, many more approvals will be sought. Similarly, projects proposed are likely to be larger, i.e., of greater mass and scale, with higher density, than otherwise would be the case, since larger projects will be much easier to approve under the ordinance. (In other words, as the baseline for what's allowable by-right goes up, there will be more larger projects proposed.)

The fact that applicants will be able to develop larger projects with lower pursuit costs will incentivize the development of more and larger projects.

Developers typically create more value for themselves and their investors by producing bigger projects, either with more units (more "keys" and higher density) or bigger

buildings (with more overall square footage). It is the natural inclination of developers, like other business people, to pursue project alternatives that deliver the maximum profit potential. As the saying goes, "Nothing's better than more." Thus, there will be significantly more net-new development as a result of the proposed ordinance. *This impact, including the environmental impacts of the growth that will occur, is not acknowledged by the City with its Negative Declaration on the proposed ordinance.*

California Courts of Appeal have found that similar policy changes that do not on their face directly increase growth but that do indirectly make growth much easier do in fact require full environmental review in an EIR. (*City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398; see also attached unpublished decision *San Franciscans for Livable Neighborhoods v. City and County of San Francisco* 2007 WL 1793881.)

- A significantly more malleable zoning code will produce significantly more growth than the currently restrictive code. Make no mistake, the proposed ordinance will effectively gut Specific Plan requirements in all 46 Specific Plan areas across the City. As noted earlier, entitlement applications no longer will have to comply with Plan requirements, but only be in "substantial conformance" with the "purpose, intent and provisions" of Plans, which will mean whatever the Mayor's Planning Department wants it to mean for any given project on any given day. The very likely result will be significantly more development in the City, resulting in more demands on infrastructure, including roadways, police, fire, utilities, schools, libraries, parks, water supply, air quality, etc. The growth will assault our environment.

Following on the notion of a project's substantial conformance with the purpose and intent of a plan, throughout the new ordinance it states that the Planning Department "will" make findings, not "may" make findings. In other words, there is no room for discretion on the part of planners as they evaluate entitlement applications. This is a change from current practice, and is significant in the context of projecting growth and growth impacts because it means *even more* enlarged projects will be approved by-right because the Planning Department will not be able to exercise discretion. Its hands will be tied by the ordinance; it will be required to approve virtually all new proposed developments and uses that meet the lower standards of planning. *These impacts are not acknowledged by the City with its Negative Declaration on the proposed ordinance.*

- Through serial entitlements and in combination with other available development incentives, including under California Government Code § 65915, growth will be even more explosive. By-right Specific Plan exceptions and Community Plan adjustments in combination with density-bonus incentives (double- or triple-dipping) will result in buildings 50% larger or more, with substantially higher densities than allowed under current zoning. *This impact, including the environmental impacts of the growth that will occur, is not acknowledged by the City with its Negative Declaration on the proposed ordinance.*

- The introduction of form-based codes into the City's otherwise Euclidean zoning code will allow the Mayor's Planning Department to approve virtually all manner of buildings virtually everywhere in the City. Tall buildings will be allowable in zones where low-rise buildings currently predominate. Different uses will be allowable on project sites without changing underlying zoning. These allowances alone will produce significant growth and significant environmental impacts, particularly along our boulevards where much of the zoning since the passage of Proposition U effectively restricts the floor area ratio and, thus, the height, of buildings. (Alas, the proposed ordinance also violates Proposition U.) In addition to being taller, the new buildings that will be developed are likely to be more densely populated given the ease with which higher-density projects can be approved by the Mayor's Planning Department under the proposed ordinance. To be clear, however, the issue isn't just the impact of tall buildings, but the fact that the ordinance will allow the approval, on an ad hoc, arbitrary and indiscriminate basis, of a variety of incompatible buildings and uses that have the potential to deface and degrade the city's natural scenic and built environments. *These impacts are not acknowledged by the City with its Negative Declaration on the new ordinance.*
- Based on the scope of project types affected by the proposed ordinance, hundreds of already entitled projects will get new findings or have their old ones deleted, resulting in enlarged or otherwise compromised projects. For all of these entitlements the standards of planning will be defined down, which means the projects that ultimately are built or otherwise altered will have the potential to be larger in physical size (mass and scale) and simply more intense (with higher densities, reduced setbacks, etc.). In the case of conditional uses, such as for homeless shelters, permitting standards also are being defined down. Hundreds of projects will be affected, with the potential to be upsized, or otherwise compromised, retroactively. *This impact is not acknowledged by the City with its Negative Declaration on the new ordinance.*
- Based on the sheer volume of entitlements processed by the Planning Department, the proposed new ordinance will have a significant environmental impact. The City processes about 2,000 entitlements annually (City Planning Recommendation Report on Proposed Ordinance, Page 9). These entitlements require that land use findings be met. If only 25 percent, or 500, of these entitlements are "upsized" annually based on project enlargements that will be allowable under the new ordinance, that result alone will produce a significant environmental impact as a result of the growth. If 50 percent of the entitlements processed, or 1,000 entitlements, are upsized or otherwise allow projects or conditional uses based on lower standards of planning, the environmental impact will be even more significant. *This impact is not acknowledged by the City with its Negative Declaration on the new ordinance.*
- Scenic viewsheds and preserves across the City will be compromised by the new ordinance. Community and Specific Plan areas include a variety of scenic viewsheds and preserves, among them the Mulholland Scenic Parkway, the San Vicente Scenic Corridor and the San Gabriel/Verdugo Mountains Scenic Preserve. New land use projects (new developments and conditional uses) and alterations to existing developments no longer will have to conform with Specific Plan requirements, but only substantially conform

with the purpose and intent of those requirements. The impact of the proposed new ordinance is likely to be significant relative to scenic viewsheds and preserves, including hillsides and canyons. *This impact is not acknowledged by the City with its Negative Declaration on the new ordinance.*

- The aesthetics of neighborhoods across the City will be significantly altered by the new ordinance. As discussed throughout this document including in the three foreseeable project scenarios outlined earlier, the aesthetics of neighborhoods across the City will be altered, likely to a significant degree, by the new ordinance. Single-family residential neighborhoods may be impacted the most, with the height of homes allowed to increase by almost two-thirds in some areas. *This impact is not acknowledged by the City with its Negative Declaration on the new ordinance.*
- Across the San Fernando Valley, more agricultural land is likely to disappear, replaced by higher-density multifamily residential and commercial development. Property owners will be able to develop agricultural land for multifamily residential, mixed-used and commercial purposes (including big-box retail stores) with far greater ease than they can today. The impacts will be significant; certainly the character and aesthetic of the Valley will change, and on an accelerated basis. Expect significant impacts on traffic, air pollution, water reclamation and stormwater runoff (as more surfaces become paved and thus impermeable) and air temperatures. We are undertaking an inventory of agricultural parcels in the San Fernando Valley that are likely to be lost to urban and suburban infill development as a result of this ordinance. We are planning to submit this report as evidence. *This impact is not acknowledged by the City with its Negative Declaration on the new ordinance.*
- City officials have expressly stated that it is the intent of the local government currently to use policies including the proposed new ordinance to induce net-new growth in the City, not just accelerate growth that already is likely to occur, in the interest of producing economic activity. We are planning to submit a record of these comments as evidence.

Zoning Code Reform, Growth and the Future of Los Angeles

The discussion above relates to the significant environmental impacts of growth anticipated as a result of the new ordinance. It also begs the larger question: "How should Los Angeles seek to grow its regional economy, and not just in light of the current recession but looking ahead 20 to 30 years?"

Gutting the zoning code will induce significant *economic activity*, with significant environmental impacts, but it will produce very little meaningful, lasting *economic growth*. The proposed ordinance will induce the construction of thousands of larger buildings for which demand may be marginal at best, and make more profitable for developers a host of other buildings that will be built anyway (but built larger as allowed under the new ordinance) because there is demand. Either way, the jobs produced largely will be short-lived, such as in the construction sector, or low-wage, such as in the retail sector.

Betting the future of Los Angeles on construction and retail jobs is a surefire way for LA to lose in the twenty-first century. The City cannot continue to subsist on fees generated by real estate developments; that is an unsustainable, outmoded paradigm.

- The future of Los Angeles is as a quality place to live and do business, with core services consistently and reliably delivered.
- The future of Los Angeles is as an entrepreneurial mecca, where small, medium and large-sized businesses are welcome and can thrive ... in industries including manufacturing, trade, technology, tourism, entertainment, and professional and creative services.
- The future of Los Angeles is in places like the CleanTech Corridor, where the City is trying to carve out a role for Angelenos in the green economy, realize the potential of redevelopment along the Los Angeles River, and create a livable community (a three-fer).
- The future of Los Angeles is in the 30/10 transportation plan that will accelerate build-out of a multi-modal transportation system that improves our quality of life and prepares us for \$5 a gallon gasoline and more serious efforts to reduce greenhouse gas emissions.
- The future of Los Angeles is in improving our regional watershed management to increase the local supply of water, while restoring some elements of our natural environment that have been seriously degraded. (This is an initiative for which there is significant federal money available.)

This is a long way of saying there is no *need* to gut the zoning code to ensure the long-term economic health of Los Angeles and, in fact, such a course would be counterproductive and environmentally destructive.

I must say, personally, as a steward of this City, that if we gut the zoning code and effectively give away zoning without commensurate community benefits, it will be a decision the City long regrets.

If we're going to gut something around here, it should be the City business tax. Get rid of it. That step alone would do more to produce meaningful economic growth than gutting the zoning code, and without the destructive land use and environmental consequences. It also would drive real, significant demand for real estate space over time.

Discussion of Property Valuation Impacts in the City of Los Angeles

Gutting the zoning code also introduces a significant new element of risk into the business of real estate ownership and investment in Los Angeles.

If you're a building owner (either an individual or an institutional or fund investor), there will be no way to know with certainty what the property owner next door might seek to entitle one day, in the form of a project, project alterations or conditional use.

Will your home or commercial building be cast in shadow by a new, taller building that is inconsistent with underlying zoning? Will views be obstructed? Will area traffic conditions, including your own building's accessibility, be significantly impacted by new buildings? Will substantial new competitive buildings (built not because there is demand but because it is cheap to build them) undercut the marketability of your income properties or the salability of your home? Will substantial new competitive inventory effectively accelerate the obsolescence of your properties? Will substantial new buildings, building types and allowable uses change the aesthetics, and potentially the character, of neighborhoods and submarkets? These are all possible, if not highly likely, outcomes of the proposed ordinance.

The complexity of the current zoning code and the cost of compliance notwithstanding, going so far as to gut the zoning code removes the General Plan, Community Plan and Specific Plan protections that provide certainty and stability to real estate ownership and investment in the City.

The consequences may not matter to fee developers who care only about the quick development hit, but for long-term investors and owners of single-family homes and institutional-quality income properties in the City, the potential impacts cannot be understated. All of our key commercial submarkets have the potential to be adversely affected:

- Central City
- Wilshire Boulevard
- Century City
- Westwood
- West Los Angeles
- Hollywood
- North Hollywood
- Sherman Oaks/Encino
- Warner Center
- LAX/Airport

CONCLUSION

As a former corporate executive with Los Angeles-based CB Richard Ellis, the largest commercial real estate services company in the world, and with a national real estate public policy organization, I know more than a few things about real estate and land use, including development patterns, land use impacts and investment fundamentals. As a longtime member of the Urban Land Institute, I pledge my commitment to the responsible use of land.

What's happening in Los Angeles with this zoning code project is irresponsible. Our neighborhoods will be degraded; our boulevards and commercial centers will be subject to the same risk resulting from a loss of protections. Unless or until there is a master EIR, the zoning code project should be suspended.

There can be development reform in Los Angeles without gutting the zoning code and violating the City Charter ... through an open, transparent reform process that invites participation from all stakeholders including business groups and neighborhood councils. In the interest of transparency and to demonstrate respect for residents, businesses and property owners, the City should propose one ordinance (not nine separate ordinances) to reform the entire code, accompanied by an EIR. That is the most legitimate way for all affected parties to understand how each of the various code section changes would affect the other, including the impacts.

Updated community plans that match zoning with infrastructure and amenities also would help create more livable LA neighborhoods and provide residents and property owners with desirable certainty.

At a recent public forum on planning in the City, Renata Simril, a senior executive with Forest City Residential and a former deputy mayor of Los Angeles, said: "For me as a developer, the notion of by-right speaks volumes to my ears. Time is money. I'm more apt to be able to build a project that yields that [desired] result because there's clarity, there's certainty in that [Community or Specific] Plan. And, by the way, I'm not going to get challenged by the community because the community has bought into that Specific Plan."

Ms. Simril is entirely correct. Real planning is not about making every conceivable project alternative allowable by-right through watered-down zoning; it's about clarifying and codifying, with community input, what is allowable and desirable in the interest of enhancing the community.

The irony of a policy like the one before us now is that by providing land use entitlement applicants with a blank check to subvert zoning as they see fit, virtually no outcomes will be certain in the City. There will be absolutely no way to know what the property owner next door to you will one day build ... be it in Atwater Village, Valley Village or Westwood Village ... Century City or Warner Center ... or on Crenshaw Boulevard, Wilshire Boulevard or Ventura Boulevard. The property owner next door will be able to ask for virtually any entitlement and be assured of approval through zoning variances disguised as Plan adjustments and exceptions. The risk to the City is clear: Overdevelopment and poorly planned development (with significant


environmental impacts), weak or nonexistent transitional zoning, incongruous projects and incompatible uses as a result of defined-down planning standards.

Protecting the livability, stability and unique character of Los Angeles — our neighborhoods, boulevards and commercial centers — demands we do zoning code reform right, or not at all.

Said another way: If Los Angeles is going to transform itself from Bedford Falls into Pottersville (or, worse, Houston!) by gutting the zoning code and ceding control of its land use destiny, at the very least there should be an open, honest community discussion about it, and a programmatic EIR that identifies the environmental impacts.

Thank you for your consideration.

Sincerely,



Cary Brazeman
Founder, LA Neighbors United
Former Managing Director, CB Richard Ellis Group, Inc.*
Member, Urban Land Institute – Los Angeles District Council*
Member, Los Angeles Area Chamber of Commerce*
Member, Board of Directors, Mid City West Community Council*

*Titles for Identification Purposes Only

Attachment

cc: Douglas Carstens, Esq.
Daniel Wright, Esq.
Michael LoGrande, Director, Los Angeles City Planning Department
Larry Frank, Deputy Mayor, City of Los Angeles
Office of the Los Angeles City Attorney
Ed Reyes, Council District 1
Paul Krekorian, Council District 2
Dennis Zine, Council District 3
Tom LaBonge, Council District 4
Paul Koretz, Council District 5
Tony Cardenas, Council District 6
Richard Alarcon, Council District 7
Bernard Parks, Council District 8
Jan Perry, Council District 9
Herb Wesson, Council District 10
Bill Rosendahl, Council District 11

Greig Smith, Council District 12
Eric Garcetti, Council District 13
Jose Huizar, Council District 14
Janice Hahn, Council District 15
Citywide Alliance of Neighborhood Councils
Los Angeles Neighborhood Council Coalition
Valley Alliance of Neighborhood Councils
Harbor Alliance of Neighborhood Councils
Arleta Neighborhood Council
Arroyo Seco Neighborhood Council
Atwater Village Neighborhood Council
Bel Air – Beverly Crest Neighborhood Council
Boyle Heights Neighborhood Council
Canoga Park Neighborhood Council
Central Alameda Neighborhood Council
Central Hollywood Neighborhood Council
Central San Pedro Neighborhood Council
Chatsworth Neighborhood Council
Coastal San Pedro Neighborhood Council
Community & Neighbors for Ninth District Unity Neighborhood Council
Del Rey Neighborhood Council
Downtown Los Angeles Neighborhood Council
Eagle Rock Neighborhood Council
East Hollywood Neighborhood Council
Elysian Valley Riverside Neighborhood Council
Empowerment Congress - Central Area Neighborhood Development Council
Empowerment Congress - North Area Neighborhood Development Council
Empowerment Congress - Southeast Area Neighborhood Development Council
Empowerment Congress - Southwest Area Neighborhood Development Council
Empowerment Congress - West Area Neighborhood Development Council
Encino Neighborhood Council
Foothills Trails District Neighborhood Council
Glassell Park Neighborhood Council
Granada Hills North Neighborhood Council
Granada Hills South Neighborhood Council
Greater Cypress Park Neighborhood Council
Greater Echo Park Elysian Neighborhood Council
Greater Griffith Park Neighborhood Council
Greater Toluca Lake Neighborhood Council
Greater Valley Glen Council
Greater Wilshire Neighborhood Council
Harbor City Neighborhood Council
Harbor Gateway North Neighborhood Council
Harbor Gateway South Neighborhood Council
Historic Cultural Neighborhood Council
Historic Highland Park Neighborhood Council

Hollywood Hills West Neighborhood Council
Hollywood Studio District Neighborhood Council
Hollywood United Neighborhood Council
LA-32 Neighborhood Council
Lake Balboa Neighborhood Council
Lincoln Heights Neighborhood Council
MacArthur Park Neighborhood Council
Mar Vista Community Council
Mid City Neighborhood Council
Mid City West Community Council
Mid Town North Hollywood Neighborhood Council
Mission Hills Neighborhood Council
Neighborhood Council of Westchester-Playa
Neighborhood Council of Valley Village
North Hills West Neighborhood Council
North Hollywood North East Neighborhood Council
Northridge East Neighborhood Council
Northridge South Neighborhood Council
Northridge West Neighborhood Council
Northwest San Pedro Neighborhood Council
Olympic Park Neighborhood Council
P.I.C.O. Neighborhood Council
Pacoima Neighborhood Council
Palms Neighborhood Council
Panorama City Neighborhood Council
Park Mesa Heights Community Council
Pico Union Neighborhood Council
Porter Ranch Neighborhood Council
Rampart Village Neighborhood Council
Reseda Neighborhood Council
Sherman Oaks Neighborhood Council
Silver Lake Neighborhood Council
South Central Neighborhood Council
South Robertson Neighborhood Council
Studio City Neighborhood Council
Sun Valley Area Neighborhood Council
Sunland-Tujunga Neighborhood Council
Sylmar Neighborhood Council
Tarzana Neighborhood Council
United Neighborhoods Neighborhood Council
Van Nuys Neighborhood Council
Venice Neighborhood Council
Voices of 90037 Neighborhood Council
Watts Neighborhood Council
West Adams Neighborhood Council
West Hills Neighborhood Council

West Los Angeles Neighborhood Council
Westside Neighborhood Council
Westwood Neighborhood Council
Wilmington Neighborhood Council
Wilshire Center-Koreatown Neighborhood Council
Winnetka Neighborhood Council
Woodland Hills-Warner Center Neighborhood Council
Ron Altoon, Altoon + Porter Architects, LLP
Charmaine Atherton, Bank of America
Michael Banner, Los Angeles LDC, Inc.
William Bogaard, City of Pasadena
Donald Brackenbush, Public Private Ventures, Inc.
Richard Bruckner, County of Los Angeles
Rick Caruso, Caruso Affiliated
Dan Chandler, Chandler Partners
Scott Cooper, Sidley Austin LLP
Jonathan Curtis, Trevear Holdings, LLC
John Cushman, III, Cushman & Wakefield, Inc.
Clare De Briere, The Ratkovich Company
Bill Durslag, CB Richard Ellis
Gabriel Eshagian, The Somerset Group
George Garfield, Transwestern Commercial Services
Richard Gentilucci, BTG-Advisors, LLC
Lev Gershman, GE Capital Real Estate
Shahrouz Golshani, Plaza Property Group
James Goodell, Public Private Ventures, Inc.
Richard Green, USC Lusk Center for Real Estate
Xavier Gutierrez, Phoenix Realty Group
Lew Horne, CB Richard Ellis
Con Howe, CityView
Brian Jones, Forest City Development
Jennifer Keith, View Capital, LLC
Stuart Ketchum, Stuart M. Ketchum Real Estate Investments
Sandra Kulli, Kulli Marketing
Thomas Larmore, Harding, Larmore, Kutcher & Kozal
Richard Lawrence, Esq.
Bob Lowe, Lowe Enterprises, Inc.
Bruce Ludwig, ING Clarion Partners
Robert F. Maguire, III, Maguire Properties
Michael Matkins, Allen Matkins Leck Gamble & Mallory LLP
John Menne, Metlife Real Estate Investments
Mitch Menzer, Paul, Hastings, Janofsky & Walker, LLP
Ehud Mouchly, READI, LLC
Tom Neary, Morley Builders
Richard Newman, Lowe Enterprises Real Estate Group, West
Starlett Quarles, The Bedford Group

John Quiter, Cuningham Group Architecture, PA
Wayne Ratkovich, The Ratkovich Company
Alex Rose, Continental Development Corporation
Dan Rosenfeld, Office of Supervisor Mark Ridley Thomas
Stan Ross, USC Lusk Center for Real Estate
Peter J. Roth, Esq., Allen Matkins Leck Gamble Mallory LLP
Bob Ruth, The Ruth Group
Greg Schultz, First American Title Insurance Co.
Deni Schulz, First Regional Bank
Ronald Silverman, Cox, Castle & Nicholson LLP
Jack Skelley, Paolucci Communication Arts
Bill Tooley, Tooley Investment Company
David Waite, Jeffer Mangels Butler & Marmaro LLP
John Whitaker, DLA Piper US, LLP
Kevork Zoryan, Morgan Stanley | Merchant Banking
Katherine Aguilar Perez, Urban Land Institute
Gary Toebben, Los Angeles Area Chamber of Commerce

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Nonpublished/Noncitable (Cal. Rules of Court, Rules 8.1105 and 8.1110, 8.1115)
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▶ Only the Westlaw citation is currently available.

California Rules of Court, rule 8.1115, restricts citation of unpublished opinions in California courts.

Court of Appeal, First District, Division 4, California.
SAN FRANCISCANS FOR LIVABLE NEIGHBORHOODS, Plaintiff and Appellant
 v.
CITY AND COUNTY OF SAN FRANCISCO, Defendant and Respondent.
No. A112987.
(San Francisco County Super. Ct. No. 504780).

June 22, 2007.

Kathryn R. Devincenzi, San Francisco, CA, for Plaintiff and Appellant.

Audrey Williams Pearson, Office of the City Attorney, San Francisco, CA, for Defendant and Respondent.

SEPULVEDA, J.

*1 Appellant **San Franciscans** for Livable Neighborhoods (SFLN) challenges the denial of its petition for a writ of mandate to compel respondent City and County of San Francisco (the City) to set aside the approval of the housing element of its general plan and to prepare an environmental impact report (EIR) pursuant to the California Environmental Quality Act (CEQA). (Pub. Resources Code, § 21000 et seq.)^{FN1} Appellant claims that there is substantial evidence to support a fair argument that amendments to the housing element may have a significant impact on the environment, thus requiring the preparation of an EIR. We agree and reverse.

^{FN1}. All statutory references are to the Public Resources Code unless otherwise specified.

I.

FACTUAL AND PROCEDURAL BACKGROUND

The City is required by state law to prepare a general plan for the development of the City that includes, among other elements, a housing element that analyzes "existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing." (Gov.Code, § 65583; see also Gov.Code, §§ 65300, 65302, subd. (c).) The housing element must be updated at least every five years. (Gov.Code, § 65588, subd. (b).)

The City revised its housing element in 1990, when it adopted the 1990 Residence Element (Residence Element). An EIR was prepared to evaluate the revision. Meeting the housing goals in the Residence Element would reduce traffic congestion and thus improve air quality, according to the EIR, because people who work in the City would have shorter commutes. The EIR concluded that reaching the housing goals in the Residence Element could be achieved without any significant adverse effects to the environment.

The Residence Element was not updated again until May 13, 2004, when the City's planning commission adopted a revision following nearly three years of public comment and draft revisions. The revised element, now called the 2004 Housing Element (Housing Element), is the subject of the current appeal.

The Association of Bay Area Governments (ABAG) projected that the population of San Francisco would increase by almost 32,500 people by 2010 to about 809,200. ABAG determined that San Francisco's share of the regional housing need for January 1999 through June 2006 would be 20,374 units, or 2,717 units annually. The Housing Element was designed to address those housing needs.

The City's planning department (Department) prepared an initial study to evaluate whether proposed changes to the Housing Element would have a significant effect on the environment. As part of its analysis, the Department examined only new policies

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that were being added to the Housing Element; it apparently did not evaluate the effects of policies that contained no text change or that were modified, or the effect of removing certain policies from the 1990 Residence Element. The initial study emphasized that although proposed revisions to the Housing Element were meant to promote increased housing production, no environmental effects would result from the adoption of the element because it did not specify any development, rezoning, or area plans. In evaluating whether the Housing Element would affect various aspects of San Francisco's environment, the initial study repeatedly stated that any environmental impact analysis would be conducted in connection with the approval of any future development projects, area plans, or rezoning. The Department then prepared a negative declaration, which concluded that revisions to the Housing Element could not have a significant effect on the environment. SFLN ^{FN2} appealed a preliminary negative declaration, but the planning commission voted unanimously to uphold the negative declaration on the same day it adopted the Housing Element.

FN2. SFLN is an unincorporated association that includes several neighborhood organizations: the Cow Hollow Association, the Francisco Heights Civic Association, the Greater West Portal Neighborhood Association, the Jordan Park Improvement Association, the Lakeshore Acres Improvement Club, the Laurel Heights Improvement Association of San Francisco, Inc., the Marina-Cow Hollow Neighbors & Merchants, the Miraloma Park Improvement Club, the Pacific Heights Residents Association, the Presidio Heights Association of Neighbors, the Russian Hill Neighbors, the St. Francis Homes Association, the Sunset-Parkside Education and Action Committee, Inc., and the Westwood Highlands Association.

*2 SFLN appealed the approval of the negative declaration to the Board of Supervisors. The Board of Supervisors denied the appeal on June 29, 2004, and the 2004 Housing Element was thereafter approved by operation of law. (S.F. Charter, § 4.105 [proposed general plan amendment deemed approved by Board of Supervisors if board fails to act within 90 days of receiving amendment]; S.F. Planning Code, § 340, subd. (d) [same].) The City filed a notice of determi-

nation on November 2, 2004.

The revised Housing Element describes several projects that already have been approved by the Department, and for which permit applications either have been approved or filed with the department of building inspection. One such project is the "Better Neighborhoods Program," a program currently planned for three "pilot neighborhoods" to link land use and transportation development so that each element supports the other. The Housing Element identifies areas for potential housing development, and it includes specific policies and implementation strategies to increase building densities, especially in areas well served by transit, and to advocate reducing or removing minimum parking requirements in order to increase the land available for housing development. The Housing Element also includes a list of future actions to implement the element's objectives and policies.

SFLN filed a petition for writ of mandate with the trial court challenging the City's decision to adopt the Housing Element without preparing and considering an EIR. The petition sought to vacate and set aside the City's decision to approve the Housing Element and to order the City to prepare and consider an EIR.

The trial court denied the petition on the grounds that the 2004 Housing Element did not vary greatly from the 1990 Residence Element, and that SFLN had not provided sufficient evidence to support a fair argument that the revised Housing Element might significantly affect the environment. SFLN timely appealed the subsequent judgment.

II.

DISCUSSION

A. General Legal Principles and Standard of Review.

A government agency shall prepare an EIR on any proposed project that may have a significant effect on the environment. (§ 21100, subd. (a); Pocket Protectors v. City of Sacramento (2004) 124 Cal.App.4th 903, 927, 21 Cal.Rptr.3d 791.) The purpose of an EIR is "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environ-

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ment.” (§ 21061; see also *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354, 182 Cal.Rptr. 317.) The amendment of an element of a general plan is considered a “project” for purposes of the statute. (Cal.Code Regs., tit. 14, § 15378, subd. (a)(1);^{FN3} see also *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 202, 55 Cal.Rptr.2d 625; *Black Property Owners Assn. v. City of Berkeley* (1994) 22 Cal.App.4th 974, 985, 28 Cal.Rptr.2d 305; *City of Santa Ana v. City of Garden Grove* (1979) 100 Cal.App.3d 521, 526, 534, 160 Cal.Rptr. 907.)

FN3. The Guidelines for the Implementation of the California Environmental Quality Act, hereafter Guidelines, are found in California Code of Regulations, title 14, section 15000 et seq. All subsequent regulatory citations to the Guidelines are to title 14 of the Code of Regulations. “[C]ourts should afford great weight to the Guidelines except when a provision is clearly unauthorized or erroneous under CEQA.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391, fn. 2, 253 Cal.Rptr. 426, 764 P.2d 278.)

*3 A “significant effect on the environment” is defined as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.” (Guidelines, § 15382.) “If there is a possibility that the project may have a significant environmental effect, the agency must conduct an initial threshold study. [Citation.] If the initial study reveals that the project will not have such effect, the lead agency may complete a negative declaration briefly describing the reasons supporting this determination. [Citations.] However, if the project may have a significant effect on the environment, an EIR must be prepared.” [Citations.]” (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 304-305, 248 Cal.Rptr. 352; see also Guidelines, §§ 15002, subd. (k)(1)-(2), 15063, subd. (a), 15365.) The initial study is designed to inform the choice between a negative declaration and an environmental impact report, as well as eliminate unnecessary EIRs. (Guidelines, § 15063, subd. (c)(1), (6).) “The initial study must include a description of the project. The study must also ‘[p]rovide documentation of the factual basis for the finding in a Negative Declaration that

a project will not have a significant effect on the environment.’ “ (*City of Redlands v. County of San Bernardino*, (2002) 96 Cal.App.4th 398, 406, 117 Cal.Rptr.2d 582, fns. omitted.)

Absent substantial evidence of any significant environmental impact, the agency shall adopt a negative declaration. (§ 21080, subd. (c); *City of Redlands v. County of San Bernardino*, *supra*, 96 Cal.App.4th at p. 405, 117 Cal.Rptr.2d 582.) A negative declaration is “a written statement briefly describing the reasons that a proposed project will not have a significant effect on the environment and does not require the preparation of an environmental report.” (§ 21064; see also Guidelines, § 15371.) “[S]ubstantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” (§ 21080, subd. (e)(1); see also Guidelines, § 15384, subd. (b); *City of Redlands v. County of San Bernardino*, *supra*, 96 Cal.App.4th at p. 410, 117 Cal.Rptr.2d 582.) Substantial evidence “means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency.” (Guidelines, § 15384, subd. (a).) Substantial evidence does not include “argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.” (§ 21080, subd. (e)(2); see also Guidelines, §§ 15064, subd. (f)(5), 15385, subd. (a).)

“In reviewing an agency’s decision to adopt a negative declaration, a trial court applies the ‘fair argument’ test. ‘Under this test, the agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a proposed project may have a significant effect on the environment....’ If such evidence exists, the court must set aside the agency’s decision to adopt a negative declaration as an abuse of discretion in failing to proceed in a manner as required by law.” (*City of Redlands v. County of San Bernardino*, *supra*, 96 Cal.App.4th at p. 405, 117 Cal.Rptr.2d 582, fns. omitted; see also § 21082.2, subd. (d).) “The ‘act or decision’ we review here is not the decision that the project may or may not have a significant environmental impact, but the decision that it can or

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cannot be *fairly argued* that the project may have a significant environmental impact.” (*City of Livermore v. Local Agency Formation Com.* (1986) 184 Cal.App.3d 531, 541, 230 Cal.Rptr. 867.) “The fair argument standard is a ‘low threshold’ test for requiring the preparation of an EIR. [Citations.] It is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency’s determination. Review is *de novo*, with a preference for resolving doubts in favor of environmental review. [Citations.]” (*Pocket Protectors v. City of Sacramento, supra*, 124 Cal.App.4th 903 at p. 928, 21 Cal.Rptr.3d 791.)

B. CEQA Favors Early Review of Environmental Issues.

*4 We agree with SFLN that the City should not be excused from conducting an EIR simply because the Housing Element is a policy document, with more specific developments to follow. “The general plan is atop the hierarchy of local government law regulating land use. It has been aptly analogized to ‘a constitution for all future developments.’ [Citation.]” (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1183, 203 Cal.Rptr. 401.) “A general plan embodies an agency’s fundamental policy decisions to guide virtually all future growth and development.” (*City of Redlands v. County of San Bernardino, supra*, 96 Cal.App.4th at p. 409, 117 Cal.Rptr.2d 582.) This was acknowledged in the initial study here, which noted that “the revised Housing Element would be used to frame the discussion of future Area Plans, rezoning proposals and specific development proposals, in the same way that all of the elements of the General Plan provide a framework for decision-making about the future of the City.”

“Even if a general plan amendment is treated merely as a ‘first phase’ with later developments having separate approvals and environmental assessments, it is apparent that an evaluation of a ‘first phase-general plan amendment’ must necessarily include a consideration of the larger project, i.e., the future development permitted by the amendment. Only then can the ultimate effect of the amendment upon the physical environment be addressed.” (*Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 180, 194, 228 Cal.Rptr. 868 [EIR required for general plan amendment, even though amendment required a special use permit and additional EIR before any specific devel-

opment could take place].) CEQA mandates that environmental considerations “not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.” (*Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283-284, 118 Cal.Rptr. 249, 529 P.2d 1017.) “Generally, in cases involving general plan amendments, the local agency has either prepared an EIR or was required to do so. [Citations.]” ^{FN4} (*Christward Ministry, supra*, at pp. 193-194, 228 Cal.Rptr. 868.)

FN4. Citing a May 6, 2004, Department memorandum, the City claims that “amendments to a Housing Element are often analyzed properly in a negative declaration,” as at least five other Bay Area counties and sixteen other Bay Area cities issued negative declarations for their housing elements (on some unspecified dates). The cited memorandum noted that the Department conducted “a limited survey” of other Bay Area jurisdictions and found that the use of a negative declaration for a housing element update “is not in any way unusual.” The relevant housing elements apparently are not in the record, as the City does not cite to them. We therefore do not know whether the other housing elements contained any material changes, or whether there were any legal challenges to the adoption of the negative declarations.

Because San Francisco’s population will increase whether or not the City plans for it, the City argues, the Housing Element will not *cause* any population growth, as SFLN claims. The City argues that determinations about its housing needs are “statutorily exempt from environmental review” under Government Code section 65584, subdivision (f), which provides that determinations made by the state’s Department of Housing and Community Development, ABAG, or the City about existing and projected housing needs are exempt from CEQA. (See also Gov. Code, § 65582, subds. (b) & (c).) Just because the specific determinations about existing and projected housing needs are exempt, that does not necessarily mean that environmental review of the planning efforts to accommodate those needs also are exempt. We agree with the general proposition that the Housing

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Element is not designed to induce population growth, and that this case is therefore distinguishable from those cited by SFLN, where approvals of projects clearly would result in population growth in previously undeveloped areas. (*Arviv Enterprises, Inc. v. South Valley Area Planning Com.* (2002) 101 Cal.App.4th 1333, 1345, 1347-1348, 125 Cal.Rptr.2d 140 [approval of 21-house project in area with limited services]; *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 352, 371, 110 Cal.Rptr.2d 579 [development of airport industrial area expected to add nearly 10,000 employees to area].) It does not follow, however, that planning for growth in a major urban area automatically should be exempt from environmental review.

*5 The City argues that it would be “entirely speculative” to “guess” where any new area plans, zoning changes, or development might occur in the future as a result of the revised Housing Element. The Guidelines recognize that an EIR on an amendment to a general plan may lack specificity, and indicate that it should thus focus on any foreseeable secondary effects on the environment. (Guidelines, § 15146, subd. (b); see also *Christward Ministry v. Superior Court*, *supra*, 184 Cal.App.3d at p. 195, 228 Cal.Rptr. 868 [difficulty in assessing environmental impact of general plan affects specificity of, not requirement to conduct, EIR].) The City also suggests that it is excused from conducting an EIR because any developments that occur under the revised Housing Element would “necessarily require their own environmental review.” Again, the Guidelines recognize that “the EIR need not be as detailed as an EIR on the specific construction projects *that might follow*.” (Guidelines, § 15146, subd. (b), italics added; *City of Redlands v. County of San Bernardino*, *supra*, 96 Cal.App.4th at p. 412, 117 Cal.Rptr.2d 582 [environmental study of general plan will not have same degree of specificity as for specific construction project]; *Schaeffer Land Trust v. San Jose City Council* (1989) 215 Cal.App.3d 612, 625, 263 Cal.Rptr. 813 [environmental studies on general plan amendments usually general in nature].) In other words, just because future EIRs may be conducted, that does not *automatically* excuse the City from conducting an EIR now.

The City's reliance on *Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 80 Cal.Rptr.2d 294 (*Pala Band*), which did not involve

the amendment of a general plan, is misplaced. In that case, San Diego County designated potential landfill sites as “tentatively reserved” “when it adopted an integrated waste management plan pursuant to the Integrated Waste Management Act of 1989 (§ 40000 et seq.) (Waste Act). (*Pala Band* at pp. 560, 566, 575, 80 Cal.Rptr.2d 294.) The court noted that the “tentatively reserved” “designation did not make it reasonably foreseeable that any development would actually occur. (*Id.* at pp. 575-576, 80 Cal.Rptr.2d 294.) The court upheld a negative declaration, and held that the county was not required to conduct an EIR because to do so would be “premature” as “any analysis of potential environmental impacts would be wholly speculative.” (*Id.* at p. 576, 80 Cal.Rptr.2d 294.)

The City claims that it would likewise be premature to evaluate any potential environmental effects of the Housing Element because any such effects would be “speculative.” The City's actions in amending the Housing Element, however, are far different from the actions taken by the county in *Pala Band*. There, the county designated 10 proposed landfill sites as “tentatively reserved” “pursuant to specific provisions of the Waste Act. (*Pala Band, supra*, 68 Cal.App.4th at p. 575, 80 Cal.Rptr.2d 294; see also § 41710.) The court concluded that it was not reasonably foreseeable that any of the sites would actually be developed, because a “tentatively reserved” “designation under the Waste Act could be made before an *actual commitment* to develop a specific landfill was made. (*Pala Band* at pp. 575-576, 80 Cal.Rptr.2d 294.) In order to actually develop a landsite, the county would be required to take additional steps under the Waste Act, and environmental review could be undertaken when a specific site was proposed. (*Id.* at pp. 576-578, 80 Cal.Rptr.2d 294.)

*6 Here, by contrast, the Housing Element identifies specific housing goals and implementing strategies. As the court recognized in *City of Santa Ana v. City of Garden Grove, supra*, 100 Cal.App.3d at page 532, 160 Cal.Rptr. 907, “general plans now embody fundamental land use decisions that guide the future growth and development of cities and counties. The adoption or amendment of general plans perform *have a potential for resulting in ultimate physical changes in the environment* and were properly included in [the Guidelines] as projects subject to CEQA.” (Italics added; see also § 21080, subd. (a); Guidelines, § 15378, subd. (a)(1).) “CEQA and its guidelines focus

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on the ultimate impact of a project, not on whether the project is tangible or intangible.” (*City of Livermore v. Local Agency Formation Com.*, *supra*, 184 Cal.App.3d at p. 539, 230 Cal.Rptr. 867 [ordering preparation of EIR where county amended sphere of influence guidelines].)

The City also relies on *Atherton v. Board of Supervisors* (1983) 146 Cal.App.3d 346, 351, 194 Cal.Rptr. 203, for the proposition that “no purpose can be served by requiring an EIR [that forces the agency] to engage in sheer speculation as to future environmental consequences.” In fact, the agency in *Atherton* actually completed an EIR in connection with an amendment to the transportation element of a general plan. (*Id.* at p. 349, 194 Cal.Rptr. 203.) The court upheld a challenge to the adequacy of the EIR, finding that the degree of specificity in the EIR was appropriate for the “conceptual” nature of the amendment. (*Id.* at pp. 350-351, 194 Cal.Rptr. 203.)

Because the Housing Element is not “linked” to any specific plan, legislation, or development, the City argues, the cases cited by SFLN are distinguishable as they involve specific rezoning or development. (*Bozung v. Local Agency Formation Com.*, *supra*, 13 Cal.3d at p. 281, 118 Cal.Rptr. 249, 529 P.2d 1017 [annexation of agricultural land proposed to be used for development]; *Christward Ministry v. Superior Court*, *supra*, 184 Cal.App.3d at p. 190, 228 Cal.Rptr. 868 [general plan amendment authorized potential new use at specific landfill site]; *City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 235, 246, 227 Cal.Rptr. 899 [rezoning that would permit development near wetlands]; *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 156-157, 217 Cal.Rptr. 893 [general plan amendment in connection with proposed shopping center].) Although it may be technically true that the Housing Element is not linked to any specific rezoning, ordinance changes, or future development,^{FNS} as the City emphasizes, it is not a vague policy document, completely unconnected to future development or potential physical changes to the environment. The Housing Element identifies areas for potential development, encourages development in neighborhood commercial areas, promotes the construction of “well-designed housing that enhances existing neighborhood character,” “[s]trongly encourage[s] housing project sponsors to take full advantage of allowable building den-

sities,” and advocates reducing or removing minimum parking requirements in order to increase the land available for housing development. While no specific developments are connected with these policies, given the expected population growth and the number of construction projects already underway, the possibility of future development is not merely theoretical. (Cf. *Pala Band*, *supra*, 68 Cal.App.4th at pp. 575-576, 80 Cal.Rptr.2d 294.) The initial study recognizes that the updated Housing Element is “one component of a comprehensive planning effort called the Citywide Action Plan (CAP),” and that the Housing Element was “updated to provide a policy basis for more specific planning efforts, such as Better Neighborhoods Program, the Eastern Neighborhoods Community Plans for the Mission District, Bayview, Showplace Square/Potrero Hill, and the Downtown Neighborhoods, such as the C-3-O District and Rincon Hill district.” (Italics added.)

^{FNS} For this reason, *Laurel Heights Improvement Assn. v. Regents of University of California*, *supra*, 47 Cal.3d 376, 253 Cal.Rptr. 426, 764 P.2d 278, is less helpful than SFLN suggests. In *Laurel Heights*, the court concluded that an EIR must analyze the effects of future expansion if it is a “reasonably foreseeable consequence of the initial project.” (*Id.* at p. 396, 253 Cal.Rptr. 426, 764 P.2d 278.) *Laurel Heights* did not involve the amendment of a general plan, but instead addressed the sufficiency of an EIR that was prepared in connection with the proposed relocation of the School of Pharmacy at the University of California, San Francisco (UCSF). (*Id.* at p. 387, 253 Cal.Rptr. 426, 764 P.2d 278.) It was undisputed that UCSF intended to expand its use of a specific facility once space became available, and the “general type of future use” was therefore reasonably foreseeable. (*Id.* at p. 396, 253 Cal.Rptr. 426, 764 P.2d 278.)

*7 Moreover, consistent with the mandate of Government Code section 65583, subdivision (c), that a housing element contain “a five-year schedule of actions” that the City is undertaking or plans to undertake to implement the element, the Housing Element includes an appendix titled “preliminary work program for implementing the housing element” that

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lists various “[i]mplementation [i]a]ction[s]” for the element’s objectives and policies, including beginning a “Geary Boulevard Better Neighborhood program.”^{FN6} (Italics added; see also Hoffmaster v. City of San Diego (1997) 55 Cal.App.4th 1098, 1108, 64 Cal.Rptr.2d 684 [housing element shall include schedule of actions].) The planning commission resolution adopting the Housing Element likewise stressed that the Housing Element contained “an action program to implement the policies and achieve the goals and objectives of the Housing Element.” In other words, the City anticipates future action based on the Housing Element. (DeVita v. County of Napa (1995) 9 Cal.4th 763, 794, 38 Cal.Rptr.2d 699, 889 P.2d 1019 [general plans have “ ‘potential for resulting in ultimate physical changes to environment’ ”].) In short, an EIR would not be premature.

FN6. Citing Northwood Homes, Inc. v. Town of Moraga (1989) 216 Cal.App.3d 1197, 1204, 265 Cal.Rptr. 363, the City attempts to downplay the importance of the Housing Element, noting that “[t]he housing needs identified in the general plan are simply goals, not mandated acts.” Northwood Homes is inapposite. There, the court rejected appellant’s argument that an open space ordinance which limited the density of development on certain lands was invalid because it would cause Moraga to fall short of the housing needs identified in its general plan. (Id. at pp. 1200, 1203-1204, 265 Cal.Rptr. 363.) The court acknowledged that municipalities are required to adopt housing elements that analyze housing needs and schedule development programs; however, it held that appellant failed to meet its burden to show that the ordinance at issue would have a significant effect on the regional housing supply. (Id. at pp. 1202-1204 & fn. 6, 265 Cal.Rptr. 363, citing Gov.Code, § 65583.)

C. EIR Required Only For Changes To General Plan.

As the City correctly emphasizes, we must determine whether there were any *changes* to the Housing Element that were significant enough to warrant conducting an EIR. “[W]hen a proposed amendment to a general plan is the subject of an initial study, in most cases the agency will not be required to assess the environmental effects of the entire plan or preexisting

land use designations. Instead, the question is the potential impact on the existing environment of *changes* in the plan which are embodied in the amendment. [Citations.]”^{FN7} (Black Property Owners Assn. v. City of Berkeley, supra, 22 Cal.App.4th at p. 985, 28 Cal.Rptr.2d 305.)

FN7. We disagree with SFLN’s characterization of this passage of Black Property Owners as dicta. The court cited two cases where general plan amendments were passed in connection with a particular development project or land use designation, and concluded in the next sentence that “a similar approach to the scope of the required environmental review is appropriate” where a general plan amendment is required by statute. (Black Property Owners Assn. v. City of Berkeley, supra, 22 Cal.App.4th at p. 985, 28 Cal.Rptr.2d 305.) The cited passage was essential to the court’s decision.

In Black Property Owners, the City of Berkeley revised its housing element to include the possible construction of 747 additional housing units over 5 years. (Black Property Owners Assn. v. City of Berkeley, supra, 22 Cal.App.4th at p. 978, 28 Cal.Rptr.2d 305.) Although no party disputed an initial study’s conclusion that the new housing construction would have positive environmental effects, a property owners’ association challenged the adoption of the housing element revision, alleging that the city should have been required to prepare an EIR on the adverse consequences of its housing policies in general. (Id. at pp. 978, 985 & fn. 7, 28 Cal.Rptr.2d 305.) The appellate court held that because no changes were proposed to the city’s housing-related ordinances, CEQA did not require any assessment of the ordinances’ environmental effects. (Id. at p. 985, 28 Cal.Rptr.2d 305.) Further, a rent control ordinance that was “ratified and acknowledged” in the housing element update was exempt from CEQA. (Id. at p. 986, 28 Cal.Rptr.2d 305.) “To require an EIR on the policies embodied in the rent control ordinance, which was not subject to CEQA when it was enacted 13 years ago by the voters of [Berkeley], and which [Berkeley] has taken no action to change, would not further” the statutory purpose of CEQA. (Ibid.)

*8 We disagree with SFLN insofar as it argues that any amendment of the Housing Element necessarily

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requires an EIR to evaluate each of the element's policies, or that a review of the *entire* Housing Element is necessary. Again, Government Code section 65588, subdivision (b) requires that a housing element be updated every five years. In doing so, local governments may simply "ratify] and acknowledge[]" previously adopted ordinances and policies, and evaluating policies left unchanged would not further the purpose of CEQA. (*Black Property Owners Assn. v. City of Berkeley, supra*, 22 Cal.App.4th at p. 986, 28 Cal.Rptr.2d 305; see also *Christward Ministry v. Superior Court, supra*, 184 Cal.App.3d at p. 189, 228 Cal.Rptr. 868 [no environmental evaluation necessary based on land use designation unchanged by amendment to general plan]; 1 Kostka & Zischke, Practice Under the Cal. Environmental Quality Act (Cont.Ed.Bar 2006) § 13.12, p. 638.) Indeed, several Housing Element policies incorporated no text change whatsoever from the 1990 Residence Element, and no purpose would be served in conducting environmental review on policies that were evaluated before the adoption of the 1990 Residence Element. The City need only conduct an EIR on any potential effects to the existing environment that may result from *changes* in the general plan which are embodied in the amended element. (*Black Property Owners Assn. v. City of Berkeley, supra*, 22 Cal.App.4th at p. 985, 28 Cal.Rptr.2d 305; *Christward Ministry v. Superior Court, supra*, 184 Cal.App.3d at pp. 186-187, 228 Cal.Rptr. 868.)

SFLN relies on cases where courts stressed that when an agency reviews a new project or change to a general plan, it must evaluate the effect of the project or amendment to the existing environment. For example, in *Environmental Planning & Information Council v. County of El Dorado, supra*, 131 Cal.App.3d at pages 352-353, 182 Cal.Rptr. 317, the El Dorado County Board of Supervisors certified EIRs prepared to evaluate two area plans that were amendments to the board's general plan. The EIRs compared the proposed plans with the existing general plan, which was misleading because it made it appear as if the population capacities of the areas would decrease under the plans. (*Id.* at pp. 355, 357-358, 182 Cal.Rptr. 317.) In fact, the existing populations were so small that the amendments actually called for substantial increases in population in each area, and the EIRs thus did not evaluate the impacts of the proposed plans on the environment in its then-current state. (*Id.* at p. 358, 182 Cal.Rptr. 317.) It makes sense that when an agency considers a *change* to a general plan, it should

evaluate how that change may affect the existing environment, not how the amendment compares with the previous general plan.

Here, by contrast, it does not make sense to evaluate policies from the 1990 Residence Element that were left unmodified, even if the physical environment in San Francisco has changed since 1990. This case is distinguishable from other cases SFLN relies on to support its argument that the entire Housing Element should be subject to environmental review, as the courts in those cases stressed that when evaluating *new* plans or *changes* to general plans, agencies must focus on the possible effect to the existing environment. (*Christward Ministry v. Superior Court, supra*, 184 Cal.App.3d at pp. 186-187, 228 Cal.Rptr. 868 [agency must assess effect of amendment to general plan on existing physical environment, not simply compare proposed amendment and existing general plan]; *Woodward Park Homeowners Assn., Inc. v. City of Fresno (2007)* 150 Cal.App.4th 683, 697, 711, 58 Cal.Rptr.3d 102 petn. for review pending, petn. filed May 24, 2007, S152886 [EIR improperly compared proposed project with theoretical construction permitted by existing zoning, rather than with actual existing vacant lot].)^{FN8}

^{FN8.} *Meridian Ocean Systems, Inc. v. State Lands Com. (1990)* 222 Cal.App.3d 153, 164-165, 271 Cal.Rptr. 445, likewise does not support SFLN's argument that the entire Housing Element is subject to environmental review. The case did not involve the amendment of a general plan. Instead, it analyzed whether the State Lands Commission improperly ordered an EIR for certain geophysical research that previously had been statutorily exempt from environmental review. (*Id.* at pp. 160, 162-165, 271 Cal.Rptr. 445.) The court addressed the invocation of an exception to a specific statutory exemption that is not at issue here. (*Id.* at pp. 164-165, 169, 271 Cal.Rptr. 445.)

*9 With these general legal principles in mind, we now consider whether an EIR is required here.

D. Housing Element Contains Changes That Necessitate an EIR.

The City relies on *Black Property Owners, supra*, 22

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Cal.App.4th 974, 28 Cal.Rptr.2d 305 when it states that it “did not analyze the effects of the policies and objectives in the 2004 Housing Element that remain consistent with those policies and objectives contained in the 1990 Residence Element and other elements of the General Plan.” It stresses that any changes to the Housing Element were “so minor in scope” that a full environmental review was unnecessary. SFLN argues that unlike in *Black Property Owners*, the Housing Element here was “significantly modified” and calls for “a broad range of future development,” necessitating environmental review. We agree with SFLN that the Housing Element contains changes, that some of those changes are not “minor” (as the City argues), and that there is substantial evidence to support a fair argument those changes may have a significant impact on the environment.

For example, policy 11.9 of the Housing Element now provides that densities and “parking standards” should be set at levels “that promote the City’s overall housing objectives while *respecting* neighborhood scale and character”; the Residence Element policy was to set allowable densities at levels that will “*promote compatibility with* prevailing neighborhood scale and character.” (Italics added.) A Residence Element policy to adopt specific zoning districts that would set density categories has been eliminated from the Housing Element.

Other Housing Element policies make more significant changes. Policy 11.8, a new policy, provides: “Strongly encourage housing project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.” Its explanatory text provides that the “Department should strongly support projects that creatively address residential parking and open space requirements, resulting in higher densities with a full range of unit sizes.” The Department will “study the impacts of reduced parking and private open space provisions and will consider revising the Planning Code accordingly.” With respect to “neighborhood character,” new policy 11.1 is to “[u]se new housing development as a means to enhance neighborhood vitality and diversity.” Its interpretive text states that “[m]inimum density requirements and maximum parking standards should be used to encourage a mix of unit sizes in areas well served by transit and neighborhood retail.” Whereas a previous Residence Element policy was to “[p]romote con-

struction of well designed housing that *conserves* existing neighborhood character,” policy 11.5 of the Housing Element now “[p]romote[s] the construction of well-designed housing that *enhances* existing neighborhood character.” (Italics added.)

*10 The 1990 Residence Element contained a policy to “[r]elate land use controls to the appropriate scale for new and existing residential areas.” The interpretive text stated that “zoning envelopes should be tailored to the prevailing built pattern to maintain the low density character [of single- and two-family neighborhoods].” One stated objective of the policy was to “allow some expansion” of height and depth controls in one- and two-family areas “to accommodate contemporary living space needs and still be compatible with the neighborhood scale.” Modified policy 11.6 of the Housing Element now states: “Employ flexible land use controls in residential areas that can regulate inappropriately sized development in new neighborhoods, in downtown areas and in other areas through a Better Neighborhoods type planning process while maximizing the opportunity for housing near transit.” Its implementation action states: “The City will continue to promote increased residential densities in areas well served by transit and neighborhood compatible development with the support and input from local neighborhoods.”

New policy 1.7 is to “[e]ncourage and support the construction of quality, new family housing.” Finally, although policy 1.6, to “[c]reate incentives for the inclusion of housing, particularly permanently affordable housing, in new commercial development projects,” is almost identical to a policy in the 1990 Residence Element, an implementation provision now calls for reviewing the possibility of removing parking and density requirements as “incentives.”

The City argues that “for purposes of CEQA, there was no change to the City’s policy of increasing density while maintaining neighborhood character that was significant.” We disagree. Taken together, the changes to the Housing Element cited above reflect a shift away from preserving existing housing density and a movement toward allowing denser housing development, and decreased off-street parking, which in turn could lead to increased traffic congestion, air pollution, and noise, as well as a change in the aesthetic quality of City neighborhoods. (*Pocket Proectors v. City of Sacramento*, *supra*, 124 Cal.App.4th

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at pp. 936-937 [CEQA addresses enjoyment of aesthetic qualities].^{FN9}

FN9. This case is distinguishable from Bowman v. City of Berkeley (2004) 122 Cal.App.4th 572, 592, 18 Cal.Rptr.3d 814, where this court held that “[t]he aesthetic difference between a four-story and a three-story building on a commercial lot on a major [urban] thoroughfare” was “not a significant environmental impact, even under the fair argument standard.” Here, changing density requirements in San Francisco could theoretically affect a much larger area, and have a much larger impact, increasing noise, air pollution, and congestion.

We find City of Redlands v. County of San Bernardino, supra, 96 Cal.App.4th 398, 117 Cal.Rptr.2d 582 instructive. There, a county board of supervisors adopted general plan amendments relating to the county's “sphere of influence” over future land use planning and development. (Id. at pp. 403-404, 117 Cal.Rptr.2d 582.) The trial court disagreed with the county's characterization of the amendments as mere clarifications of existing policy. (Id. at p. 404, 117 Cal.Rptr.2d 582.) The appellate court affirmed the issuance of a writ of mandate to set aside the amendments, noting that the county had replaced mandatory language with more permissive or discretionary language, that the amendments granted the county more discretion in land use matters relating to unincorporated territory, and that the amendments made substantive changes to the county's policies and procedures. (Id. at pp. 406-407, 117 Cal.Rptr.2d 582.) In fact, the difference in policies before and after the amendments, standing alone, constituted substantial evidence of a fair argument that the amendments could have a significant effect on the environment. (Id. at p. 414, 117 Cal.Rptr.2d 582.)

*11 Similarly, here, the Housing Element does more than simply clarify or affirm existing policies with respect to housing density. It now “encourage[s]” developers to take “full advantage of allowable building densities,” and stresses the enhancement of neighborhood character instead of conservation of neighborhood character. Although we are sympathetic to the City's argument that this case is distinguishable because the amendments to the Housing Element are not as “ ‘drastic’ ” as those in City of Redlands, supra,

96 Cal.App.4th at page 414, 117 Cal.Rptr.2d 582, it does not follow that the amendments will not lead to changes to the physical environment. In fact, any future housing promoters could argue that a high density development was compatible with the revised Housing Element. “Not only does CEQA apply to revisions or amendments to an agency's general plan, but CEQA reaches beyond the mere changes in the language in the agency's policy to the ultimate consequences of such changes to the physical environment.” (Id. at p. 409, 117 Cal.Rptr.2d 582.)

Moreover, the City fails to distinguish City of Redlands in another important respect. The court found that the initial study in City of Redlands was inadequate because it “fail[ed] to provide sufficient evidence or analysis of the potential environmental effects of the [general plan] amendments.” (96 Cal.App.4th at p. 408, 117 Cal.Rptr.2d 582.) Instead, for each environmental factor, the county simply stated that no changes were proposed for any goals, policies, or action items, and that the proposed amendments were not expected to result in any significant change to the environment. (Ibid.) The court concluded that the initial study was “an impermissible attempt to evade environmental review by failing to address the consequences of the revisions to its policy and procedures,” and that the county's efforts were “ ‘a token observance of regulatory requirements.’ ” (Id. at pp. 408-409, 117 Cal.Rptr.2d 582.)

We conclude that the City here likewise failed to adequately address in the initial study the consequences of the revisions to the Housing Element. The initial study repeatedly emphasizes that the Housing Element “alone” will not produce new housing, and that environmental review will be deferred until any specific development, rezoning, planning code revision, or area plan is proposed. The same theme is repeated under each of the environmental factors considered in the initial study, with the City concluding that it would be premature to analyze any possible environmental effects of the proposed amendments. For several of the environmental factors, the City simply includes the following conclusion, with slight variations: “[T]he proposed new policies of the Housing Element would encourage the provision of additional housing in the City. However, at the policy level, it would be speculative to estimate the level and location of new residents that would result from their adoption. Again, the amount of new hous-

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ing cited in the Data Needs and Analysis section of the revision represents the City's share of housing calculated by ABAG, and is not a proposed new policy or stated goal of the Housing Element. Thus, while [various] effects of the proposed revisions cannot be accurately predicted, future plans, rezoning and specific development proposals that arise out of the City's comprehensive effort to encourage more housing could lead to increased [various] impacts, and these would be analyzed and reported in the environmental documents that would be prepared for them."

*12 As we explained above, however, the City may not defer analysis of general plan amendments simply because more specific proposals may come later. "CEQA advances a policy of requiring an agency to evaluate the environmental effects of a project *at the earliest possible stage* in the planning process. We conclude that, by failing to accurately describe the agency action and by deferring full environmental assessment of the consequences of such action, the [City] has failed to comply with CEQA's policy and requirements." (*City of Redlands v. County of San Bernardino, supra*, 96 Cal.App.4th at p. 410, 117 Cal.Rptr.2d 582, fn. omitted.) By simply indicating that the City would defer environmental review until specific developments are proposed, the City failed to provide sufficient information to determine whether significant environmental impacts may occur. (*Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo, supra*, 172 Cal.App.3d at p. 171, 217 Cal.Rptr. 893 [initial study "far too conclusionary" and inadequate for failure to reveal what evidence, if any, was relied on in reaching conclusions].)

We likewise agree with SFLN that the City failed to adequately analyze the entire "project" for purposes of CEQA. (§ 21100, subd. (a).) The initial study *must* consider "[a]ll phases of project planning, implementation, and operation." (Guidelines, § 15063, subd. (a)(1).) Here, however, the City analyzed only new policies that were added to the Housing Element. The City did not analyze, for example, the potential environmental effects of eliminating the policy of increasing the housing supply "without overcrowding or adversely affecting the prevailing character of existing neighborhoods." (*City of Redlands v. County of San Bernardino, supra*, 96 Cal.App.4th at p. 407, 117 Cal.Rptr.2d 582 [general plan amendments eliminated provisions containing various requirements or limitations].) The City likewise did not analyze the effect of

eliminating a Residence Element policy to adopt specific zoning districts that would set density categories. Moreover, the initial study did not analyze policies that were modified, such as the policy that now promotes construction of housing that "enhances" rather than "conserves" neighborhood character. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1200, 31 Cal.Rptr.3d 901 [initial study inadequate because it failed to consider or assess effect of revisions of off-leash dog policy].)

As in *City of Redlands v. County of San Bernardino, supra*, 96 Cal.App.4th at page 410, 117 Cal.Rptr.2d 582, we conclude that because there was substantial evidence of a significant environmental impact, an EIR (as opposed to a revised initial study) is appropriate here. In fact, we may discern reasonable assumptions of the Housing Element's impact simply from reviewing the language of the amendments themselves, because the amendments now call for possibly removing parking and density requirements as incentives to developers, promoting the construction of housing that enhances (as opposed to conserves) neighborhood character, supporting projects that result in higher densities, and studying the impacts of reduced parking and private open space provisions. (*Id.* at p. 414, 117 Cal.Rptr.2d 582.) In short, the amendments do more than simply clarify existing policies. (*Id.* at p. 407, 117 Cal.Rptr.2d 582.)

*13 Moreover, SFLN provided substantial evidence to support a fair argument that the Housing Element amendments may have a significant impact on the environment. It relies primarily on a 22-page letter (with attachments) by David Golick, a planning consultant. Golick concluded that the Housing Element "contains policies encouraging substantial high-density housing development, which in turn could cause a number of potentially significant effects upon visual quality/neighborhood character, transportation, land use and utilities/public services in San Francisco." For example, he wrote that the revisions could lead to "high-density, bulky, potentially 50-foot tall buildings in neighborhood commercial areas and along transit corridors throughout the City [which] could cause myriad environmental effects," including incompatibility with neighborhood character, and a transformation of San Francisco's unique neighborhoods into "high-walled canyons."

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The City argues that SFLN's evidence does not amount to substantial evidence, because it is speculative. But the City again falls back on its argument that the Housing Element lacks any specific development proposal or zoning change. The City chides SFLN for failing to point to "any factual evidence that anyone, anywhere in the City, is proposing" specific developments with taller buildings, or residential units above commercial structures. But it is beyond dispute that specific developments will be proposed in the future, and developers would be able to argue that taller buildings are consistent with the City's general plan. Likewise, the proponent of any new zoning ordinance that calls for denser developments would be able to argue that the ordinance was consistent with the Housing Element. (E.g., S.F. Planning Code, § 101.1, subd. (d) [City may not adopt zoning ordinance or development agreement authorized by Government Code section 65865 unless development or ordinance is consistent with general plan].) Moreover, because the initial study lacked any analysis of the potential effects of the revised Housing Element, it is understandable that the evidence cited by SFLN also lacked specificity. As in City of Redlands v. County of Bernardino, supra, 96 Cal.App.4th at page 414, 117 Cal.Rptr.2d 582, we find it ironic that the City complains about SFLN's lack of evidence, considering "it initially set the stage by failing to gather facts and evidence in conducting its initial study of the amendments' potential environmental effects."

"CEQA places the burden of environmental investigation on government rather than the public. If the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record. Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences." (Sundstrom v. County of Mendocino, supra, 202 Cal.App.3d at p. 311, 248 Cal.Rptr. 352 [inadequate initial study of proposed private sewage treatment plant]; see also Christward Ministry v. Superior Court, supra, 184 Cal.App.3d at p. 197, 228 Cal.Rptr. 868 [city's position there was no fair argument of significant impact to environment based, in part, on failure to complete adequate initial study]; County Sanitation Dist. No. 2 v. County of Kern (2005) 127 Cal.App.4th 1544, 1597, 27 Cal.Rptr.3d 28.) Here, SFLN was permitted to draw "reasonable inferences" about the possible environmental effects of the amendments, based on facts and reasonable assumptions from those facts. (City of Redlands v.

County of San Bernardino, supra, 96 Cal.App.4th at pp. 410-411, 117 Cal.Rptr.2d 582 [no requirement that expert testimony support fair argument that project may have significant effect on the environment].)

*14 Because there was substantial evidence in the record to support a fair argument that the amendments to the Housing Element may have a significant impact on the environment, the City was required to prepare an EIR, and the trial court erred in denying SFLN's petition for a writ of mandate.

III.

DISPOSITION

The judgment is reversed, and the trial court is ordered to issue a writ of mandate directing the City to set aside its adoption of the negative declaration and to order the preparation of an EIR. Appellant shall recover its costs on appeal.

We concur: REARDON, Acting P.J., and RIVERA, J.
 Cal.App. 1 Dist., 2007.
 San Franciscans for Livable Neighborhoods v. City and County of San Francisco
 Not Reported in Cal.Rptr.3d, 2007 WL 1793881
 (Cal.App. 1 Dist.)

END OF DOCUMENT

SCNC BOARD

Jeffrey Carter
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Michael McCue
Ben Neumann
Richard Niederberg
Todd Royal
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Lana Shackelford
Gail Steinberg
Ron Taylor
Rita C. Villa
John T. Walker



4024 Radford Ave.
Edit. Bldg. 2, Suite 6
Studio City, CA 91604
Phone (818) 655-5400

PRESIDENT
John T. Walker

VICE PRESIDENT
Todd Royal

TREASURER
Remy Kessler

SECRETARY
Rita C. Villa

CORRESPONDING SECRETARY
Lana Shackelford

www.scnc.info

October 4, 2010

SENT BY FAX AND EMAIL

Los Angeles City Planning Department
Attn: Michelle Sorkin (michelle.sorkin@lacity.org)
Alan Bell (Alan.Bell@lacity.org)
Michael J. Lo Grande (michael.logrande@lacity.org)
200 North Spring Street, Room 621
Los Angeles, CA 90012

SUBJECT: Zone Code Simplification Ordinance
CPC-2010-1572

Dear City Planning Commission:

At a special meeting on Monday, October 4, 2010, the Board of the Studio City Neighborhood Council passed the following motion.

MOTION: The Board of the Studio City Neighborhood Council authorizes the issuance of a letter substantially in the form attached hereto transmitting our comments on the Zone Code Simplification Ordinance to the City Planning Department, the City Planning Commission and to the City Council.

If you have any questions, please do not hesitate to contact us.

Sincerely yours,

John T. Walker, President
Studio City Neighborhood Council

JTW/lis

SCNC BOARD

Jeffrey Carter
Ben Di Benedetto
Joshua Gelfat
Victor Helo
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Remy Kessler
Michael McCue
Ben Neumann
Richard Niederberg
Todd Royal
Lisa Sarkin
Lana Shackelford
Gail Steinberg
Ron Taylor
Rita Villa
John T. Walker



4024 Radford Ave.
Edit. Bldg. 2, Suite 6
Studio City, CA 91604
Phone (818) 655-5400

PRESIDENT
John T. Walker
VICE PRESIDENT
Todd Royal
TREASURER
Remy Kessler
SECRETARY
Rita C. Villa

CORRESPONDING SECRETARY
Lana Shackelford
4024 Radford Ave.
Edit. Bldg. 2, Suite 6
Studio City, CA 91604
Phone (818) 655-5400
www.scnc.info

October 5, 2010

Los Angeles City Planning Department
Attn: Michelle Sorkin (michelle.sorkin@lacity.org)
Alan Bell (Alan.Bell@lacity.org)
Michael J. Lo Grande (michael.logrande@lacity.org)
Los Angeles City Hall
200 N. Spring St., Room 621
Los Angeles, CA 90012

SENT VIA FAX AND EMAIL

Subject: Zone Code Simplification Ordinance
CPC-2010-1572-CA

City Planning Commission:

With respect to the Planning Department project defined in the following paragraph, various committees of the SCNC, including both SCNC board members and stakeholders, have devoted a great deal of time and effort reviewing the proposed amendments. This letter sets forth the concerns of the SCNC regarding the proposal. Please place our comments in your formal record on this matter.

"Pursuant to Charter Section 558 and Section 12.32-A of the Los Angeles Municipal Code, the **Director of Planning has initiated development of six recommended zoning code amendments intended to streamline and simplify the Department's case processing function.** The attached Appendix A is the first of these six proposed ordinances to be presented to the City Planning Commission."

As the project is being implemented in 6 segments, commencing with this first Ordinance, it is impossible for the public to evaluate the revised Ordinance because there is no way to determine from this document the scope or impact of the entire project. This is a violation of CEQA and it renders the MND meaningless.

The staff report indicates that the objective of the first zone code simplification ordinance is to consolidate common findings that have the same intent but different phrasing, clarify ambiguous finding language, delete duplicative findings, delete unnecessary findings and move findings to more appropriate places in the Zoning Code. It further indicates that none of the changes alter the substantive analyses necessary for thoughtful review of development projects and that the proposed ordinance will not lessen the ability of stakeholders to participate in the public process or eliminate any criteria that protects the citizenry from inappropriate land uses. The Studio City Neighborhood Council supports the concept of increased efficiency in the planning process, consistency in the language of the findings and transparency while not reducing the ability of stakeholders to participate in the public process.

We disagree with the statement in the staff report that this ordinance is simply changing words and will have no impact on discretionary actions. Changing a finding from "That there are special circumstances applicable to the project or project site which make the strict application of the specific plan regulation(s) impractical" to "That the project will enhance the environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region" is not an insignificant revision to language. It is a substantive change that will adversely impact the community as it will increase the authority of the zone code administrator and the number and breadth of their discretionary actions. It will also result in reduced stakeholder notification and participation. Additionally, city or regional interests could be allowed to supersede the interests of the immediate community.

Further, eliminating the language in 11.5.7 C 2 (b) dealing with mitigation measures or monitoring does not help the community. That language may or may not be redundant of CEQA but it should not be omitted given the City's poor record with mitigation measures as outlined in several City Controller Audits and as further evidenced by the City's non compliance with the Framework Element's monitoring program and Annual Reports on Growth and Infrastructure.

General responses to each of the Core Findings as well as to several of the specific provisions of the ordinance are attached. Failure to comment on any particular provision should not be deemed as approval of that provision by the SCNC. The SCNC reserves its right to further revise and extend its comments on this matter.

Conclusion:

We support the objectives of this zone code simplification to the extent that they result in determination reports with findings that clearly explain the progression from **facts** to the decision as that should provide for a more transparent planning process. It is important however to note that the operative word in that sentence is "**facts**". It is incumbent upon those charged with preparing the determination reports to ensure that the facts are supported by documentary evidence and are not based on subjectivity or opinion. That documentary evidence should include significant community input including input through neighborhood councils.

As is clearly documented in the attached response to the proposed revisions to the specific language of the ordinance, we disagree with most of the proposed revisions. Although the language is conformed from one section to another, in most instances the revised language introduces an element of subjectivity leaving much to the discretion of the Zone Code Administrator. This can result in inconsistent application of the Code throughout the City. Additionally, many of the proposed revisions are actually an unnecessary weakening of the protections of the current Zone Code. We oppose implementation of the proposed revisions as currently drafted.

Sincerely,



John Walker, President
Studio City Neighborhood Council

JTW/lb

COMMENTS RELATED TO THE CORE FINDINGS

1. The Neighborhood Enhancement Core Finding:

"That the project will enhance the environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region."

Response:

This finding requires that the project will provide a service that is essential or beneficial to the community, city or region. What is deemed to be "essential or beneficial" is, by definition, subjective. Subjectivity should be reduced and not increased as a result of these zone code revisions. It should be noted that a project that has a city or regional benefit may have a significant adverse impact on the immediately surrounding community. A conditional use or other quasi-judicial approval for such a project should not be made at the discretion of the zoning administrator but should only be allowed after documented community input from affected stakeholders is received and considered. It may be appropriate to receive such input through the public hearing process. Neighborhood Councils should be consulted on all such issues.

2. The Project Compatibility Core Finding:

"That the project's location, size, operations and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood."

Response:

We recommend that the language of this proposed core finding be expanded to define the term "further degrade" with the specific example provided in the staff report for increased clarity.

3. The General Plan Core Finding:

"That the project is in substantial conformance with the purpose, intent and provisions of the General Plan and applicable community and specific plan."

Response:

We recommend that the word "substantial" be deleted from core finding number 3 above. Additionally, the 4 goals of the Housing Element section of the General Plan should be reviewed under the leadership of CD2 City Council Member Paul Krekorian since they were changed in the current version of the General Plan from the previous version without disclosure of their revision to the City Council before the vote to accept the current version of the Housing Element. The differences in the goals could impact conformance with the intent of the General Plan.

4. The Adjustment Core Finding:

"That the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the [zoning regulations, specific plan regulations, or hillside regulations in Section 12.21 A.17 (e) or (h)] impractical or infeasible, the project conforms with the intent of those regulations."

Response:

A determination that an "adjustment core finding" permitting an exception to specific plan regulations based on the fact that compliance is impractical or infeasible should be prohibited. Such an exception should only be allowed if there has been significant documented community input in support of the adjustment. This should not be allowed based upon an administrator's discretionary determination. There are existing findings and procedures that define how exceptions may be granted.

COMMENTS RELATED TO THE CORE FINDINGS

5. The Project Design Core Finding:

"That the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood."

Response:

We recommend the deletion of the words "compatible with" from core finding number 5 above and recommend that they be replaced with the words "in conformity with the scale and character of".

6. The Traffic Core Finding:

"That the project will not create an adverse impact on street access or circulation in the surrounding neighborhood."

This new finding replaces three existing findings that require that projects not increase traffic problems in the vicinity.

Response:

Although we support core finding number 6 above, the determination of what is an "adverse impact on street access or circulation" can be subjective. Such a finding should be supported by factual numerical documentation and independent analysis.

7. The Housing Element Core Finding:

"That the project implements the affordable housing provisions of the Housing Element of the General Plan."

Response:

Although we support the spirit of core finding number 7, this finding should not be used to create defacto inclusionary zoning. Every effort should be made to preserve and enhance the affordable housing that exists within a community. This core finding should not be used to allow for the destruction of existing affordable housing which is then replaced with buildings that contain only a limited number of "affordable units" as we have seen happen in so many parts of the City. Additionally, such projects should encourage home ownership through programs such as TOPA. See also response to core finding number 3.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
<p>Section 1 Subdivision 2 of Subsection C of Section 11.5.7 of the LAMC</p>	<p>Deletes the requirement for the findings to be in writing.</p> <p>Deletes the requirement for the project to be in substantial compliance with the regulations, findings, standards and provisions of the specific plan.</p> <p>Substitutes as requirement for the project to be “substantial conformance with the purpose and intent of the provision of the General Plan and applicable community and specific plan.”</p> <p>Eliminates the need for a project to incorporate appropriate mitigation measures, monitoring measures and alternatives identified in the environmental review to mitigate the negative environmental effects of a project.</p>	<p>We disagree with this revision. The determination of conformance with the “intent “of a provision rather than the specific language of a provision is by definition subjective. Every zoning director could conceivably interpret the intent of a provision differently resulting in confusion and inconsistent application of the provisions in question through-out the community. Subjectivity should be reduced and not increased as a result of these zone code revisions.</p> <p>We disagree with the elimination of this provision. Whenever physically possible adverse environmental impacts should be mitigated.</p>
<p>Section 2 Subdivision 3 of Subsection E of Section 11.5.7 of the LAMC (a)</p>	<p>Deletes the requirement for the findings to be in writing.</p> <p>Deletes the requirement for the project to satisfy 4 specific requirements in addition to any other required by the specific plan.</p> <p>Deletes the requirement for there to be special circumstances applicable to the project or the project site which make strict application of the specific plan regulation impractical and requires only that the project will enhanced the environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.</p>	<p>We disagree with this revision.</p> <p>Determination of what enhances the environment in the surrounding neighborhood is subjective. Every zoning director could conceivably interpret the intent of a provision differently resulting in confusion and inconsistent application of the provisions in question through-out the community. Subjectivity should be reduced and not increased as a result of these zone code revisions. It should be noted that a project that has a city or regional benefit may have significant adverse impacts on the immediately surrounding community. A project permit adjustment for such a project should not be made at the discretion of the zoning director but should only be allowed after documented community input from the affected stakeholders is received and considered.</p>

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 2 Subdivision 3 of Subsection E of Section 11.5.7 of the LAMC (b)	Eliminates the requirement that the Director has imposed project requirements and/or decided that the proposed project will substantially comply with all applicable specific plan regulations and requires only that the project is in substantial conformance with the propose, intent and provisions of the General plan and applicable community and specific plan.	We disagree with this revision as it substantially undermines the protections so carefully drafted, with transparency and community input, that are provided for in each community plan and specific plan.
Section 2 Subdivision 3 of Subsection E of Section 11.5.7 of the LAMC (c)	Eliminates the requirement that the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights of way and requires only that the project will not adversely affect or further degrade the surrounding neighborhood.	In considering each project, the goal of the Director should be to determine that the project not only is compatible with the surroundings but also that it enhances them. We disagree that the threshold for approval should be that the project simply does not "further degrade" its surroundings.
Section 2 Subdivision 3 of Subsection E of Section 11.5.7 of the LAMC (d)	Eliminates the need for a project to incorporate appropriate mitigation measures, monitoring measures and alternatives identified in the environmental review to mitigate the negative environmental effects of a project.	We disagree with the elimination of this provision. Whenever physically possible, adverse environmental impacts should be mitigated. When it is impractical or infeasible to adhere to specific plan regulations it may be most appropriate to deny approval .
Section 3 Subdivision 2 of Subsection F of Section 11.5.7 of the LAMC #2	Eliminates the requirement that the Area Planning Commission permit an exception from a specific only if it makes all of the following findings	We disagree with the elimination of this provision as it significantly undermines the strength of specific plans.
Section 3 Subdivision 2 of Subsection F of Section 11.5.7 of the LAMC (a)	Although this section was deleted in its entirety it appears to be replaced with exactly the language as the original provision.	We are concerned that the replacement language in the draft circulated may not be what was actually intended and we reserve our right to comment upon this in the future if the replacement language is revised.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 3 Subdivision 2 of Subsection F of Section 11.5.7 of the LAMC (b)	Eliminates the requirement 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 and replaces it with a requirement that there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not generally apply to other property in the same specific plan.	We disagree with the revision of this provision as it significantly undermines the strength of specific plans. A finding that a proposed exception is needed because of special circumstances is a much lower threshold than finding that the circumstances must be exceptional.
Section 3 Subdivision 2 of Subsection F of Section 11.5.7 of the LAMC (d)	Eliminates the requirement that the granting of an exception will not be detrimental to the public welfare or injurious to property or improvements adjacent to or in the vicinity of the subject property and replaces it with a provision that the granting of the exception 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.	We disagree with the revision of this provision as it significantly undermines the strength of specific plans. A finding that a proposed exception is materially detrimental to the public welfare is a much lower threshold than finding that it is detrimental. Additionally, deleting the requirement that consideration must be given to the adjacent property is significantly different than a finding that it is not detrimental to something in the same vicinity or zone in which the property is located. The impact on the immediately adjacent neighbor should be given the utmost consideration.
Section 3 Subdivision 2 of Subsection F of Section 11.5.7 of the LAMC (e)	Eliminates the requirement 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 and replaces it with a requirement that the granting of the exception will not adversely affect the specific plan.	We disagree with the revision of this provision as it significantly undermines the strength of specific plans. A finding that a proposed exception will not adversely affect the specific plan is very different from finding that the project is consistent with the principles, intent, and goals of the specific plan. No exception to a specific plan should be made by discretionary action. A public hearing should be required.
Section 4 the definition of "Accessory Use" in Section 12.03 of the LAMC	Eliminates the maintenance of an Historic Vehicle Collection from the definition of Accessory Use	Comments on this item are provided in the response to Section 27 New Subdivision 28 of Subsection X of Section 12.24

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
<p>Section 5 Subsection E of Section 12.24 of the LAMC "E"</p>	<p>Eliminates the requirement that the decision maker must find that the proposed location will be desirable to the public convenience or welfare, is in proper relation to adjacent uses or the development of the community, that the proposed location 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. It replaces it with the following three requirements:</p> <ol style="list-style-type: none"> 1. that the project will enhance the environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region. 2. That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood 3. That the project is in substantial conformance with the purpose, intent and provisions of the General Community and Specific Plans 	<p>We disagree with the revision of this provision as it significantly undermines the strength of specific plans. A finding that a proposed exception will not adversely affect or further degrade the surrounding neighborhood and that it is in substantial conformance with the General, Community and Specific Plans is very different from finding that the project is not materially detrimental to the character of development in the immediate neighborhood and is simply in harmony with the principles, intent, and goals of the General Plan. The determination of what is "in harmony" is extremely subjective.</p> <p>Subjectivity should be reduced and not increased as a result of these zone code revisions. It should be noted that a project that has a city or regional benefit may have a significant adverse impact on the immediately surrounding community. A conditional use or other quasi-judicial approval for such a project should not be made at the discretion of the zoning administrator but should only be allowed after documented community input from affected stakeholders is received and considered. It may be appropriate to receive such input through the public hearing process.</p>
<p>Section 6 Subsection F of Section 12.24 of the LAMC "F"</p>	<p>Eliminates the provision that the decision maker may impose conditions based upon written findings, which it deems necessary to protect the best interests of the surrounding property 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. Replaces it with the findings made in Subsection E.</p>	<p>We object to the proposed revision to this subsection. It replaces the requirement that conditions be imposed when they are deemed necessary to protect neighborhoods and requires only that the lower threshold findings made in Subsection E above be met.</p>

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
<p>Section 7 of Subdivision 14 of Subsection U of Section 12.24 of the LAMC</p>	<p>Eliminates the requirement for the City Planning Commission to make any of the other findings required by this section and requires only that they find that the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements at are compatible with the surrounding neighborhood and that the Major Development Project is consistent with the general requirements adopted by the City Planning Commission as design guidelines for Major Development Projects if any.</p> <p>Eliminates the requirement for a Major Development Project to conform with any applicable specific and/or redevelopment plan.</p> <p>Eliminates the requirement that the Major Development Project would have no material adverse impact on properties, improvements or uses, including commercial uses, in the surrounding neighborhood.</p>	<p>We object to the proposed revision as it completely undermines the protections provided by specific plans.</p> <p>It requires that a Major Development Project be consistent with the general requirements of the design guidelines. As the Design Guidelines have not yet been adopted and as the SCNC has previously submitted a series of comments and suggestions with respect to those guidelines, it is premature for the zone code to include this provision. The language in the existing ordinance should be retained.</p>
<p>Section 8 paragraph (e) of Subdivision 22 of Subsection U of Section 12.24 of the LAMC</p>	<p>Paragraph (e) is deleted in its entirety. Elimination of this paragraph eliminates the requirement for a finding by the City Planning Commission that the location of a proposed recycling use will not be materially detrimental to the public welfare or injurious to the properties or improvements in the affected community and replaces it with a requirement that such an application be referred to the Council person for the district in which the property is located.</p>	<p>We disagree with the proposed revision. Removing this requirement for a finding by the City Planning Commission will eliminate the opportunity for stakeholder input. A councilperson has no requirement to post a notice to the public that he is considering such a matter. Elimination of this provision will have a detrimental impact of the transparency of the process.</p>

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 9 Subsection U of Section 12.24 of the LAMC	Eliminates the requirement for a project to be consistent with the Housing Element of the General Plan and requires only that it implement the affordable housing provisions of the Housing Element	We disagree with the proposed revision. Implementation of this provision would allow for a density increase greater than the maximum otherwise permitted even if the project was not consistent with the Housing Element of the General Plan as long as it implemented affordable housing provisions. Such a revision would effectively be inclusionary zoning and that is not consistent with the Housing Element of the General Plan.
Section 10 Subdivision 27 of Subsection U of Section 12.24 of the LAMC (a) (1)	Eliminates the requirement for the residential (including Apartment Hotel and mixed use) building to be consistent with the Housing Element of the General Plan and requires only that it implement the affordable housing provisions of the Housing Element	We disagree with the proposed revision. Implementation of this provision would allow for a floor area bonus greater than the maximum otherwise permitted even if the project was not consistent with the Housing Element of the General Plan as long as it implemented affordable housing provisions.
Section 10 Subdivision 27 of Subsection U of Section 12.24 of the LAMC (a) (2)	Eliminates the requirement for the residential (including Apartment Hotel and mixed use) building to be consistent with the applicable community plan.	We disagree with the proposed revision. All developments should be consistent with the applicable community plan.
Section 11 Subdivision 2 of Subsection V of Section 12.24 of the LAMC (a) (2)	Eliminates the requirement for the proposed development to be consistent with the purposes and intent of the housing Element of the General Plan and requires only that the project implement the affordable housing provisions of the Housing Element of the General Plan.	We disagree with the proposed revision. All developments should be consistent with the purposes and intent of the Housing Element of the General Plan.
Section 11 Subdivision 2 of Subsection V of Section 12.24 of the LAMC (a) (3)	Eliminates the requirement for the proposed development to be in substantial conformity with public necessity, convenience, general welfare and good zoning practice.	We disagree with the proposed revision. Elimination of this provision will further erode the protections provided in the current zone code.
Section 12 paragraph (b) of Subdivision 4 of Subsection W of Section 12.24 of the LAMC (b) (2)	Eliminates the requirement for any new or remodeled structure to be designed to reflect the scale and character of the surrounding commercial area.	We disagree with the proposed revision. Any new or remodeled structure should be designed to be compatible with the scale and character of the surrounding commercial area.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 12 paragraph (b) of Subdivision 4 of Subsection W of Section 12.24 of the LAMC (b) (3)	Eliminates the requirement for access and ingress to and egress from parking associated with automotive uses not to constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets and replaces it with a requirement for such uses no to create an adverse impact on street access or circulation in the surrounding neighborhood	We disagree with the proposed revision. As the traffic congestion throughout the city increases, it is not appropriate to eliminate the requirement for an automotive use not to cause significant traffic congestion or a traffic hazard.
Section 12 paragraph (b) of Subdivision 27 of Subsection W of Section 12.24 of the LAMC (b) (4)	Eliminates this provision entirely.	We disagree with the proposed elimination of the requirement that the automotive use be consistent with the district, area or zone.
Section 13 paragraph (b) of Subdivision 4 of Subsection W of Section 12.24 of the LAMC (b) (1)	Eliminates this provision entirely.	We disagree with the proposed elimination of the requirement that the mini shopping center or commercial corner development be consistent with the public welfare and safety.
Section 13 paragraph (b) of Subdivision 4 of Subsection W of Section 12.24 of the LAMC (b) (2)	Eliminates the requirement for access and ingress to and egress from parking associated with a mini shopping center or commercial corner development not to constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets and replaces it with a requirement for such uses not to create an adverse impact on street access or circulation in the surrounding neighborhood	We disagree with the proposed revision. As the traffic congestion throughout the city increases, it is not appropriate to eliminate the requirement for a mini shopping center or commercial corner development not to cause significant traffic congestion or a traffic hazard.
Section 13 paragraph (b) of Subdivision 4 of Subsection W of Section 12.24 of the LAMC (b) (4)	Eliminates this provision entirely.	We disagree with the proposed elimination of the requirement that the mini shopping center or commercial corner development be consistent with the district, area or zone.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 14 Subdivision 28 of Subsection W of Section 12.24 of the LAMC (a) and (b)	Eliminates these provision entirely.	We disagree with the proposed revision which changes the requirement from compatibility with neighboring properties to compatibility with the surrounding neighborhood and eliminates the requirement for the project to comply with the applicable provisions of the specific and redevelopment plans.
Section 15 Subdivision 33 of Subsection W of Section 12.24 of the LAMC (a) and (b)	Eliminates these provisions entirely.	We disagree with the proposed revision which completely eliminates the protections currently provided by this section of the zone code.
Section 16 Paragraph (e) of Subdivision 49 of Subsection W of Section 12.24 of the LAMC (2)	Eliminates this provision entirely.	We disagree with the proposed revision which completely eliminates the protections currently provided by this section of the zone code that require that the use would have no substantial adverse impact on properties or improvements in the surrounding neighborhood.
Section 17 Subdivision 50 of Subsection W of Section 12.24 of the LAMC (2)	Revises the requirement from one that states the use is compatible with existing and future development on neighboring properties to one that is compatible with the surrounding neighborhood.	We disagree with the proposed revision which changes the requirement from compatibility with neighboring properties to compatibility with the surrounding neighborhood. This completely changes the fundamental intent of the original provision to respect the rights of adjacent property owners.
Section 18 Subsection X of Section 12.24 of the LAMC	Eliminates the requirement for the Zoning Administrator to find that approval of any use in this subsection is in conformity with public necessity, convenience, general welfare and good zoning practice and that the action will be in substantial conformance with the various elements and objectives of the General Plan.	We disagree with the proposed revision as all Zoning Administrator approvals should be made only when the use is in substantial conformance with elements and objectives of the General Plan.
Section 19 paragraph b of Subdivision 2 of Subsection X of Section 12.24 of the LAMC	Eliminates the requirement that all findings in this section be made.	We disagree with the proposed revision as it weakens the protections of the current zone code.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 19 paragraph b of Subdivision 2 of Subsection X of Section 12.24 of the LAMC (4), (6) and (7)	Eliminates these provisions entirely.	We disagree with the proposed revision as it eliminates the requirement that restaurants provide parking at the rate of at least one space per 500 square feet of gross floor area, eliminates the requirement for the use not to be detrimental to the public health, safety or welfare and compatible with the surrounding neighborhood.
Section 19 paragraph b of Subdivision 2 of Subsection X of Section 12.24 of the LAMC (8)	Eliminates the requirement that the use not negatively impact the surrounding neighborhood and requires only that it not adversely affect or further degrade it.	In considering each project, the goal of the Director should be to determine that the project not only be compatible with the surroundings but also that it enhances them. We disagree that the threshold for approval should be that the project simply does not "further degrade" its surroundings.
Section 20 paragraph (e) of Subdivision 6 of Subsection X of Section 12.24 of the LAMC	Eliminates this provision entirely.	We disagree with the proposed revision as it eliminates the requirement that the proposed location of a certified farmer's market will not have a significant adverse effect on the adjoining properties or on the immediate neighborhood by reason of noise and traffic congestion. These are important protections for the community and they should not be eliminated.
Section 21 paragraph (a) of Subdivision 10 of Subsection X of Section 12.24 of the LAMC (2) and (3)	Eliminates the requirement that the Zoning Administrator find that an increase in height will result in a building or structure that is compatible in scale with existing structures and uses in the same zone and vicinity and 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.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 21 paragraph (b) of Subdivision 10 of Subsection X of Section 12.24 of the LAMC (2)	Eliminates the requirement that the Zoning Administrator find that a reduced yard will not be materially detrimental to the public welfare or injurious to the property of improvements in the same zone or vicinity in which the property is located.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 21 paragraph (b) of Subdivision 10 of Subsection X of Section 12.24 of the LAMC (2)	Adds a requirement 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.	We agree with the proposed revision.
Section 22 of Subdivision 11 of Subsection X of Section 12.24 of the LAMC (a) (2) and (3)	Eliminates these provisions entirely.	We disagree with the proposed revisions as they are an unnecessary weakening of the protections of the current zone code.
Section 22 of Subdivision 11 of Subsection X of Section 12.24 of the LAMC (b) (2)	Eliminates the requirement that the Zoning Administrator find that a reduced yard will not be materially detrimental to the public welfare or injurious to the adjacent property or improvements.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 22 of Subdivision 11 of Subsection X of Section 12.24 of the LAMC (c) (2)	Eliminates the requirement that the Zoning Administrator find 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.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 22 of Subdivision 11 of Subsection X of Section 12.24 of the LAMC (d) (2)	Eliminates the requirement that the Zoning Administrator find 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.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 23 paragraph (e) of Subdivision 12 of Subsection X of Section 12.24 of the LAMC (d) (2)	Eliminates the requirement that the commercial use and/or reduced parking is compatible with and will not adversely impact property within the surrounding area or HPOZ and provides only that it will not create an adverse impact on street access or circulation in the surrounding neighborhood.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 24 paragraph (b) of Subdivision 21 of Subsection X of Section 12.24 of the LAMC (2) and (3)	Eliminates these provisions entirely.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code. Safety of the surrounding neighborhood should be of utmost concern when considering the impact of a project on a substandard hillside street.
Section 24 paragraph (b) of Subdivision 21 of Subsection X of Section 12.24 of the LAMC (4)	Eliminates the requirement for strict adherence to Section 12.21 A.17 and reduces the requirement to conforming with the intent of the regulations	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code. Safety of the surrounding neighborhood should be of utmost concern when considering the impact of a project on a substandard hillside street.
Section 25 paragraph (a) of Subdivision 22 of Subsection X of Section 12.24 of the LAMC (4)	Eliminates the requirement that a building or structure be compatible in scale with existing adjoining and nearby structures and uses when a proposed building will exceed the maximum allowable height and requires only that the project provide for an arrangement of uses compatible with the surrounding neighborhood	We disagree with the proposed revision which changes the requirement from compatibility with neighboring properties to compatibility with the surrounding neighborhood. This completely changes the fundamental intent of the original provision to respect the rights of adjacent property owners.
Section 26 paragraph (a) of Subdivision 23 of Subsection X of Section 12.24 of the LAMC (2)	Eliminates this provision entirely.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 27 New Subdivision 28 of Subsection X of Section 12.24 of the LAMC (2)	Adds a new section related to Historical Vehicle Collection.	We agree with items (a) through (f) inclusive of this new section. However we recommend that the language that was previously included as the last paragraph of Section 4 the definition of "Accessory Use" be added to this section as it is protective of the peace and quiet of occupants of contiguous property.
Section 28 Subdivision 4 of Subsection C of Section 12.28 of the LAMC	Eliminates the requirement for finding (a) through (e) to be met and replaces them with a requirement for the project to conform with the intent of the regulations.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 29 Subsection A of Section 12.81 of the LAMC (3)	Eliminates the requirement for a project to be consistent with the various elements and objectives of the General Plan and requires only that a project be in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 29 Subsection A of Section 12.81 of the LAMC (4)	Eliminates the requirement that a project have no substantial adverse impact on properties or improvements in the surrounding neighborhood and requires only that the project's location, size, height, operation and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood.	In considering each project, the goal of the Director should be to determine that the project not only be compatible with the surroundings but also that it enhances them. We disagree that the threshold for approval should be that the project simply does not "further degrade" its surroundings.
Section 30 Subsection G of Section 13.03 of the LAMC (5)	Eliminates the requirement that proposed surface mining operations are consistent with the elements and objectives of the General Plan, in particular the open space and conservation elements and replaces it with a requirement that the project is in substantial conformance with purposes and intent and provisions of the Open Space and Conservation Elements of the General Plan.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 30 Subsection G of Section 13.03 of the LAMC (8)	Eliminates the requirement that the vehicular access plan is adequate to protect the public health, safety and welfare and replaces it with a requirement that it will not create an adverse impact of street access or circulation in the surrounding area.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 30 Subsection G of Section 13.03 of the LAMC (9)	Eliminates the requirement that proposed surface mining operations are consistent with the General Plan, and replaces it with a requirement that the project is in substantial conformance with purposes and intent and provisions of the General Plan and applicable community and specific plan.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 30 Subsection G of Section 13.03 of the LAMC (11) (b)	Eliminates the requirement that the reclamation plan has been reviewed pursuant to CEQA and the City's CEQA guidelines and all significant adverse impacts from reclamation of surface mining operations are mitigated to the maximum extent feasible.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 30 Subsection G of Section 13.03 of the LAMC (11) (d)	Eliminates the requirement that the reclamation plan provides for one or more beneficial uses or alternate uses of the land which are not detrimental to the public health, safety, and welfare and replaces it with the requirement that the project's location, size, height, operation and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood.	In considering each project, the goal of the Director should be to determine that the project not only be compatible with the surroundings but also that it enhances them. We disagree that the threshold for approval should be that the project simply does not "further degrade" its surroundings.
Section 31 paragraph (e) of Subdivision 1 of Subsection F of Section 13.07 of the LAMC	Eliminates the requirement that project is consistent with the General Plan, and replaces it with a requirement that the project is in substantial conformance with purposes and intent and provisions of the General Plan and applicable community and specific plan.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 32 Subsection E of Section 14.3.1 of the LAMC (1)	Eliminates the requirement that the project will not be materially detrimental or injurious to properties of improvements in the immediate area and replaces it with the requirement that the project's location, size height, operation and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood.	In considering each project, the goal of the Director should be to determine that the project no only be compatible with the surroundings but also that it enhances them. We disagree that the threshold for approval should be that the project simply does not "further degrade" its surroundings.
Section 32 Subsection E of Section 14.3.1 of the LAMC (4)	Eliminates the requirement that the buildings and structures are compatible with existing and planned future development on neighboring properties, and replaces it with a requirement that the arrangement of uses, buildings, structures... are compatible with the surrounding neighborhood.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 32 Subsection E of Section 14.3.1 of the LAMC (5)	Eliminates the requirement for the project to be in conformance with any applicable provision of the General Plan and replaces is with the requirement that it is in substantial conformance with the purposes and intent of the provision of the General Plan and applicable community and specific plan.	We disagree with this revision. The determination of conformance with the "intent "of a provision rather than the specific language of a provision is by definition subjective. Every zoning administrator could conceivably interpret the intent of a provision differently resulting in confusion and inconsistent application of the provisions in question through-out the community. Subjectivity should be reduced and not increased as a result of these zone code revisions.
Section 33 paragraph 2 of Subsection A of Section 16.01 of the LAMC (2)	Eliminates the requirement that the proposed use will not adversely affect the implementation of the General Plan or any applicable specific plan and replaces it with the requirement that the project is in substantial conformance with the purposes and intent of the provision of the General Plan and applicable community and specific plan.	We disagree with this revision. The determination of conformance with the "intent "of a provision rather than the specific language of a provision is by definition subjective. Every zoning administrator could conceivably interpret the intent of a provision differently resulting in confusion and inconsistent application of the provisions in question through-out the community. Subjectivity should be reduced and not increased as a result.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 34 Subsection F of Section 16.05 of the LAMC (1), (2) and (3)	Eliminates the requirement that the project complies with all applicable provisions of the Code and any applicable Specific Plan , that the project is consistent with the General Plan and that the project is consistent with any applicable adopted Redevelopment Plan and replaces it with the requirement that the project is in substantial conformance with the purposes and intent of the provision of the General Plan and applicable community and specific plan.	We disagree with this revision. The determination of conformance with the "intent "of a provision rather than the specific language of a provision is by definition subjective. Every zoning administrator could conceivably interpret the intent of a provision differently resulting in confusion and inconsistent application of the provisions in question through-out the community. Subjectivity should be reduced and not increased as a result .
Section 34 Subsection F of Section 16.05 of the LAMC (5)	Eliminates the requirement that the project incorporates feasible mitigation measures, monitoring measures when necessary or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project and/or any additional findings as may be required by CEQA	We disagree with the elimination of this provision. Whenever physically possible, adverse environmental impacts should be mitigated.

Los Angeles City Planning Commission,
200 N. Spring Street,
Los Angeles, CA 90012

Re: Core Findings Ordinance
CPC-2010-1572-CA

Honorable Planning Commissioners:

Obviously, this extensive ordinance is being rushed through before the public and the neighborhood councils have adequate opportunity to review and consider the impacts that this ordinance will have on their neighborhoods. It needs much further review in order for the constituents in this City fully understand the implications of this proposed ordinance.

Certainly the Zoning Code needs extensive revisions to make it more consistent and less complicated than the proposed ordinance does not do this. It would appear that the purpose of the proposed revisions is to inviscerate many of the now required findings which are difficult for applicants to comply with and make it much easier to approve the projects for which the approvals are sought. The proposed revised findings in the proposed ordinance eliminate much of the control that the City now has over proposed development.

The proposed ordinance is sloppy and poorly thought out. The sloppiness shows in the Staff Report. In Attachment 2 - Chart of Findings Report, the amended Sections are not addressed in the order that they appear in the proposed ordinance. The Chart includes sections which are not in the proposed ordinance and omits some sections which are in the ordinance.

The Core Findings.

It is proposed that seven core findings replace numerous existing findings. The problem is that the core findings are general in nature and usually do not address the specific problems that the original finding took into consideration. Or the core finding has nothing in common with the original finding it replaces. Often Staff by attempting to replace the original finding with a core finding are just trying to drive a square peg into a round hole.*

Staff frequently justifies amending a finding on the basis that it is substituting a core finding but in the ordinance the core finding almost never is inserted into the proposed ordinance. Thus, the original finding is not replaced; it is just deleted leaving a gap in the necessary findings.

Redundancy.

Original findings are often deleted because the Staff states that they are redundant but Staff never explains why the finding is redundant. Moreover, redundancy is not a problem because it makes everyone aware at a certain requirement or requirements are necessary and might otherwise be overlooked if they were not included in the findings.

Intent and Substantial Compliance.

The proposed ordinance often uses the term "intent" in a proposed revised finding such as "The project is in substantial conformance with the purpose, intent and provisions of the General Plan and applicable community and specific plan" as a substitute for a finding "the Director shall require compliance with the applicable regulations of the specific plan..."

Or the term "substantial conformance with the purpose, intent and provisions of the General Plan and applicable community and specific plan" when the law requires the use of the word "consistent" instead of substantial conformance. "Substantial conformance" leaves too much room for discretion whereas the term "consistent" has a legal meaning and is interpreted more strictly. Intent, moreover, cannot be used to determine consistency.

Project.

The term "project" is used frequently to replace a description of the specific approval. For example the language "that the vehicular traffic associated with the building or structure" is replaced by the term "project" even though project does not describe the condition being addressed by the finding. The reason for the use of the term "project" is because the core finding has to address different situations. However, it makes the core finding ambiguous and does not address the specific issue requiring the finding.

Conclusion.

There are so many deficiencies in the proposed ordinance and time does not allow the discussion of every deficiency. However, attached hereto is a discussion of many of the proposed revisions to the findings included in the proposed ordinance.

What the attached discussion shows is that the proposed ordinance will have substantial adverse impacts on the Pacific Palisades, particularly the Village Specific Plan. The proposed ordinance makes the Village Specific Plan useless.

SPECIFIC OBJECTIONS TO PARTICULAR AMENDMENTS OF FINDINGS

Section 1: Modifying SEC. 11.5.7. SPECIFIC PLAN PROCEDURES.

a. 11.5.7 C 2 (a): The proposed ordinance amends 11.5.7 C 2 (a) Project Permit Compliance Review - Director w/ Appeals to APC to delete the following findings required for approval of development located in a Specific Plan:

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

The following language is also deleted:

“(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.”

and substituting therefore the following:

“The project is in substantial conformance with the purpose, intent and provisions of the General Plan and applicable community and specific plan.”

The original language mandates that the Director find that there is compliance with applicable regulations and mitigation. The revised language gives the Director weasel room. It does not mandate that the Director find that the project comply with the regulations of the Specific Plan nor must he find that the mitigation measures are complied with.

The Core Finding proposed by Staff is a weak substitute for the original language.

The Staff argument that the requirement that the project incorporates mitigation measures, etc. is duplicative or redundant of the California Environmental Quality Act (CEQA) findings is not justification for deleting them as a specific finding. The Staff fails to state where in CEQA are the findings that the language in sub-division (b) is stated. In fact, State Guidelines §§15091 and 15903 which state what findings are required under CEQA are not as specific as is the finding the Staff want to delete. The sub-section that the Staff propose to delete is much more specific and should be maintained.

The proposed Ordinance does not replace the deleted language with a Core Finding. When people read a section of the Zoning Code, they are usually aware that the only findings required are those set forth as required for the specific approval. Usually they are not aware of any other required findings.

b. 11.5.7 E 3: The proposed ordinance replaces the following language:

“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 Compliance:”

with the following:

“Findings. The Director shall grant a Project Permit Adjustment upon a written finding:

First, no written finding is required.

Second, the requirement that “in addition to any other required specific plan findings” which there may be, the implication is that the Director can ignore those findings.

In addition, the following language is deleted:

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

This finding is essential to the preservation of a specific plan. In essence, it requires the applicant to satisfy essentially the same requirements for a variance.

In its place, Staff proposes to substitute a Core Finding:

“That the project will enhance the environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.”

This language in no way satisfies the objective of the original language which is to ensure that the regulations in the specific plan are adhered to.

Ironically, the justification for the Core Finding is that this finding provides clear language that a new conditional use must not only be compatible with the neighborhood but must enhance it as well. That is not the purpose of the language the Core Finding replaces. The purpose of the original language was to ensure compliance with the specific plan regulations unless the applicant can show a hardship to the property if the regulations are strictly applied.

The proposed ordinance also deletes the next required finding which is:

“(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 regulations;”

and proposes to substitute the following language:

“That a project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan;”

The problem with the proposed language is that it omits the requirement that the director has imposed project requirements. The Staff’s justification is that this is a core finding, even though the core finding does not really reflect the intent of the original subsection.

Further, the proposed ordinance also deletes and the last finding which is:

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

Deleting this finding is again justified by the Staff on the grounds that it is redundant with CEQA. That justification is not warranted for the same reasons set forth above.

Instead, the proposed ordinance adds the following finding:

“That the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the specific plan regulations impractical or infeasible, the project conforms with the intent of those regulations.”

This appears to be a substitution for the original finding (a). This is a weak substitution. Perhaps it should be an added finding but not a substitute. It further weakens the viability of a specific plan.

Section 7: Modifying 12.24.U.14(b) Findings for Approval of Major Development Projects.

The City Planning Commission is required to make certain findings in approving a Major Development Project. The proposed ordinance would modify his findings.

Initially it modifies introductory section which states as follows:

“In addition to the other findings required by this section, the City Planning Commission shall make the following findings:”

and replaces it with the following language:

“The City Planning Commission shall find:”

The problem is that by deleting the language requiring the Planning Commission to make other findings that are required by this section (and there are other findings required by this section) the Commission could overlook those additional findings because not required that they make them.

The proposed ordinance then deletes the first finding which is:

“ (1) the Major Development Project conforms with any applicable specific and/or redevelopment plan;”

The Staff justifies us by stating that the deletion will be consistent with the new core “General Plan” finding. However, the core finding is not in the required findings for approval of the Major Development Project.

The proposed ordinance then deletes the original second required finding which states:

“(2) the Major Development Project provides a compatible arrangement of uses, buildings, structures, and improvements in relation to neighboring properties;”

and then substitutes the following language:

“That the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood.”

The original language is more concise and to the point than the proposed core finding. This is a waste of staff time.

The proposed ordinance then deletes the following finding:

_____ “ (3) the Major Development Project complies with the height and area regulations of the zone in which it is located;”

The Staff justification for the deletion of this subsection is that it is redundant. However others would disagree because it’s specific.

The proposed ordinance then deletes the final required finding which is:

“(5) the Major Development Project would have no material adverse impact on properties, improvements or uses, including commercial uses, in the surrounding neighborhood.”

The Staff justification is that the deletion and for that reason be consistent with the new core “Compatibility” finding. However, again the core finding four Compatibility is not included. The deletion of this subsection eliminates much of the protection against bad developments which could adversely affect the surrounding neighborhoods and commercial areas.

Section 8: Modifying 12.24.U.22.e, Findings for Approval of Recycling Centers.

The proposed ordinance would delete the following subsection from the regulations regarding recycling uses:

“ (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.”

The justification given by the staff for deleting this subsection is to be consistent with the new core “Compatibility “ finding. Yet again, no Compatibility finding is included. The deletion of this subsection materially weakens the protection to adjacent neighborhoods and businesses against the potential nuisances that can be caused by a recycling center.

Section 11: Modifying 12.24.V.2, Findings for Approval of Mixed Commercial/Residential Use Development.

A proposed ordinance would modify the findings required for the approval of a Mixed Commercial/Residential Use Development by an Area Planning Commission. It is proposed that the following language:

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

be amended to read as follows:

“The Area Planning Commission shall find:”

The Staff does not justify this this amendment. The language “Prior to approving a development pursuant to this section...” sets a precondition to approval meaning that the Commission must make its findings before and not after approval of the project. The original language is correct.

Then the proposed ordinance deletes the original subsection (1) which read as follows:

“(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”

and revised it to read:

“That the project implements the affordable housing provisions of the Housing Element of the General Plan;”

By omitting the language “will provide needed lower income housing units” removes the condition of approval because the housing proposed for approval may not be lower income housing units. The Staff justifies the change because it is consistent with the new core “Housing Element” finding. The problem is that the core finding does not really fit the situation.

Then the proposed ordinance deletes subsection (3) which states:

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

Again the Staff justifies the deletion on the basis that the deletion is to be consistent with new core “Neighborhood Enhancement” finding yet fails to include the finding as one of the required findings.

Section 12: Modifying 12.24.W.4.(b), Findings for Approval of Automotive Uses in the C Zones that Do Not Comply...”

The proposed ordinance amends the findings for the approval of automotive uses in the C zones. The first amendment deletes the following language:

“(b) Findings. In addition to the findings otherwise required by this section, prior to approval of an automotive repair or automotive spray painting use, a Zoning Administrator shall make all of the following findings:

and substitutes the following language:

The Staff does not justify this amendment. the amendment deletes the requirement that the Zoning Administrator make the findings before the approval rather than after, and it doesn't require the ZA to make any other required findings.

The proposed ordinance then deletes subsection (2) which reads as follows:

“(2) that any new or remodeled structure is designed to reflect the scale and character of the surrounding commercial area;”

The Staff justifies this in order to be consistent with the new core “Project Compatibility” finding but again the core finding is not included.

The proposed ordinance substitutes a core finding for the original subsection (3) which read:

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

The core finding reads as follows:

“That the project will not create an adverse impact on street access or circulation in the surrounding neighborhood *based on data provided by the Department of Transportation or by a licensed traffic engineer.*”

Here the core finding did not fit so the Staff adjusted it. However, it still does not fit the situation. It is vague. It is not as specific as the original finding which provides much more guidance both to the Zoning Administrator, to the applicant, and to the public.

The proposed ordinance then deletes the following language:

“(4) that the automotive use is not located in an identified pedestrian oriented, commercial and artcraft, community design overlay, historic preservation overlay, or transit-oriented district area or zone, or, that the use would be consistent with the district, area, or zone”

Staff justifies this deletion in order to remove zoning redundancy. Staff does not explain how this section is redundant. It seems to make sense to have this finding.

Section 13: Modifying 12.24.W.27(b), Findings for Approval of Mini-Shopping Centers

The proposed ordinance amends the findings for the approval of Mini-Shopping Centers essentially the same way the ordinance proposes to amend the Automobile Use regulations. As above, and amends the initial findings requirement which stated:

“(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 all of the following findings:

to: “The Zoning Administrator shall find:”

This is objectionable for the same reasons as set forth above.

Proposed ordinance then deletes subsection (1) which states:

“ (1) that the Mini-Shopping Center or Commercial Corner Development use is consistent with the public welfare and safety;”

This is an essential finding. Staff justifies the deletion in order to be consistent with the new core “Project Compatibility” finding but again fails to include the core finding.

The proposed ordinance then amends subsection (2) which read:

“ (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;”

by substituting a modified form of the core finding as follows:

“”That the project will not create an adverse impact on street access or circulation in the surrounding neighborhood *based on data provided by the Department of Transportation or by a licensed traffic engineer.* ”

As stated previously the core finding lacks the specificity that the original finding had and it is vague.

Lastly, the proposed ordinance deletes subsection (4) which read:

“ (4) that the Mini-Shopping Center or Commercial Corner Development is not located in an identified pedestrian oriented, commercial and artcraft, community design overlay, historic preservation overlay, or transit-oriented district, area or zone, or, if the lot or lots are located in the identified district, area or zone, that the Mini-Shopping Center or Commercial Corner Development would be consistent with the district, area or zone.”

Staff justifies this deletion in order to remove zoning redundancy. Staff does not explain how this section is redundant. It seems to make sense to have this finding.

Section 14: Modifying 12.24.W.28, Findings for Approval of a Mixed Use Project.

The proposed ordinance would amend the findings required for approval of a Mixed Use Project in a Mixed Use District. The proposed ordinance would delete the following language:

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

Spirit to be a necessary finding however Staff justifies his deletion as consistent with new core “General Plan” finding. However, as usual there is no such core finding included.

Section 15: Modifying 12.24.W.33, Findings for Approval of Pawn Shops.

Section 15 of the proposed ordinance regarding findings for the approval of Pawnshops makes no sense whatsoever. The proposed amendment deletes the following language which is the entire section thus eliminating any standards for approving a pawn shop:

“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.

Section 16: Modifying 12.24.W.49(e), Findings for Approval of Wireless Telecommunications Facilities.

The proposed ordinance would delete the following finding which is essential to the approval of any wireless telecommunication facility:

“(2) that the use would have no substantial adverse impact on properties or improvements in the surrounding neighborhood.”

Staff justifies this deletion as consistent with the new core “Project Compatibility” finding. The core finding is not included so it has no affect.

Section 17: Modifying 12.24.W.50, Findings for Approval of storage buildings for household goods and truck rentals.

Subdivision 50 now reads as follows:

“ 50. Storage buildings for household goods, including truck rentals, in the C2, C5 and CM Zones; and in the M1, M2 and M3 Zones when within 500 or fewer feet from an A or R Zone or residential use, as measured from the lot lines. In addition to the required findings, the Zoning Administrator shall also find that the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other similar pertinent improvements, which is or will be compatible with existing and future development on neighboring properties. “

The proposed ordinance would amend the section to read as follows:

“ 50. Storage buildings for household goods, including truck rentals, in the C2, C5 and CM Zones; and in the M1, M2 and M3 Zones when within 500 or fewer feet from an A or R Zone or residential use, as measured from the lot lines. In addition to the required findings, the Zoning Administrator shall also find that the project *provides foreign arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood.* ”

Again the Staff justifies this amendment so as to be consistent with the new core “Project Design” finding. The problem with the core finding is that it lacks the specificity

necessary to regulate these types of uses. The core finding is just too general.

Section 18: Modifying 12.24.X. Authority of the Zoning Administrator.

The proposed ordinance amends subsection X to provide that for uses and activities permitted by subsection X. the Zoning Administrator or the. Planning Commission is required to make additional findings. The proposed ordinance deletes the following language from subsection X:

“The Zoning Administrator shall find that approval of any use in this subsection is in conformity with the public necessity, convenience, general welfare and good zoning practice and that the action will be in substantial conformance with the various elements and objectives of the General Plan. “

The Staff justifies this deletion in order to be consistent with the core findings. There is no explanation as to how this deletion makes the section consistent with core findings. The deletion of the language from subsection X. makes no sense. Moreover, if it is deleted, subsection X is grammatically incorrect.

Section 19: Modifying 12.24.X.2.b, Approval of a Restaurant to Serve Alcohol.

The proposed ordinance will amend the findings from approval of a restaurant to serve alcohol significantly. To begin with, subsection (b) reads as follows:

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

Matt subsection is amended to read as follows:

“The Zoning Administrator shall find:”

Again Staff has deleted the requirement that the ZA make findings in addition to those otherwise required by that section. We know that subsection X requires that the ZA make additional findings. Staff provides no justification for this revision.

Next, the proposed ordinance deletes the following subsection (4):

“ (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);”

Staff justifies this deletion as being redundant. While that may be so it is very helpful to anyone attempting to get a CUP to find these requirements in this subsection. They may never be able to find them otherwise.

The proposed ordinance further deletes subsections (6) and (7) which appear to be essential to the approval of the restaurant to serve alcohol to:

“ (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;”

Staff justifies the deletions to be consistent with the new core “Project Compatibility” finding. However as always the core findings are not included.

Section 20: Modifying 12.24.X.6, Approval of Farmers Markets

The current regulations regarding Farmers Markets requires that the following findings be made:

“ (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.”

The proposed ordinance eliminates the requirement for these findings. The staff justification is that the deletion is to be consistent with the new core “Project Compatibility” finding. Again no such core finding is included. Even if it was, the core finding is not specific as to this type of project.

Section 21: Modifying 12.24.X.10.(a) and (b), Approval of Height and Reduced Sideyards.

The proposed ordinance deletes the language “in addition to the findings otherwise required by this section” which subsection 12.24.X requires that the Zoning Administrator make additional findings. The proposed amendments also combine the findings for height with the findings for reduced yards.

Next the proposed ordinance eliminates findings (2) which states the following:

“ (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

The finding proposed to be deleted is essential to the neighbors. The Staff justification is that the deletion is to be consistent with the new core “Project Compatibility” finding. However, as usual, the core finding is not included. The core finding does not fit the approval being sought.

The proposed ordinance also would delete the following subsection applies to Reduced Yards:

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

The finding proposed to be deleted is essential to the neighbors. The Staff justification is that the deletion is to be consistent with the new core “Project Compatibility” finding. However, as usual, the core finding is not included. The core finding does not fit the approval being sought.

Section 22: Modifying 12.24.X.11, Approval of Hillside Area Height, Yards, Lot Coverage, and Parking.

The proposed ordinance deletes the language “in addition to the findings otherwise required by this section” which subsection 12.24.X requires that the Zoning Administrator

make additional findings. It eliminates the distinction between Height, Yards, Lot Coverage, and Off-Street Parking which like Section 21 above, is going to make it harder for people to use the Zoning Code.

The proposed ordinance deletes the following findings All of which are essential to the Code Sections:

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

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

It also deletes three essential findings which state:

“(2) that the reduction in yards (lot coverage, reduction of parking requirements) will not be materially detrimental to the public welfare or injurious to the adjacent property or improvements.

The Staff justification is that the deletion is to be consistent with the new core “Project Compatibility” finding. However, as usual, the core finding is not included. Even if it was included, it would not be suitable for the particular subjects.

Section 24: Modifying 12.24.X.21(b), Approval of Substandard Hillside Street, Street Access or Grading for Parking in Hillside.

The proposed ordinance deletes the language “in addition to the findings otherwise required by this section” which subsection 12.24.X requires that the Zoning Administrator make additional findings.

The proposed ordinance amends subsection (1) which presently states:

“(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; “

to read:

“That the project will not create an adverse impact on street access or circulation in the surrounding neighborhood; “

The amendment would not be a problem except that it does not also include vehicular traffic a associated with the project.

The proposed ordinance also deletes subsections (2) and (3) which state:

“(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; “

The Staff justification is that the deletion is to be consistent with the new core “Project

Compatibility” finding. However, as usual, the core finding is not included. Subsections (2) and (3) could be combined. Both are necessary to protect the neighbors and the neighborhood.

The proposed ordinance adds the following subsection:

“That the granting of relief recognizes that while site characteristics or existing improvements make strict adherence to the hillside regulations in Section 12.21.A.17 (e) or (h) impractical or infeasible, the project conforms with the intent of these regulations.”

“Intent” is not a standard for granting relief from zoning regulations.

Section 26: Modifying 12.24.X.23(a), Approval of Uses Which Support Motion Picture and Television Production, etc. in Commercial Zones.

The proposed ordinance deletes the language “in addition to the findings otherwise required by this section” which subsection 12.24.X requires that the Zoning Administrator make additional findings.

Primarily it deletes subsection (2) which states:

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

This finding is absolutely necessary if such uses are to be located near residential properties. Again the Staff justification is that the deletion is to be consistent with the new core “Project Compatibility” finding. However, as usual, the core finding is not included.

Section 28: Modifying 12.24.X.23(a), Findings for Approval of Adjustments.

The proposed ordinance substantially amends the existing requirements for an approval of an adjustment. To begin with, adjustments violate the Los Angeles City Charter requirements for the issuance of a variance. A rose is a rose no matter what you call it. An adjustment is a variance regardless and the findings for a variance should be the same findings for an adjustment.

The proposed revised language is very weak compared to the original language,

“Before granting an application for an adjustment the Zoning Administrator shall make the findings in section 12.24E of this Code and also find that the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project conforms with the intent of those regulations.”

Again, intent is irrelevant in granting relief.

Section 30: Modifying 13.03.G, Findings for Surface Mining Operations.

a. Subsection 8. currently reads:

It has been revised to read as follows:

The revised finding does nothing to protect the public health, safety, and welfare. The revised finding should be combined with the original finding to read as follows:

“ 8. The vehicular access plan is adequate to protect the public health, safety, and welfare and that it will not create an adverse impact on street access or circulation in the surrounding neighborhood.”

The Staff justification is that the deletion is to be consistent with the new core “Project Compatibility” finding. This is one of the exceptions in which the revision includes a core finding. However the core finding does not include the elements necessary to the original finding.

b. In subsection 11., Subsection (b) thereof is deleted. It read as follows:

“ (b) The Reclamation plan has been reviewed pursuant to CEQA and the City’s CEQA Guidelines, and all significant adverse impacts from Reclamation of Surface Mining Operations are mitigated to the maximum extent feasible;”

The Staff justifies the deletion on the basis that it is redundant of CEQA. As discussed previously, it is not redundant.

The Staff also revises subsection (d) which reads:

c. “(d) The Reclamation plan provides for one or more beneficial uses or alternate uses of the land which are not detrimental to the public health, safety, and welfare;”

and revises it to read as follows:

“The project’s location, size, height, operation in other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood:”

The Staff justification is that the deletion is to be consistent with the new core “Project Compatibility” finding. The problem is that the original finding related to the Reclamation plan and it required the provision of one or more beneficial uses or alternate uses of the land. Again the proposed core finding does not address the issues set forth in the original finding. Both the original finding and the core finding should be included.

d. Subsection (f) now reads:

“(f) The Reclamation plan will restore the Mined Lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan; in particular, the open space and conservation elements.”

The proposed ordinance revises the subsection to read as follows:

“the Reclamation plan will restore the Mine Lands to a usable condition which is readily adaptable for alternative land uses that are in substantial conformance with the purposes, intent and provisions of the Open Space and Conservation Elements of the General Plan.”

The Staff justifies this change as consistent with the new core "General Plan" finding. a problem with the core finding is that the phrase "substantial conformance" is inappropriate as a replacement for the legally required finding that it is "consistent" and it uses the term "intent". Further, the core finding being general omits a anpecific requirement in the original finding relating to the "applicable resource plan".

Section 31: Modifying 13.07.F.1.(e), Findings for Pedestrian Oriented District.

Subsection (e) replaces the term "consistent" with "substantial conformance" and it uses the term "intent".

Section 32: Modifying 14.3.1.E, Findings for Eldercare Facilities.

Subsection (4) now reads:

"4. Consists of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other pertinent improvements, which is or will be compatible with existing and planned future development on neighboring properties; "

The proposed ordinance revises the subsection to read:

"That the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood:"

Again a core finding is used to replace the original finding. The core finding does not addresses specific concerns detailed in the original finding. Nor does the core finding address in a planned future development on the neighboring properties.

Section 34: Modifying 16.05.F, Findings for Site Plan Review.

Subsection 1. reads as follows:

"1. That the project complies with all applicable provisions of this Code and any applicable Specific Plan."

The proposed ordinance replaces the language in subsection 1 with the following core finding :

"That the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan;"

The original finding required complete compliance with all applicable provisions of the Zoning Code whereas the revised finding only requires "substantial conformance" with the General Plan. It is much weaker than the original.

The proposed ordinance deletes subsection 3. which reads:

" 3. That the project is consistent with any applicable adopted Redevelopment Plan."

The reason given by Staff is that it is a zoning redundancy. Why it is redundant is not explained and it appears to be an appropriate finding for a Site Plan Review.

The proposed ordinance also deletes subsection 5. which reads :

"5. That the project incorporates feasible mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and/or any additional findings as may be required by CEQA."

As previously stated, this is not redundant.

BRENTWOOD RESIDENTS COALITION

October 14, 2010

Los Angeles City Planning Commission
Los Angeles Department of City Planning
200 North Spring Street
Los Angeles, California 90012

**Re: Core Findings Zoning Code Update
Case No. CPC-2010-1572-CA
Env. No. ENV-2010-1573-ND**

Dear Planning Commissioners:

The Brentwood Residents Coalition (“BRC”)¹ supports the Planning Department’s effort to revise the Zoning Code by establishing “core findings” and eliminating language that is redundant and confusing. The difficulty is that, in attempting to make such purely formal revisions to the Zoning Code, changes may later be construed to alter the substance of the Code. The process of “wordsmithing” the proposed ordinance therefore requires very careful attention to assure that the proposed changes are content neutral. While the Planning Department’s current draft is generally excellent, we believe that further revisions are necessary to achieve the Department’s goal of clarifying the mandated findings without changing the substance of those findings.

First, the proposed “Project Compatibility” finding should be revised to include the phrase “public health, welfare, safety, or physical environment” within its protective scope, which can be accomplished by inserting this language at the end of the Project Compatibility finding as follows:

“that the project’s location, size, height, operations and significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood **or the public health, welfare, safety, or physical environment.**” (Changes are in bold.)

¹ The BRC is a grass roots, non-profit advocacy group whose purposes are to preserve and enhance the environment and quality of life in Brentwood, to protect the integrity of residential neighborhoods, to assist with planning, to uphold zoning and municipal codes, to encourage traffic safety, and to educate the public on issues that affect quality of life and the environment.

BRENTWOOD RESIDENTS COALITION

Second, the proposed “Traffic” finding should be revised to (1) prevent adverse traffic impacts on ingress and egress to a project site, which the proposed language does not necessarily address, and (2) clarify that a project cannot be approved if there will be adverse traffic impacts in the area where the project lies, not just in the surrounding neighborhood. This can be accomplished by making the following revisions (highlighted in bold) to the proposed Traffic finding:

“that it will not **impair access, ingress or egress to or from the project site or create traffic congestion** or an adverse impact on street access or circulation in the **area or** surrounding neighborhood based on data provided by the City Department of Transportation or by a licensed traffic engineer”

Third, the proposed “Project Design” finding uses the term “surrounding neighborhood” instead of the term “neighboring properties,” which is sometimes used in the current Code. There is concern that the term “surrounding neighborhood” encompasses a broader area than “neighboring properties,” thereby allowing projects that are incompatible with “neighboring properties” if they are deemed compatible with those in the “surrounding neighborhood.” But replacing the proposed term “surrounding neighborhood” with “neighboring properties” might unduly restrict the area to be protected. We recommend that the Project Design finding be revised by using both terms:

“that the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the **neighboring properties and the** surrounding neighborhood.”

Fourth, the proposed “General Plan” finding creates unnecessary confusion by use of the word “provisions” instead of the simpler, more accurate term “language,” as indicated by the following proposed revision:

“that the project is in substantial conformance with the purposes, intent and **provisions language** of the General Plan and applicable community and specific plans.”

We note, however, our strong disagreement with those who have criticized the use of the term “intent” in this core finding as being unduly vague. It is critical that ordinances, like *all* laws, be applied in a manner consistent with statutory intent. That is because words are never plain in themselves – they are “plain” only by virtue of a context that, in the

BRENTWOOD RESIDENTS COALITION

case of an ordinance or other law, necessarily requires consideration of the enacting body's purpose and intent in enacting the law. *Fernandez v. California Dept. of Pesticide Regulation*, 164 Cal.App.4th 1214, 1228 (2008) ("we do not view the words of a statute in isolation, but construe them in context, keeping in mind the statutory purpose, interpreting legislation reasonably and attempting to give effect to the apparent purpose of the statute"). Thus, the California Supreme Court, in construing the scope of a City of Los Angeles ordinance, observed that "[t]he fundamental rule of statutory construction is that the court should ascertain the *intent* of the Legislature so as to effectuate the purpose of the law" and that the ordinance must therefore be "construed so as to be given a reasonable result consistent with the legislative purpose." *Cossack v. City of Los Angeles*, 11 Cal.3d 726, 732-733 (1974). The proposed core finding's reference to purpose and intent thereby focuses the decision-maker on that which is critical to any application of the General, community and specific plans.

Fifth, some have complained that use of the term "substantial conformance" throughout the proposed ordinance creates ambiguity. The term "substantial compliance," however, has a well-established meaning. The California Supreme Court has defined *substantial compliance* to mean "actual compliance in respect to the substance essential to *every* reasonable objective of the statute." *Stasher v. Harger-Haldeman*, 58 Cal.2d 23, 29 (1962). While we believe that there is no difference in meaning between "substantial compliance" and "substantial conformance," use of the phrase "substantial compliance" would ensure that there is no confusion as to meaning. We therefore recommend that "conformance" be replaced with "compliance."

Sixth, the provisions describing the mandated findings no longer specify that such findings must be made in writing. We strongly recommend that the Code specify that all mandated findings, including all core findings, must be made in writing. This type of written specification is necessary for meaningful administrative and judicial review and also ensures that all of the mandated findings have been made.

Seventh, the proposed revisions to the Hillside section of the Zoning Code are premature because the City is currently considering major changes to land-use regulations in hillside areas under the Baseline Hillside Ordinance (BHO), which is currently being reviewed by the Office of the City Attorney. There should be no changes to hillside-related provisions of the Zoning Code until after the BHO is passed and the Planning Department and the public have had an opportunity to examine the proposed changes in light of the BHO.

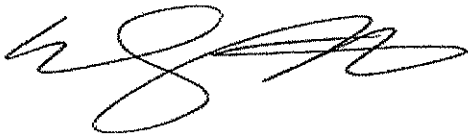
BRENTWOOD RESIDENTS COALITION

We appreciate the Planning Department's work on the draft ordinance and support this endeavor. But we believe that additional revisions are necessary to ensure that the proposed changes to the Zoning Code are impact neutral as intended. To that end, we request that the Planning Commission direct the Planning Department to establish a working group to make the necessary revisions. We look forward to working with the Department in an effort to clarify the language of the ordinance.

Respectfully submitted,



Thomas R. Freeman



Wendy-Sue Rosen

Donald G. Keller

Donald G. Keller

**LOS ANGELES DEPARTMENT OF CITY PLANNING
DIRECTOR'S REPORT**

CITY PLANNING COMMISSION

DATE: September 11, 2008*
TIME: After 8:30 AM*
PLACE: 200 N. Spring St.
City Hall, Room 1010
Los Angeles, CA 90012

LOCATION:
COUNCIL DISTRICTS:
PLAN AREAS:


Citywide
All
All

NO PUBLIC HEARING REQUIRED

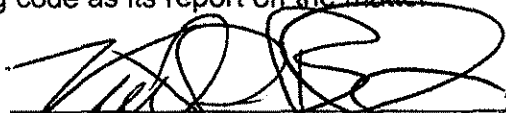
SUMMARY: Pursuant to Los Angeles Municipal Code Section 12.32-A, the Director of Planning has launched an initiative to complete nine code studies and amendments to rewrite selected provisions of the city's zoning ordinance. The purpose of this initiative (within the Planning Department's time, budget and staffing constraints) is to update and streamline a document in urgent need of simplification. The initiative is also intended to implement key components of the Planning Department's strategic plan and the City Planning Commission's statement of policy priorities, "Do Real Planning". The nine selected code studies and amendments address administrative exceptions, calculation and measurement, commercial development standards and neighborhood protection, core findings, multiple approvals, open space and setback standards, plan approvals, planned unit developments and site plan review.

RECOMMENDED ACTIONS:

1. **Refer** the initiated code studies and amendments to the Development Reform Subcommittee for follow-up discussion with staff.
2. **Accept** the Director's report on updating the zoning code as its report on the matter




S. GAIL GOLDBERG, AICP
Director of Planning



VINCENT P. BERTONI, AICP
Deputy Director of Planning



MICHAEL LOGRANDE
Chief Zoning Administrator



ALAN BELL, AICP, Senior City Planner
(213) 978-1322

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SUMMARY

Pursuant to Los Angeles Municipal Code Section 12.32-A, the Director of Planning has launched an initiative to rewrite selected provisions of the zoning code.

Among the development community, professional planning staff, and lay users alike, there is general agreement that Los Angeles's zoning code is in urgent need of simplification. In recent years other cities faced with a similar predicament, such as Denver, Chicago and Philadelphia, have embarked on ambitious efforts to rewrite their zoning regulations. In Los Angeles, given the city's budgetary limitations, such a comprehensive revision cannot be accomplished at this time. In lieu of a complete rewrite of the entire zoning ordinance, the Director's initiative instead targets the most problematic provisions for updating.

To help the Director identify the most critical projects to undertake, the Code Studies Unit consulted with key informers and stakeholders in the development and design communities as well as a citywide coalition of neighborhood councils. The unit also conducted a series of internal meetings with other Planning Department staff and met with the City Attorney's land use lawyers.

After considering all of the input received and weighing the options the following nine code studies and amendments were identified as being among the most beneficial and doable. Accordingly, the Director decided to add them to the Department's master work program.

- *Administrative Exceptions* – provide an abbreviated review process for minor deviations from the zoning code.
- *Calculation and Measurement* – define a consistent and appropriate method for calculating residential density and floor area ratio and measuring height.
- *Commercial Development Standards and Neighborhood Protection* – provide basic standards for commercial development and expand existing protections for residential neighborhoods from incompatible land uses.
- *Core Findings* – eliminate redundancy and update core findings to provide a better framework for analyzing the merits of proposed development projects.
- *Multiple Approvals* – synchronize the expiration periods for projects with two or more discretionary land use approvals.
- *Open Space and Setback Standards* – modernize the code's residential open space and setback standards based on best practices to create more livable urban environments.

- *Plan Approvals* – consolidate and make procedures for reviewing proposed modifications to existing projects clear and consistent.
- *Planned Unit Developments* – provide opportunities for innovative, high quality master planned projects.
- *Site Plan Review* – reduce complexity and redundancy but also strengthen the site plan review function within the city's land use regulatory system.

Staff's goal is to schedule all of the necessary draft ordinances for the City Planning Commission's consideration within two years. Implementing a focused project now to simplify and clarify the most problematic parts of the code is intended to pave the way for a future rewrite of the entire zoning ordinance.

STAFF REPORT

Background

Los Angeles was one of the first cities in the nation to adopt laws regulating the use of land. In 1904, the city adopted an ordinance prohibiting industrial uses in residential districts. In 1911, a citywide height limit of 150 feet was established. In 1921, five zoning districts were established: "A" for single-family; "B" for multi-family; "C" for business; "D" for light industrial; and "E" for heavy industrial. In 1930, a new zoning classification system was introduced, as well as procedures for processing zone changes and variances. New residential density requirements and the city's first automobile parking requirement, for the R3 and R4 zones, were also adopted in 1930.

By mid-century, the city had enacted eleven separate zoning regulations. Considered opinion at the time was that these regulations should be consolidated into a single ordinance – to "reduce much confusion," as it was explained at the time. Accordingly, on June 1, 1946, the city's first ever comprehensive zoning ordinance went into effect.

In the 62 years since then, the city's zoning ordinance has been amended so many times that its length has grown from 84 to well over 600 pages. Today, there seems to be universal agreement that the city's zoning regulations have become too unwieldy, that they are too difficult to understand and use and are inadequate to respond to the land use challenges facing Los Angeles in the 21st century. To address this situation the Director of Planning instructed the Code Studies Unit to develop a work program of targeted code amendments that would achieve the aim of zoning code reform and simplification, but without having to rewrite the entire document from "A to Z."

Public Participation

To assist the Director in identifying the most critical code studies and amendments to initiate, the Code Studies Unit hosted five workshops:

- 11/16/07 key informer/stakeholder workshop for developers, land use attorneys, consultants and others with special expertise in using the zoning code – 35 attended.
- 3/11/08 key informer/stakeholder workshop for developers, land use attorneys, consultants and others with special expertise in using the zoning code – 27 attended.
- 3/18/08 urban design committee/Los Angeles Chapter of the American Institute of Architects – 12 attended.
- 4/16/08 Central City Association presentation and discussion – 25 attended.
- 5/3/08 citywide neighborhood councils forum – 53 attended.

Over the next two years, staff will continue to host public workshops and consult with key informers, stakeholders, and neighborhood councils as the general concepts discussed in this staff report are refined into draft ordinances for the City Planning Commission's review and consideration.

Strategic Directions

The Director's zoning code initiative is intended to implement critical components of the Planning Department's strategic plan and the City Planning Commission's statement of policy priorities, "Do Real Planning."

Strategic Plan

- integrate urban design
- further streamline discretionary actions
- provide predictability for department applications through clear, simple and consistent processes
- develop the methodology to process the project, not the individual entitlement
- simplify the code
- create and simplify Department-wide standardized permit procedures
- eliminate duplicate processes

“Do Real Planning”

- demand a walkable city
- offer basic design standards
- eliminate department bottlenecks
- landscape in abundance

The balance of this staff report describes the background, issues and general direction for each of the nine, selected code studies and amendments.

1. Administrative Exceptions

Code Sections 12.26-B - Yard Area Modifications
 12.26-C - Parking Facility Modifications
 12.28 - Adjustments and Slight Modifications

Background and Issues

Since the zoning code does not distinguish between major and minor deviations, there is no expeditious procedure for considering requests that rarely generate controversy, are almost always approved, and, when approved, are almost never appealed. Insignificant deviations from the code’s yard, area, building line, and sometimes height requirements fall into this category. Such minor deviations, most often requested by homeowners and small businesses pursuing remodeling and minor expansion projects, are subject to virtually the same application, notification, public hearing, and appeal procedures as requests for major deviations. As a consequence, these projects are sometimes delayed by up to one year.

Many other cities have established streamlined processes to review requests for minor deviations. The challenge is to permit abbreviated review while protecting the integrity of the zoning code and preserving due process. Different cities have adopted a variety of approaches to this issue. What unites them is a desire to reduce the time and cost that lengthy and complex reviews of minor requests place on both local government and the public.

General Direction

This code study and amendment will define “minor deviations” and identify an appropriate procedure for considering requests for them. Among the questions that will be addressed are: Which components of the zoning code should be folded into the new procedure? Which should not? How much of a percentage deviation should be considered “minor”? Should a decision be rendered “over-the counter”? Who should be the decision-maker? Should a public hearing be required? To pursue answers to these questions staff will

survey the best practices of other cities that have developed “administrative exceptions” ordinances. We will review the pros and cons of the various approaches and recommend how these can best be implemented in Los Angeles.

2. Calculation and Measurement

Code Sections 12.03, Definitions
 12.21.1, Height of Building or Structures
 12.37, Highway and Collector Street Dedication and
 Improvement

Background and Issues

The zoning code’s procedures for calculating residential density, calculating floor area ratio, and measuring height include some inconsistencies or could otherwise be improved.

Residential density. Apartment density is calculated before any required dedications for public improvements are taken, while condominium density is calculated after. The result is that greater density is generally allowed when apartments are built.

Floor area ratio. The code’s definitions and procedures for calculating floor area ratio need some cleaning up. For example, Section 12.21.1-A, 5 excludes “outdoor eating areas of ground floor restaurants” from the definition of floor area, while Section 12.03 does not.

Height. The current procedure for measuring height on sloping lots may have some unintended consequences, unnecessarily restricting height upslope, but allowing much bulkier massing downslope.

General Direction

This code study and amendment aims to bring consistency to the calculation of residential density and floor area. With respect to height, staff’s aim is to improve the way it is measured. One promising proposal that staff has been studying is the “parallel plane” method. Many other cities use this approach, which allows structures to conform more closely to natural grade, thus allowing them to integrate better with their surroundings.

3. Commercial Development Standards and Neighborhood Protection

Code Sections 12.22-A, 23 - Commercial Corner Developments and Mini-Shopping Centers - Development Standards
 12.24-W, 27 - Commercial Corner Developments and Mini-Shopping Centers - Conditional Use Permit

Background and Issues

In the late 1980s, the city adopted landmark regulations imposing development standards on commercial corner developments and mini-shopping centers. The regulations were intended to ensure that such projects provided adequate landscaping and complied with basic development standards such as street-facing windows, no tandem parking, and enclosure of trash storage areas.

In addition to improving the appearance of such projects, the regulations were also intended to protect residential neighborhoods from potentially incompatible land uses. Under these provisions, car washes, 24-hour businesses, and certain amusement enterprises require a conditional use permit if they are located on a commercial corner or in a mini-shopping center that is near a residential neighborhood.

Staff's review of these regulations has identified a number of issues. Any project deviating from the ordinance's basic development standards – no matter how minor the deviation – must file for a conditional use permit, with a mandatory public hearing. Also, the regulations only impose development standards on a limited number of projects in the city, specifically those projects that meet the code's definition of a "commercial corner development" or a "mini-shopping center." As a result, whole sections of the city's commercial boulevards are not subject to basic development standards.

The issue of limited scope also applies to neighborhood protection. Unless a residential neighborhood just happens to be adjacent to a commercial corner development or a mini-shopping center, it does not benefit from the protection provided by a conditional use permit when a potentially incompatible land use is proposed next door or across the street.

General Direction

In a joint venture with the Urban Design Studio, this code study and amendment will examine ways to ensure that all new commercial uses in the city meet basic development standards. Staff will recommend standards that are broadly applicable, enforceable, and support the more detailed standards and urban design guidelines that the new community planning program will implement. In addition, staff will recommend a streamlined procedure – short of a full conditional use permit process – to review requests to deviate from any basic development standards that are ultimately adopted. Staff will also study alternative approaches to protecting a greater number of residential neighborhoods from potentially incompatible land uses.

4. Core Findings

<i>Code Sections</i>	11.5.7 - Specific Plan Procedures
	12.24 - Conditional Use Permits and Other Similar Quasi-Judicial Approvals
	12.28 - Adjustments and Slight Modifications
	12.32 - Land Use Legislative Actions
	16.05 - Site Plan Review

Background and Issues

Quasi-judicial approvals and land use legislative actions typically require the decision-maker to make “core” findings and, when applicable, “application-specific” findings. For example, a conditional use permit for a drive-through fast-food establishment can only be approved when the four “core” findings required of all conditional use permits and the three “application-specific” findings for drive-through fast-food establishments are all made in the affirmative.

Core findings typically address such overarching issues as the relationship of a proposed project to the general plan and the public welfare and convenience. They are defined for broad entitlement categories, including variances, conditional uses, adjustments, specific plan project permits, tract maps and site plan review.

Despite the fact that the code’s core findings all address the same basic set of issues there are inconsistencies in their wording. Consequently, if a project applicant files for two or more land use approvals, each requiring its own set of findings, the total number of required findings can quickly multiply.

General Direction

This code study and amendment seeks to create a single set of core findings across the zoning code. (The variance and subdivision findings would not be addressed, since the charter and state subdivision map act, respectively, set the precise wording for these findings.) By creating common core findings much unnecessary repetition could be eliminated, leading to clearer and shorter staff reports.

Promoting administrative efficiency is not the sole intent of this code study and amendment, however. A more important aim is to improve the quality of development citywide by providing a better framework for analyzing the merits of proposed projects. Accordingly, staff will recommend stronger, more focused core findings that better track the goals of the general plan and the Planning Department’s and the City Planning Commission’s new strategic directions.

5. Multiple Approvals

Code Section 12.36 - Procedures for Multiple Approvals

Background and Issues

Section 12.36 of the zoning code assigns the decision-maker when a single project requires multiple discretionary land use approvals. For example, if a project requires a conditional use permit, decided by the City Planning Commission, and also a Zoning Administrator's adjustment, Section 12.36 assigns responsibility to decide both requests to the "higher-order" decision-maker – in this case, the City Planning Commission.

For a variety of reasons, developers of most complex projects recently proposed in Los Angeles have requested numerous entitlements. The sheer volume of entitlements requested for these projects is one reason why case numbers often include, it seems, as many letters as there are in the alphabet.

While Section 12.36 assigns the decision-maker for projects requesting multiple entitlements, it does not address the expiration periods for those entitlements when they conflict. For variances and conditional use permits, the expiration period is two years with a one year extension. For site plan review, the expiration period is three years with no extension. A tract map has a life of three years but can be extended for an additional five. Generally, all conditions must be met within six years before a zone change takes effect.

As a consequence, a single project with multiple entitlements with variable expiration periods can run into problems if a project manager is not careful. What happens to a project when one of its entitlements is about to expire but the time limits for the others have not? The whole viability of the project may be thrown into question. Given the time, effort and expense required to secure entitlements, disabling a project based on a zoning code technicality only serves to discourage the investment the city needs to shore up its economic base and provide needed jobs and housing.

General Direction

This code study and amendment will examine alternative approaches to synchronizing the expiration periods for multiple entitlements granted to a single project. One approach may be to allow the decision-maker to approve a phasing plan, with milestones. So long as each milestone is met, within a set time frame, all of the project's entitlements remain secure. Another approach may be to tie the expiration periods for all of a project's entitlements to the entitlement with the longest life.

6. Open Space and Setback Standards

<i>Code Sections</i>	12.12.2-C – Area Regulations for the CR Limited Commercial Zone
	12.13-C – Area Regulations for the C1.5 Limited Commercial Zone
	12.14-C – Area Regulations of the C2 Commercial Zone
	12.16-C – Area Regulations of the C4 Commercial Zone
	12.17.1 – Area Regulations of the CM Commercial Manufacturing Zone
	12.21-C - Citywide Area Regulations
	12.21-G - Open Space Requirement for Six or More Residential Units
	12.22-A, 18 - Developments Combining Residential and Commercial Uses
	12.22-C - Exceptions to Citywide Area Regulations
	Multiple Other Code Sections

Background and Issues

Residential developments are required to comply with various open space and setback standards, including building “passageway” requirements. The requirements are intended to create desirable living environments by increasing natural light and ventilation, providing adequate separations between structures, and ensuring opportunities for on-site landscaping. More than any other parts of the code, these standards determine the look and feel of the city’s residential neighborhoods, particularly its multi-family districts.

Because they were incrementally developed and adopted over a period of decades, these standards have never been systematically evaluated as elements of a single system. According to many of the stakeholders staff have consulted with, such an evaluation is urgently needed to determine if there are any conflicts among these standards and if they are working as intended.

General Direction

In a joint venture with the Urban Design Studio, this code study and amendment seeks to update the code’s open space and setback standards, drawing upon the best practices of other cities, to determine how more livable and sustainable urban environments can be fostered in Los Angeles. One focus of the study will be mixed-use and high-rise development. The code’s current approach is “one size fits all.” Are different standards needed for these development prototypes, especially in commercial zones?

7. Plan Approvals

<i>Code Sections</i>	12.24-M - Development of Uses
	12.27-U - Plan Approvals
	12.28-E - Adjustment -Plan Approvals

Background and Issues

Requests to enlarge existing buildings or construct new ones on sites entitled through either a variance or a conditional use must be submitted as a “plan approval.” Unlike a full variance or conditional use, which requires that all property owners within a 500-foot radius be notified when a public hearing is scheduled, notification for plan approvals is limited to adjacent and adjoining property owners.

Staff’s review of the code’s plan approval procedures shows that the thresholds for when a variance plan approval or a conditional use plan approval may be submitted are inconsistent. For variance plan approvals, the increase in size or bulk of buildings that may be approved is limited to 20 percent. Any request above this threshold requires a new variance. For conditional use plan approvals, any percentage increase is technically allowed, although in practice the Planning Department typically requires increases beyond 20 percent to be filed as a new conditional use.

A further issue concerns conditions imposed as part of the original approval. Specifically, a property owner or a developer may not request that these conditions be modified. This restriction applies no matter how minor or inconsequential the request is, or if the originally imposed conditions are outmoded, no longer relevant or needed, or should be amended or deleted due to changed circumstances.

General Direction

This code study and amendment will look at consolidating and making consistent the plan approval procedures for conditional uses and variances. Staff will propose clear and consistent criteria for determining when an application for a plan approval may be filed, or when an application for a new conditional use or variance must be filed. Staff will also investigate the feasibility of amending the plan approval procedures to allow modification of the terms and conditions of an already approved entitlement.

8. Planned Unit Developments

<i>Code Section</i>	13.04 - “RPD” Residential Planned Development Districts
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Background and Issues

In the 1960s and 1970s, most cities in the country adopted “planned unit development” or “PUD” regulations. A PUD is a custom zone, typically applied to large projects, that allows consideration of innovative proposals that might otherwise conflict with the strict

requirements of the zoning ordinance. In exchange for allowing greater flexibility, a local government will typically require higher quality. For example, a PUD for a large subdivision might allow smaller lot sizes in exchange for a greater amount of common area open space. A PUD may be used for many different types of developments, ranging from small mixed use and residential projects; single use non-residential projects such as office, commercial or industrial developments; or larger, master planned communities. Each PUD is adopted by a separate ordinance. Depending on the size, complexity and time to build out, the PUD may also require a development agreement.

The zoning code's PUD regulations were developed in 1971 and are termed "Residential Planned Developments" or "RPDs." As defined in the code, RPDs are "supplemental use districts" and intended only for 100 percent residential developments, primarily on large plots of vacant land.

Enacted almost 40 years ago, these regulations have not been amended to keep pace with contemporary real estate development practices and their emphasis on compact, mixed use projects on urban infill sites. As a result, this zoning tool is rarely used in Los Angeles. Currently, there are only three development sites in the city zoned "RPD" – all subdivisions of single-family homes.

General Direction

In a joint venture with the Urban Design Studio, this code study and amendment will provide the city with an enhanced tool for promoting quality and innovation consistent with the general plan's key land use policies. Specifically, the PUD ordinance will be updated to apply to mixed use, multi-family residential, and nonresidential development projects.

9. Site Plan Review

Code Section 12.24-U, 14 - Major Development Projects Conditional Use
 16.05 - Site Plan Review

Background and Issues

The city's site plan review ordinance applies to projects that will create 50 or more dwelling units or 50,000 square feet or more of nonresidential floor area. To grant site plan review approval, the Director of Planning must make six findings.

The site plan review ordinance is similar to the major projects conditional use ordinance, which applies to projects that will create 250,000 square feet or more of warehouse floor area, 250 or more hotel/motel guest rooms, or 100,000 square feet of other nonresidential or non-warehouse floor area. To approve a major projects conditional use, the City Planning Commission must make findings that are essentially the same as the findings the Director must make for site plan review.

The purpose of both ordinances is to provide a “safety valve” – to ensure that projects with potentially significant impacts that would otherwise be permitted by right are subjected to discretionary review. It is during discretionary review that environmental mitigation measures and other appropriate conditions can be imposed.

Given the complexity of the city’s land use regulatory system, however, many projects subject to these ordinances also file for other discretionary land use approvals. Each approval requires its own separate set of findings, further contributing to unnecessarily lengthy Planning Department staff reports.

If this complexity and redundancy served some larger purpose it might conceivably be justified. But the requirement in both the site plan review and major projects conditional use ordinances to actually review site plans is relatively weak. The only requirement of the decision-maker is to make the following “neighborhood compatibility” finding:

“The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, which is or will be compatible with existing and future development on neighboring properties.”

Unfortunately, the code provides little guidance to staff or the decision-maker on how to apply this finding, or how to go about the business of reviewing a site plan.

General Direction

In a joint venture with the Urban Design Studio, this code study and amendment will focus on reducing unnecessary complexity and redundancy while at the same time strengthening the site plan review function within the city’s overall, land use regulatory system.

To accomplish the first purpose, staff will look at restructuring the site plan review and major projects conditional use ordinances so that they serve their original purpose – namely, to function as a “safety valve”. Under this approach it may be possible that applications for these entitlements would never be combined with applications for other discretionary entitlements but would always stand alone.

To accomplish the second purpose, staff will focus on the neighborhood compatibility finding. One option may be to replace this finding with a requirement that a project conform with the current “walkability checklist” or some other appropriate set of urban design principles and guidelines – which the City Planning Commission could adopt and amend from time to time, as appropriate. The next question would be, Which class of projects should be reviewed for conformance with these urban design principles and guidelines? The current class of projects subject to the site plan review and major projects conditional use ordinances? A broader class of projects? A narrower class? Staff will analyze the feasibility of these options and report back to the Commission.

CONCLUSION

A limited but targeted series of code amendments, carried out over the next two years, provides a unique opportunity to reinvent the zoning ordinance so that it becomes a stronger, more dynamic tool for implementing the general plan and carrying out the new initiatives set forth in the Planning Department's strategic plan and the City Planning Commission's statement of policy priorities, "Do Real Planning." The purpose of this initiative is not just to streamline cumbersome project review procedures but to reorient them so as to fulfill the Department's mission to create a more livable, sustainable, and walkable Los Angeles. More than any other plan implementation tool the zoning code – last comprehensively revised more than 60 years ago – shapes the city's future growth and development. The Director of Planning's initiative is intended to creatively revise the zoning code to ensure that this growth and development meets the needs of Los Angeles's diverse communities and neighborhoods.