

ORDINANCE NO. _____

An ordinance amending Sections 12.03, 12.04, 12.32 and 13.17 of the Los Angeles Municipal Code in order to authorize the establishment of River Improvement Overlay (RIO) Districts and River Design Guidelines for designated areas adjacent to the City's waterways.

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

Section. 1. Subsection D of Section 12.04 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

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

"O"	Oil Drilling District
"S"	Animal Slaughtering District
"G"	Surface Mining District
"RPD"	Residential Planned Development District
"K"	Equinekeeping District
"CA"	Commercial and Artcraft District
"POD"	Pedestrian Oriented District
"CDO"	Community Design Overlay District
"MU"	Mixed Use District
"FH"	Fence Height District
"SN"	Sign District
"RFA"	Residential Floor Area District
"NSO"	Neighborhood Stabilization Overlay District
"CPIO"	Community Plan Implementation Overlay District
"HS"	Hillside Standards Overlay District
"MPR"	Modified Parking Requirement District
"RIO"	River Improvement Overlay District

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

Land classified in an "O" Oil Drilling District, "S" Animal Slaughtering District, "G" Surface Mining District, "RPD" Residential Planned Development District, "K" Equinekeeping District, "CA" Commercial and Artcraft District, "POD" Pedestrian Oriented District, "CDO" Community Design Overlay District, "MU" Mixed Use District, "FH" Fence Height District, "SN" Sign District, "RFA" Residential Floor Area District, "NSO" Neighborhood Stabilization Overlay District, "CPIO" Community Plan Implementation Overlay District or "RIO" River Improvement Overlay District is also classified in one or more zones, and land classified in the "P" Automobile Parking Zone may also be classified in an "A" or "R" Zone.

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

Sec. 2. The district listing in Subdivision 2 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to read as follows:

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

"O"	Oil Drilling District
"S"	Animal Slaughtering District
"G"	Surface Mining District
"RPD"	Residential Planned Development District
"K"	Equinekeeping District
"CA"	Commercial and Artcraft District
"POD"	Pedestrian Oriented District
"CDO"	Community Design Overlay District
"MU"	Mixed Use District
"FH"	Fence Height District
"SN"	Sign District
"RFA"	Residential Floor Area District
"NSO"	Neighborhood Stabilization Overlay District
"CPIO"	Community Plan Implementation Overlay District
"HS"	Hillside Standards Overlay District
"MPR"	Modified Parking Requirement District
"RIO"	River Improvement Overlay District

Sec. 3. Paragraph (b) of Subdivision 3 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to read as follows:

(b) **Additional Requirements for Application.** Except for CPIO Districts, which may not be established through the application procedure, one or more of the owners or lessees of property within the boundaries of the proposed district may submit a verified application for the establishment of a district. An application for the establishment of a Commercial and Artcraft District, a Pedestrian Oriented District, an Equinekeeping District, a Community Design Overlay District, a Mixed Use District, a Sign District, a Residential Floor Area District, a Neighborhood Stabilization Overlay District, a Hillside Standards Overlay District, a Modified Parking Requirement District, or a River Improvement Overlay District shall contain the signatures of at least 75 percent of the owners or lessees of property within the proposed district. An application for the establishment of a Fence Height District shall contain the signatures of at least 50 percent of the owners or lessees of property within the proposed

district. An application shall be accompanied by any information deemed necessary by the Department.

If establishment of a district is initiated by the City Council, City Planning Commission or Director of Planning, the signatures of the property owners or lessees shall not be required.

Sec. 4. Subparagraph (3) of Paragraph (c) of Subdivision 3 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to read as follows:

(3) **Time for Commission to Act on Application.** The City Planning Commission shall act on an application to establish an "O," "S," "G," "K," "CA," "POD," "CDO," "MU," "FH," "SN," "RFA," "NSO," "CPIO," "HS," "MPR," or "RIO" District within 75 days from the date of the filing of the application. The City Planning Commission shall act on an application to establish an "RPD" District within 75 days from receipt of the Subdivision Committee report and recommendation. The City Planning Commission shall act on proceedings initiated by the Council within 75 days of receipt of that action from the Council, or within the time that the Council may otherwise specify.

Sec. 5. Paragraph (c) of Subdivision 4 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to read as follows:

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

Sec. 6. The Section list of Article 3 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

Section	
13.01	"O" Oil Drilling District
13.02	"S" Animal Slaughtering District
13.03	"G" Surface Mining Operations District
13.04	"RPD" Residential Planned Development District
13.05	"K" Equinekeeping District
13.06	Commercial and Artcraft District
13.07	Pedestrian Oriented District

13.08	"CDO" Community Design Overlay District
13.09	Mixed Use District
13.10	Fence Heights District
13.11	"SN" Sign District
13.12	"NSO" Neighborhood Stabilization Overlay District
13.13	"RFA" Residential Floor Area District
13.14	"CPIO" Community Plan Implementation Overlay District
13.15	Modified Parking Requirement (MPR) District
13.16	"HS" Hillside Standards Overlay District
13.17	"RIO" River Improvement Overlay District
13.18	Violation

Sec. 7. Section 13.17 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 13.17. "RIO" RIVER IMPROVEMENT OVERLAY DISTRICT.

A. **Purpose.** This section sets forth procedures and standards for the establishment of River Improvement Overlay (RIO) districts within river or tributary (river) adjacent areas throughout the City. The purpose of a RIO district is to:

1. Support the goals of the Los Angeles River Revitalization Master Plan;
2. Contribute to the environmental and ecological health of the City's watersheds;
3. Establish a positive interface between river adjacent property and river parks and/or greenways;
4. Promote pedestrian, bicycle and other multi-modal connection between the river and its surrounding neighborhoods;
5. Provide native habitat and support local species;
6. Provide an aesthetically pleasing environment for pedestrians and bicyclists accessing the river area;
7. Provide safe, convenient access to and circulation along the river;
8. Promote the river identity of river adjacent communities; and
9. Support the Low Impact Development Ordinance, the City's Irrigation Guidelines, and the Standard Urban Stormwater Maintenance Program.

B. **Establishment of Districts.** The City Council may establish new districts, or change boundaries of districts, by following the procedures set forth in Section 12.32 S of this Code. Precise boundaries are required at the time of application to expand or create a RIO district. The RIO District shall include all public and private land uses within its boundaries.

C. **Definitions.** For the purposes of this section, the following words and phrases are defined as follows:

Adjacent. Properties whose property lines abut a river or a river frontage road.

Inner Core. Projects located adjacent to the river.

Los Angeles County's River Master Plan's Landscaping Guidelines and Plant Palettes. A plant palette comprised primarily of native plants suitable for a riparian habitat. The Guidelines can be found at:
http://ladpw.org/wmd/watershed/LA/LARPlanting_guidelineswebversion.pdf.

Outer Core. Projects not located adjacent to the river.

Native Plant. A native plant is one that occurs naturally in a given geographic area. These can be trees, flowers, grasses or any other plants included in the California Native Plant Library at:
http://www.theodorepayne.org/mediawiki/index.php?title+Main_Page.

Project. The erection, construction, addition to, or exterior structural alteration of any building or structure located within a River Improvement District. A Project does not include construction work that consists solely of (1) interior remodeling, interior rehabilitation work or repair work; or (2) alterations of, including structural repairs, or additions to, any existing building in which the aggregate value of the work, in any one 24-month period, is less than 50 percent of the building's replacement cost before the alterations or additions as determined by the Department of Building and Safety (DBS). Construction costs are based on a valuation table available on the DBS website. The table lists the cost of construction per square foot.

Public Right-of-Way (ROW). A parcel of land over which the public can legally traverse. Usually a street, road, sidewalk or footpath.

River. A general term for a body of flowing water. A river may be classified in relation to time as follows: perennial (flows continuously) or intermittent (flows seasonally).

River Design Guidelines. The design guidelines used in RIO districts, which may be modified for use in particular districts.

Riverfront Door. An exterior door of a Project that faces and is directly accessible from the adjacent river corridor or river frontage road.

River Frontage Road. A roadway that runs roughly parallel to, and directly adjacent to, the river corridor as defined in each RIO ordinance.

WatershedWise Plants. Plants included in the WatershedWise Plant List published by the Council for Watershed Health and available at <http://www.watershedhealth.org>.

D. **Application.** Each individual RIO district shall incorporate all of the regulations contained in Subsection F, below. Notwithstanding the foregoing, an individual RIO district ordinance may include development standards tailored to that district, in which case those specially tailored development standards shall supersede any inconsistent provisions of the regulations contained in Subsection F, below. An individual RIO district ordinance shall apply to a particular geographical area. The regulations contained in this section are in addition to the use and area regulations applicable to the underlying zone. If the provisions of this section conflict with any other city-wide regulations, then the most restrictive requirements shall prevail.

E. **Issuance of Building Permits.** The Department of Building and Safety shall not issue a building permit for a Project within either the Inner or Outer Core area of a RIO district, unless a RIO approval, RIO Adjustment or RIO Exception, whichever is applicable, has been obtained pursuant to the applicable procedures in Subsection H, below.

F. **Development Regulations.** A Project shall conform to all of the following development regulations, except as modified by an individual RIO district.

1. Landscaping shall conform to the following regulations: 75 percent of any Project's newly landscaped area shall be planted with any combination of the following: native trees, plants and shrubs, or species defined as WatershedWise, or species listed in the Los Angeles County River Master Plan Landscaping Guidelines and Plant Palettes. This requirement is for new landscaping only and does not apply to existing landscaping.

2. Screening/Fencing.

(a) Loading areas and off-street parking facilities of three spaces or more, either on a surface lot or in a structure, shall be screened from the abutting public right-of-way and the River. However, such screening shall not obstruct the view of a driver entering or leaving the loading area or parking facility, or the view from the street of entrances and exits to a loading area or parking facility, and shall consist of one or a combination of the following:

(i) A strip at least 5 feet in width of densely planted shrubs or trees which are at least 2 feet high at the time of planting and are of a type that may be expected to form, within three years after time of planting, a continuous, unbroken, year round visual screen; or

(ii) A wall, barrier or fence of uniform appearance. Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open. The wall, barrier or fence shall, when located in either the rear or side yards, be at least 4 feet and not more than 6 feet in height.

(b) Electrical transformers, mechanical equipment, water meters and other equipment shall be screened from public view. The screening may be opaque or perforated, provided that not more than 50 percent of the face is open. The screen shall be at least 6 inches taller than the equipment and not more than 2 feet taller than the equipment.

(c) Exterior trash enclosures shall:

(i) be designed to complement the primary building with a wall height that exceeds the disposal unit it is designed to contain by at least 18 inches;

(ii) have a solid roof to deter birds and block views from adjacent properties;

(iii) have solid metal doors that accommodate a lock and remain closed when not in use; and

(iv) not be constructed of chain link or wood.

(d) With the exception of single-family homes, all projects facing a street that crosses the river or terminates at the river or a river frontage road shall have all fences within the front or side yards visible from said

street consistent with the fence designs identified in the Los Angeles County River Master Plan Landscape Guidelines.

3. Exterior Site Lighting.

(a) All site and building mounted lighting shall be designed such that it produces a maximum initial luminance value no greater than 0.20 horizontal and vertical foot candles at the site boundary, and no greater than 0.01 horizontal foot candles 15 feet beyond the site. No more than 5.0 percent of the total initial designed lumens shall be emitted at an angle of 90 degrees or higher from nadir (straight down).

(b) All low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz, incandescent greater than 60 watts, mercury vapor, and halogen fixtures shall be fully shielded in such a manner as to not exceed the limitations in Subdivision 3(a), above.

4. Projects located partially or wholly within the Inner Core shall also conform to the following regulations:

(a) **Landscape Buffer.** All Projects shall provide a 10-foot landscape buffer as measured from the Project's property line adjacent to the river except where a roadway is located within that 10 feet. New building structures or parking shall not be permitted within the 10-foot landscape buffer.

(b) **Fence.** All fences located within 10 feet of the river corridor or a river frontage road street or any adjacent street shall be consistent with the fence designs identified in the Los Angeles County River Master Plan Landscape Guidelines. With the exception of single-family homes, all Projects shall be required to maintain a visual connection between the river corridor and/or frontage road and the abutting property.

(c) **Fence Height.** All fences located less than 10 feet from the river shall be no higher than 6 feet in height. All fences located at the 10 foot landscape buffer setback line shall not exceed 10 feet in height. A fence located within a landscape buffer that is also a project's front yard shall be limited in height to 3 feet 6 inches.

(d) **Gates.** All gates or fences located within 10 feet of the river or a river frontage road shall be consistent with the gate designs identified in the Los Angeles County River Master Plan Landscape Guidelines. The gate height shall be consistent with the adjacent fence height and the gate shall be designed so as not to encroach into either the river, street or public right-of-way when opened.

(e) **Noise.** All projects subject to a conditional use permit for the sale or dispensing of alcoholic beverages, including beer and wine, shall incorporate noise-attenuating features (physical as well as operational) designed by a licensed acoustical sound engineer to assure that operational sounds shall not exceed 5 decibels above the existing measured or presumed ambient levels of the property line(s) of properties on the opposite bank.

(f) **River Access.**

(i) With the exception of single-family homes, all river adjacent projects that partially or wholly abut the river shall have Americans with Disabilities Act compliant access gates from their property to the river. The gates shall also be accessible for bicycle entry. Access may be controlled and limited to residents, employees and/or visitors of the project.

(ii) All single-family home projects that partially or wholly abut the river shall have access gates from their property to the river. Access may be controlled and limited, as desired by the owner.

(g) **Riverfront Door.** All projects located either adjacent to the river corridor or frontage road shall include a riverfront door visible to, and accessible from, the river corridor or frontage road.

EXCEPTION:

In a landscaped area, horticulture such as herbs, fruit or vegetables can be used to replace up to 100 percent of the plantings that satisfy the, WatershedWise, Native or Los Angeles County River Master Plan Landscape Guidelines planting requirements.

G. Administrative Review Procedures for any Project within a RIO District. A Project within a RIO District shall require RIO approval obtained through a ministerial administrative review, as set forth below:

1. **Application.** An application for a RIO approval must be filed for a Project proposed within a RIO District. The application shall be filed with the Department of City Planning on a form provided by the Department and include all information required by the instructions on the application, including project plans.

Prior to deeming the application complete, the Director shall determine and, if necessary, advise the applicant of the following: (a) processes to be followed (i.e., administrative clearance, adjustment or exception); (b) materials to

be submitted; and (c) fees to be paid. The granting of a RIO approval shall not imply, or be deemed to constitute, compliance with any other applicable provisions of this Code.

2. **Administrative Clearance - Authority of the Director.** A RIO approval shall be processed as an Administrative Clearance pursuant to Section 12.32 S 4 of this Code. Projects which do not comply with the applicable RIO District regulations may request relief through the procedures set forth in Subdivisions 3 and 4 of Subsection G of this Section 13.17.

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

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

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

(b) **Findings.** The Director may grant an adjustment upon making all of the following findings:

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

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

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

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

4. Exceptions - Area Planning Commission Authority with Appeals to the City Council.

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

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

(b) **Findings for a Project not Involving Signage.** The Area Planning Commission may permit an exception from a RIO regulation not involving signage if it makes all the following findings:

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

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

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

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

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

H. **River Design Guidelines.** The Director of Planning shall prepare River Design Guidelines applicable to all RIO districts. The initial adoption and any subsequent amendment to these guidelines shall be made pursuant to the following procedures:

1. **Initiation.** The initial adoption or amendment of the guidelines may be initiated by the Director of Planning, the City Planning Commission or City Council.

2. **Preparation and Content.** Upon initiation, the Director shall prepare, or cause to be prepared, proposed guidelines based on the design policies contained in the Los Angeles River Revitalization Master Plan.

The guidelines are in addition to the regulations set forth in the planning and zoning provisions of Los Angeles Municipal Code Chapter 1, as amended, and any other relevant ordinances, and do not convey any rights not otherwise granted under the provisions and procedures contained in that chapter and other relevant ordinances, except as specifically provided herein.

Furthermore, nothing in the guidelines shall interfere with any previously granted entitlements, nor shall they restrict any right authorized in the underlying zone or height district.

3. **Commission Hearing and Notice.** The proposed or amended guidelines shall be set for a public hearing before the City Planning Commission. Notice of the hearing shall be given as provided in Section 12.24 D 2 of this Code.

4. **Decision by City Planning Commission.** The City Planning Commission shall, by resolution, approve, modify or disapprove the proposed guidelines. If the City Planning Commission fails to act within 75 days from the receipt of the report and recommendations of the Planning Department, the proposed guidelines shall automatically be submitted to the City Council for action. In approving the guidelines, the City Planning Commission or Council shall make a finding that they are consistent with the policies of the Los Angeles River Revitalization Master Plan and the purposes of this Section 13.17.

Sec. 8. A new Section 13.18 is added to the Los Angeles Municipal Code to read as follows:

SEC. 13.18. VIOLATION.

The violation of any condition imposed by a Zoning Administrator, Director of Planning, the Area Planning Commission, City Planning Commission or City Council in approving the site requirements, methods of operation, development plans or other actions taken pursuant to the authority contained in this article shall constitute a violation of this Code.

Sec. 9. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

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

HOLLY L. WOLCOTT, Interim City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By *Kenneth T. Fong*
KENNETH T. FONG
Deputy City Attorney

Date *July 1, 2014*

File No(s). CF 12-0096-S1

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

July 1, 2014

See attached report.

Alan Bellfor
Michael LoGrande
Director of Planning