

LA NEIGHBORS UNITED

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

March 14, 2011

June Lagmay
City Clerk
City of Los Angeles
City Hall - Room 395
200 N. Spring Street
Los Angeles, CA 90012

CC: The Honorable Ed Reyes, Chairman, Planning and Land Use Management Committee,
Los Angeles City Council
Michael LoGrande, Director, Los Angeles Department of City Planning
Mary Decker, Deputy City Attorney, Los Angeles City Attorney's Office

RE: Council File No. 10-1353, CPC-2009-3955-CA and ENV-2009-3956-ND, Otherwise
Known as Ordinance to Amend Conditional Use Permit Regulations for Floor Area Ratio
Averaging to Allow for Density Transfers in Mixed-Use Unified Developments

Related to:

CPC-2010-1572-CA and ENV-2010-1573-ND, Otherwise Known as Core Findings
Ordinance

Council File No. 09-2199, CPC-2009-437-CA and ENV-2009-438-ND, Otherwise
Known as Community Plan Implementation Overlay Districts Ordinance (Ordinance No.
181,412)

Honorable City Officials:

As is now well known, the City of Los Angeles is undertaking the most significant update of its zoning code since 1946. Among other things, the City has outlined its plan to promulgate 10 ordinances as part of a so-called "Code Simplification" effort. The City also recently enacted the Community Plan Implementation Overlay Districts Ordinance ("CPIO"), which is the subject of litigation on the basis of a faulty environmental clearance and, now, the City Attorney's Office has been instructed by the City Council Planning and Land Use Management Committee to prepare a final ordinance to amend conditional use permit regulations for floor area ratio (FAR) averaging in mixed-use developments to allow for expanded transfers of density.

As established in our prior communications relative to the Core Findings Ordinance (“CFO”) and the CPIO, there is a clear nexus relative to the application, reach and potentially significant negative impacts of these ordinances. The FAR Averaging and Density Transfer Ordinance (“T-FAR Ordinance”) is similarly related; the three ordinances together are likely to produce potentially significant cumulative impacts as defined under the California Environmental Quality Act (CEQA). The cumulative impacts of these ordinances need to be identified, analyzed and, to the extent necessary, mitigated through a programmatic environmental review. Piecemeal review of these individual ordinances is inadequate; Negative Declarations are inadequate to satisfy CEQA compliance.

Background on the T-FAR Ordinance

This ordinance allows mixed-use developments requiring conditional use permits to transfer developable floor area from one parcel to another within a unified project area, even if the parcels are not adjacent to each other. The ordinance also allows for a new procedure, a “Residential Density Transfer” in such unified developments.

Based on Ordinance No. 166,025, effective August 9, 1990, an individual parcel in a unified mixed-use development can have greater square footage than underlying zoning allows through a transfer of developable square footage from another parcel in the same project area. The only code limitation on such transfers is the requirement that the overall square footage of the entire project must be within the zoning restrictions of the Los Angeles Municipal Code. In other words, the total allowable square footage for each of the project’s parcels amounts to an overall cap for the entire project, but within the project area, developable rights can be transferred from one parcel to another, regardless of existing zoning limitations. To exercise this option in combination with a residential density transfer typically requires a zoning variance, with findings (including a “hardship” finding) to be made consistent with California state law and the Los Angeles City Charter.

The proposed new ordinance expands on the existing ability to transfer floor area within these developments by explicitly allowing for residential density transfers. In this scenario, an applicant could transfer residential density (unit/household capacity) from one parcel within a unified project area to another parcel, even if the parcels are not contiguous.

To secure approval for such FAR or density transfers, applicants would merely have to obtain a conditional use permit. The following Los Angeles Municipal Code findings apply:

Standard Zoning Administrator Conditional Use Permit Findings: *“In approving any conditional use, the decision-maker must find that the proposed location will be desirable to the public convenience or welfare, is proper in relation to adjacent uses or the development of the community, will not be materially detrimental to the character of development in the immediate neighborhood, and will be in harmony with the various elements and objectives of the General Plan.”*

Notably, the findings cited above are the *current* code findings. These findings are proposed to be significantly modified by the Core Findings Ordinance under consideration by the City currently. The following finding also would apply:

FAR Transfer Finding: *“In addition to the findings otherwise required by this section, before granting an approval, the Zoning Administrator shall find that the development, although located on separate parcels or lots of record, is a unified development as defined by this [LAMC] subdivision.”*

As part of the Code Simplification project under way currently, there is a forthcoming ordinance, “Planned Unit Developments,” that likely will redefine “unified development” as it applies to this LAMC section. (That ordinance, also, is expected to receive only piecemeal environmental review, which is inadequate.)

As a result of the T-FAR Ordinance, developers will have expanded rights to transfer developable area including density, with lower thresholds required for approval. No longer will zoning variances be required to transfer density from non-adjacent parcels in a mixed-use project; rather, the much less restrictive rules of conditional use permits will apply. Further, alone and in combination with relief from LAMC height restrictions through other variances, Specific Plan exceptions, density bonuses and other related discretionary actions, applicants will be able to use transferred FAR and density to construct significantly taller and more massive buildings than are currently allowed within existing zoning. This outcome already has occurred in Hollywood and undoubtedly will occur elsewhere as zoning variances will not be required to achieve the same effect. *In other words, by changing the rules to make FAR transfers in conjunction with residential density transfers significantly easier, there will be more of them, and more massive, taller buildings as a result.*

Potentially Significant Negative Environmental Impacts

The adoption of a Negative Declaration relative to the T-FAR Ordinance is grossly insufficient, especially as it fails to consider cumulative impacts in combination with the CPIO and the CFO. The Negative Declaration is flawed in at least the following specific areas:

- Aesthetics. The Negative Declaration states “no impact.” It is clear that no such finding can be made, particularly relative to potentially significant adverse effects on scenic vistas (viewsheds) impacted by more massive, taller buildings, which will be allowed everywhere in the City.
- Land Use and Planning. The Negative Declaration states “no impact.” It is clear that no such finding can be made, particularly relative to the potential for more massive, taller buildings to physically divide established communities.

- Transportation/Traffic. The Negative Declaration states “no impact.” It is clear that no such finding can be made, particularly relative to the potential for more over-sized buildings that concentrate density to significantly affect circulation and ingress/egress.
- Cumulative impacts. The Negative Declaration states “less than significant impact.” Considered on its own due to its broad scope, and in combination with the CPIO and CFO, it is clear that no such finding can be made relative to the T-FAR Ordinance, especially given that buildings will be eligible for T-FAR across the entire city; the ordinance is in no way targeted, such as to be applicable within the downtown area, commercial centers or transit corridors.

The California Environmental Quality Act 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.)

The zoning code project, including the 10 code studies, the CPIO and the T-FAR Ordinance, clearly represents the most massive rewrite of the City’s zoning code since 1946. An EIR for the entire zoning code project, rather than piecemeal review of each individual component, is required to proceed.

Background on Zoning Code Makeover Project, Including Core Findings Ordinance

The Los Angeles Department of City Planning processes more than 2,000 entitlement applications annually, according to the Department, including applications for about 70 conditional uses. Each of these applications requires that land use findings be met. These findings affect thousands (over time, tens of thousands) of buildings and uses.

The City plans 10 zoning code studies as part of its code simplification project, per a June 10, 2010 Planning Director’s report to the City Planning Commission. The City considers the code studies and the Community Plan Implementation Overlay Districts Ordinance to be part of the same project, per the December 7, 2010 “Myths and Facts” document published by the Department of City Planning. (Both documents are attached to this comment letter.)

The first of the 10 code simplification ordinances is the Core Findings Ordinance, which addresses findings for the approval of conditional use permits, other quasi-judicial approvals, and findings for the approval of adjustments.

The T-FAR Ordinance is part of this project. As an example of the overlapping application of the CFO and the T-FAR Ordinance, noted above is the fact that findings required for the

evaluation of conditional use permits, which are being rewritten as part of the CFO, are applicable to mixed-use projects subject to the T-FAR Ordinance.

The City's failure to perform a programmatic environmental review of these various ordinances constitutes improper piecemealing of the City's environmental impacts analysis relative to the zoning code makeover project.

Background on Community Plan Implementation Overlay Districts Ordinance, Including Cumulative Impacts with the T-FAR Ordinance

The CPIO allows the City to establish overlay districts for all Community Plan and Specific Plan areas across the 469 square miles that constitute the City of Los Angeles. Among other things, CPIOs can override existing, underlying zoning relative to density, open space and parking requirements. To the extent CPIOs include Commercial, Manufacturing and R-5 Residential zones, mixed-use projects can be developed in them.

CPIOs allow for density to be increased relative to underlying zoning. The T-FAR Ordinance enables the higher level of density that could be allowed in a CPIO to be transferred among parcels in a mixed-use unified development. Thus, in combination, the CPIO and the T-FAR Ordinance allow for the permitting of taller, more massive buildings with higher levels of density than are allowed today. The cumulative impacts of these ordinances have not been examined by the City ... a gross deficiency.

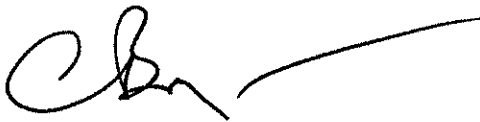
As the City contemplates action on the T-FAR Ordinance, deficiencies in the City's environmental review of these ordinances must be addressed.

Notwithstanding our comments on the T-FAR Ordinance, we would be inclined to support a reasonable system of transferable floor area and/or transferable development rights as otherwise might be established within a comprehensive community plan area. It is the use of the T-FAR Ordinance in combination with the CPIO that is of particular concern. The CPIO Ordinance is incredibly far-reaching to the extent that it allows Community and Specific Plan protections to be compromised all over the City by, among other things, decoupling land use and transportation planning. The danger would be exacerbated by the T-FAR Ordinance, which also would apply citywide with no targeting or limits whatsoever.

We incorporate by reference all of our prior communications to the City, including expert analysis, on the Core Findings Ordinance and the Community Plan Implementation Overlay Districts Ordinance, including but not limited to our letters dated October 7, 2010, November 2, 2010, November 9, 2010, December 13, 2010, and January 11, 2011. We also incorporate by reference these other ordinances' respective case files including environmental reviews.

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

cc: Douglas Carstens, Esq.
Daniel Wright, Esq.

Attachments

- September 24, 2010 “Request for Ordinance” from City Council Planning and Land Use Management Committee to City Attorney’s Office, Including July 28, 2010 Transmission from City Planning Commission to City Council, with Draft Ordinance, Staff Report and Negative Declaration
- Core Findings Ordinance as Approved by City Planning Commission on January 13, 2011
- “Comments on Proposed Core Findings Ordinance, City of Los Angeles,” Land Protection Partners, January 7, 2011
- “The Case for Subsidizing the Mermaid Bar,” California Planning & Development Report, February 15, 2011
- “Summary of Conditional Use Permits and Other Similar Quasi-Judicial Approvals,” Which Includes Mixed-Use and Unified Developments, Department of City Planning
- Department of City Planning Director’s Report on Zoning Code Update for June 10, 2010 City Planning Commission Meeting

- “Myths and Facts About the Planning Department’s Recent Initiatives,” Department of City Planning, December 7, 2010
- “L.A.’s Post-War Zoning Code: Fighting Villaraigosa’s Development Crusade,” LA Weekly, January 13, 2011
- “L.A. May Say Good-bye to EIRs and public notice,” LA Weekly, November 18, 2010
- “Questions & Answers: Planned Unit Development,” Department of City Planning, 2010
- “Feedback Form: Planned Unit Development,” Department of City Planning, 2010

CITY OF LOS ANGELES
CALIFORNIA

JUNE LAGMAY
City Clerk

HOLLY L. WOLCOTT
Executive Officer



Office of the
CITY CLERK

Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
General Information - (213) 978-1133
Fax: (213) 978-1040

www.cityclerk.lacity.org

When making inquiries relative to
this matter, please refer to the
Council File No. **10-1353**

ANTONIO R. VILLARAIGOSA
MAYOR

September 24, 2010

Michael LoGrande, Director of Planning
Department of City Planning
5th Floor, City Hall
Attn: Iris Fagar-Awakuni

Carmen A. Trutanich, City Attorney
Room 800, City Hall East
Attn: Terry Kaufman-Macias
Kenneth Fong

REQUEST FOR ORDINANCE

On September 21, 2010, the Planning and Land Use Management (PLUM) Committee considered a City Planning Commission report and proposed ordinance to amend the conditional use permit regulations for floor area ratio (FAR) averaging in unified developments to allow for the transfer of density in mixed-use unified developments, remove reference to expiring Redevelopment Project Areas, and make minor technical corrections. At this meeting, the PLUM Committee instructed the Planning Department, with the City Attorney, to prepare the final ordinance.

Please transmit the ordinance to the City Council, c/o the City Clerk's Office, Room 395, City Hall, and reference Council file No. 10-1353. If you have questions, feel free to contact me at (213) 978-1074 or at patrice.lattimore@lacity.org.

Thank you,

Patrice Y. Lattimore
Legislative Assistant
Planning and Land Use Management Committee

TRANSMITTAL TO CITY COUNCIL

Case No.(s) CPC-2009-3955-CA	Planning Staff Name(s) and Contact No. TANNER BLACKMAN 213-978-1353	C.D. No. ALL
Items Appealable to Council: N/A	Last Day to Appeal: N/A	Appealed: Yes <input type="checkbox"/> No <input 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. 		
<p>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 only those items which are appealable to Council.)</p> <p style="text-align: center;">A proposed ordinance (Appendix A) to amend the conditional use permit regulations for floor area ratio (FAR) averaging in unified developments to allow for the transfer of density in mixed-use unified developments, remove reference to expiring Redevelopment Project Areas, and make minor technical corrections.</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. ENV-2009-3956-ND
		Commission Vote: 6-0

 JAMES WILLIAMS, Commission Executive Assistant I	Date: <u>7.28.10</u>
--	----------------------

**PLANNING & LAND
USE MANAGEMENT**

RECEIVED
CITY CLERK'S OFFICE

2010 JUL 28 PM 3:02

CITY CLERK

BY *[Signature]* DEPUTY

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
FR. SPENCER T. KEZIOS
BARBARA ROMERO
YOLANDA ORZOCO
MICHAEL K. WOO
Vacant

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

EVA YUAN-MCDANIEL
DEPUTY DIRECTOR
(213) 978-1273

FAX: (213) 978-1275

INFORMATION
(213) 978-1270

www.planning.lacity.org

DATE: JUL 28 2010

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

ATTN: Patrice Lattimore, Legislative Assistant

CITY PLAN CASE NO. 2009-3955-CA

Transmitted herewith is a proposed ordinance to amend the conditional use permit regulations for floor area ratio (FAR) averaging in unified developments to allow for the transfer of density in mixed-use unified developments, remove reference to expiring Redevelopment Project Areas, and make minor technical corrections.

On June 24, 2010, following a public hearing, the City Planning Commission approved the proposed ordinance, attached.

This action was taken by the following vote:

Moved: Roschen
Seconded: Orozco
Ayes: Cardoso, Freer, Kezios, Romero
Absent: Burton, Woo
Vacant: One

Vote: 6-0


James Williams, Commission Executive Assistant I
City Planning Commission

Attachments: Findings, Proposed Ordinance
cc: Amy Brothers, Michael Bostrom, Deputy City Attorneys, Land Use Division
City Planning Staff: Tanner Blackman

APPENDIX A

ORDINANCE NO. _____

A proposed ordinance amending Sections 12.24 and 19.11 of the Los Angeles Municipal Code to allow for the transfer of residential density in mixed-use unified developments in specific zones, remove reference to expiring Redevelopment Project Areas, and make minor technical corrections.

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

Sec. 1. Subdivision 19 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read as follows:

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

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

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

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

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

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

~~applicants shall file a covenant running with the land with the Department of Building and Safety prior to the issuance of any building permits:~~

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

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

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

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

(a) **Floor Area Ratio Averaging.** The averaging of floor area ratios may be permitted for buildings which will comprise a unified commercial, industrial, or mixed-use development in the C or M zones citywide or in the R5 zone within the Central City Community Plan Area, even if buildings on each individual parcel or lot would exceed the permitted floor area ratio. However, the floor area ratio for the unified development when calculated as a whole may not exceed the maximum permitted floor area ratio for the height district(s) in which the unified development is located.

(b) **Residential Density Transfer.** The transfer of residential density may be permitted for buildings which will comprise a unified mixed-use development in the C zones citywide or in the R5 zone within the Central City Community Plan Area, even if buildings on each individual parcel or lot would exceed the permitted density. However, the number of all dwelling units and guest rooms for the unified development when calculated as a whole may not exceed the maximum number permitted based on the minimum lot area per dwelling unit and guest room standards set forth in the zone(s) in which the unified development is located.

(c) **Definition.** A unified development for purposes of this subdivision shall mean a development which is:

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

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

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

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

(d) **Finding.** In addition to the findings otherwise required by this section, before granting an approval, the Zoning Administrator shall find that the development, although located on separate parcels or lots of record, is a unified development as defined by this subdivision.

(e) **Procedures.** In addition to the requirements of subsection A through Q of this section, all persons with an ownership interest in the property requesting floor area ratio averaging, residential density transfer, or both and all persons with mortgage interests, including those persons holding ground leases, must sign the application. A current title search shall be submitted with the application to ensure that all persons with an ownership interest in the property have signed the application.

(f) **Covenant.** If the Zoning Administrator approves the floor area ratio averaging or residential density transfer, then the applicants shall file a covenant running with the land with the Department of Building and Safety prior to the issuance of any building permits:

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

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

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

(4) specifying an individual or entity to be responsible and accountable for this maintenance and the fee for the annual inspection of compliance by the Department of Building and Safety, required pursuant to Section 19.11.

Sec. 2. Section 19.11 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 19.11. ANNUAL INSPECTION OF COMPLIANCE WITH FAR FLOOR AREA RATIO AVERAGING AND RESIDENTIAL DENSITY TRANSFER COVENANTS.

A fee of \$300.00 shall be charged and collected by the Department of Building and Safety to cover the cost of an annual inspection to monitor compliance with and maintain records of the FAR Averaging Covenant covenant required pursuant to

Sections 12.24 B.25, and 12.24 C.58, prior to July 1, 2000 and Section 12.24 W.19, on and after July 1, 2000, ~~and for maintaining records of those covenants.~~

Sec. 3. The City Clerk shall certify that ...

LAND USE FINDINGS

The City Planning Department recommends that the City Planning Commission, in accordance with Charter Sections 556 and 558, find:

1. In accordance with Charter Section 556, that the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan in that it supports:

Goal 3A of the Framework Element of the General Plan, "A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term ... conservation of existing residential neighborhoods, ... and achievement of the vision for a more liveable city", specifically addressing:

- Objective 3.1, "Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors," through implementation of Policy 3.1.4 by accommodating "new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram," and
- Objective 3.2, "Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution," through implementation of Policy 3.2.2, by helping "[e]stablish ... patterns and types of development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations," and
- 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," through implementation of Policy 3.4.3a, by helping "[e]stablish incentives for the attraction of growth and development in the districts, centers, and mixed-use boulevards targeted for growth that may include ... [d]ensities greater than surrounding areas";

Goal 3C of the Framework Element of the General Plan, "Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents," specifically addressing:

- Objective 3.7, "Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved" by implementation of Policy 3.7.1, which states that the City must "[a]ccommodate the development of multi-family residential units in areas designated in the community plans"; and

Goal 4A of the Framework Element of the General Plan, "An equitable distribution of housing opportunities by type and cost accessible to all residents of the City," and Goal 1 of the Housing Element of the General Plan, "A City where housing production and preservation result in an adequate supply of ownership and rental housing," specifically addressing:

- Framework Element Objective 4.1, "Plan the capacity for and develop

incentives to encourage production of an adequate supply of housing units ... to meet the projected housing needs," through implementation of Policy 4.1.1 by helping "[p]rovide sufficient land use and density to accommodate an adequate supply of housing units ... to meet the twenty-year projections of housing needs," and

- Housing Element Objective 1.1, "Plan the capacity and develop incentives for the production of an adequate supply of rental and ownership housing for households of all income levels and needs," through implementation of Policy 1.1.3 by facilitating "new construction of a variety of housing types that address current and projected needs of the city's households," Policy 1.1.4 by expanding "location options for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards," and Policy 1.1.6 by facilitating "innovative models that reduce land, materials and labor costs"; and

2. in accordance with Charter Section 558 (b)(2), the proposed ordinance (Appendix A) will be in conformity with the public necessity, convenience, general welfare, and good zoning practice in that it supports:

Goal 4A of the Framework Element of the General Plan, "An equitable distribution of housing opportunities by type and cost accessible to all residents of the City," and Goal 1 of the Housing Element of the General Plan, "A City where housing production and preservation result in an adequate supply of ownership and rental housing" specifically addressing:

- Framework Element Objective 4.4, "Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations," through implementation of Policy 4.4.1a by introducing flexibility that establishes "development standards that are sufficiently detailed and tailored to community and neighborhood needs to reduce discretionary approvals requirements," and
- Housing Element Objective 1.5, "Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs" by effectuating Program E, Zoning Code Reform, identified under Policy 1.5.1, "Streamline the land use entitlement, environmental review, and building permit processes"; and


Goal 2 of the Housing Element of the General Plan, "A City in which housing helps create safe, livable and sustainable neighborhoods," specifically addressing:

- Objective 2.2, "Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit," through implementation of Policy 2.2.1 by helping "[p]rovide incentives to encourage the integration of housing with other compatible land uses"; and

ENVIRONMENTAL FINDING

A Negative Declaration, ENV-2009-3956-ND, was published on this matter on April 22, 2010, and it was determined that this project will not have a significant effect on the environment (see Attachment 2).

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-2009-3956-ND		CASE NO. CPC-2009-3955-CA	
PROJECT LOCATION N/A N/A			
PROJECT DESCRIPTION A proposed ordinance amending Sections 12.24 W.19 and 19.11 of the Los Angeles Municipal Code to allow for the transfer of residential density in mixed-use unified developments as a conditional use in specific zones, remove reference to expiring Redevelopment Project Areas, and address minor technical corrections. 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
TANNER BLACKMAN		City Planning Assistant	(213) 978-1353
ADDRESS 200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012		SIGNATURE (Official) 	DATE 4/16/ 2010



DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT



CITY PLANNING COMMISSION

Date: June 10, 2010
Time: After 8:30 a.m.*
Place: Room 1010, City Hall
200 North Spring Street
Los Angeles, CA 90012

Case No.: CPC 2009-3955-CA
CEQA No.: ENV-2009-3956-ND
Location: Citywide
Council No.: All
Plan Area: All

PUBLIC HEARING REQUIRED

REQUEST: Amendments to Section 12.24 W.19 and 19.11 of the Los Angeles Municipal Code (LAMC).


SUMMARY: A proposed ordinance (Appendix A) to amend the conditional use permit regulations for floor area ratio (FAR) averaging in unified developments to allow for the transfer of density in mixed-use unified developments, remove reference to expiring Redevelopment Project Areas, and make minor technical corrections.


RECOMMENDED ACTIONS:

1. **Adopt** the staff report as its report on the subject;
2. **Adopt** the attached findings;
3. **Approve** the proposed ordinance (Appendix A) and recommend its adoption by the City Council; and
4. **Approve** the associated environmental clearance ENV-2009-3956-ND (Attachment 2).

S. GAIL GOLDBERG, AICP
Director of Planning


MICHAEL LOGRANDE
Chief Zoning Administrator


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


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


TANNER BLACKMAN
Planning Assistant, Code Studies Section
Telephone: (213) 978-1353

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, 200 North Spring 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 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 its 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.

CONTENTS

Summary 3
Staff Report 4
Conclusion 7
Appendix A: Draft Ordinance A-1
Attachments:	
1. Land Use Findings 1-1
2. Environmental Clearance 2-1

SUMMARY

Since its adoption in 1990, the conditional use permit ("CUP") for floor area ratio ("FAR") averaging in unified developments has been an innovative zoning tool. This CUP, which allows the transfer of developable floor area from one parcel to another, has aided several infill and mixed-use developments through its design flexibility. However, despite longstanding City policy of encouraging mixed-use development, current FAR averaging regulations allow only the transfer of floor area from one adjacent parcel to another, not residential density. This omission impedes mixed-use development by requiring applicants to file for additional approvals. Also, the current language references expiring Redevelopment Project Areas.

To maintain consistency with City policy of encouraging mixed-use development while streamlining an approval process, the attached draft ordinance (Appendix A) amends the zoning code to allow applicants to request "Residential Density Transfer" as well as Floor Area Ratio Averaging in unified developments. Further, the draft ordinance removes reference to expiring Redevelopment Project Areas and makes other minor technical corrections.

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 the attached, proposed ordinance (Appendix A).

Background

Effective August 9, 1990, Ordinance No. 166,025 established a conditional use permit to allow the averaging of floor area ratio (FAR averaging) in unified developments.¹ The FAR averaging conditional use grew out of a Council Motion in 1986 to redefine floor area calculations for a "shopping center" or "industrial center" in order to allow greater than permitted floor area on a given parcel of a development, so long as the development did not exceed the total allowable floor area for all parcels together. After multiple public hearings between 1986 and 1990, the City enacted an ordinance authorizing the Zoning Administrator to permit FAR averaging in unified developments as a conditional use.

The FAR averaging conditional use allows an applicant to transfer developable floor area from one parcel to another within unified developments, so long as the entire

¹ Unified development is defined in LAMC 12.24 W.19, meaning a development "composed of two or more contiguous parcels" with "a combination of functional linkages" and "common architectural and landscape features" that "appears to be a consolidated whole" when "viewed from adjoining streets."

project does not exceed the cumulative, allowable floor area of the individual parcels. FAR averaging may be requested in commercial or manufacturing zones citywide and in the R5 zone within two downtown Project Areas of the Community Redevelopment Agency of Los Angeles (CRA/LA). LAMC 12.24 W.19 also includes specific application requirements and findings needed to grant the conditional use. Additionally, this CUP requires the filing of a covenant guaranteeing continued operation and maintenance as a unified development and payment of an annual inspection fee.

Since adoption of the ordinance, there have been 21 requests to allow FAR averaging through the conditional use process. An example is the Herald Examiner building at the southwest corner of the intersection of Broadway and 11th Street in the Central City Community Plan. The Herald Examiner building is a designated historic monument. Since it is zoned to accommodate a tower in excess of 13 stories, the Herald Examiner parcel contains undevelopable floor area potential. Through the FAR averaging CUP, an applicant was able to transfer that potential floor area to an adjacent parcel. When used this way, FAR averaging in unified developments provides a tool that incentivizes infill development while preserving historic structures. Similarly, the Sunset Gower Studios in Hollywood transferred floor area from above historic studio structures for the Technicolor facility on Sunset Boulevard.

Mixed-Use

Since the early 1990s the City of Los Angeles has been actively promoting mixed-use, infill development in its plans and policies.

To spur the creation of mixed-use projects throughout the City, several sections of the LAMC have been added since 1990 to allow FAR averaging in conjunction with other types of development projects. These are:

- an exception for adaptive reuse projects in the Downtown Project Area (LAMC 12.22 A.26 – added by Ord. No. 175,558, Eff. 12/1/03);
- a conditional use permit for other adaptive reuse projects (LAMC 12.24 X.1 – Ord. No. 175,588, Eff. 12/1/03); and
- the density bonus exception (LAMC 12.22 A.25 – Ord. No. 179,681, Eff. 4/15/08) – which also allows for the “Averaging of Density” on density bonus projects on unified development sites.

Further, in 2003, the City adopted Ordinance 174,999, establishing the residential/accessory services zones, RAS3 and RAS4. These mixed-use zones aim to provide “a mechanism to increase housing opportunities, enhance neighborhoods, and revitalize older commercial corridors” and “a tool to accommodate projected population growth in mixed use and residential projects that is compatible with existing residential neighborhoods” (LAMC Sections 12.10.5 and 12.11.5).

Despite the creation of such zoning tools, limitations to the development of mixed-use developments still exist within the Planning and Zoning Code. The inability to transfer density along with allowable floor area through 12.24 W.19 is one such limitation.

Issues with the Floor Area Ratio Averaging CUP

To create mixed-use, unified development projects through the FAR averaging CUP, many developers must also file for a zone variance under the authority of Section 12.27 in order to average density across the parcels or transfer density from one parcel to another. Because of this, the Department of City Planning has processed no fewer than nine cases requesting variances for "density averaging" or "density transfer."

The hardship finding required to approve a variance rather than a conditional use permit creates unnecessary burden and cost for would-be mixed-use developers, slowing the production of housing and the economic benefits such projects bring.

Another issue with the FAR averaging CUP as currently worded is the reference to two expiring CRA/LA project areas. Currently, the LAMC allows applicants to request FAR averaging CUPs on lots zoned R5 in the Central Business District Redevelopment Project Area, which expires July 2010, and the Bunker Hill Redevelopment Project Area, which expires at the end of 2011. Through separate code amendments, the Community Planning Bureau of the Department of City Planning is addressing other necessary corrections in the LAMC due to the expiration of these Project Areas.

Proposed Ordinance

The attached, proposed ordinance differs from the current LAMC 12.24 W.19 in only a few respects. First, the draft ordinance reorganizes some content of the section to be consistent with other sections of LAMC 12.24. Specifically, an explanatory section of what is allowed through this conditional use is moved to the beginning, followed by definitions, etc. Second, the proposed ordinance language allows applicants to request "Floor Area Ratio Averaging," "Residential Density Transfer," or both, as may apply to the specific development proposal. Third, the proposed ordinance removes the reference to the retiring "Bunker Hill Urban Renewal Project Area" and "the Central Business District Redevelopment Area," replacing the references with "the Central City Community Plan Area." Finally, the draft ordinance extends all provisions and requirements for floor area ratio averaging to residential density also, including findings, procedures, and the covenant requirement.

The proposed ordinance would allow the applicant to distribute density among the parcels as well as redistributing floor area ratio, without also necessitating a zone variance for density. This simple change will allow increased feasibility for mixed-use projects throughout the City of Los Angeles.

For example, imagine that a given unified development project contains two parcels. The hypothetical Parcel A, a 10,000 square-foot lot, allows a by-right density of one dwelling unit for every 400 square feet of lot area. However, the hypothetical Parcel B, a 16,000 square-foot lot, requires 800 square feet of lot area per dwelling unit. In such a case, Parcel A could have up to 25 units of by-right residential density, and parcel B could have up to 20 residential units. Combined, this unified development could have a residential density of 45 units, which equals an average density of 578 square feet per dwelling unit for the combined parcels. Rather than at most 25 units on Parcel A and 20 units on Parcel B, the "density transfer" provision of the proposed ordinance would allow applicants to move the density from one lot to another, so long as the combined density did not exceed that allowed by the zoning.

Under the proposed ordinance, applicants may continue to request CUPs for FAR averaging in entirely commercial or industrial projects. Also, 100% residential projects requested in commercial zones will be able to apply for only density transfer to move allowable units from one parcel to another without also transferring FAR. This flexibility allows a wider range of innovative development projects through this convenient, simple process rather than through zone variances or other complicated zoning tools.

Also, the FAR averaging conditional use permit described in LAMC 12.24 W.19 includes the requirement of a covenant, identifying FAR used and potential remaining, guaranteeing continued maintenance as a unified development, and ongoing Department of Building and Safety inspection and compliance through payment of an annual inspection fee. Unless specifically conditioned by the decision-maker on a case-by-case basis, no such requirement exists for development projects asking for essentially the same entitlement through the variance process.

Of course, applicants may still apply for a variance for density. However, variance requests require a finding of "hardship" for approval. Such a requirement poses an onerous burden to the development of mixed-use unified developments. The proposed ordinance enhances an existing conditional use and will provide an improved option for applicants looking to develop mixed-use projects on complicated, infill locations. The conditional use will still allow Zoning Administrator discretion and conditioning while ensuring ongoing Building and Safety compliance and inspection. Further, the CUP includes language that there be no net increase in FAR, which has been extended to residential density in the proposed ordinance. Through the variance process, applicants are free to ask for any possible deviation from code. Although future applicants will still be able to request variances seeking entitlements that increase density or floor area beyond the by-right zoning of a site, the CUP will certainly become the more attractive option for applicants seeking to develop mixed-use unified developments. Therefore, the Planning Department aims to enhance a somewhat underused tool created in 1986-1990 by adding components of an identified, overused zone variance, while updating provisions to eliminate references to retiring redevelopment project areas.

Finally, the proposed ordinance alters the wording of LAMC 19.11 to include all covenants for 12.24 W.19, not just those for FAR averaging.

Conclusion

The proposed ordinance (Appendix A) amends the conditional use permit regulations for floor area ratio (FAR) averaging in unified developments to allow for the transfer of residential density in mixed-use unified developments, removes reference to expiring Redevelopment Project Areas, and makes other, minor technical corrections. These changes further the City's policies of encouraging mixed-use development in appropriate locations and streamlining development processes.

APPENDIX A

ORDINANCE NO. _____

A proposed ordinance amending Sections 12.24 and 19.11 of the Los Angeles Municipal Code to allow for the transfer of residential density in mixed-use unified developments in specific zones, remove reference to expiring Redevelopment Project Areas, and make minor technical corrections.

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

Sec. 1. Subdivision 19 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read as follows:

19. Floor area ratio averaging and residential density transfer in unified developments. ~~A unified development for purposes of this subdivision shall mean a development which is:~~

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

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

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

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

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

~~applicants shall file a covenant running with the land with the Department of Building and Safety prior to the issuance of any building permits:~~

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

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

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

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

(a) **Floor Area Ratio Averaging.** The averaging of floor area ratios may be permitted for buildings which will comprise a unified commercial, industrial, or mixed-use development in the C or M zones citywide or in the R5 zone within the Central City Community Plan Area, even if buildings on each individual parcel or lot would exceed the permitted floor area ratio. However, the floor area ratio for the unified development when calculated as a whole may not exceed the maximum permitted floor area ratio for the height district(s) in which the unified development is located.

(b) **Residential Density Transfer.** The transfer of residential density may be permitted for buildings which will comprise a unified mixed-use development in the C zones citywide or in the R5 zone within the Central City Community Plan Area, even if buildings on each individual parcel or lot would exceed the permitted density. However, the number of all dwelling units and guest rooms for the unified development when calculated as a whole may not exceed the maximum number permitted based on the minimum lot area per dwelling unit and guest room standards set forth in the zone(s) in which the unified development is located.

(c) **Definition.** A unified development for purposes of this subdivision shall mean a development which is:

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

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

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

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

(d) Finding. In addition to the findings otherwise required by this section, before granting an approval, the Zoning Administrator shall find that the development, although located on separate parcels or lots of record, is a unified development as defined by this subdivision.

(e) Procedures. In addition to the requirements of subsection A through Q of this section, all persons with an ownership interest in the property requesting floor area ratio averaging, residential density transfer, or both and all persons with mortgage interests, including those persons holding ground leases, must sign the application. A current title search shall be submitted with the application to ensure that all persons with an ownership interest in the property have signed the application.

(f) Covenant. If the Zoning Administrator approves the floor area ratio averaging or residential density transfer, then the applicants shall file a covenant running with the land with the Department of Building and Safety prior to the issuance of any building permits:

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

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

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

(4) specifying an individual or entity to be responsible and accountable for this maintenance and the fee for the annual inspection of compliance by the Department of Building and Safety, required pursuant to Section 19.11.

Sec. 2. Section 19.11 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 19.11. ANNUAL INSPECTION OF COMPLIANCE WITH FAR FLOOR AREA RATIO AVERAGING AND RESIDENTIAL DENSITY TRANSFER COVENANTS.

A fee of \$300.00 shall be charged and collected by the Department of Building and Safety to cover the cost of an annual inspection to monitor compliance with and maintain records of the FAR Averaging Covenant covenant required pursuant to

Sections 12.24 B.25, and 12.24 C.58, prior to July 1, 2000 and Section 12.24 W.19, on and after July 1, 2000, and for maintaining records of those covenants.

Sec. 3. The City Clerk shall certify that ...

LAND USE FINDINGS

The City Planning Department recommends that the City Planning Commission, in accordance with Charter Sections 556 and 558, find:

1. In accordance with Charter Section 556, that the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan in that it supports:

Goal 3A of the Framework Element of the General Plan, "A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term ... conservation of existing residential neighborhoods, ... and achievement of the vision for a more liveable city", specifically addressing:

- Objective 3.1, "Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors," through implementation of Policy 3.1.4 by accommodating "new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram," and
- Objective 3.2, "Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution," through implementation of Policy 3.2.2, by helping "[e]stablish ... patterns and types of development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations," and
- 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," through implementation of Policy 3.4.3a, by helping "[e]stablish incentives for the attraction of growth and development in the districts, centers, and mixed-use boulevards targeted for growth that may include ... [d]ensities greater than surrounding areas";

Goal 3C of the Framework Element of the General Plan, "Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents," specifically addressing:

- Objective 3.7, "Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved" by implementation of Policy 3.7.1, which states that the City must "[a]ccommodate the development of multi-family residential units in areas designated in the community plans"; and

Goal 4A of the Framework Element of the General Plan, "An equitable distribution of housing opportunities by type and cost accessible to all residents of the City," and Goal 1 of the Housing Element of the General Plan, "A City where housing production and preservation result in an adequate supply of ownership and rental housing," specifically addressing:

- Framework Element Objective 4.1, "Plan the capacity for and develop

incentives to encourage production of an adequate supply of housing units ... to meet the projected housing needs," through implementation of Policy 4.1.1 by helping "[p]rovide sufficient land use and density to accommodate an adequate supply of housing units ... to meet the twenty-year projections of housing needs," and

- Housing Element Objective 1.1, "Plan the capacity and develop incentives for the production of an adequate supply of rental and ownership housing for households of all income levels and needs," through implementation of Policy 1.1.3 by facilitating "new construction of a variety of housing types that address current and projected needs of the city's households," Policy 1.1.4 by expanding "location options for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards," and Policy 1.1.6 by facilitating "innovative models that reduce land, materials and labor costs"; and

2. in accordance with Charter Section 558 (b)(2), the proposed ordinance (Appendix A) will be in conformity with the public necessity, convenience, general welfare, and good zoning practice in that it supports:

Goal 4A of the Framework Element of the General Plan, "An equitable distribution of housing opportunities by type and cost accessible to all residents of the City," and Goal 1 of the Housing Element of the General Plan, "A City where housing production and preservation result in an adequate supply of ownership and rental housing" specifically addressing:

- Framework Element Objective 4.4, "Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations," through implementation of Policy 4.4.1a by introducing flexibility that establishes "development standards that are sufficiently detailed and tailored to community and neighborhood needs to reduce discretionary approvals requirements," and
- Housing Element Objective 1.5, "Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs" by effectuating Program E, Zoning Code Reform, identified under Policy 1.5.1, "Streamline the land use entitlement, environmental review, and building permit processes"; and

Goal 2 of the Housing Element of the General Plan, "A City in which housing helps create safe, livable and sustainable neighborhoods," specifically addressing:

- Objective 2.2, "Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit," through implementation of Policy 2.2.1 by helping "[p]rovide incentives to encourage the integration of housing with other compatible land uses"; and

ENVIRONMENTAL FINDING

A Negative Declaration, ENV-2009-3956-ND, was published on this matter on April 22, 2010, and it was determined that this project will not have a significant effect on the environment (see Attachment 2).

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-2009-3956-ND	CASE NO. CPC-2009-3955-CA
--	-------------------------------------

PROJECT LOCATION
N/A N/A

PROJECT DESCRIPTION
 A proposed ordinance amending Sections 12.24 W.19 and 19.11 of the Los Angeles Municipal Code to allow for the transfer of residential density in mixed-use unified developments as a conditional use in specific zones, remove reference to expiring Redevelopment Project Areas, and address minor technical corrections.

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

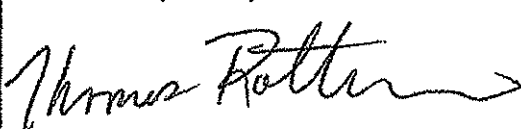
NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY
 City of Los Angeles, Department of City Planning
 200 N. Spring Street, Room 763
 Los Angeles, CA 90012

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
TANNER BLACKMAN	City Planning Assistant	(213) 978-1353

ADDRESS	SIGNATURE (Official)	DATE
200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012		4/16/ 2010

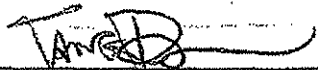
CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
INITIAL STUDY
and CHECKLIST
(CEQA Guidelines Section 15063)

LEAD CITY AGENCY: City of Los Angeles		COUNCIL DISTRICT: CITYW	DATE: 04/14/2010
RESPONSIBLE AGENCIES: Department of City Planning			
ENVIRONMENTAL CASE: ENV-2009-3956-ND		RELATED CASES: CPC-2009-3955-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: PROPOSED CODE AMENDMENT TO 12.24 W.19, FAR AVERAGING IN UNIFIED DEVELOPMENTS			
ENV PROJECT DESCRIPTION: A proposed ordinance amending Sections 12.24 W.19 and 19.11 of the Los Angeles Municipal Code to allow for the transfer of residential density in mixed-use unified developments as a conditional use in specific zones, remove reference to expiring Redevelopment Project Areas, and address minor technical corrections. 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: N/A N/A			
COMMUNITY PLAN AREA: CITYWIDE STATUS: <input type="checkbox"/> Does Conform to Plan <input type="checkbox"/> Does NOT Conform to Plan		AREA PLANNING COMMISSION: CITYWIDE	CERTIFIED NEIGHBORHOOD COUNCIL: CITYWIDE
EXISTING ZONING:		MAX. DENSITY/INTENSITY ALLOWED BY ZONING: N/A	
GENERAL PLAN LAND USE:		MAX. DENSITY/INTENSITY ALLOWED BY PLAN DESIGNATION: N/A	
		PROPOSED PROJECT DENSITY: N/A	
		LA River Adjacent: NO	

Termination (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 Planning Assistant

(213) 978-1353

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:

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

OPONENT NAME: City of Los Angeles, Department of City Planning

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

AGENCY REQUIRING CHECKLIST: Department of City Planning

PROPOSAL NAME (if Applicable): Ordinance Amendment to FAR Averaging CUP

PHONE NUMBER: (213) 978-1353

DATE SUBMITTED: 12/08/2009

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
--------------------------------	--	------------------------------	-----------

. AESTHETICS

i. Have a substantial adverse effect on a scenic vista?				✓
j. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
k. Substantially degrade the existing visual character or quality of the site and its surroundings?				✓
l. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	

I. AGRICULTURE AND FOREST RESOURCES

a. 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?				✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c. 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))?				✓
d. 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

a. Conflict with or obstruct implementation of the applicable air quality 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 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)?				✓
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 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?				✓
b. 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?				✓
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?				✓
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
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

Potentially significant impact	Potentially significant less mitigation incorporated	Less than significant impact	No impact
--------------------------------	--	------------------------------	-----------

Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				✓
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?				✓
Disturb any human remains, including those interred outside of formal cemeteries?				✓

GEOLOGY AND SOILS

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?				✓
Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?				✓
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?				✓
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?				✓
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?				✓

GREEN HOUSE GAS EMISSIONS

Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				✓
Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				✓

I. HAZARDS AND HAZARDOUS MATERIALS

Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
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?				✓
Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
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?				✓
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?				✓
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?				✓
Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓

Potentially significant impact	Potentially ignificant unless mitigation incorporated	Less than significant impact	No impact
--------------------------------	---	------------------------------	-----------

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?

✓

IX. HYDROLOGY AND WATER QUALITY

a. 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?

✓

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?

✓

X. LAND USE AND PLANNING

a. Physically divide an established community?

✓

b. 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?

✓

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

✓

XI. 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?

✓

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?

✓

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?

✓

Potentially significant impact	Potentially significant less mitigation incorporated	Less than significant impact	No impact
--------------------------------	--	------------------------------	-----------

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?				✓
--	--	--	--	---

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?				✓
---	--	--	--	---

I. POPULATION AND HOUSING

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)?				✓
--	--	--	--	---

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?				✓
--	--	--	--	---

I. 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?				✓
---	--	--	--	---

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?				✓
---	--	--	--	---

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?				✓
---	--	--	--	---

I. RECREATION

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?				✓
---	--	--	--	---

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?				✓
--	--	--	--	---

I. TRANSPORTATION/TRAFFIC

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
--------------------------------	--	------------------------------	-----------

b.	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?			✓
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 due 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.	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

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 storm water 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 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?		✓	
g.	Comply with federal, state, and local statutes and regulations related to solid waste?			✓

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a.	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 the 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-2009-3956-ND and the associated case(s), CPC-2009-3955-CA.

ADDITIONAL INFORMATION:

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 the City's main website under the heading "Navigate LA".

PREPARED BY:	TITLE:	TELEPHONE NO.:	DATE:
ANNER BLACKMAN	City Planning Assistant	(213) 978-1353	04/14/2010

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

APPENDIX A: ENVIRONMENTAL IMPACTS EXPLANATION TABLE

I. AESTHETICS

a.	NO IMPACT	<p>The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within the City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. 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 a discretionary action a developer 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>	
c.	NO IMPACT	<p>The proposed code amendment would refine regulations to be applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would</p>	

Impact?	Explanation	Mitigation Measures
	<p>establish regulations to allow residential density transfer in unified developments through the same conditional use process. The code amendment project itself does not include any specific physical development. As a discretionary action a developer 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>	
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>	

AGRICULTURE AND FOREST RESOURCES

NO IMPACT	<p>The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. This specific discretionary action may only be requested in C and M zones and R5 zones within the Central City Community Plan Area. 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.</p>	
NO IMPACT	<p>The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments</p>	

Impact?	Explanation	Mitigation Measures
	<p>through the same conditional use process. This specific discretionary action may only be requested in C and M zones and R5 zones within the Central City Community Plan Area. 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.</p>	
<p>c. NO IMPACT</p>	<p>The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. This specific discretionary action may only be requested in C and M zones and R5 zones within the Central City Community Plan Area. 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.</p>	
<p>d. NO IMPACT</p>	<p>The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. This specific discretionary action may only be requested in C and M zones and R5 zones within the Central City Community Plan Area. 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.</p>	

Impact?	Explanation	Mitigation Measures
NO IMPACT	<p>The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. This specific discretionary action may only be requested in C and M zones and R5 zones within the Central City Community Plan Area. 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.</p>	
AIR QUALITY		
NO IMPACT	<p>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.</p>	
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 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 refine regulations to be applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. The code amendment project itself does not include any specific physical development. No adverse impacts would occur.</p>	

Impact?	Explanation	Mitigation Measures
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 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 refine regulations to be applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. The code amendment project itself does not include any specific physical development. No adverse impacts would occur.</p>	
d. NO IMPACT	<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>	
e. NO IMPACT	<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>	
V. BIOLOGICAL RESOURCES		
a. 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</p>	

Impact?	Explanation	Mitigation Measures
	<p>habitats, or any increase in development intensity or distribution in the project area. As a discretionary action a private developer 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>	
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 a discretionary action a private developer 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>	
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</p>	

Impact?	Explanation	Mitigation Measures
	<p>intensity or distribution in the project area. As a discretionary action a private developer 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 a discretionary action a private developer 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>	
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.</p>	

Impact?	Explanation	Mitigation Measures
	<p>As a discretionary action a private developer 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>	
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 a discretionary action a private developer 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>	
CULTURAL RESOURCES		
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 affect discretionary, conditional use requests for floor area ratio and residential density transfer in unified developments. As a discretionary action a private developer may request, all future development projects to which the</p>	

Impact?	Explanation	Mitigation Measures
	<p>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>	
b. NO IMPACT	<p>The proposed project involves regulatory changes and does not include any specific physical development. As a discretionary action a private developer 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.would be less than significant.</p>	
c. NO IMPACT	<p>The proposed project involves regulatory changes and does not include any specific physical development. As a discretionary action a private developer 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</p>	

Impact?	Explanation	Mitigation Measures
	<p>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.would be less than significant.</p>	
NO IMPACT	<p>The proposed project involves regulatory changes and does not include any specific physical development. As a discretionary action a private developer 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.would be less than significant.</p>	
GEOLOGY AND SOILS		
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</p>	

Impact?	Explanation	Mitigation Measures
	<p>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>	
b. 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>	
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</p>	

Impact?	Explanation	Mitigation Measures
	<p>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>	
NO IMPACT	<p>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.</p>	
NO IMPACT	<p>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.</p>	
NO IMPACT	<p>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.</p>	

Impact?	Explanation	Mitigation Measures
g. 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.	
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. No impacts would occur related to septic capability.	

VII. GREEN HOUSE GAS EMISSIONS

a. 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, 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 refine regulations to be applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. The code amendment project itself does not include any specific physical development. No adverse impacts would occur.	
b. 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, 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 refine regulations to be applied to future applications	

Impact?	Explanation	Mitigation Measures
	<p>requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. The code amendment project itself does not include any specific physical development. No adverse impacts would occur.</p>	

I. HAZARDS AND HAZARDOUS MATERIALS

NO IMPACT

Individual future development projects that may apply for the discretionary conditional use outlined in LAMC 12.24 W.19 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.

NO IMPACT

Individual future development projects that may apply for the discretionary conditional use outlined in LAMC 12.24 W.19 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

Impact?	Explanation	Mitigation Measures
	<p>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>	
c. NO IMPACT	<p>Individual future development projects that may apply for the discretionary conditional use outlined in LAMC 12.24 W.19 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>	

Impact?

Explanation

Mitigation
Measures

NO IMPACT

Individual future development projects that may apply for the discretionary conditional use outlined in LAMC 12.24 W.19 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.

NO IMPACT

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.

NO IMPACT

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.

NO IMPACT

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

Impact?	Explanation	Mitigation Measures
	access would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.	
h. NO IMPACT	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 projects that may apply for the discretionary conditional use outlined in LAMC 12.24 W.19 will be subject to requirements of the International Building Code and the California Building Code. No impacts would occur.	

IX. HYDROLOGY AND WATER QUALITY

a. NO IMPACT	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.	
--------------	--	--

Impact?	Explanation	Mitigation Measures
NO IMPACT	<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. Adoption of the proposed code amendment would not result in a measurable increase in the demand for water. 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 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 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</p>	

Impact?	Explanation	Mitigation Measures
	<p>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>	
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</p>	

Impact?	Explanation	Mitigation Measures
	Plan is required to reduce the quantity and improve the quality of rainfall runoff that leaves the site. No impacts are anticipated.	
NO IMPACT	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.	
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.	
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.	

Impact?	Explanation	Mitigation Measures
	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.	
i. 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.	
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.	

X. LAND USE AND PLANNING

a. NO IMPACT	The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. 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.	
--------------	---	--

Impact?	Explanation	Mitigation Measures
NO IMPACT	<p>The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. 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>	
NO IMPACT	<p>The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. 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>	
MINERAL RESOURCES		
NO IMPACT	<p>The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. No increases in land use density, intensity, or distribution are proposed. No specific development is</p>	

Impact?	Explanation	Mitigation Measures
	proposed, and no development would be specifically approved by adoption of the program. Therefore, no impacts to mineral resources would occur.	
b. NO IMPACT	The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. 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.	
XII. NOISE		
a. NO IMPACT	The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. 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.	
b. NO IMPACT	The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. No increases in land use density, intensity, or distribution are	

Impact?	Explanation	Mitigation Measures
	<p>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>	
NO IMPACT	<p>The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process. 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>	
NO IMPACT	<p>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. Any future requesting a conditional use through LAMC 12.24 W.19 to be developed 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.</p>	
NO IMPACT	<p>The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential</p>	

Impact?	Explanation	Mitigation Measures
	<p>density transfer in unified developments in specific zones through the same conditional use process. 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>	
f. NO IMPACT	<p>The proposed code amendment would alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments in specific zones through the same conditional use process. 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>	
XIII. POPULATION AND HOUSING		
a. NO IMPACT	<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 alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process; however, the conditional use process will not allow any increase in net density above what has been planned. Therefore, no population and housing impacts would occur.</p>	

Impact?	Explanation	Mitigation Measures
NO IMPACT	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 alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process; however, the conditional use process will not allow any increase in net density above what has been planned. Therefore, no population and housing impacts would occur.	
NO IMPACT	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 alter the regulations applied to future applications requesting a conditional use for floor area ratio averaging in unified developments in specific zones within City of Los Angeles, per LAMC 12.24 W.19. Further, the code amendment would establish regulations to allow residential density transfer in unified developments through the same conditional use process; however, the conditional use process will not allow any increase in net density above what has been planned. Therefore, no population and housing impacts would occur.	
V. PUBLIC SERVICES		
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	

Impact?	Explanation	Mitigation Measures
	<p>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>	
b. NO IMPACT	<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>	
c. NO IMPACT	<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>	
d. NO IMPACT	<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>	
e. NO IMPACT	<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</p>	

Impact?	Explanation	Mitigation Measures
	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.	

RECREATION

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.	
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.	

TRANSPORTATION/TRAFFIC

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.	
-----------	--	--

Impact?	Explanation	Mitigation Measures
b. NO IMPACT	<p>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.</p>	
c. NO IMPACT	<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. NO IMPACT	<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. 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>	

Impact?	Explanation	Mitigation Measures
NO IMPACT	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 result.	
II. UTILITIES AND SERVICE SYSTEMS		
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.	
NO 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. No impact would result.	
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.	
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	

Impact?	Explanation	Mitigation Measures
	order to implement the proposed code amendment. Impacts would be less than significant.	
e. NO 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. No impact would result.	
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. No impacts are anticipated.	

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a.	LESS THAN SIGNIFICANT IMPACT	The 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 project will result in a less than significant impact.	
c.	LESS THAN SIGNIFICANT IMPACT	The proposed project does not pose significant impacts to humans.	

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
MATT EPSTEIN
BARBARA ROMERO
MICHAEL K. WOO

Vacant
Vacant

JAMES K. WILLIAMS
COMMISSION EXECUTIVE ASSISTANT I
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

EXECUTIVE OFFICES

MICHAEL J. LOGRANDE
DIRECTOR
(213) 978-1271

ALAN BELL, AICP
DEPUTY DIRECTOR
213-978-1271

VINCENT P. BERTONI, AICP
DEPUTY DIRECTOR
(213) 978-1272

EVA YUAN-MCDANIEL
DEPUTY DIRECTOR
(213) 978-1273

FAX: (213) 978-1275

INFORMATION
(213) 978-1270

www.planning.lacity.org

DATE : FEB 15 2011

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

ATTN: Patrice Lattimore, Legislative Assistant

CITY PLAN CASE NO. 2010-1572-CA

Transmitted herewith is a proposed ordinance amending Sections 12.03, 12.24, 12.28, 13.03, 14.3.1 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.

On January 13, 2011, following a public hearing, the City Planning Commission approved the proposed ordinance, (attached). Adopted the initial and supplemental staff reports as its reports on the subject. Adopted Negative Declaration No. ENV-2010-1573-ND. Adopted the Findings (attached). Recommended that the City Council adopt the proposed ordinance.

This action was taken by the following vote:

Moved: Roschen
Seconded: Epstein
Ayes: Cardoso, Freer, Romero, Woo
Absent: Burton, Kezios
Vacant: One

Vote: 6-0

James Williams, Commission Executive Assistant I
City Planning Commission

Attachments: Findings, Proposed Ordinance
cc: Amy Brothers, Adrienne Khorasane, Deputy City Attorney, Land Use Division
City Planner: Thomas Rothmann

APPENDIX B

ORDINANCE NO. _____

An ordinance amending Sections 12.03, 12.24-E, 12.24-F, 12.24-U, 12.24-V, 12.24-W, 12.24-X, 12.28, 13.03, 14.3.1, 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. 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 of 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. 2. 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 approval specified in Subsections U, V, W, or X of this Section, the decision-maker must find in writing: 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 shall enhance the built environment in the surrounding neighborhood or shall 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 shall be compatible with and shall not adversely affect or further degrade adjacent properties, the surrounding neighborhood, and the public health, welfare, and safety; and

3. that the project is in substantial conformance with the purpose, intent and provisions of the General Plan and applicable community plan and does not conflict with any applicable regulations, standards, or provisions of any applicable 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 or other approval 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. 3. 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 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. 4. 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~~ In addition to the findings set forth in 12.24 E, the City Planning Commission shall also make the following findings find in writing:

~~(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 scale and character of 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. 5. 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. 6. 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 findings set forth in 12.24 E, the City Planning Commission shall also make the following findings find in writing:~~

(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 is consistent~~

with and 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. 7. 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 set forth in 12.24 E, the City Planning Commission shall also make the following findings: find in writing:~~

(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 is consistent with and 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. 8. 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 In addition to the findings set forth in 12.24 E, the Area Planning Commission shall also make all of the following findings find in writing:~~

~~(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 is consistent with and 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. 9. 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 set forth in 12.24 E, the Zoning Administrator shall also make all of the following findings find in writing:

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

Sec. 10. 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, as set forth in 12.24 E, the Zoning Administrator shall make all of the following findings also find in writing:~~

~~(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 project will not constitute create 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; 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 project; and.~~

~~(4) that the Mini Shopping Center or Commercial Corner Development 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, 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. 11. 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, set forth in 12.24 E, the Zoning Administrator shall also 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 scale and character of 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. 12. Subdivision 33 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

33.Pa ~~wnshops~~ 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. 13. Paragraph (e) of Subdivision 49 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

49.W ~~ireless 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: The Zoning Administrator shall make the findings set forth in Section 12.24 E and 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~~

~~(1) 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.(e) of this Code; and,~~

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

Sec. 14. 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 set forth in 12.24 E, 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 scale and character of the adjacent properties and surrounding neighborhood.~~

Sec. 15. 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 make the written findings set forth in 12.24 E in addition to any findings set forth below. ~~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. 16. 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~~ In addition to the findings set forth in 12.24 E, the Zoning Administrator shall also 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 the surrounding neighborhood.

Sec. 17. 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 in all zones

~~(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. 18. 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,~~ In addition to the findings set forth in 12.24 E, the a Zoning Administrator shall also 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 scale and character of the surrounding neighborhood.

Sec. 19. 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 set forth in 12.24 E.~~ 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) 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. 20. 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, in addition to the findings set forth in 12.24 E, the Zoning Administrator shall also find:

(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 fully screened from ordinary public view by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means;

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

(e) 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. 21. 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 following findings in writing:

~~(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.~~

(a) 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;

(b) that the project's location, size, height, operations and other significant features shall be compatible with and shall not adversely affect or further degrade adjacent properties, the surrounding neighborhood, and the public health, welfare, and safety; and

(c) that the project is in substantial conformance with the purpose, intent and provisions of the General Plan and community plan and does not conflict with any applicable regulations, standards, or provisions of any applicable specific plan.

Sec. 22. 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. ~~that the~~ 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. 2. that the~~ 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. 3. that the The proposed Surface Mining Operations are consistent with the elements and objectives of the General Plan, in particular the open space and conservation elements 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. 4. that the The drainage and erosion control plan is adequate to protect the public health, safety, and welfare; and~~

~~8. 5. that the The vehicular access plan is adequate to protect the public health, safety, and welfare; and~~

~~9. 6. 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 plan and does not conflict with any applicable regulations, standards, or provisions of any applicable specific plan;~~

~~10. 7. that 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. 8. In regard to the Reclamation plan, that:~~

~~(a) The Reclamation plan it 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~~

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

~~(d) (b) 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 it is compatible with and shall not adversely affect or further degrade adjacent properties, the surrounding neighborhood, and the public health, welfare, and safety;~~

(e) (c) ~~The that 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) (d) ~~The that 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. 23. 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, operations and other significant features shall be compatible with and shall not adversely affect or further degrade adjacent properties, the surrounding neighborhood, and the public health, welfare, and safety;~~
2. ~~Will that it shall~~ 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 shall~~ 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 scale and character of 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 plan and does not conflict with any applicable regulations, standards, or provisions of any applicable specific plan.~~

Sec. 24. 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~~ make the following written findings: ~~and shall grant site plan approval only upon finding that the development project meets all of the following requirements:~~

~~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 plan and does not conflict with any applicable regulations, standards, or provisions of any applicable 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 any project containing residential uses provide its residents with appropriate types and placements of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate. that any residential project provide recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.~~

Sec. 25. The City Clerk shall certify ...



Land Protection Partners

P.O. Box 24020, Los Angeles, CA 90024-0020

Telephone: (310) 247-9719

Comments on Proposed Core Findings Ordinance, City of Los Angeles

Travis Longcore, Ph.D.
Catherine Rich, J.D., M.A.

January 7, 2011

The City of Los Angeles, through its City Planning Department, is revising its zoning code. The City is taking a piecemeal approach to this revision, in which nine different aspects of the Zoning Code are being considered separately. The first part of this revision was the creation of a Community Plan Implementation Overlay (CPIO) process, which was adopted in 2010 and is currently under legal challenge. The City is now considering a revision that changes and consolidates the “Core Findings” that are necessary for the Department to make determinations under the Zoning Code, Community Plans, General Plan, and the new CPIOs. These Core Findings are integrally related to the other aspects of the overhaul to the Zoning Code, in particular to the CPIO revision, because the Core Findings provide the legal standards by which certain development rights articulated in the CPIO would be obtained.

Land Protection Partners was retained by LA Neighbors United to provide expert comments on the effect of the proposed Core Findings on the environment. We have reviewed the CPIO documentation as approved and the draft Core Findings as articulated in the Department of City Planning Recommendation Report prepared for the January 13, 2011 meeting of the City Planning Commission. In reviewing the potential impacts we draw on the published peer-reviewed scientific literature as well as ongoing and past research on ecosystem services in the City of Los Angeles undertaken by Dr. Longcore and colleagues at the USC Center for Sustainable Cities (Pincetl et al. 2003, Longcore et al. 2004, Longcore 2006, Lee et al. 2010) and Ms. Rich’s prior experience as an environmental deputy to a Los Angeles City Councilmember.

1. Core Findings Ordinance Will Reduce Green Cover and Associated Nature’s Services

Our review of the proposed Core Findings Ordinance leads to the conclusion that it, along with the CPIO, would facilitate greater density of development in the City of Los Angeles. In particular, the combination of these two elements together would facilitate upzoning by 20% of the density of development in the City in any area for which a CPIO is put into place. Specifically, the language of the Core Findings Ordinance provides the means by which the upzoning established by the CPIO would be allowed.

Increasing the density of development (i.e., units per acre) will have an adverse impact on the environment by reducing “nature’s services” provided by interstitial, landscaped area. The relationship between development density and green cover has been established by an analysis of property characteristics and development for 20 cities in Los Angeles County derived from air photos at the parcel scale (Lee et al. 2010). This analysis found that population density (number of residents per area) and number of housing units were negatively associated with green cover (trees and shrubs). These variables were independently significant in addition to floor-area ratio, which was also found to be a significant predictor of green cover. This study shows that the density “bonus” that will be made easier by the Core Findings and specified through the CPIO would result in a decrease in green cover wherever the increased density is allowed in single-family neighborhoods and this pattern is very likely to be replicated in multi-family neighborhoods. Cumulatively this will result in a significant decrease in green cover in the City of Los Angeles, which will have a series of adverse environmental impacts.

Changes to the density of development allowed in residential neighborhoods is cumulatively significant because these land uses constitute a majority of the area in the City of Los Angeles (Wu et al. 2008). Increasing density, resulting in greater cover by impermeable surfaces and concomitant decreases in green cover, would have significant impacts on a range of ecosystem services.

Stormwater runoff/groundwater percolation. The area left unbuilt on a parcel varies by the average lot size, with a greater proportion of smaller lots being covered with impermeable surfaces. Increased density, as would be allowed by the Core Findings and CPIO in concert, increases the proportion of the lot covered by impermeable surfaces, so that only a small proportion of the property is still permeable to rainfall. Even though new structures may have some runoff control mechanism, they generally do not allow for water to percolate into the ground and contribute to increased stormwater runoff from the property to the municipal stormwater system. Furthermore, the trees and shrubs in existing neighborhoods intercept rainwater and reduce overall runoff. These plants are generally lost in residential designs that fill the lot.

Controlling the quality and quantity of municipal stormwater is a looming challenge for cities as they strive to comply with federal water quality laws. Although the effect of increased density on a single property may be negligible for a community’s stormwater management, the cumulative impacts of increased density will have a significant impact on the city’s ability to manage stormwater effectively and to allow for groundwater recharge.

Urban heat island. Increased temperatures in city centers are a familiar and well-documented result of urbanization (Huang et al. 1987, Akbari et al. 1990). Increased density of development contributes to the increase in temperatures (and the associated costs) through several processes. First, increased size of developments within existing lots results in the removal of existing vegetation, including mature trees. Trees serve to ameliorate the urban heat island by shading the ground and through the transpiration of water through their leaves (Akbari 2002). Trees thereby reduce local temperatures in hot weather. Following development at an increased density there is rarely room to replace trees that have been cut because of the size of the building. The choice of tree species is relevant as well, since large coniferous or broad-leaved trees may be

replaced with palms, which offer far fewer environmental benefits. Second, increased density results in the presence of more materials that absorb and retain heat that is then released at night (Kim 1992). Buildings themselves, paving for additional vehicles, and other materials associated with large buildings contributes more to the urban heat island.

Air quality. Increased density of development leads to decreased air quality. This impact occurs through several pathways. First, mature trees and other landscaping are removed to allow denser developments. These trees would have intercepted and removed various pollutants from the atmosphere, including carbon monoxide, nitrous oxides, sulfur oxides, ozone, and cancer-causing particulate matter (Benjamin and Winer 1998, Nowak et al. 2000). This function is lost when trees on existing lots are cut. Furthermore, the loss of trees incrementally contributes to higher air temperatures that contribute to the formation of smog. Finally, the consumption of energy necessary to heat and cool denser development may also involve increased emission of air pollutants.

Carbon sequestration/carbon release. Increased density of development contributes to global warming in three important ways. First, by replacing mature vegetation on an existing lot, the development simultaneously kills effective CO₂-removing trees (Novak and Crane 2002). The rate at which trees remove CO₂ from the atmosphere increases with age. Second, the carbon sequestered by the vegetation on the property since it was originally developed is then potentially released back to the system through decomposition. Third, the greater energy consumption necessary to heat and cool more development will contribute additional greenhouse gases to the atmosphere (on average, energy is still predominantly supplied by fossil fuels).

Biodiversity. Many residents of established neighborhoods enjoy the wildlife that is attracted to the trees, shrubs, and grass of their mature landscaping. Migratory birds may choose such neighborhoods as stopovers, and resident birds nest and sing there (Seewagen and Slayton 2008). By increasing the proportion of developed area and removing native vegetation, increased density of development will reduce the abundance and diversity of native birds in neighborhoods. Studies of cities confirm an inverse relationship between the area of paved/developed surface and bird diversity (Fernández-Juricic 2000). As whole neighborhoods are subjected to greater density of development, their wildlife communities will be decimated and biological diversity in the City will be lost.

Environmental Justice. It also bears noting that access to parks and greenspace are unequally distributed by economic status (Loukaitou-Sideris 1995, Wolch et al. 2005). This pattern reinforces itself because real estate prices correlate positively with surrounding green cover (Conway et al. 2008) and urban green spaces are disproportionately found in wealthy areas (Iverson and Cook 2000). The proposed changes in the Core Findings and CPIO would allow for greater density of development in poor areas where open space is already at a premium and quality of life is already degraded.

Light and Noise Pollution. Increasing density through the CPIO facilitated by the CFO will result in increased light and noise pollution exposure for city residents. Exposure to chronic noise pollution has adverse health consequences, including increased blood pressure and associated risk of cardiovascular disease, hypertension, stress, sleep disruption, and other adverse effects (Öhrstrom et al. 2006, Goines and Hagler 2007, Bodin et al. 2009). Some of these effects

are reversible after the noise stops, but some are not; noise exposure can cause a permanent increase in risk of cardiovascular disease (see references in Goines and Hagler 2007). Light pollution is also associated with a range of health effects on humans, including increased rates of breast and prostate cancer (Stevens and Rea 2001, Pauley 2004, Blask et al. 2005, Stevens et al. 2007, Kloog et al. 2008a, Kloog et al. 2008b, Kloog et al. 2009, Kloog et al. 2011). Without mitigation measures, increased density will exacerbate human exposure to unhealthy levels of artificial night lighting.

In conclusion, these adverse environmental effects are predictable based on the existing scientific literature and easily observed patterns of allowing a 20% increase in development density. The research clearly indicates that increased density of development results in significant changes in energy use (Ewing and Rong 2008) and adverse impacts on aesthetics and neighborhood character (Szold 2005, Nasar et al. 2007)

2. Core Findings Ordinance Eases Standards that Protect the Environment

The proposed Neighborhood Enhancement Core Finding is proposed and would specify that a project would “enhance the built environment.” By specifying the “built environment” this standard becomes very weak as it would allow a project to degrade the natural environment. If this finding is adopted, it should specify that the project enhance the environment as a whole, which would include all of the aspects that would be considered in a CEQA review (parking, open space, aesthetics, air quality, biological resources, etc.). Since all projects have to comply with CEQA anyway, it should not be a problem to specify that they have no adverse impacts to the environment and enhance the environment as a whole. Whether a project enhances the “built environment” is a very subjective determination, while there are many quantitative and objective ways to evaluate if a project enhances the environment as a whole.

The Project Design Core Finding indicates that the project must be compatible with “the scale and character of the surrounding neighborhood.” The previous standard for this finding was compatibility with the “immediate neighborhood.” This broadening of the scale of analysis for compatibility is also evident in the change in language from compatibility of design “in relation to neighboring properties” to “compatible with the scale and character of the surrounding neighborhood.” Changing the scale of analysis for the compatibility (from immediate neighborhood to surrounding neighborhood) would allow project proponents to compare their projects to the worst conditions in the surrounding neighborhood, or conditions at the edge of the neighborhood, to justify a project that is incompatible with the immediately surrounding properties. This standard could trigger a “flight to the bottom” in neighborhoods as new proposals use the most intense land uses in the surrounding neighborhood as precedent that the proposed project is compatible with the surrounding neighborhood.

The findings for placement of a wireless facility appear to delete reference to certifying that the project “would have no substantial adverse impact on properties or improvements in the surrounding neighborhood.” What is the rationale for eliminating this requirement? This language is not redundant with CEQA because under CEQA a use that has a substantial adverse impact on properties can be approved. The deleted language sets a different standard and allows property owners to demonstrate adverse impacts that would result from placement of wireless facilities. Electromagnetic radiation of various kinds is known to have adverse impacts on the

physiology of vertebrates (Ferne et al. 1999, Fernie et al. 2000, Fernie and Reynolds 2005), so a separate standard to avoid such impacts to “properties,” which presumably includes the inhabitants of those properties, should not be deleted from the required findings.

The Findings for Approval of Adjustments make it substantially easier for such adjustments to be made. Specifically, such adjustments previously required that the adjustment be “in conformance with the spirit and intent of the Planning and Zoning Code of the City,” while the new standard is “substantial conformance with the purpose, intent and provisions of the General Plan and community plan.” “Substantial conformance” is an easier standard to meet than “conformance” and because meeting this standard allows projects to be considerably larger than specified in the zoning, this change of one word will in fact have environmental impacts as detailed above.

In addition, the Findings for Approval of Adjustments eliminate the requirement that a finding be made that “the site and/or existing improvements make strict adherence to zoning regulations impractical or infeasible” and instead specifies that the “granting of adjustments 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.” This also will make adjustments easier to obtain because the administrator would only need to “recognize” that conforming with code is infeasible or impractical, not develop a specific finding that demonstrates that this is indeed the case.

Finally, the Findings for Approval of Adjustments would eliminate the requirement that the project have no adverse impacts or that those adverse impacts will be mitigated. Presumably this is meant to streamline the process because such issues would be covered independently under CEQA. However, this is a substantial weakening of the standard of review because CEQA does provide for projects to be approved that have significant adverse impacts that have not been mitigated (through a statement of overriding considerations). On its face, therefore, the existing finding is more restrictive than CEQA and eliminating it will make adjustments easier to obtain. Furthermore, the existing code section does not make explicit reference to CEQA and therefore represents a separate check on the granting of adjustments that is not obligated to follow the conventions and scope of CEQA. It should not be deleted.

In summary, because meeting the new standards would allow significantly denser development under the CPIO, the weakening of these standards to make adjustments easier to obtain will have direct and predictable impacts on the environment that must be analyzed under CEQA.

3. Qualifications

Land Protection Partners has provided scientific review of environmental compliance documents and analysis of complex environmental issues for local, regional, and national clients for 11 years. Dr. Travis Longcore is Associate Research Professor at the USC Spatial Sciences Institute and Associate Adjunct Professor at the UCLA Institute of the Environment and Sustainability. He was graduated *summa cum laude* from the University of Delaware with an Honors B.A. in Geography, and holds an M.A. and a Ph.D. in Geography from UCLA, and is professionally certified as a Senior Ecologist by the Ecological Society of America. Catherine Rich holds an A.B. with honors from the University of California, Berkeley, a J.D. from the UCLA School of

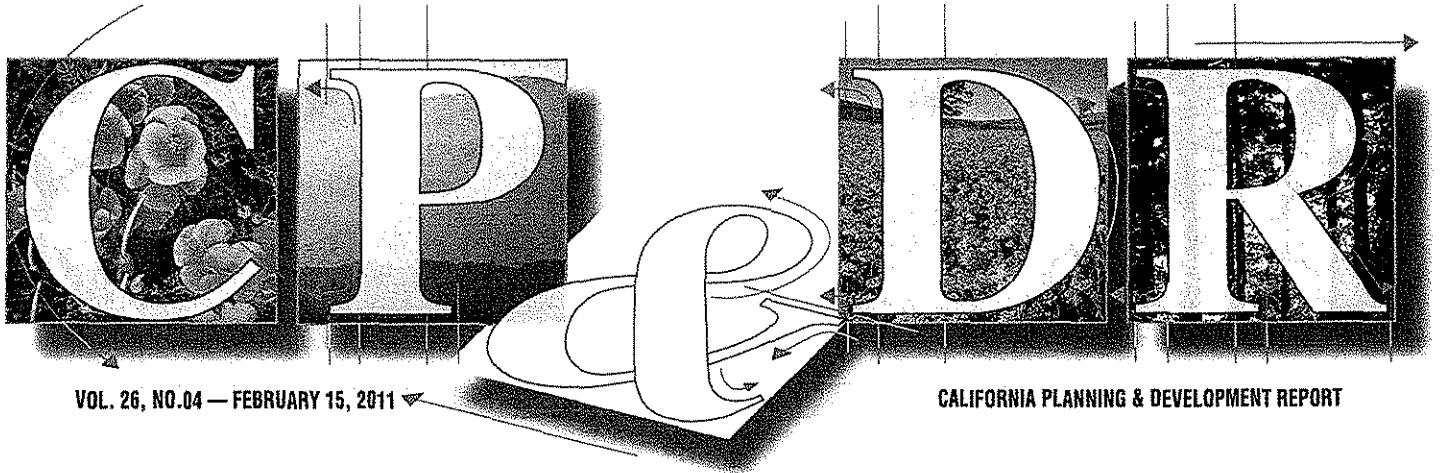
Law, and an M.A. in Geography from UCLA. She is Executive Officer of The Urban Wildlands Group and lead editor of *Ecological Consequences of Artificial Night Lighting* (Island Press, 2006) with Dr. Longcore. Longcore and Rich have authored or co-authored over 20 scientific papers in top peer-reviewed journals such as *Conservation Biology*, *Current Biology*, *Environmental Management*, and *Frontiers in Ecology and the Environment*.

4. Literature Cited

- Akbari, H. S. 2002. Shade trees reduce building energy use and CO₂ emissions from power plants. *Environmental Pollution* **116**:S119–S126.
- Akbari, H. S., A. H. Rosenfeld, and H. Taha. 1990. Summer heat islands, urban trees, and white surfaces. *ASHRAE Transactions* **96**:1381–1388.
- Benjamin, M. T. and A. M. Winer. 1998. Estimating the ozone-forming potential of urban trees and shrubs. *Atmospheric Environment* **32**:53–68.
- Blask, D. E., G. C. Brainard, R. T. Dauchy, J. P. Hanifin, L. K. Davidson, J. A. Krause, L. A. Sauer, M. A. Rivera-Bermudez, M. L. Dubocovich, S. A. Jasser, D. T. Lynch, M. D. Rollag, and F. Zalatan. 2005. Melatonin-depleted blood from premenopausal women exposed to light at night stimulates growth of human breast cancer xenografts in nude rats. *Cancer Research* **65**:11174–11184.
- Bodin, T., M. Albin, J. Ardö, E. Stroh, P.-O. Östergren, and J. Björk. 2009. Road traffic noise and hypertension: results from a cross-sectional public health survey in southern Sweden. *Environmental Health* **8**:38.
- Conway, D., C. Q. Li, J. Wolch, C. Kahle, and M. Jerrett. 2008. A spatial autocorrelation approach for examining the effects of urban greenspace on residential property values. *Journal of Real Estate Finance and Economics* **41**:150–169.
- Ewing, R. and F. Rong. 2008. The impact of urban form on U.S. residential energy use. *Housing Policy Debate* **19**:1–30.
- Fernández-Juricic, E. 2000. Avifaunal use of wooded streets in an urban landscape. *Conservation Biology* **14**:513–521.
- Fernie, K. J., D. M. Bird, R. D. Dawson, and P. C. Laguë. 2000. Effects of electromagnetic fields on the reproductive success of American kestrels. *Physiological and Biochemical Zoology* **73**:60–65.
- Fernie, K. J., D. M. Bird, and D. Petitclerc. 1999. Effects of electromagnetic fields on photophasic circulating melatonin levels in American kestrels. *Environmental Health Perspectives* **107**:901–904.
- Fernie, K. J. and S. J. Reynolds. 2005. The effects of electromagnetic fields from power lines on avian reproductive biology and physiology: a review. *Journal of Toxicology and Environmental Health, Part B* **8**:127–140.
- Goines, L. and L. Hagler. 2007. Noise pollution: a modern plague. *Southern Medical Journal* **100**:287–294.
- Huang, Y. J., H. S. Akbari, H. Taha, and A. H. Rosenfeld. 1987. The potential of vegetation in reducing summer cooling loads in residential building. *Journal of Climate and Applied Meteorology* **26**:1103–1116.
- Iverson, L. R. and E. A. Cook. 2000. Urban forest cover of the Chicago region and its relation to household density and income. *Urban Ecosystems* **4**:105–124.
- Kim, H. H. 1992. Urban heat island. *International Journal of Remote Sensing* **13**:2319–2336.

- Kloog, I., A. Haim, and B. Portnov. 2008a. Using kernel density function as an urban analysis tool: Investigating the association between nightlight exposure and the incidence of breast cancer in Haifa, Israel. *Computers, Environment and Urban Systems* **33**:55–63.
- Kloog, I., A. Haim, R. Stevens, M. Barchana, and B. Portnov. 2008b. Light at night co-distributes with incident breast but not lung cancer in the female population of Israel. *Chronobiology International* **25**:65-81.
- Kloog, I., A. Haim, R. Stevens, and B. Portnov. 2009. Global co-distribution of Light at Night (LAN) and cancers of prostate, colon, and lung in men. *Chronobiology International* **26**:108–125.
- Kloog, I., B. A. Portnov, H. S. Rennert, and A. Haim. 2011. Does the modern urbanized sleeping habitat pose a breast cancer risk? *Chronobiology International* **28**:76–80.
- Lee, S. J., T. Longcore, and J. P. Wilson. 2010. Identification of municipal policies that influence the distribution of green cover across metropolitan regions. Joint International Conference on Theory, Data Handling and Modelling in GeoSpatial Information Science. ISPRS, Hong Kong.
- Longcore, T. 2006. The Green Visions Plan for 21st Century Southern California: A Guide for Habitat Conservation, Watershed Health, and Recreational Open Space. 8. Conservation of Biodiversity in the City: An Assessment of MRCA Projects in the Upper Los Angeles River Watershed. University of Southern California Center for Sustainable Cities, Los Angeles.
- Longcore, T., C. Li, and J. P. Wilson. 2004. Applicability of CITYgreen urban ecosystem analysis software to a densely built urban neighborhood. *Urban Geography* **25**:173-186.
- Loukaitou-Sideris, A. 1995. Urban form and social context: cultural differentiation in the uses of urban parks. *Journal of Planning Education and Research* **14**:89–102.
- Nasar, J., J. Evans-Cowley, and V. Mantero. 2007. McMansions: the extent and regulation of super-sized houses. *Journal of Urban Design* **12**:339–358.
- Novak, D. J. and D. E. Crane. 2002. Carbon storage and sequestration by urban trees in the USA. *Environmental Pollution* **116**:381–389.
- Nowak, D. J., K. L. Civerolo, S. T. Rao, S. Sistla, C. J. Luley, and D. E. Crane. 2000. A modeling study of the impact of urban trees on ozone. *Atmospheric Environment* **34**:1601-1613.
- Öhrstrom, E., A. Skånberg, H. Svensson, and A. Gidlöf-Gunnarsson. 2006. Effects of road traffic noise and the benefit of access to quietness. *Journal of Sound and Vibration* **295**:40–59.
- Pauley, S. M. 2004. Lighting for the human circadian clock: recent research indicates that lighting has become a public health issue. *Medical Hypotheses* **63**:588–596.
- Pincetl, S., J. Wolch, J. P. Wilson, and T. Longcore. 2003. Toward a Sustainable Los Angeles: A “Nature’s Services” Approach. University of Southern California Center for Sustainable Cities, Los Angeles.
- Seewagen, C. L. and E. J. Slayton. 2008. Mass changes of migratory landbirds during stopovers in a New York City park. *Wilson Journal of Ornithology* **120**:296–303.
- Stevens, R. G., D. E. Blask, G. C. Brainard, J. Hansen, S. W. Lockley, I. Provencio, M. S. Rea, and L. Reinlib. 2007. Meeting report: the role of environmental lighting and circadian disruption in cancer and other diseases. *Environmental Health Perspectives* **115**:1257–1362.

- Stevens, R. G. and M. S. Rea. 2001. Light in the built environment: potential role of circadian disruption in endocrine disruption and breast cancer. *Cancer Causes and Control* **12**:279–287.
- Szold, T. 2005. Mansionization and Its discontents: Planners and the challenge of regulating monster homes. *Journal of the American Planning Association* **71**:189-202.
- Wolch, J., J. P. Wilson, and J. Fehrenbach. 2005. Parks and park funding in Los Angeles: an equity-mapping analysis. *Urban Geography* **26**:4–35.
- Wu, C., Q. Xiao, and E. G. McPherson. 2008. A method for locating potential tree-planting sites in urban areas: a case study of Los Angeles, USA. *Urban Forestry & Urban Greening* **7**:65–76.



Fight Over Redevelopment Could Hamstring Climate Change Efforts

BY JOSH STEPHENS

IF CALIFORNIA'S REDEVELOPMENT AGENCIES vanish on July 1, as Gov. Jerry Brown has proposed, it's clear the task of mending the state's blighted neighborhoods will likely grow more complicated. Less obvious is the fact that California's effort to clean up the Earth's atmosphere may grow more difficult as well.

Senate Bill 375, passed in 2008, encourages cities and regions to promote new development in high-density urban areas with access to transit as a way of reducing the state's overall greenhouse gas emissions. It just so happens that many redevelopment project areas are in high-density urban areas with access to transit. By facilitating both commercial and residential development, redevelopment attempts to attract people to those blighted neighborhoods. According to many planners and public officials, those people are just the sort who will leave their cars behind, if given access to transit and walkable amenities.

"It may have been mentioned, but at the time we were discussing 375, I don't think anybody was anticipating that there would be a proposal to eliminate redevelopment in California," said San Diego County Super-

visor Ron Roberts, who sits on the Air Resources Board. "We were more focused on the loss of transit dollars and how that might affect compliance with SB 375."

The governor's office has presented forceful arguments – and no shortage of empirical data – to suggest that redevelopment may not have a significant economic impact on a statewide level, and therefore are considered expendable by Brown. However, at the local level the consensus about the need for redevelopment to reach SB 375's goals is deafening, and nearly unanimous. Moreover, there is a perceived mandate to implement SB 375 based on the statewide vote in November, in which Proposition 22 prevailed, presumably shielding redevelopment funds from state takes, and Proposition 23 was defeated, protecting the state's climate change law AB 32.

"There really isn't any other source of funding to [realize] the principles of AB 32 and SB 375, which the voters just reaffirmed overwhelmingly in November," said Cecilia Estolano, former CEO of the Los Angeles Community Redevelopment Agency and now chief strategist for state and local issues at advocacy group Green for All. — CONTINUED ON PAGE 8

The Case for Subsidizing the Mermaid Bar

insight
WILLIAM FULTON

GEORGE SKELTON, the venerable Los Angeles Times political columnist, recently came out in favor of Gov. Jerry Brown's plan to eliminate redevelopment. [➤] Skelton's Exhibit #1 is the Dive Bar, a hangout on derelict K Street in downtown Sacramento that is now one of the city's hottest night spots – complete with a mermaid tank – thanks partly to the redevelopment subsidies provided to the project's developer.

"Look, I've got nothing against mermaid bars," writes Skelton, who is widely admired (by me among others) for a thoughtful, common-sense viewpoint. "In fact, state government used to work best when legislators hung out in one near the Capitol. I just question whether state government – any government – should be helping to pay for a mermaid bar." — CONTINUED ON PAGE 9

IN BRIEF

Feinstein Seeks Greater Protection for 1 Million Acres in SoCal Deserts ... Page 2

IN BRIEF

San Francisco Seeks Developer for Pier 70 ... Page 3

CP&DR LEGAL DIGEST

Court Throws Up Roadblock to Santa Barbara Subdivision ... Page 4

NEWS

Folsom, Rohnert Park Rethink Affordable Housing Plans ... Page 5

FROM THE BLOG

Budget Crisis Calls for Reform of Prop-13 ... Page 11

FROM THE BLOG

LAO's and CRA's War of Words ... Page 12

>>>> Redevelopment Assistance Should Enliven Urban Cores

— CONTINUED FROM PAGE 1

Skelton's comments reminded me Zev Yaroslavky's rant in the '90s, back when he was on the Los Angeles City Council, that redevelopment funds should not be used to subsidize theaters and nightspots in downtown LA "just so yuppies can dance on Spring Street."

I've got more than a little sympathy for this viewpoint. Lord knows I've been critical of redevelopment over the years, especially the way cities have played the redevelopment game for their own narrow financial gain. And I remain something of a critic today, despite my current status as a mayor and, hence, the chair of a city redevelopment commission.

But there is a legitimate public policy argument for subsidizing mermaid bars. It's kind of complicated and it has a lot of caveats, which I'll get to at the end. Despite the current rhetoric from the redevelopment establishment, this argument is not about creating jobs. After all, mermaids account for only a few of those 300,000 jobs supposedly at risk if redevelopment is eliminated, and in any event the job-creation argument is typically trotted out only when redevelopment is being threatened by the state.

Rather, this argument is about creating compact, compelling places in urban locations — a form of human settlement that is probably more fiscally and environmentally sustainable than sprawl — so that more people will live and work in such locations.

Redevelopment is a mechanism to stimulate and direct real estate development. The point of redevelopment is to direct both public and private investment into specific geographical areas — often older areas that have become rundown and are suffering from disinvestment. The original "urban renewal"-type reasons for this governmental intervention still stand: The more these older areas slide, the more they will cost the government in police protection, social services, and other costs associated with dysfunction.

Of course, there are plenty of places in California that need stimulated investment more than K Street (though it remains a stubbornly derelict street surrounded by renewed urban affluence) and there are plenty of ways to stimulate investment other than subsidizing a mermaid bar.

But the recent move toward encouraging compact urban development in California makes the argument for certain types of redevelopment subsidies even more compelling. Infill development is more expensive than greenfield development, so, all other things being equal, it'll be at a disadvantage. But laying down infrastructure in sprawling greenfield locations is inefficient and, in the long run, more expensive. Furthermore, encouraging people to live and work in compact urban neighborhoods has an enormous environmental benefit, especially in reducing the overall amount of driving and. Consequently, greenhouse gas emissions, overall gasoline usage, and other pollutants.

You might be thinking my argument is that a mermaid bar on K Street is far more cost-effective and environmentally beneficial than a mermaid bar in an auto-oriented strip mall in Roseville. This is partly right, but

there's more to it than that. People make choices about where they live, work, and otherwise spend their time not based on proximity to mermaid bars alone but based on their overall sense of whether the community meets their needs — jobs, amenities, schools, recreation, shopping, and so forth. Any developer can tell you that in order to succeed in the marketplace they either have to provide all these things or else make sure they are close by. And what those amenities are will differ depending on the market you're aiming for. So if public policy efforts are going to be



CP&OR STAFF

Redevelopment funds contributed to the development of a downtown Sacramento building where 'mermaids' now frolic above thirsty urbanites.

geared toward creating urban communities that are compact and efficient yet also complete communities that are competitive with sprawling alternatives, those policy efforts will include providing people with amenities they want. Like shopping centers. Or golf course. Or schools. Or mermaid bars. (To be fair, in the case of the Dive Bar, the redevelopment agency subsidized a developer, who built a project and found the mermaid bar as a tenant.)

The obvious question that arises is why the market can't provide mermaid bars on its own. After all, our cities are crawling with urban hipsters young and old these days (not the least of whom is Gov. Brown himself, who lives in a redevelopment-subsidized loft in Sacramento). Can't a mermaid bar survive on its own without redevelopment subsidies? Or, more to the point, wouldn't hipsters live in urban locations with our without redevelopment subsidies?

This is the eternal question about redevelopment and it is, in part, unanswerable. The only serious policy research — most notably a 1998 study by the Public Policy Institute of California called "Subsidizing Redevelopment" [↗] — ever done on the question of whether all that tax revenue generated in redevelopment areas would have occurred anyway answered that question with a solid maybe. So I don't have hard numbers to back me up. But my smeller tells me that, given the complexity of urban development, a lot of this stuff would never get built without redevelopment subsidies. Our cities would suffer as a result and we'd have more sprawl and less compact development. For my money, that's bad for everybody.

— CONTINUED ON PAGE 10

>>>> Redevelopment Must Go On, Even Without TIF

– CONTINUED FROM PAGE 9

But I'm willing to admit that we in California have gotten so used to redevelopment as being our first, last, and only way to do this that we've forgotten that other ways might work just as well. After all, the goal here isn't to figure out how to funnel property tax money to developers. The goal is to figure out how to make urban development projects pencil out. Redevelopment may be an effective way of doing that – and it may be the way we're used to – but it's not the only way.

In the end it wasn't the redevelopment subsidies that succeeded in persuading the yuppies – or, to update the term, hipsters – to dance on Spring Street in downtown L.A. It was a very simple policy change instituted by Mayor James Hahn in 2001, which waived all parking requirements for adaptive reuse projects downtown and in Hollywood. With the stroke of a pen, Hahn turned the conversion of old office buildings into lofts from a money-loser into a desirable real estate investment. Eliminating the parking requirement put money in developers' pockets – or, at least, their pro formas – just as surely as a redevelopment subsidy.

In other states where rules on tax-increment financing rules are strict, cities use other methods such as density transfers to create the cash required to make projects work. In Seattle, where the use of TIF is strictly limited under state law, the city routinely makes projects work by permitting transfer of development rights from one property to another, thus bestowing a profit opportunity that wouldn't otherwise exist. Seattle has done this downtown a few times and the city is about to undertake a similar effort to make a redevelopment plan work in South Lake Union, the underutilized neighborhood just north of downtown that is largely con-

trolled by Microsoft billionaire Paul Allen.

Los Angeles has used this same trick a couple of times, most notably back in the 1980s, when the city gave developer Rob Maguire about 20 extra stories on his Library Tower building in exchange for a nine-figure investment in the renovation of the Los Angeles Central Library. And L.A.'s power brokers are gearing up for a dramatic expansion of this method – known locally as the Transfer of Floor-Area Ratio, or TFAR program – if redevelopment goes away.

So the bottom line is that there's a pretty compelling argument for subsidizing the mermaid bar no matter what George Skelton thinks. But there may not be a compelling argument that the only possible way to do this is through the tax-increment financing mechanism contained in the California Redevelopment Law.

As I wrote last month (*CP&DR* Insight, Vol. 26, No. 2), [A] it's long past time to reinvent redevelopment. But as we work our way through California's profound fiscal crisis, we've got to stop confusing ends with means. Instead of going all out to protect how we do something – because everybody's used to it and all the agencies and consultants are invested in that particular method. Instead, we've got to focus on what we're trying to accomplish and look at all the different ways we can pursue that goal given "the new normal" that now rules our lives. In other words, small-r redevelopment must go on – with some kind of subsidy for private development projects, even those featuring mermaid bars. But that doesn't necessarily mean big-r Redevelopment is the only way to get the job done. ■

>>>> SB 375 Offers Possible New Mission For Redevelopment

– CONTINUED FROM PAGE 8

TransForm's Cohen cautioned that redevelopment projects are "not inherently green," but that they can be green if agencies focus on that goal and direct development accordingly.

Supporters of SB 375 say that, whatever redevelopment's former shortcomings may be, the move towards compact, less auto-dependent urbanism points to exactly the new mission that redevelopment needs. Estolano said that if redevelopment survives, the budget crisis may offer an opportunity to recast redevelopment's mission. It can, she said, move away from blight-fighting and towards an explicit embrace of SB 375.

"We are forward-thinking when it comes to addressing climate change and GHG emissions and addressing the real concerns about our urban form," said Estolano. "We need to marry those two: our desire to address our environmental issues with our desire to grow strong industries."

It would, they say, be the ideal use of TIF financing and the organizational capacity of redevelopment agencies.

"We see SB 375 as making sure that these

areas that are near transit that are infill are not just developed but are developed in a way that makes sense on kind of a corridor scale, so that we're not just thinking what can work in this place from an economic perspective...along an entire transit corridor," said Cohen.

Politically, the fight to save redevelopment has created some unlikely fans for SB 375. While representatives of the League of California Cities have been critical, at times, of the burdens that SB 375 places on cities, the law is also serving as the basis of an argument to preserve redevelopment.

"SB 375 will be kind of a nice idea that everyone works hard at trying to implement," said Carrig. "The governor seems to be saying, and in fact he has said, that redevelopment doesn't really do much except move economic activity around. He's right. It will happen elsewhere...but it's not going to happen in those areas that are identified (by SB 375)."

That shuffling around of development and its purported benefits for the state lies at the heart of the governor's argument for eliminating redevelopment agencies.

"Ultimately one needs to consider all the benefits and costs of redevelopment – not just those involving SB 375 – in order to decide the future of redevelopment," said Kolko. ■

> Contacts:

Dan Carrig, Legislative Director,
League of California Cities, (916) 658-8200

Stuart Cohen, Executive Director, TransForm
www.transformca.org, (510) 740-3150

Michael Dieden, Principal, Creative Housing Associates,
(310) 836-1342 (Creative Housing Associates)

Cecilia Estolano, Chief Strategist on State and Local
Issues, Green for All; (213) 612-4545

Jed Kolko, Research Fellow,
Public Policy Institute of California
www.ppic.org, (415) 291-4400

Ron Morrison, Mayor, National City, (619) 336-4241

Simon Pastuscha, Director of Urban Design Studio,
Los Angeles Dept. of City Planning, (213) 978-1475

Ron Roberts, Supervisor, San Diego County,
(619) 531-5544

SUMMARY OF CONDITIONAL USE PERMITS AND OTHER SIMILAR QUASI-JUDICIAL APPROVALS

**Vesting Conditional Use Permits -
Section 12.24 T 3 (b)**

Airports or heliports in connection with an airport.

Auditoriums, stadiums and arenas with fewer than 25,000 seats in the MR1 Zone.

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

Churches/Houses of worship (except rescue missions or temporary revivals) in the R Zones, C1, C1.5, CM or M Zones.

Correctional or penal institutions.

Educational institutions.

Electrical power generating sites.

Floor area ratio averaging in unified developments.

Golf courses and incidental facilities.

Hazardous waste storage and/or treatment facilities in the M2 and M3 Zones.

Hazardous waste disposal facilities in the M3 Zone.

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

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

Land reclamation projects.

Major development projects.

Mixed commercial/residential use development.

Mixed use developments in the R5 Zone located in an approved redevelopment area.

Motion picture studios in the A, R or C Zones.

Natural resources development.

Various uses in the OS Open Space Zone.

Piers, jetties, man-made islands, floating installations.

Various uses in the PF Zone.

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

Research and development centers.

Schools, public schools, elementary and high (kindergarten through 12th grade): private schools, elementary and high (kindergarten through 12th grade) in the A, RE, RS, R1, RU, RZ, RMP, RW1, R2, RD, RW2, R3, C1, C1.5 or M Zones; and private schools (other than elementary or high (kindergarten through 12th grade) or nursery schools) in the A, R, CR, C1 or C1.5 Zones.

Sea water desalinization facilities and sites.

**Conditional Use Permits - City Planning Commission with Appeals to City Council -
Section 12.24 U**

1. Airports or heliports in connection with an airport.
2. Auditoriums, stadiums, arenas and the like.
3. Child care facilities for no more than 50 children in the R3 Zone, under specified conditions.
4. Child care facilities or nursery schools in the A, RE, RS, R1, RU, RZ, RMP, RW, R2, R3 or RD Zones, and in the CM and M Zones when providing care primarily for children of employees of industries in the vicinity.

CONDITIONAL USE PERMITS & OTHER SIMILAR QUASI-JUDICIAL APPROVALS

5. Correctional or penal institutions.
 6. Educational institutions.
 7. Electric power generating sites, plants or stations, under specified conditions..
 8. Golf courses and facilities properly incidental to that use.
 9. Green waste and/or wood waste recycling uses in the A1 and A2 Zones, under specified conditions.
 10. Hazardous waste facilities in the M2 and M3 Zones, under specified conditions.
 11. Hazardous waste facilities in the M3 Zone, under specified conditions.
 12. Hospitals or sanitariums in the A, R, CR, C4, CM or M Zones, and in the C1 or C1.5 Zones if not permitted by right.
 13. Land reclamation projects through the disposal of rubbish, under specified conditions.
 14. Major development projects, under specified conditions.
 15. Motion picture and television studios and ancillary video and media production incidental to the main use in the A, R or C Zones, when not permitted by right.
 16. (Repealed)
 17. Natural resources development (except the drilling or production of oil, gas or other hydrocarbon substances, or the production of rock and gravel), together with the necessary buildings, apparatus or appurtenances incident to that use.
 18. Onshore installations required in connection with the drilling for or production of oil, gas or hydrocarbons, under specified conditions.
 19. Specific uses in the OS Open Space Zone, under specified conditions.
 20. Piers, jetties, man-made islands, floating installations or the like in the SL Submerged Land Zone.
 21. Specific uses in the PF Zone, under specified conditions.
 22. Recycling uses, in specific zones, under specified conditions.
 23. Research and development centers for experimental or scientific investigation of materials, methods or products, except in the RA and R Zones.
 24. Schools, elementary and high, in the A, RE, RS, R1, RU, RZ, RMP, RW1, R2, RD, RW2, R3, C1, C1.5 or M Zones, and private schools (other than elementary, high or nursery schools) in the A, R, CR, C1 or C1.5 Zones.
 25. Sea water desalinization facilities and sites.
- Conditional Use Permits - Area Planning Commission with Appeals to the City Council - Section 12.24 V**
1. Buildings over six stories or 75 feet in height within the Wilshire-Westwood Scenic Corridor Specific Plan Area.
 2. Mixed commercial/residential use development, under specified conditions.
- Authority of the Zoning Administrator for Conditional Uses/Initial Decision - Section 12.24 W**
1. The sale of alcoholic beverages, including beer and wine, for consumption on the premises or off-site of the premises in the CR, C1, C1.5, C2, C4, C5, CM, MR1, MR2, M1, M2 and M3 Zones, or as an incidental business in or accessory to the operation of clubs, lodges, hotels or apartment hotels, or as an incidental business in or accessory to another conditional use, under specified conditions.
-

CONDITIONAL USE PERMITS & OTHER SIMILAR QUASI-JUDICIAL APPROVALS

2. Automotive fueling and service stations, but not including automobile laundry or wash rack in the C1.5 and C4 Zone, under specified conditions.
 3. Automotive repair in the C4 Zone.
 4. Automotive repair in the C2, C5, CM and M1 Zones when located within 300 feet of an A or R Zone, under specified conditions.
 5. Bovine feed or sales yards, riding academies or the commercial grazing, breeding, boarding, raising or training of domestic animals in the A1 or A2 Zones; and the raising, grazing, breeding, boarding or training of equines, riding academies or stables in the RA, MR or M1 Zones.
 6. Cattle or goat dairies in the A1 or A2 Zones.
 7. The change of use of the whole or part of any building for which the original certificate of occupancy was issued prior to September 17, 1971, and used in whole or in part for any use permitted in a C Zone to any residential use permitted in the R4 or R5 Zones, provided that the building is located in the Central Business District Redevelopment Project Area, under specified conditions.
 8. Chipping and grinding facilities in the M2 Zone where these facilities are not conducted within a wholly enclosed building.
 9. Churches (except rescue mission or temporary revival) in the A, RE, RS, R1, RU, RZ, RMP, RW1, R2, RD, RW2, R3, C1, C1.5, CM or M Zones.
 10. Circus quarters or menageries in the A Zones and MR2 Zone.
 11. CM uses in the C1, C1.5, C2, C4 and C5 Zones where located within the boundaries of a community redevelopment project area, under specified conditions.
 12. Columbariums, crematories or mausoleums, other than in cemeteries, in the A, R, C (except CR), M1 and MR2 Zones.
 13. Community antenna facilities in the A, R, C1 or C1.5 Zones, under specified conditions.
 14. Counseling and referral facilities in the R3, R4 and R5 Zones, under specified conditions.
 15. Developments combining residential and commercial uses in the R5 Zone when located in a redevelopment project area approved by the City Council other than a project area within the Central City Community Plan Area, under specified conditions.
 16. Drive-in theaters in the A, R or C1 Zones.
 17. Drive-through fast-food establishments, under specified conditions.
 18. Entertainment uses - dance halls in the C2, C4, C5, CM, M1, M2 or M3 Zones; hostess dance halls in the C2, C5, CM, M1, M2 or M3 Zones; massage parlors or sexual encounter establishments in the C2, C5, CM, M1, M2 or M3 Zones and which otherwise comply with all requirements of Section 12.70.
 19. Floor area ratio averaging in unified developments, under specified conditions.
 20. Foundries in the MR1 Zone.
 21. Fraternity or sorority houses in the A, R1, RU, RZ, RMP, RW1, R2, RD, RW2 or R3 Zones.
-

CONDITIONAL USE PERMITS & OTHER SIMILAR QUASI-JUDICIAL APPROVALS

22. Garbage, fat, offal, or dead animal reduction or rendering in the M3 Zone, provided the site is located at least 500 feet from a more restrictive zone.
 23. Heliport incidental to an office building, hospital or residential use.
 24. Hotels under specified conditions, in specified zones.
 25. Kennels or facilities for breeding and boarding of animals in the M Zones where any portion of the parcel is located within 500 feet of any residential zone.
 26. Miniature or pitch and putt golf courses, golf driving tees or ranges, and similar commercial golf uses, in the A, R or C1 Zones.
 27. Mini-shopping centers and commercial corner developments in the C, M1, M2 or M3 Zones where the uses do not comply with the requirements and conditions enumerated in Section 12.22 A 23 of this Code, under specified conditions.
 28. Mixed use project in a Mixed Use District, under specified conditions.
 29. Mortuaries or funeral parlors in the C2, C4, C5, CM or M1 Zones.
 30. Nightclubs or other establishments offering dancing or live entertainment in conjunction with a restaurant in the Westwood Specific Plan area.
 31. Nurseries, including accessory buildings necessary only for the growing of flowers, shrubs and trees, but not including any store or office building or any retail sales on the premises, in the R, C1 and C1.5 Zones.
 32. Outdoor eating areas for ground floor restaurants in the CR, C1 and C1.5 Zones if not permitted by right.
 33. Pawnshops in the C2, C5, CM, M1, M2 and M3 Zones, under specified conditions.
 34. Penny arcades containing five or more coin or slug-operated or electrically, electronically or mechanically controlled game machines in the C2, C5, CM, M1, M2 or M3 Zones.
 35. Private clubs in the A, R1, RU, RZ, RMP, RW1, R2, RD, RW2, R3 or R4 Zones.
 36. Professional uses in the R4 or R5 Zones, provided the property fronts a major or secondary highway, under specified conditions.
 37. Public parking areas in the A or R Zones.
 38. Reduced on-site parking for housing developments occupied by persons 62 years of age or older and/or by handicapped persons, in the RD, R3, R4, R5, CR, C1, C1.5, C2, C4 or C5 Zones, under specified conditions.
 39. The rental, storage or storage for rental purposes of household moving rental trucks and utility rental trailers, including those which exceed a registered net weight of 5,600 pounds, in the C2, C5, CM and MR1 Zones, under specified conditions.
 40. Restaurant for the use of the general public in the MR1 and MR2 Zones.
 41. The sale of firearms and/or ammunition in the C1, C1.5, C2, C4, C5, CM, M1, M2 and M3 Zones, under specified conditions.
 42. The sale of merchandise from a privately owned vacant lot in the C1, C2, M2 and M3 Zones in the open, a drive-in theater in the M2 and M3 Zones in the open, or an indoor swap meet in the C1, C1.5, C2, C4, C5, M1, M2 and M3 Zones under specified conditions.
-

CONDITIONAL USE PERMITS & OTHER SIMILAR QUASI-JUDICIAL APPROVALS

43. Second dwelling unit in the A, RA, RE, RS, R1, RMP or RW1 Zones, under specified conditions.
44. Second dwelling unit on large lots in the RA, RS or R1 Zones under specified conditions.
45. Stand for the display or sale of agricultural and farm products raised or produced on the same premises in the RA Zone.
46. Swine keeping, more than five, in the A1 Zone, and swine keeping in the A2 and RA Zones.
47. Temporary geological exploratory core holes in all zones except the M3 Zone, under specified conditions.
48. Temporary storage of abandoned, partially dismantled, obsolete or wrecked automobiles in the C2, C4, C5, CM, MR1 or M1 Zones.
49. Wireless telecommunication facilities, including radio or television transmitters, in the A, R, C or MR Zones.
4. Automotive repair businesses legally existing prior to December 31, 1998, under specified conditions.
5. Dwelling adjacent to an equinekeeping use, under specified conditions.
6. Farmer's markets, in specific zones, under specified conditions.
7. Fences or walls in A or R Zones, not to exceed eight feet in height in the required front, side or rear yard, under specified conditions.
8. Fences within 1,000 feet of a public beach in R Zones, under specified conditions.
9. Foster care homes occupied by a total of five or six children in the A, R, CR, C1 or C1.5 Zones, under specified conditions.
10. Height and reduced side yards in the RA, RE20, RE15, RE11, RE9, RS, R1 and R2 Zones, under specified conditions.
11. Hillside Areas-buildings in the A1, A2, RA, RE, RS, R1 and RD Zones which exceed the permitted height of 36 feet, observe reduced front or side yards, exceed the permitted lot coverage, and have fewer than the required parking spaces, under specified conditions.
12. Historic Buildings -commercial and/or reduced parking, in specific zones and under specified conditions.
13. Joint living and work quarters for artists and artisans in commercial and industrial buildings in the CR, CM, MR1, MR2, M1, M2 and M3 Zones; and joint living and work quarters with reduced parking in the C1, C1.5, C2, C4 and C5 Zones, under specified conditions.
14. Mixed Use Districts - mixed use projects consisting exclusively of dwelling units in the CR, C1, C1.5, C2, C4 or C5 Zones, under specified conditions.

Further Authority of the Zoning Administrator for Other Similar Quasi-Judicial Approvals - Section 12.24 X - Area Planning Commission is the Appellate Body

1. Adaptive reuse projects in the MR1, MR2, M1, M2 and M3 Zones in the Downtown Project Area pursuant to Subdivision 12.22 A 28, under specified conditions.
 2. Alcoholic beverage sales for on-site consumption in a restaurant seating no more than 50 persons, incidental to meal service, under specified conditions.
 3. Amateur radio transmission and receiving antennas in A and R Zones which exceed the maximum height otherwise permitted by Section 12.21.1, under specified conditions.
-

CONDITIONAL USE PERMITS & OTHER SIMILAR QUASI-JUDICIAL APPROVALS

15. Model dwellings within Council-approved redevelopment areas, under specified conditions.
16. Nonconforming rights related to Earthquake Safety Ordinance - reconstruction of nonconforming buildings demolished pursuant to the Earthquake Safety Ordinance with the same nonconforming use or yards as the original building, under specified conditions.
17. Parking requirements for commercial or industrial uses with parking management alternatives in the C and M Zones, under specified conditions.
18. Parking requirements for showcase theaters, under specified conditions.
19. Reduction in parking for any auditorium or similar place of assembly without fixed seats which is located in a City park, under specified conditions.
20. Shared parking by two or more uses, under specified conditions.
21. Substandard Hillside Limited Street - buildings in the A1, A2, RA, RE, RS, R1 and RD Zones, under specified conditions.
22. Transitional height - buildings which exceed the permitted height in C and M Zones, under specified conditions.
23. 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.

Special Permission for Reduction of Off-Street Parking Spaces by the Director - Section 12.24 Y

Reduction in parking for commercial or industrial buildings not more than 1,500 feet from a fixed rail transit station, bus station or other similar transit facility, under specified conditions.

**LOS ANGELES DEPARTMENT OF CITY PLANNING
DIRECTOR'S REPORT**

CITY PLANNING COMMISSION

DATE: June 10, 2010*
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 ACTION - STUDY SESSION

SUMMARY: This report describes six amendments to the zoning code that are in the early stages of research and development. All six code amendments are intended to simplify and streamline the procedures used to review and process applications for discretionary land use approvals.

S. GAIL GOLDBERG, AICP
Director of Planning



MICHAEL LOGRANDE
Chief Zoning Administrator



ALAN BELL, AICP, Senior City Planner
Office of Zoning Administration
(213) 978-1322

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, 200 North Spring 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 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 its 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.

SUMMARY

The Code Studies Unit has begun initial research and development of six ordinances all designed to simplify and streamline the processes the Department of City Planning must follow when reviewing applications for discretionary land use approvals such as variances, conditional use permits and zone changes. Staff plan to calendar all six proposed code amendments for City Planning Commission action on a phased schedule during the balance of 2010.

Providing adequate staffing to meet the complex planning challenges Los Angeles faces has always been difficult. In recent months, that difficulty has increased even more. One way to build an efficient and effective Department, as called for in the Department's Strategic Plan, is through processes that are simple, predictable and consistent – in short, that allow us to work smarter and accomplish more with fewer resources. All of the ordinances discussed in this staff report will be written to accomplish that objective.

STAFF REPORT

In a report to the City Planning Commission dated September 11, 2008, the Director of Planning launched an initiative to rewrite selected provisions of the city's zoning ordinance. The Department of City Planning had initiated these code amendments in order to update and streamline a document in urgent need of simplification.

To help the Department identify the most important code amendments to initiate, the Code Studies Unit had consulted with key informers and stakeholders in the development and design communities as well as a citywide coalition of neighborhood councils. The unit had 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, nine code studies and amendments were identified as being among the most beneficial and doable. Accordingly, the Director added them to the Department's master work program.

Subsequently, the Planning Department placed research and development of these ordinances on hold due to more urgent projects, including the sign and medical marijuana ordinances. Of the nine code amendments originally placed on the master work program, staff are now focused on five that have the most potential to reduce the Department's case processing backlog, both in the short term and also long range. One additional code amendment has been added to the list, for a total of six code streamlining ordinances currently under development. All six ordinances are listed below, and in the order we intend to present them to the Commission this year:

- *Single and Multiple Approvals* – create consistent expiration periods for all discretionary land use approvals and synchronize the procedures for review of projects requiring multiple approvals;

- *Zoning Code Findings* – update the code’s findings to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing;
- *Planned Unit Developments* – provide opportunities for innovative, high quality planned unit development projects;
- *Administrative Exceptions* – provide an abbreviated review process for minor deviations from the zoning code;
- *Plan Approvals* – create clear, consistent, and consolidated procedures for reviewing proposed modifications to existing projects; and
- *Specific Plan/Supplemental Use District Streamlining (added to the work program this year)* – create ‘administrative clearance’ as an enabling tool for use within specific plans and supplemental use districts.

The remaining code amendments placed on the master work program in 2008 but that will not be worked on this year are as follows:

- *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;
- *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;and
- *Site Plan Review* – reduce complexity and redundancy but also strengthen the site plan review function within the city’s land use regulatory system.

Each of the six code amendments currently undergoing research and development is discussed below.

1. *Single and 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 six. 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.

In addition to conflicting expiration periods for projects that require multiple approvals, the expiration periods for stand-alone “single approvals” can also be a problem, especially for small businesses. More and more, it is becoming apparent that two to three years is insufficient time for such projects to meet all of the City’s conditions of approval, obtain financing, and get through the Department of Building and Safety’s plan check process. Projects that fail to accomplish all of this before their discretionary approval expires will not obtain a building permit. Consequently, small businesses and other minor projects have to start all over again, refiling for a new approval. This unnecessarily increases the Planning Department’s workload. And in addition, if the applicant decides not to refile, the jobs and investment that project would bring to the City are lost.

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. Staff will also examine the feasibility of extending the life of single approvals beyond the initial expiration and extension periods currently specified in the code.

2. Zoning Code Findings

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 are findings common to multiple processes and 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 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. Another issue is just the sheer number of findings. Our initial research shows that the zoning code has a total of 349 separate “core” and “application-specific” findings. Many of these address the same issues over and over again, with slightly different wording. Many are also so poorly worded that their meaning is unclear.

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 will 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 can be eliminated, leading to clearer and shorter staff reports. In addition, this code study and amendment seeks to eliminate duplicative findings and clarify confusing ones. Accordingly, the proposed ordinance will rewrite findings that have the same intent but different phrasing, clarify ambiguous language, and delete unnecessary and repetitive findings. Also, the location of some findings will be moved to more appropriate places in the zoning code.

Promoting administrative efficiency is not the sole intent of this code study and amendment, however. Another important aim is to improve the quality of development 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.

3. *Planned Unit Developments*

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 with community benefits but that 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.

4. *Administrative Exceptions*

Background and Issues

The zoning code does contain a truly expeditious procedure for considering requests that rarely generate controversy, are almost always approved, and, when approved, are almost never appealed. Less than significant 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 often subject to 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, preserving due process and still allowing good decisions to be made. 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.

5. 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. Another issue recently raised concerns “term-limited” conditional uses, or conditional uses where the decision-maker imposes a sunset clause, typically five or seven years. When the original approval expires, the project must apply for new conditional use. Should there be authority to renew these conditional uses through a plan approval?

General Direction

This code study and amendment will look at consolidating and making consistent the plan approval procedures for conditional uses, variances and other quasi-judicial approvals. 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 land use entitlement 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 project, including extending the life of “term-limited” conditional uses.

6. Specific Plan/Supplemental Use District Streamlining

Background and Issues

Specific plans and “supplemental use districts” (including sign districts, commercial and art craft districts, pedestrian oriented districts, and similar overlays) all impose special regulations over small sub areas that deviate from the citywide zoning code. Proposed projects in these sub areas typically require some level of planning review before a building permit may be issued. One level of review is called project permit compliance, a process for verifying that the project complies with all of the specific plan’s or overlay’s rules, including any special design review. If the project does not comply, the applicant must file for an adjustment or exception.

In some cases, a project complies with all of the specific plan’s or overlay’s fixed standards concerning parking, height, floor area and others, but is not subject to design review. Even then, the way the zoning code is currently written, the project still requires project permit compliance. This means staff must still write a report, prepare environmental documentation, and make certain findings. An aggrieved party may appeal staff’s determination.

General Direction

This code study and amendment will investigate the feasibility of establishing an administrative clearance procedure for projects that fully comply with all of a specific plan’s or overlay’s fixed standards but is not subject to design or other discretionary review. Under this procedure, the Director of Planning could administratively clear the project for purposes of issuing a building permit. If a project requires design review or other discretionary review, administrative clearance could not be used.

CONCLUSION

The six code amendments discussed in this staff report provide a unique opportunity to reinvent the processes the Department of City Planning uses to review applications for discretionary land use approvals. Streamlining these processes will create consistent rules that are more understandable for the public, developers and Department staff. Creating these efficiencies results in two principal benefits. One, more efficient case processing frees up resources for advance planning activities such as developing new community plans or design overlay zones. And two, clearer and more consistent case processing rules will make Los Angeles a more attractive location for jobs and private sector investment.

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

EXECUTIVE OFFICES

MICHAEL J. LOGRANDE
DIRECTOR
(213) 978-1271

ALAN BELL, AICP
ACTING DEPUTY DIRECTOR
(213) 978-1272

VINCENT P. BERTONI, AICP
DEPUTY DIRECTOR
(213) 978-1274

EVA YUAN-MCDANIEL
DEPUTY DIRECTOR
(213) 978-1273

FAX: (213) 978-1275

INFORMATION
www.planning.lacity.org

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
MATT EPSTEIN
FR. SPENCER I. KEZIOS
YOLANDA OROZCO
BARBARA ROMERO
MICHAEL K. WOO
JAMES WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 978-1300

December 7, 2010

Dear Community Stakeholders:

The Planning Department recently initiated a long-term effort to amend and improve the City's 64 year old Zoning Code. Hundreds of amendments over the years have created a very large document filled with cross referencing, contradictions, and antiquated language. Our goal is to make the Code more easily understandable, while offering innovative planning tools.

The first two revisions are the Community Plan Implementation Overlay (CPIO) ordinance, which allows for tailored regulations to target neighborhood character within individual Community Plans and the Core Findings ordinance, which consolidates and standardizes many required findings for discretionary approvals. These ordinances will foster better planning by improving project predictability, demystifying code language, and providing additional neighborhood protections.

In light of specific concerns regarding these two ordinances, the Planning Department has prepared a fact sheet "Myths and Facts about the Planning Department's Recent Initiatives" to clarify misconceptions about what these ordinances will and won't do.

Sincerely,

MICHAEL J. LOGRANDE
Director of Planning

ML:AB:TR

Attachment: *Myths and Facts about the Planning Department's Recent Initiatives*

MYTHS AND FACTS ABOUT THE PLANNING DEPARTMENT'S RECENT INITIATIVES:

Introduction

In an effort to create a contemporary, 21st Century Zoning Code for the City of Los Angeles, the Department of City Planning has over recent years identified targeted improvements that will facilitate better context-sensitive planning, a more transparent entitlement process, and foster implementable long-range Community Plans. Two examples of such code amendments include the recently adopted Community Plan Implementation Ordinance, which allows for tailored regulations within individual neighborhoods and the proposed Core Findings Ordinance, which consolidates and standardizes many required findings for discretionary approvals. Findings are mandatory considerations that must be made in writing when determining if an entitlement application should be approved or denied.

At present, the Zoning Code is comprised of patchwork amendments that have over time resulted in convoluted and often redundant processes. The amendments proposed will move the Code toward a more simplified, user-friendly document without sacrificing opportunities for public input. Recently, there have been a few misconceptions about the nature of these ordinances. This handout serves to clarify the initiatives, point-by-point.

MYTH #1: The ordinances will give the Planning Department free reign and short-cut the public process.

FACT:

The Code reform efforts underway will make land use processes more transparent and easier for the public to participate. None of the Code Amendments would present an opportunity to shortcut the required public process. For example, future Community Plan Implementation Overlay districts must each be developed with substantial community input through a public process involving multiple public workshops and hearings. Once a district is in place, the community will have rules they can count on. Projects that would otherwise be built 'by-right' without being subject to Planning Department review would now receive a second level of review by the Planning Department, giving communities an additional safeguard. Also, the revised findings 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.

MYTH #2: The new ordinances will make it easier for the Planning Department at its sole discretion to approve larger buildings.

FACT:

The new ordinances cannot be used to approve larger, taller, or more massive buildings than are otherwise allowed by a property's zone. These ordinances will not, in any way, circumvent Zoning Code requirements and standards now on the books.



On the contrary, the new Community Plan Implementation Overlay offers better neighborhood protection by treating neighborhoods or corridors individually and responding to community concerns about the scale, size and character of development. This new zoning tool will allow communities to engage in a public process to create special zoning districts that can benefit their communities in a variety of ways including:

- Restricting the size, shape, and bulk of new buildings to make them more compatible with existing buildings
- Requiring that residential developments include more than the minimum Code-required open space, through increased set-backs, landscaping and amenities, to make communities more livable
- Prohibiting incompatible uses such as auto-repair, check cashing stores, and other uses that have the potential for disrupting quality of life
- Placing limits on the size, number, and placement of signs to reduce sign clutter and improve the physical appearance of commercial areas

Similarly, the Core Findings ordinance will provide more easily-understandable, consistent findings which better-articulate neighborhood protections and require evidence of neighborhood compatibility for new projects to be approved.

MYTH #3: All Specific Plans in the City will lose protections.

FACT:

The Core Findings ordinance will not lessen Specific Plan protections. None of the ordinances will delete existing protections or procedures in place. All existing procedures for project permit applications, deviations from Specific Plan regulations, and public notification will remain intact. Community Plan Implementation Overlays will not replace existing, adopted Specific Plan districts. Rather, the CPIO should be seen as another optional zoning tool for neighborhoods that currently lack a special zoning district that require protections beyond the basic Zoning Code regulations.

MYTH #4: The Planning Department will abuse the Administrative Clearance process.

FACT:

The CPIO ordinance is a new type of overlay intended for areas of the City that are not currently covered by a Specific Plan, Community Design Overlay, Historic District, or other type of special design district. Without a special district, most neighborhoods in the City are only subject to basic Citywide zoning regulations, which do not require architectural design or neighborhood compatibility for projects that can be built by-right (i.e reviewed only by the Department of Building and Safety). The CPIO ordinance introduces an additional check for projects that comply 100 percent with the regulations in a CPIO district. In this review, the Department of Building and Safety and Planning staff will confirm that a project meets ALL requirements in a special district. If a project does not comply with ALL regulations, the application will be denied for an Administrative Clearance and the Neighborhood Council will be



notified should the applicant request any form of relief from the regulations. The ultimate decision can always be appealed.

Myth #5: These ordinances were developed behind closed doors with little opportunity for public input.

FACT:

In light of a growing work program, the Planning Department has initiated these key proposals to amend parts of the Zoning Code in order to improve efficiencies in the application procedures and project administration, while at the same time, advancing our efforts to create an inclusive public process. The Community Plan Implementation Ordinance, for example, grew out of the New Community Plan program when it became clear that many communities desire additional design protections. The CPIO ordinance was conceived as a way of providing additional protections without the tremendous staffing demands of other types of zoning districts. This would ensure that Community Plan policies and programs can be implemented swiftly and in a way that incentivizes projects to comply with regulations outright.

When the CPIO tool was presented at a publicly noticed workshop on March 19, 2009, the audience was in general support of the proposal. When the CPIO tool came before the City Planning Commission, two speakers spoke in favor of the ordinance. Many communities currently undergoing a Community Plan update are eager to use this tool to meet their neighborhood's needs. In these communities, where Community Plans are currently being updated, Planners are working collaboratively with community stakeholders to identify neighborhood issues and concerns through a series of public workshops. This new ordinance provides one additional tool in the Zoning Code aimed at protecting neighborhood character by establishing regulations that are tailored to individual communities where concerns have been expressed.

MYTH #6: Projects will be able to be built without an Environmental Impact Report (EIR).

FACT:

All discretionary actions must comply with the California Environmental Quality Act (CEQA). None of the proposed initiatives will override CEQA. As is the current practice, EIRs will still be required on significant projects exceeding certain environmental thresholds. Similar to Specific Plans and other types of Overlay Districts in the Los Angeles Municipal Code, the requirements of a CPIO District will be IN ADDITION to the regulations of the underlying residential, commercial, or industrial zone. The California Environmental Quality Act thresholds used in determining the appropriate level of environmental review (i.e. Negative Declaration, Mitigated Negative Declaration, or EIR) will be unchanged. Projects in overlay districts actually receive increased environmental review as compared to by-right projects reviewed solely by the Department of Building and Safety. All projects within future CPIO districts will be subject to California Environmental Quality Act requirements and the City's adopted thresholds of significance. None of the proposed ordinances could directly or indirectly weaken the level of environmental review.



MYTH #7: Community Plan Implementation Overlay districts will roll over existing regulations in Community Plans and will be adopted in lieu of new or updated Community Plans.

FACT:

As the name of the ordinance suggests, Community Plan Implementation Overlay districts will implement the goals and policies of adopted Community Plans and will not be adopted in lieu of updating the City's 35 Community Plans. When special zoning districts are established they support and strengthen the effectiveness of Community Plans, which provide the blueprint and vision for each of the City's communities.

In fact, for Community Plan policies dealing with neighborhood character and compatibility to be implemented effectively and consistently, establishing neighborhood-specific zoning requirements can ensure that Community Plans policies about neighborhood compatibility are carried out on new buildings. Basic zones in the Los Angeles Municipal Code are limited when it comes to approaching neighborhood-specific concerns. This is why tools like CPIOs, Specific Plans, Community Design Overlays and Pedestrian-Oriented Districts – normally adopted shortly after a Community Plan is updated - are necessary to drill down to important context-sensitive design and compatibility issues at the neighborhood level.

For more information about these ordinances, please contact Michelle Sorkin or Tom Rothmann:

michelle.sorkin@lacity.org or 213.978.1199

tom.rothmann@lacity.org or 213.978.1370



Community Watchdog Cary Brazeman Fights Villaraigosa's Crusade to Allow Development Everywhere

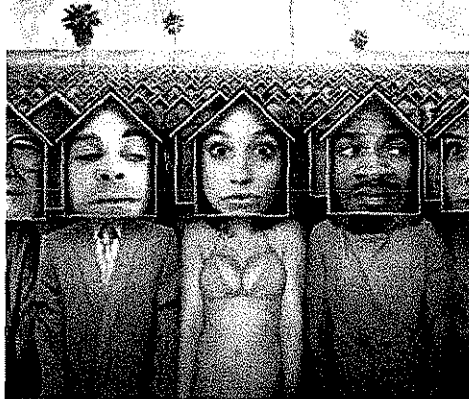
L.A.'s postwar zoning code on the chopping block

By Steven Leigh Morris

published: January 13, 2011



Illustration by Matt Mahurin



Watch

exclusive, in-person video interviews with Cary Brazeman and Deputy Planning Director Alan Bell here.

In late September, Cary Brazeman was having dinner with a friend, an entertainment attorney, who asked Brazeman if he'd heard about a plan dubbed the "Core Findings Ordinance." Officials at the Los Angeles Department of City Planning were preparing to float it by the Planning Commission in a few weeks in readiness to launch it citywide in 2011.

"You should read this thing," his friend advised. "Then let's talk."

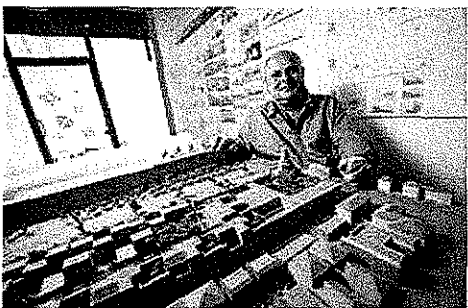
The soft-spoken Brazeman runs the Corporate Storyteller, a PR agency that advises firms on how to better brand themselves. He isn't working on real estate branding projects, but real estate and public policy are in his blood. He came here from Washington, D.C., 15 years ago to head corporate communications for L.A.-based CB Richard Ellis, the biggest real estate services firm on the globe. No slouch in the industry, Brazeman in D.C. worked for the Real Estate Roundtable, a nonprofit think tank dedicated to public policy and advocacy on real estate and financial issues, and he likes to keep tabs on L.A.'s development and density debates.

But Brazeman had never heard of the Core Findings Ordinance his friend was talking about. He soon realized that his ignorance was shared by L.A.'s nearly 4 million residents, even though the bureaucratic-sounding plan could affect — profoundly, in some cases — the streets and neighborhoods where Angelenos live.

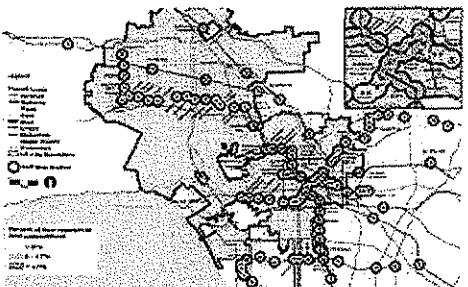
Alan Bell, L.A.'s deputy director of planning



Cary Brazeman



CityLAB's Roger Sherman



Each green button is a mile-wide target for redevelopment.

"I hadn't intended to get this involved in public policy," says Brazeman, who in late 2009 formed a nonincorporated watchdog group, L.A. Neighbors United, now with about 20 volunteers. "It just sort of came up."

When he pored over the fine print in the Core Findings Ordinance itself, Brazeman was stunned to discover that rather than the policy-neutral word changes throughout the zoning code that were advertised as the ordinance's purpose, the new phrasing chipped away at community protections in favor of developers.

Within days, Brazeman spent an undisclosed sum to purchase full-page ads in the Los Angeles Times and Los Angeles Daily News, issuing a warning to residents that zoning code protections were being undone citywide. His cell phone was soon jammed by callers ready to join his effort to publicly call out the Core Findings Ordinance.

Brazeman's actions had an immediate effect. Sixty people showed up at the Planning Commission hearing on Oct. 14, where more than two dozen spoke out against the ordinance, compared with three on its behalf. With the hue and cry building among neighborhood councils, city watchdogs and local bloggers, the Planning Commission agreed to delay the matter until Jan. 13 — the day this article goes to print.

The primary use of core findings in L.A. has been to determine that a proposed apartment complex, condo tower, commercial redevelopment — even a second floor on a bungalow — won't degrade the neighborhood's quality of life.

The executive summary of the proposed new Core Findings Ordinance to be debated on Jan. 13 looks harmless — benign

wording changes for the sake of efficiency. "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."

But Brazeman soon realized the ordinance wasn't about the subtleties of language. His research unearthed a Sept. 11, 2008, report to the City Planning Commission by Gail Goldberg, Mayor Antonio Villaraigosa's recently departed director of the Department of City Planning. In it, Goldberg announced an initiative by her Planning Department to conduct nine separate zoning code studies, each accompanied by a new ordinance that, if approved, would enact sweeping changes to land-use language sprinkled throughout the thick Los Angeles Municipal Code.

Boring to most people. But Brazeman grew annoyed when he saw that the first four words in Goldberg's report, following the date, time and place of the Planning Commission meeting she was announcing to discuss the sweeping municipal code changes, were: "No Public Hearing Required."

To Brazeman, that was an indicator that Goldberg and the political appointees on the Planning Commission did not intend to make a citywide outreach effort to ask Angelenos what kind of city they want to live in.

The *Weekly* has learned of eight other related ordinances that may or may not have been written by now; they are shrouded in mystery and yet to be unveiled at City Hall.

Critics see a betrayal of the compact made between City Hall leaders and Los Angeles residents in 2008, when they trustingly backed countywide sales tax Measure R, which subsidizes many new mass-transit lines. L.A. Neighbors United says city planners appear to be using the locations of the light rail, subway and bus stops to justify erecting ever-larger condos and office towers citywide, even in neighborhoods protected from such developments.

Though clean, efficient mass transit is unarguably a boon to any city's quality of life, Ken Alpern, chairman of the Transit Coalition — a national group working to increase public transit choices and a leading blogger at citywatchla.com — says the Villaraigosa administration's claim to be targeting density around transit stops is really a Trojan horse to green-light permission for major developers, including Wall Street investment companies, to trump the land-use protections enshrined in L.A.'s citizen-molded Community Plans.

These are not antigrowth civic figures in Los Angeles who are saying this.

The mild-mannered, pro-development Brazeman is eager to see a green belt that stops sprawl, and he endorses targeted new building “around transit to accommodate Measure R.” He's in the strange role now of grassroots watchdog, filing two lawsuits against the city of Los Angeles and warning, “Policymakers, and presumably their patrons, want significantly expanded development rights everywhere, which leads to more dysfunctional density.”

Sharon Commins, vice chair of the Land Use Committee for the Mar Vista Community Council, says Brazeman is throwing light on the Planning Department's increasing tendency toward “arbitrarily forcing excessive growth and extreme lifestyle policies on L.A.'s neighborhoods, with neither notification nor consensus, and completely without regard for amenities like open spaces, parks and ball fields.”

John Walker, president of the Studio City Neighborhood Council, says, “There's no fairness in the process,” referring to the way City Hall is not revealing these related ordinances at one time. “These kinds of ordinances affect all of us, not just people who own homes or rent apartments. Part of the process is being forced upon us because of a crisis in the city budget. If we can't have any input in the community, and it's going to be dictated, why even call it a community?”

Lucille Saunders of the La Brea–Willoughby Coalition in Hollywood goes further, calling the changes to the core findings “part of a piecemeal, incoherent process meant to confuse residents. They must be disclosed in their entirety to be coherent.”

Serious City Hall watchers are furious. Jay Handal, chairman of the mayor's Budget Advocacy Committee and chairman of the West L.A. Neighborhood Council, declares, “Like everything else the city does, they do it with great speed and little thought. These guys are like cocaine dealers who lose money. It's worse than pathetic.”

Watch exclusive, in-person video interviews with Cary Brazeman and Deputy Planning Director Alan Bell here.

High ceilings, tile floors and an imperial austerity mark the corridors leading to the Department of City Planning, on City Hall's fifth floor. In his office there, deputy planning director Alan Bell, in suit and tie, clutches a thick, hardbound book. Setting it gently on the large oval table, his fingers open it tenderly, as though it's a sacred text.

“This is the zoning code,” he says softly. Bell has been with the Planning Department for 20 years. He says he comes from community service, having been a Vista volunteer straight out of college in Ohio.

He listens carefully before he responds. His replies are the embodiment of calm reason. “We've been using this zoning code since 1946,” he continues. “There have been many, many revisions since then.”

He adds that it's a "one-size-fits-all" code, where the written standards for Sylmar's horse country are the same for Silver Lake and Hollywood. The city's numerous, distinct neighborhoods need better protection, he says.

It's a mark of the complexity of this debate that antagonists such as this coiffed city planner and sport-shirted Cary Brazeman could sound like they espouse the same vision. But Brazeman last month filed a lawsuit against the city for the City Council's hurried passage in November of an ordinance drafted by Bell's Planning Department and described by Eastside City Councilman Ed Reyes as "just a planning tool."

That "tool" is yet another ordinance, the Community Plan Implementation Overlay District Ordinance (CPIO) — a name almost certain to make anyone's eyes glaze. Largely unknown to Angelenos, it was aired during a single public hearing in early 2009. But the plan went quiet before suddenly surfacing at the Planning Commission a year later. It then was rushed into law by the City Council 11-to-0 on Nov. 10 after Councilman Reyes, representing District 1, moved for its approval "by consent" — a parliamentary move that prevents public discussion.

Both Brazeman and Laura Lake, a Save Westwood Village activist who was instrumental in fighting for 1986's lower-density measure Proposition U, had submitted speaker cards in order to oppose it on Nov. 10. Reyes denied them the opportunity to speak because, in his own words on the council floor that day, the ordinance "doesn't even do anything."

Yet Brazeman condemns the CPIO as a means to roll over L.A.'s 35 long-neglected and aging Community Plans. The CPIO ordinance gives the Planning Department dramatic new power to create "overlay" districts of any size or shape, anywhere in the city, with new zoning rules that override the city's Community Plans.

Such overlay districts must be approved by the Planning Commission, whose members are appointed by Mayor Villaraigosa, followed by a sign-off by the City Council.

Under the new law — which Brazeman is asking a court to halt by injunction — if a Los Angeles family doesn't want to live within an overlay district that trumps the longtime zoning but finds that its home, condo or apartment is being overlaid, there's nothing the resident can do.

At a November workshop held by the Valley Alliance of Neighborhood Councils, land-use consultant Brad Rosenheim explained that residents had to act before a CPIO was overlaid on them: "It's awareness on the part of the community as these CPIOs are being adopted that's most important — because those are going to be the rules."

That's because once the rules are set for how big and dense buildings can be within these new overlay districts, building projects in those communities can be approved ministerially by the Planning Department. "Ministerially" means city employees can give the green light to developers' projects without the usual public input, community hearing or environmental impact requirements — or an Environmental Impact Report.

Brazeman's lawsuit says that's illegal, because state law requires that significant environmental impacts of new building projects be known and mitigated. The new law skirts that requirement, with no public input.

The paradigm shift that Councilman Reyes claims "doesn't do anything" is in fact dramatic: Instead of projects being subjected to public scrutiny, that scrutiny is now placed on new, abstract districts long before any projects or alterations have been proposed.

By the time developers' projects come down the pipeline, the public, the Planning Commission and even the City Council will be out of the discussion. The Planning Department will have the power to approve projects by decree. The Planning Department, since Goldberg's departure, is now run by

former zoning administrator Michael LoGrande, who answers directly to an impatient mayor who says he is eager to “remake what L.A. looks like.”

“That’s just not so,” Bell replies, calmly, when asked why the ordinance gives decreelike powers to his department. “The ordinance clearly, specifically requires that CPIO overlay districts have rules that are more restrictive than those in Community Plans,” affirming his conviction that his Planning Department is watching out for communities.

That’s not quite true. Exceptions can be approved in the overlay district rules that allow for buildings 20 percent larger than those allowed in the more protective zoning code — and L.A. residents can protest this up-zoning only after it is adopted.

“Those exceptions can be appealed,” Bell explains. “We’re required to inform the public of them, and the public can appeal to a local Planning Commission, which can overrule us. Nothing has changed.”

Perhaps Bell and Reyes actually believe that “nothing has changed.” Over such distinctions as opposing a petition before an approval versus appealing it after the fact, cities rise and fall.

Bell gingerly returns the zoning code to a shelf. It might not be present at the Jan. 13 meeting of the City Planning Commission, but it will be on the chopping block all the same.

Watch exclusive, in-person video interviews with Cary Brazeman and Deputy Planning Director Alan Bell here.

New density is supposed to be built within walking distance of light rail, subway stations and major bus stops. That’s what it says in the comprehensive February 2010 report issued by the Center for Transit-Oriented Development, a nonprofit think tank funded by the Federal Transit Agency. The steering committee for that report included representatives from Mayor Villaraigosa’s office, the Department of City Planning, Caltrans, Metro and other agencies, though they didn’t have final say on what went into it.

Much of that new density, concentrated around transit stops, would abut single-family areas and low-slung, suburban neighborhoods of Los Angeles currently protected from heavy development nearby. Deputy planning director Alan Bell insists, “We need to protect and preserve our single-family neighborhoods.”

But as Brazeman discovered, that’s not what the actual legislation portends, in part because the Planning Department now can establish overlay districts of its choosing, anywhere in the city, near — or far from — transit stops.

Neighborhood council leaders also fear that single-family neighborhoods are increasingly vulnerable because city planners are tossing around terms such as underutilized nonresidential land — mile-wide areas the Center for Transit-Oriented Development has created by drawing a circle around key transit stops. The big tracts of “underutilized” but already developed land, detailed on a map published on the center’s website, adjoin dozens of single-family neighborhoods in areas such as Sun Valley near San Fernando Road, the intersection of Washington and National boulevards in Palms on the Westside and a stretch of Coldwater Canyon between Sherman Way and Roscoe Boulevard.

Furthermore, as community activists Saunders and Mike Eveloff point out in their 2008 lawsuit against the city, the Planning Department has for at least 10 years ignored a City Charter requirement by failing to publish infrastructure reports each year on the state of Los Angeles’ water pipes, road conditions, sewage treatment and the like, all of which is supposed to be used when planners decide whether new construction and land-use up-zoning is a good idea.

Throughout the Hahn and Villaraigosa administrations, only one such infrastructure assessment has appeared in the record — not a report per se, but a troubling C+ grade on a 2003 “Infrastructure Report Card” published by the Bureau of Engineering during Mayor James Hahn’s administration.

Saunders and Eveloff, in their lawsuit, cite the lack of city infrastructure reports as a violation of the California Environmental Quality Act (CEQA) — yet more proof that little real planning went into L.A.’s most recent growth spurt.

Now, Brazeman has become the decoder from the development side, as he translates for the rest of the city what the core findings might mean for L.A. One translation he provides is of the phrase “project permit adjustment” — often sought by developers who want to deviate from the zoning code. Today, for the adjustment to be granted, the director of planning must make a “written finding of circumstances” showing that following the local land-use rules is impractical.

But in the new wording under consideration on Jan. 13, that’s all deleted. An unwritten approval could be granted if the retail, commercial or housing project “will perform a function or provide a service that is essential or beneficial to the community, city or region.”

The requirement to provide a service beneficial to the “city or region” could easily be cited in order to allow a dense project in Pacific Palisades to serve a community in Covina by providing jobs to contractors there.

Brazeman says the city’s wording scheme creates the potential for “up-zoning by right,” granted by the Planning Department without community review. That’s also against state law.

Jeff Jacobberger, chairman of the Mid-City West Community Council, to which Brazeman belongs, tells the *Weekly* he is satisfied by the new wording because it’s “simpler and easier to understand.” Jacobberger testified before the City Planning Commission to that effect.

Not so Sharon Commins, vice chair of land use for the Mar Vista Community Council.

Commins, who read the core-findings plan and submitted a comparison of that wording to rules used in Culver City, Burbank, Santa Monica and West Hollywood, found that L.A.’s vague proposed wording contrasted with the precise, protective language used in nearby cities.

“If L.A.’s zoning protections don’t mean anything,” even in quiet, pleasant residential areas like Mar Vista, “you’re going to lose potential home buyers to surrounding areas,” she tells the *Weekly*.

Reactions to Brazeman’s full-page ads in the Times and Daily News heated up the debate, and responses started rolling in to the City Planning Commission.

“The Brentwood Residents Coalition supports the Planning Department’s effort to revise the zoning code by establishing core findings and eliminating language that is redundant and confusing.”

“The Hollywoodland Homeowners Association is opposed to the above ordinance as currently written. ... We feel adoption of this new ordinance would substantially undermine ... existing L.A. municipal codes.”

On Oct. 7, Brazeman wrote to the City Planning Commission, on behalf of L.A. Neighbors United: “Following careful review of the proposed nine-part zoning code update ... 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.”

[Watch exclusive, in-person video interviews with Cary Brazeman and Deputy Planning Director Alan Bell here.](#)

If this is indeed an attempt to gut the zoning code, it isn't just about microscopic analyses of words and meanings. There's a theology at play, a utopian vision of a 21st-century "new urban" city proclaimed with far more zeal than evidence.

Skeptics believe that Mayor Villaraigosa and his deputy, Austin Beutner, have an ulterior motive for further loosening the rules on growth in a city where those rules have never been strong: to fend off city bankruptcy by feeding "underutilized" areas and land-hogging single-family neighborhoods to Wall Street real estate investment companies.

(As this story was going to press, the *Weekly* learned that the Department of City Planning is being ordered to absorb another \$1 million budget cut — with most of the shortfall expected to gut the Community Planning Unit. Westside Neighborhood Council board member Barbara Broide writes, in an e-mail leaked to the *Weekly*, "The [Planning] Department is now looking at being funded 75% from developer fees and 25% from the General Fund. If things continue in the manner that they are going, the department will no longer be a planning department, it will be a project processing or permitting department.")

A key example was the March 2010 decision by the City Council to hand Goldman Sachs eye-popping up-zoning approvals that, if fully developed, are worth \$456 million. Council members blew past zoning restrictions, ignoring the Community Plan and disregarding the opposition of the district's councilman, Bill Rosendahl, by up-zoning 111 empty acres at the massive Playa Vista development that the company co-owns near the Ballona Wetlands. The decision re-enacts a similar gift of Playa Vista development rights by the City Council to DreamWorks Pictures in 2004, which was overturned by the courts on environmental grounds.

Ken Alpern, co-chair of the Mar Vista Community Council Transportation and Infrastructure Committee, says it's not difficult for City Hall to "greenwash" such schemes using the theology's appealing ideas about ecological sustainability. These include public transit that leads directly to densely populated hubs where people can live and shop; pedestrian thoroughfares; bicycle lanes; and public space.

"If this city had a history of doing things in a more environmentally sustainable way," Alpern says, "I wouldn't be so worried. To my understanding, mass transit is supposed to help us improve our quality of life, but not as a Trojan horse for uncontrolled development." The city's abuse of the transit-oriented development theory "is obviously going to lead to overdevelopment. Anybody who doesn't see this has blinders on."

The ideas of a new urban, ecologically friendly city abound on the website of CityLAB, a housing-policy think tank in the UCLA School of Architecture, where former city planning director Gail Goldberg and an aide participated in workshops.

The website alludes to antiquated 20th-century notions of id, self-expression, privacy rights, oil dependence, cars and single-family neighborhoods. These are depicted in visual images of single-family neighborhoods in decay, and descriptions of nomads and wild animals feeding off their detritus.

One summary in a report on the CityLAB site urges urbanites to live in "re-energized forms of collective identification and association," which requires "hijacking and pushing to extremes their contemporary opposite — the seemingly endless quest for individual expression and privacy."

But people have historically refused to behave the way planners want them to. The 4,000 or so Hollywood residents who have packed into the 2,686 fashionable new housing units built by the time of the market crash in 2008 — many of them located above retail spaces — have jammed the narrow streets and freeway ramps with cars. Only a small minority use Hollywood's subway and bus lines, despite City Hall's glowing talk about "transit-oriented development."

Mark Fina and Leonard Shabman, writing in the William & Mary Environmental Law and Policy Review, say: "In one study of commuting habits ... Los Angeles' transit-oriented neighborhoods with access to highways were found to have the same amount of car use as neighborhoods not served by transit."

Research at Lewis & Clark College in Portland, Ore., found a similar result in that increasingly congested city.

CityLAB's co-director, Roger Sherman, calls for small-scale pilot projects to test the impact of new project designs, rather than accommodating them with sweeping legislation, as the city is doing now.

Others are beginning to address the importance of low-slung, less dense communities. Galina Tachieva, a director of town planning at a Miami architecture firm, in her piece on the Planetizen blog, "Sprawl Repair: What It Is and Why We Need It," writes about a number of nuanced strategies to revitalize suburbs, subtly accommodating population inflows, rather than disparaging neighborhoods, abandoning or exploiting them.

No studies yet exist to say whether tightly packed apartment dwellers create less global warming than L.A. residents who commute farther from their houses with yards; it's expected to take years to fund and design those studies. Yet the belief that density is good for the environment underpins the current push to weaken already fragile zoning protections in L.A. neighborhoods.

Dr. Konstantin Vinnikov, senior research scientist at the University of Maryland, tells the Weekly that the environmental debate over apartment complexes versus single-family homes "is a very interesting question, but nobody knows any answers. Government and private business will not fund such research. If agencies fund you to research something, it is really clear what you have to conclude. You cannot be free if an agency requires a specific result."

That warning is echoed in the behavior of the developer-friendly Southern California Association of Governments (SCAG). In 1990, its exaggerated projections said that by 2010, L.A. County's population would hit 10,868,900. SCAG overshot the U.S. Census projection by more than 1 million people, yet California state law forced Los Angeles to approve housing construction policies as if all those people were on an incoming bus.

In the last 25 years, suburban development has accounted for more than 80 percent of all new jobs and more than 80 percent of all new office, industrial and retail construction, Fina and Shabman write in their article "Some Unconventional Thoughts on Sprawl."

An array of studies shows that suburban areas are not only a job engine but offer other benefits. For example, the quality of schools plummets in high-density neighborhoods — a weighty topic that Los Angeles city planners don't wade into.

Moreover, the 1.6 million population San Fernando Valley consistently beats the "other side of the hill" in school test scores, low-crime data, housing affordability — and the percentage of taxes its residents pour into city coffers to pay for the needs of residents living in far denser areas on the city side.

During the Valley secession movement from 1997-2002, Mayors Richard Riordan and James Hahn worked together with many others in fighting the loss of the Valley and its huge tax base. During the height of secession angst, a raft of top city leaders openly admitted L.A. could not live without the Valley.

"The city has got to change its ways," Mayor Villaraigosa said in November at a housing summit at UCLA. "It's nice to be a city of sprawl, where you have a percentage of people that have a three-bedroom house and a tennis court, but you know most people don't live like that — and we're not going to be able to sustain that on a scale that they did maybe in another era."

In fact, fewer than a quarter of L.A.'s housing units are single-family dwellings, which raises the question of what, exactly, the mayor is suggesting, and why.

Back in March 2008, when Villaraigosa was trying to light a fire under the many stalled construction projects stemming from the housing market collapse, he launched his "12-to-2" initiative, to be executed by Deputy Mayor Beutner.

Targeting the widely hated, byzantine process developers endure in order to get a building project approved in the city, Villaraigosa's seemingly simple plan was to streamline the process by having only two city departments check off a building permit, rather than 12.

But the complexity of City Hall's administrative structure, combined with interdepartmental politics, resulted in the collapse of 12-to-2 in September; it also hastened the departure of some department heads, including Goldberg, who was said to have been forced out by Villaraigosa.

The mayor's impatience with impediments to developers was clear at the annual Sustainable Housing and Transportation Summit, sponsored by the Los Angeles Business Council at UCLA.

"What we want to do is do it now," said the mayor. "So we remake what L.A. looks like."

That's what many critics of Villaraigosa are afraid of.

Also at the Nov. 17 summit, he said: "You've got to connect transportation and housing and jobs. This city, more than any other city in the world, has been most resistant to that."

But some Angelenos believe that vision too often has little bearing on what actually appears on the streets, once money has changed hands.

One example is the sudden bait-and-switch last August at the Village at Westfield Topanga, where a long-planned upscale, state-of-the-art, mixed-use village of condos, apartments and businesses — just steps from Metro's popular Orange Line dedicated busway — had been promised.

The plan, hammered out over months, was embraced by the pro-development Warner Center Neighborhood Council. But global mall operator Westfield abruptly declared five months ago that it is instead putting a massive parking lot and a Costco on the choice land, which faces a Saks Fifth Avenue and a Nordstrom. There is another Costco a couple of miles north of the site.

Unlike in Portland, which voted on its key growth plan at the ballot box, there has been no endorsement by the public, no ballot initiative and no effort by City Hall to discern the popular consensus on how to "remake what L.A. looks like."

The last time that happened, in fact, was in 1986, when 69 percent of Los Angeles voters backed Proposition U, a vote against office towers and other commercial high-rises that down-zoned almost all of the city's commercial districts, chopping in half allowable levels of density.

Voters made clear that they supported such density only in the parts of Los Angeles where it already existed. Proposition U thus exempted from the down-zoning downtown, Century City, the Wilshire Corridor and the Hollywood Redevelopment Area.

"What a bunch of whining old grannies," says Jonathan Voorstadt of the Proposition U slow-growthers and their descendants today. A transplant from Queens, N.Y., and a resident of the transit-oriented development at the Mid-City Wilshire/Vermont Red Line station, Voorstadt is a freelance video game designer and lives on a trust fund.

He owns no car and doesn't want one, using L.A.'s transit system to get where he needs to be. "When are they going to realize we can't live in 1950 anymore? A city that doesn't evolve is a dying city," he says.

“Since when did politicians ever do what they said? Is that a reason to choke back progress?”

The truth is, nobody knows which side in this debate would win if a vote, or even a series of widely advertised public outreach hearings, were held on what Angelenos want their city to be.

Watch exclusive, in-person video interviews with Cary Brazeman and Deputy Planning Director Alan Bell here.



L.A. May Say Good-bye to EIRs and public notice

City Council tries to upend Community Plans and zoning protection

By Steven Leigh Morris

published: November 18, 2010

Only one week after it was green-lighted on Nov. 3 by the city Planning and Land Use Committee, the "Community Plan Implementation Overlay" ordinance was approved, in 10 minutes, by the Los Angeles City Council on a vote of 12-to-0 last Wednesday.

The hyper-rushed ordinance sets in motion the machinery for director of planning Michael LoGrande to roll over 35 Community Plans that contain hard-fought standards to protect all local neighborhoods in L.A. from overdevelopment and oversized buildings.

Passage of the ordinance — and the hurried manner in which the normally glacially slow 15-member City Council squelched all public comment last week — is the first shot across the bow in a plan, announced in a 2008 Planning Department report, to gut the L.A. zoning code.

Two speaker cards were submitted in opposition on Nov. 10: one by Laura Lake of Save Westwood Village, and one by Cary Brazeman of L.A. Neighbors United.

Neither was allowed to speak on behalf of the public, thanks to a procedural stunt pulled by Eastside District 1 City Councilman Ed Reyes.

Reyes moved that the City Council adopt the ordinance "by consent" — closing off any possible public criticism.

A recent study showed that the City Council votes unanimously 99.993 percent of the time. It did so once again, with Richard Alarcon, Tony Cardenas, Janice Hahn, Jose Huizar, Paul Koretz, Paul Krekorian, Tom LaBonge, Bernard Parks, Jan Perry, Ed Reyes, Bill Rosendahl and Greig Smith all voting yes without subjecting themselves to a word of anger from the audience.

The 2008 plan to "overhaul" the city's zoning code involves six to nine code studies and accompanying ordinances.

Frustrating many of the city's 88 neighborhood councils, Planning Department staff and the City Council are rolling out details of their sweeping plan piecemeal, and quietly. As a result, few Angelenos knew of its existence.

In an Oct. 4 letter to the Planning Department, the Studio City Neighborhood Council warned: "As the project is being implemented in six 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 and impact of the entire project."

The Studio City group says that by revealing only bits and pieces of the rapidly developing citywide makeover, "This is a violation of the CEQA [California Environmental Quality Act] and it renders the MND [Mitigated Negative Declaration] meaningless."

Another neighborhood group, the Sherman Oaks Neighborhood Council, complained at a crowded forum held on Nov. 11 by the Valley Association of Neighborhood Councils that it has been left out of many of the Planning Department's notifications.

The city's chief planner, LoGrande, was present at the Valley meeting — and he attributed the gaffes to contact lists that hadn't been updated.

This was the same excuse tendered by then-principal city planner Jane Blumenfeld two years ago, when the L.A. City Council shoved through its controversial pro-developer Bonus Density Implementation Ordinance — swaths of which were held to be illegal and were undone by the California courts.

LoGrande was appointed by Mayor Antonio Villaraigosa to head the Planning Department after city planner Gail Goldberg left this year. Villaraigosa's selection raised eyebrows, particularly since LoGrande has no training or background in planning, and the mayor had failed to conduct a serious search to fill the powerful and sensitive job.

LoGrande was the longtime city zoning administrator whose department approved 90 percent of applications from people seeking variances or conditional-use permits to build bigger apartment complexes, office towers, houses and other structures than were allowed under zoning protections.

His department's record helped cement L.A.'s reputation, once famously decried by Goldberg, as a developer-run city where zoning protections are flouted and exceptions are the rule.

The new ordinance could lead to buildings with at least 20 percent more density and parking than permitted by local zoning codes.

But the greater issue is that the ordinance hastily approved by the City Council last week sets the stage to wipe out a long-standing legal and social contract between City Hall and L.A.'s dwellers: It does so by removing many requirements for public notices, public hearings and Environmental Impact Reports, which allow Angelenos to question what is happening or fight back.

The plan the City Council approved is, in fact, a shrine to the rule of exceptions.

It creates a new layer of bureaucracy that would "overlay" the Community Plans by creating special administrative districts — Community Plan Implementation Overlay districts — in which the Planning Department will have exclusive jurisdiction, trumping neighborhood councils and anyone from the community.

This first of at least six anticipated ordinances to be approved piecemeal also may have been the most stealth legislation to sweep through Los Angeles City Hall in recent memory.

From Oct. 3, when the language was approved by City Attorney Carmen Trutanich, it took only six weeks for the proposal to become law.

Studio City Neighborhood Council President John Walker told the *Weekly* it would have been absurd

for his group to comment to the City Council. His organization had only one week, yet it needed at least 60 days to review the ordinance responsibly — and he says even the best and the brightest can't figure out what it means, or why it's needed.

"We have a very proactive organization in Studio City," Walker explains, "and we couldn't even keep up with it."

The Planning Department, in an October report, said the ordinance is needed to help expedite the cumbersome updating of Community Plans every five years. The Planning Department is woefully behind — by up to 20 years in some communities.

But Sharon Commins, vice chair of the Mar Vista Community Council, asks, "Is adding another layer of bureaucracy supposed to make updating the Community Plans more efficient? Why don't they just update the Community Plans instead?"

Reyes argued last week that the Planning Department is hampered because its staff has been slashed by 40 percent over the past five years.

But even when the department was fully staffed five years ago, it failed to update numerous Community Plans, some for 15 years.

There may be something more sinister at work than benign City Hall ineptitude aggravated by hard times. Reyes insisted the ordinance "doesn't change anything — it's just a tool."

But this tool will implement the next, far more draconian "Core Findings Ordinance," scheduled to be heard before the Planning Commission on Jan. 13. The two ordinances, in conjunction, could turn out to be a concerned community's nightmare.

The current system requires that developers or home-owners seeking zoning variances and exceptions do so in public, where their request is denied or approved by an area Planning Commission.

The new overlay districts provide a structure to eliminate those protective vetting requirements. The geography of each new overlay district will be proposed by the Planning Department, followed by a Planning Commission hearing and final approval of the new district by a City Council that almost always votes unanimously.

Once that happens, says land-use attorney and consultant Brad Rosenheim, neighborhoods inside an overlay district will have no recourse to challenge edicts of the Planning Department.

The new overlay districts will turn LoGrande into a land czar with full authority to approve new building projects. His department could grant an administrative, executive "clearance" without a hearing, notice or EIR.

The ordinance does require that executive clearances be consistent with local zoning codes but modestly so. Two biggies — density and parking — are not included in the list of zoning definitions developers must obey, and the Planning Department may grant an automatic "adjustment" allowing buildings up to 20 percent larger than those permitted by zoning.

Before Nov. 10, an EIR was required if a developer sought a project size increase 10 percent bigger than allowed by zoning. That EIR protection is now history.

Studio City Neighborhood Council's Walker asks, "What's the point of buying a home in the city when nothing is protected?"

QUESTIONS & ANSWERS

PLANNED UNIT DEVELOPMENT



Q: What is a planned unit development?

A: A planned unit development (PUD) is a comprehensive development plan, adopted as a supplemental use district, intended to provide flexibility in design and building placement. PUDs promote attractive and efficient environments with a variety of uses, densities, and dwelling types while providing for shared infrastructure and amenities and preserving natural and cultural resources. A PUD may be used for many different types of developments, from small to large, mixed-use, residential, commercial, or industrial.

Q: Does the City have anything like this now?

A: Yes, the Zoning Code has allowed "Residential Planned Development" (RPD) districts since 1971 (and previously as a conditional use since 1964). The Planning Department is updating the Zoning Code (LAMC 13.04) to make this tool available for a broader range of infill and mixed-use development types.

Q: What's wrong with what we have?

A: RPD districts allow only single-family, suburban-style, residential planned developments. Such districts have only been requested three times. Because the City of Los Angeles was significantly built-out by 1971, there were few large, open tracts of land to accommodate RPDs. In recent years, many cities have revised their planned unit development regulations to enable innovative, mixed-use, infill projects within urbanized areas.

Q: Are planned unit developments the same as specific plans?

A: No, but there are some similarities. Both PUDs and specific plans contain development standards that may vary from the basic zoning and are adopted by ordinance after extensive community involvement. But, specific plans cover entire districts or commercial strips, regulating all property in the area. PUDs are typically proposed by a single applicant (or group of property owners applying together) for a single development project that may be built out in phases.

Q: Why do we need planned unit developments?

A: PUDs allow the City to consider innovative development proposals that might conflict with standard zoning and allow decision-makers to require better projects that offer a variety of housing opportunities and amenities, especially for sites that may be underutilized or challenging to develop. Also, the PUD process will allow planners to comprehensively review a project's impacts and benefits, rather than analyzing complex developments as several individual entitlements.

For further questions, please contact:

Tanner Blackman
213-978-1353
tanner.blackman@lacity.org

FEEDBACK FORM

PLANNED UNIT DEVELOPMENT



1: In which zones should planned unit developments (PUDs) be allowed? Please mark all that apply:

commercial industrial mult-family residential
 single-family residential mixed-use none of the above

2: What should be the minimum size of a planned unit development? Please mark one of the following:

less than 1 acre 1 - 2 acres 2 - 4 acres more than 4 acres

3: Planned unit developments should ... Please complete the sentence by marking one of the following choices:

be allowed to completely rewrite the zoning for a property.
 function as an "overlay" zone, allowing some flexibility.
 only restrict zoning.

4: What should be considered for flexibility from standard zoning?

density floor area ratio height lot area setbacks
 parking open space signage other: _____

5: What public benefits should be emphasized for individual planned unit developments?

on-site open space streetscape improvements affordable housing
 transit infrastructure public art other: _____

6: Any other comments: _____

Density / FAR / Height / Lot Area / Uses / Setbacks / Parks /
Open Space