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October 6, 2009

Chair Ed Reyes
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Committee Member Dennis Zine
Planning and Land Use Management Committee
City Hall, Room 350
200 North Spring Street
Los Angeles, CA 90012

Item 2

Date: 10/6/09
Submitted in PLUM Committee
Council File No: 09-2199
Item No.: 2
Deputy: B. GREAYS

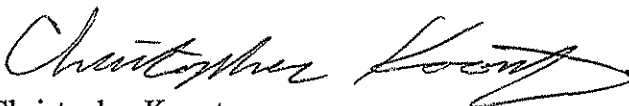
Re: CF 09-2199 (Community Plan Implementation Overlay)
Corrected Ordinance Text

Honorable Committee Members:

As a supplement to the materials transmitted to you from the City Planning Commission please find enclosed a corrected copy of the proposed ordinance. The proposed change from the City Planning Commission recommended text in that it corrects a typographical and a technical error in the drafting of the ordinance text. The Department of City Planning recommends the forwarding of the ordinance (as corrected) to the City Attorney for form and legality review.

Thank you for your time and consideration of this matter.

S. GAIL GOLDBERG, AICP
Director of Planning


Christopher Koontz
City Planner

DRAFT ORDINANCE NO. _____

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

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

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

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

- "O" Oil Drilling District
- "S" Animal Slaughtering
- "G" Surface Mining District
- "RPD" Residential Planned Development District
- "K" Equinekeeping District
- "CA" Commercial and Artcraft District
- "POD" Pedestrian Oriented District
- "CDO" Community Design Overlay District
- "MU" Mixed Use District
- "FH" Fence Height District
- "SN" Sign District
- "RFA" Residential Floor Area District
- "CPIO" Community Plan Implementation Overlay

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

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

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

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

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

- "O" Oil Drilling District
- "S" Animal Slaughtering
- "G" Surface Mining District
- "RPD" Residential Planned Development District
- "K" Equinekeeping District
- "CA" Commercial and Artcraft District

"POD" Pedestrian Oriented District
"CDO" Community Design Overlay District
"MU" Mixed Use District
"FH" Fence Height District
"SN" Sign District
"RFA" Residential Floor Area District
"CPIO" Community Plan Implementation Overlay District

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

(2) Additional Requirements for Application. One or more of the owners or lessees of property within the boundaries of the proposed district may submit a verified application for the establishment of a district. An application for the establishment of a Commercial and Artcraft District, a Pedestrian Oriented District, an Equine keeping District, a Community Design Overlay District, a Mixed Use District, a Sign District, a Residential Floor Area District, or a Community Plan Implementation Overlay District shall contain the signatures of at least 75 percent of the owners or lessees of property within the proposed district. An application for the establishment of a Fence Height District shall contain the signatures of at least 50 percent of the owners or lessees of property with the proposed district. An application shall be accompanied by any information deemed necessary by the Department. If establishment of a district is initiated by the City Council, City Planning Commission, or Director of Planning, the signatures of the property owners or lessees shall not be required.

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

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

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

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

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

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

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

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

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

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

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

4. Findings for Establishment of a CPIO District. In adopting a CPIO District, the City Council shall find that: The regulations of the Community Plan Implementation Overlay District are necessary to implement the programs, policies, or urban design guidelines of the Community Plan for that area.

D. Definitions.

1. Community Plan Implementation Overlay (CPIO) District. A defined area with supplemental development regulations which implement goals and policies in a Community Plan. A CPIO District shares the boundaries of a Community Plan and contains at least one Subarea.

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

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

1. Subarea Boundaries. Only sites within mapped Districts and/or Subareas shall be subject to the regulations and processes of the CPIO District.

2. Project. Each CPIO District and/or Subarea shall contain a definition of what constitutes a Project for the whole District or within each Subarea; and

3. Development Regulations. Supplemental development regulations may apply to any zone within a Community Plan Implementation Overlay Subarea.

4. Discretionary Review Process. Each CPIO District shall establish a discretionary review process for Projects subject to development regulations therein.

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

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

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

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

Deleted: guidelines

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

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

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

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

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

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

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

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

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

(b) That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the “CPIO” District and/or Subarea;

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

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

(e) That the granting of an exception will be consistent with the principles, intent and goals of the “CPIO” District and/or Subarea and any applicable element of the general plan.

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

Section 6. The City Clerk shall certify...