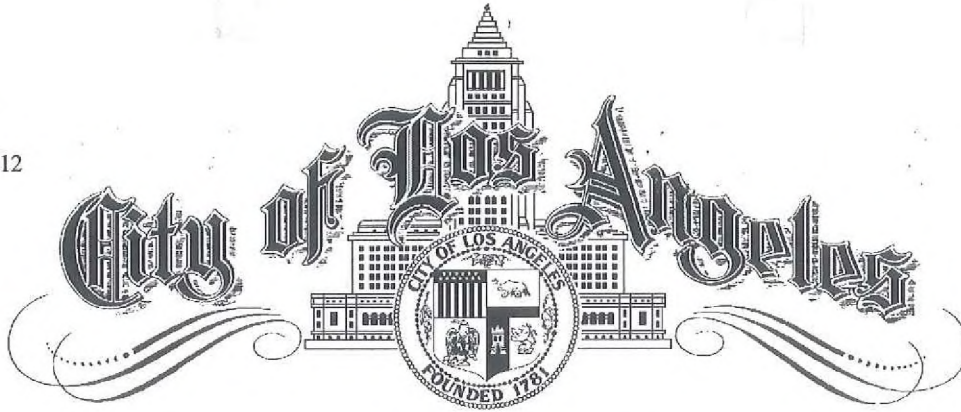


City Hall East
200 N. Main Street
Room 800
Los Angeles, CA 90012

(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.

5018 OCT -2 5M 3:1e

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.

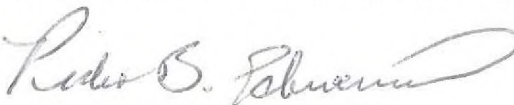
Council Rule 38 Referral

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.

(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.

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

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

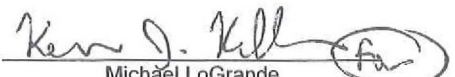
Date 10/4/10

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