

# MOUNT WASHINGTON/GLASSELL PARK

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# Specific Plan

Ordinance No. 168,707  
Effective May 10, 1993

**Specific Plan Procedures**  
**Amended pursuant to L.A.M.C. 11.5.7**

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# Mount Washington/Glassell Park Specific Plan



 Specific Plan Area

Specific Plan Area

  
Not to Scale  
Map 1

# MOUNT WASHINGTON/GLASSELL PARK SPECIFIC PLAN

An ordinance establishing a Specific Plan for the Mount Washington/Glassell Park Community.

WHEREAS, the Northeast Los Angeles Community Plan, a part of the Land Use Element of the General Plan of the City of Los Angeles, seeks to create an environment with diversity, balanced growth, identity, and historical continuity; to encourage the preservation and enhancement of the community's varied and distinctive residential character; to preserve, maintain and improve existing, stable single-family residential neighborhoods; and in hillside residential areas, to limit land use intensities and population densities to those which can be accommodated by the transportation system, public service facilities, utilities and topography; and

WHEREAS, the Mount Washington and Glassell Park community is characterized by distinctive hills and canyons; mature and native vegetation and wildlife habitats; natural open space and panoramic vistas; and pedestrian walking trails opportunities, all worthy of preservation; and

WHEREAS, Mount Washington Drive and San Rafael Avenue provide opportunities for scenic views of the City and the surrounding mountains and natural canyon vegetation; and

WHEREAS, some single-family residential development in recent years has been inconsistent in significant respects with the scale and character of the community's hillside terrain, rustic nature, architectural diversity; and

WHEREAS, many public hillside streets have narrow widths or do not meet present City design or dedication standards, thus creating adverse impacts on public safety, vehicular access, circulation and the availability of off-street parking; and

WHEREAS, some multi-family residential development in recent years has been distinguished by a scale and character that have impinged upon the privacy, light and ventilation, usable open space and visual quality for adjoining residential neighborhoods; and

WHEREAS, in order to assure that development proceeds in an orderly fashion and in conformance with the General Plan, it is necessary to adopt the following Specific Plan.

NOW THEREFORE,

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

**Section 1.**

**ESTABLISHMENT OF MOUNT WASHINGTON/GLASSELL PARK SPECIFIC PLAN**

The City Council hereby establishes the Mount Washington/Glassell Park Specific Plan applicable to that area of the City of Los Angeles as shown within the dashed line on the Specific Plan Map.

**Section 2.**

**RELATIONSHIP TO OTHER PROVISIONS OF THE LOS ANGELES MUNICIPAL CODE**

- A. The regulations set forth in this Specific Plan are in addition to those set forth in the Los Angeles Municipal Code (LAMC), as amended, and do not convey any rights or privileges not otherwise granted under the provisions and procedures contained therein, except as specifically provided herein.
- B. Wherever this Specific Plan contains provisions which require more or less restrictive front yards, less restrictive height, more restrictive Floor Area Ratios, more restrictive landscaping requirements or other greater restrictions or limitations on development than would be required by the provisions contained in the LAMC Chapter I, the Specific Plan shall prevail and supersede the applicable provisions of the Code.
- C. The procedures for the granting of exceptions to the requirements of this Specific Plan are set forth in LAMC Section 11.5.7.D. In approving an exception to this Specific Plan pursuant to Section 11.5.7.D, the City Planning Commission and the City Council on appeal may simultaneously approve any conditional use under their jurisdiction. Only one fee shall be required for a joint application. An application for an exception to this Specific Plan pursuant to Section 11.5.7.D does not require any additional application pursuant to the provisions of LAMC Section 12.24 B.

**Section 3.**

**DEFINITIONS**

Whenever the following terms are used in this Specific Plan, they shall be construed as defined in this Section. Words and phrases not defined herein shall be construed as defined in LAMC Section 12.03 and 91.0403.

**Architectural Design Elements:** Shape, type and details of windows, balconies, columns and doors; architectural offsets; exterior or finishing building materials; roof treatments, including roof type, shape and pitch; exterior wall surface treatments; decorative elements; and color.

**Building Frontage:** The exterior wall of a building or structure which is within a horizontal angle of 45 degrees from any lot line adjoining a public street. A building may have more than one Building Frontage.

**Floor Area:** Notwithstanding LAMC Section 12.03, Floor Area is that area in square feet confined within the exterior walls of a building of a One-Family Project, including the area of stairways, shafts, covered automobile parking areas and basement storage areas, and excluding uncovered outdoor decks.

**Floor Area Ratio:** The ratio between the total floor area of all buildings on a lot and the total area of the lot.

**Landform Grading Manual:** "Planning Guidelines - Landform Grading Manual", prepared by the Department of City Planning and adopted by the Los Angeles City Council, June, 1983, a copy of which is located in Council File No. 82-0557.

**Multi-Family Project:** Construction, alteration or addition, for which a building permit is required, to any multi-family dwelling or accessory building on a lot in an R2 or less restrictive zone or in any C zone, if the lot is located in whole or in part in the Specific Plan area.

**Native Plants:** Any (plant) species listed in Phillip A. Munz' "A Flora of Southern California" (or its successor standard reference as adopted by the Director) and identified as indigenous to the Los Angeles area.

**Native Trees:** Any single trunk Native plant which measures four inches or more in diameter, four and one-half feet above the ground level at the base of the plant; or any multiple trunk Native Plant which measures 12 inches or more in diameter immediately below the lowest branch; or any plant planted pursuant to a permit to relocate or remove trees. This definition shall not include any plant being grown or being held for sale by a licensed nursery within the Specific Plan area while the plant remains at the nursery, and shall not include street trees.

**One-Family Project:** Construction, alteration or addition to a one-family dwelling or any accessory building, for which a building permit is required, on a lot located in whole or in part within the Specific Plan area.

**Significant Tree:** Any tree which measures 12 inches or more in diameter at four and one-half feet above the average natural grade at the base of the tree and/or is more than 35 feet in height.

**Usable Open Space:** Open areas developed with recreational amenities which are designed and intended to be used for outdoor recreation purposes. Open space areas shall be open to the sky except that a structure may project into the open space by no more than three feet, provided that the projection is at least ten feet above the finished grade or ground level.

#### Section 4.

#### PROHIBITIONS

- A. **One-Family Project.** No building or grading permit shall be issued for a One-Family Project unless it (1) meets the requirements of Section 6 of this Plan and (2) the Director of Planning or his or her designee has issued a Project Permit pursuant to Section 8 of this Ordinance for the Project.
- B. **Multi-Family Project.** No building or grading permit shall be issued for a Multi-Family Project unless it (1) meets the requirements of Section 7 of this Plan and (2) the Director of Planning or his or her designee has issued a Project Permit pursuant to Section 8 of this Ordinance for the Project.

- C. No person shall alter, add or construct a building or structure on a lot in the Specific Plan area pursuant to a building permit issued prior to the effective date of this ordinance unless a vested right has accrued prior to the effective date of this Ordinance. For purposes of this Ordinance, a vested right shall be deemed to have accrued when construction pursuant to the building permit has proceeded to a point at which an authorized Department of Building and Safety employee has approved the foundation. This foundation approval must occur after the excavation for footings and footing forms is complete and required reinforcing steel are in place, and concrete is subsequently poured.

**Section 5.**

**EXCEPTIONS**

- A. The provisions of this Specific Plan shall not apply to construction for which a building permit is required:
  - 1. To comply with an order issued by the Department of Building and Safety for the repair of an unsafe or substandard condition; or
  - 2. To replace, restore or remodel a building provided that the Project does not increase the height, floor area, occupant load, number of dwelling units or number of guest rooms of the original building or structure.
- B. The provision of this Specific Plan shall not apply to a Project for which (1) architectural and structural plans sufficient for a complete plan check were accepted by the Department of Building and Safety on or before August 4, 1992; (2) a plan check fee was collected on or before August 4, 1992; and (3) no subsequent changes are made to those plans which increase the height, floor area, or occupant load by more than three percent.
- C. The provisions of this Specific Plan shall not apply to an addition to an existing one-family dwelling, so long as the total cumulative Floor Area of all additions made after August 4, 1992 does not exceed 200 square feet and the height of the addition does not exceed the height of the existing building or the height permitted in Section 6.

**Section 6.**

**ONE-FAMILY PROJECT STANDARDS**

One-Family Projects must meet the requirements of this Section, as determined by the Department of Building and Safety.

Interior remodeling which does not result in an increase in Floor Area shall not be subject to these requirements.

- A. **Floor Area.** Notwithstanding LAMC Section 12.21, no building or structure shall exceed the Floor Area Ration based on the formula below:
  - 1. For lots less than 5,000 square feet in size, the maximum Floor Area Ratio is 0.5:1 (0.50 times the lot area).

2. For lots greater than or equal to 5,000 square feet in size, but less than 10,000 square feet in size, the maximum Floor Area Ratio shall be determined by using the following equation:

$$0.50 - \{[(\text{Lot Area} - 5,000) \times 0.10] \div 5000\}$$

3. For lots greater than or equal to 10,000 square feet in size, but less than 15,000 square feet in size, the maximum Floor Area Ratio shall be determined by using the following equation:

$$0.40 - \{[(\text{Lot Area} - 10,000) \times 0.08] \div 5000\}$$

4. For lots greater than or equal to 15,000 square feet in size, but less than 20,000 square feet in size, the maximum Floor Area Ratio shall be determined by using the following equation:

$$0.32 - \{[(\text{Lot Area} - 15,000) \times 0.05] \div 5000\}$$

5. For lots greater than or equal to 20,000 square feet in size, the maximum Floor Area Ratio is 0.27:1 (0.27 times the lot area).

#### **B. Building Height**

1. Notwithstanding LAMC Sections 12.21 A 17 (c) and 12.21.1 to the contrary, no building or structure shall exceed 45 feet in height.
2. Building Stepbacks. Notwithstanding the above, within six feet of the front lot line, no portion of a building or structure, including any retaining wall, shall exceed a height of 15 feet, and between six and 12 feet of the front lot line, no portion of a building or structure, including any retaining wall, shall exceed a height of 24 feet above the street curb elevation at the centerline of the front lot line. If the adjacent street does not have curbs, then height shall be measured from the lowest grade adjacent to the exterior wall of the building.

- C. Prevailing Front Yards.** Notwithstanding LAMC Section 12.21 A 17 (a), a front yard shall be provided which is equal to the average depth of the front yards for lots along the same right-of-way for a distance of 200 feet on either side of the side lot lines of the lot on which the dwelling is located. In determining the prevailing front yard, the calculations shall include the measurements between the front lot line and the main building located closest to the street; but excluding: (1) 20 percent of the lots with the largest and 20 percent of the lots with the smallest existing front yards; (2) existing vacant lots; and (3) all lots which do not provide the required parking spaces in accordance with LAMC Section 12.21 A 4 (a).

This requirement shall not apply where a driveway cannot be created in accordance with LAMC Section 12.21 A 5 (g) without building a retaining wall or other structural wall of more than five feet in height measured from the natural grade, or where there are not at least two remaining lots to use for the calculation. In those cases, the front yard

shall be as required in the applicable LAMC Sections.

- D. **Off-Street Automobile Parking Requirements for Additions and Remodeling.** Notwithstanding LAMC Section 12.21 A 17 (h), the parking space requirements for any addition to or remodeling of an existing One-Family Project which does not increase the total Floor Area by 200 square feet or more and for which the total Floor Area does not exceed 2,400 square feet shall be as required in LAMC Section 12.21 A 4 (a).
  
- E. **Public Health and Safety.** The Department of Building and Safety shall review all grading in excess of 1,000 cubic yards for compliance with the "Planning Guidelines for Landform Grading Manual." However, it is the primary intent of this provision to place safety in grading above all other considerations. Therefore, it is recognized that certain areas of observed geologic hazard or potential problems are best mitigated by more conventional grading methods utilizing linear-shaped slopes to best complement the required stabilization devices.
  
- F. **Landscaping and Preservation, Relocation, and Removal of Native and Significant Trees.**
  - 1. **Xeriscape Requirements.** The xeriscape requirements of the Xeriscape ordinance shall be applicable to One-Family Projects within the Specific Plan area. All fee and application submittal requirements identified in the Xeriscape ordinance shall also be applicable to One-Family Projects.
  
  - 2. **Landform Planting Design.** To the extent feasible, as determined by the Department of City Planning, the type and placement of landscape materials on graded sloped shall conform to the standards set forth in the Landform Grading Manual, unless the Department of Building and Safety determines it to be in conflict with the provisions of Divisions 29 and 70 of Article 1 of Chapter IX of the LAMC.
  
  - 3. **Fire Safety.** The provisions of this section shall not require any planting in violation of applicable fire safety regulations.
  
  - 4. **Relocation and Remove.** No Native Tree or Significant Tree may be relocated or removed except as provided in Article 7 of Chapter I or Article 6 of Chapter IV of the LAMC or unless a Project Permit is obtained pursuant to Section 8 of this Plan. Removal shall include any act which will cause a Native or Significant Tree to die, including but not limited to acts which inflict damage upon the root system or other part of tree by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling dripline area around the trunk, or by changing the local drainage pattern, either inside or outside the dripline, such that it significantly affects the amount of water that reaches the tree roots.



**Section 7.**

**MULTI-FAMILY PROJECT STANDARDS**

No building or grading permit shall be issued for any Multi-Family Project on a lot in an R2 or less restrictive zone or in any C zone within the Specific Plan area, unless it has received a Project Permit pursuant to Section 8 of this Plan and it meets the requirements of this section. The requirements of this section shall not apply to interior remodeling which does not add floor area (as defined in LAMC Section 12.03) to the existing building or structure.

A. **Fences and Walls.** Notwithstanding LAMC Section 12.22 C 20 (f), fences and walls may be located along all lot lines, provided that the following standards are met:

1. **Side Yards, Rear Yards and Other Open Spaces.** No fence or wall within the required side yard or rear yard or any other fence or wall bordering an individual patio area shall exceed six feet in height.

Within the front yard, the height of a fence or wall shall be subject to the limitation in the LAMC for the underlying zone.

2. Notwithstanding the above, a minimum six-foot high solid wall shall be constructed along any lot line abutting a one-family dwelling use.
- B. **Refuse and Other Storage.** Open areas devoted to refuse or other storage shall not be located within 15 feet of a residential use or a residentially-zoned lot unless a buffer is provided for protection against noise, odor or debris impacts. A buffer shall consist of a minimum six-foot high solid wall enclosure with an attached tight-fitting metal-clad door or gate. Storage areas shall be protected by six-inch concrete curbing or other suitable barriers.

**Section 8.**

**PROJECT PERMITS**

A. **Authority.** The Director of Planning, or his or her designee, shall have the authority to approve, disapprove or approve with conditions Project Permits for One-Family Projects and for Multi-family Projects within the Mount Washington/Glassell Park Specific Plan area. Conditions may be imposed if the Director finds the conditions necessary to make the findings required in this Section. An approval or disapproval of a Project Permit application by the Director, or his or her designee, shall be appealable to the City Planning Commission, and any action of the City Planning commission on an appeal or as a result of transferred jurisdiction shall be appealable to the City Council.

B. **One-Family and Multi-Family Projects.**

1. **Approval of Relocation/Removal of Native or Significant Trees.**
  - a. In addition to the required findings in Subsections C and D below, in approving a Project Permit for a One-Family Project or for a Multi-Family Project, the Director, or his or her designee, the City Planning Commission or the City

Council on appeal shall find that:

- 1) It is necessary to remove the Native or Significant Tree because its continued existence at that location prevents the reasonable development of the subject property; and
  - 2) The removal of the Native or Significant Tree would not result in undesirable, irreversible soil erosion through diversion or increased flow of surface waters which cannot be mitigated to the satisfaction of the Department of City Planning.
- b. In the event that the Director determines that a Native or Significant Tree may be removed or relocated, the Director shall require that a replacement tree be provided on the subject property. These replacement trees shall have a minimum trunk diameter of two inches and a height of eight feet at the time of Planting. Each replacement tree planted on a slope shall be a minimum of 15 gallons in size and shall be surrounded by Native Plants according to xeriscape and landform planting specifications. Replacement trees on substantially level grades shall be no smaller in diameter, measured 12 inches above the ground, than the trees removed, except that no trees larger than 24-inch box size shall be required.
2. Project Permit Approval to Determine No Dripline Interference. In approving a Project Permit for a One-Family Project or a Multi-Family Project, the Director of Planning shall determine that neither the proposed grading nor other construction activity will occur within the driplines of a Native or Significant Tree. If digging of trenches within the dripline is absolutely necessary for the installation of utilities, hand tools or small hand-held power equipment shall be used to avoid cutting roots.

**C. One-Family Projects**

**Design Variation.** In approving a Project Permit for a One-Family Project, the Director, or his or her designee, the City Planning Commission or the City Council on appeal shall find that the Architectural Design Elements of the front and rear building elevations vary from the adjacent buildings.

This determination shall be based on design guidelines which include, but are not limited to, the following:

1. Articulation of facades with Architectural Design Elements, including shape, type, details and the location of windows, doors, columns, and balconies;
2. Modulation of facades by offsetting portions of the facade from the remainder of the facade, or curves, insets and transparent openings; and

3. Variety of roof treatments, including roof type, shape and pitch.

D. **Multi-Family Projects.** In approving a Project Permit for a Multi-Family Project, the Director, or his or her designee, the City Planning Commission or the City Council on appeal shall find that the proposed Project meets the following requirements:

1. **Building Facade Modulation.** No exterior wall of a building or structure shall exceed 30 linear feet extending horizontally along the front or rear of a structure without a change in plane of at least three feet in the exterior wall surface for a horizontal distance of five feet. The facade may be modulated with porches, balconies, window treatments, recessed windows, curves, openings or architectural features.

2. **Usable Open Space.** Open space for active and passive recreational purposes shall be provided on the subject site as follows:

a. A minimum of 100 square feet of Usable Open Space, as defined by Section 3 of the Specific Plan, located approximately at ground level shall be provided for each dwelling unit. Automobile parking areas, driveways and the required front yard area shall not be included as open space.

1) Pedestrian access ways, building separations, courtyards, etc. (with an average of 20 feet in width and no less than 15 feet in width at any point) and side and rear yard areas (which are at least 15 feet in width) may be included as Usable Open Space, provided these areas are landscaped or improved for recreational use to the satisfaction of the Director. Stairs are not Usable Open Space.

2) A private patio or enclosed yard (located at ground level or at the lowest level with a habitable room) which is part of a dwelling unit may be included as Usable Open Space, if it has a minimum area of 150 square feet and each side has a minimum dimension of eight feet.

3) Notwithstanding the definition of Usable Open Space, recreation rooms may be included as open space but may not count for more than 10 percent of the total required open space area.

b. Each common open space area (for use by more than one dwelling unit) including recreational rooms shall be a minimum of 400 square feet.

1) A maximum of 50 percent of the common Usable Open Space may consist of hardscape features, such as swimming pools, spas, walkways, patios, courts,

fountains and barbecue areas.

- 2) Common rooftop open space areas are not counted towards the required open space.
- c. Common open space areas shall incorporate recreational amenities such as swimming pools, spas, picnic tables, benches, sitting areas, etc., to the satisfaction of the Department of Planning. Amenities that meet the Department of Recreation and Parks specifications pursuant to LAMC Section 17.12 F may be credited against fees required pursuant to LAMC Section 12.33.

### 3. Landscaping

- a. **Open Areas.** The entire front yard and all open areas not used for buildings, driveways, covered automobile parking areas, recreational facilities, or walkways shall be landscaped.

A minimum of 50 percent of the Usable Open Space shall be landscaped. All landscaped areas shall include at least one 24-inch box tree for every three dwelling units.

An automatic irrigation system shall be provided for all required landscaped areas.

- b. **Surface Parking.** In addition to the requirements above, at least one 24-inch box shade tree shall be planted for every four uncovered surface automobile parking spaces. The trees shall be dispersed within the automobile parking area so as to shade the uncovered surface automobile parking area and shall be protected by curbing or other suitable measures, to the satisfaction of the Department of City Planning. An automatic sprinkler system shall be installed to water the trees.
- c. In lieu of planting trees within the uncovered automobile parking area, the applicant for a building permit may pay the cost (as required by the Bureau of Street Maintenance) for the purchase, planting and maintenance of the equivalent number of trees to be placed in the public right-of-way adjacent to the multi-family dwelling units.
- d. Automobile parking areas or garage structures adjoining the front yard, front lot line or building frontage shall be visually screened by landscaped berms, landscaping elements at grade or with permanent planters. The wall of planters may be no more than two feet in height above finished grade.
- e. The provisions of this subsection shall not require any planting in violation of applicable fire safety regulations.

4. **Stairwell treatment.** Exterior stairwells shall be integrated with the predominant Architectural Design Elements of the main building.

E. **Procedures**

1. **Application.**

- a. An application for a Project Permit for a Multi-Family Project shall consist of a request for determination, together with plot plans and elevations for the Project, a survey of all trees on the lot or lots, a radius map showing all existing land uses within a 500-foot radius of the Project, two sets of mailing labels listing property owners of all lots within a 300-foot radius of the Project and color photos of all structures on adjacent sites.
- b. An application for a Project Permit for a One-Family Project shall consist of a request for determination, together with plot plans and elevations for the Project, a survey of all trees on the lot or lots, a map showing all existing land uses on abutting lots and lots along the same right-of-way for a distance of 200 feet on either side of the side lot lines of the Project, two sets of mailing labels listing property owners of all lots abutting, across the street or alley from or having a common corner with the Project.
- c. An application shall be filed at the public counter of the Department of City Planning. An application shall not be considered complete unless and until the form has been properly completed, all required information has been provided and the fee (as set forth in Subsection H below) has been paid.

2. **Action of Director**

- a. The Director of Planning, or his or her designee, shall make a determination within 20 working days from the date of the filing of a complete application and payment of the applicable fee. This time limit may be extended by mutual agreement of the applicant and the Director.
- b. If the Director or his or her designee fails to make a determination within the prescribed time period, the applicant may file a request for a transfer of jurisdiction to the City Planning Commission for a determination on the original application, in which case the Director shall lose jurisdiction. Such request shall be filed in the public office of the Department of City Planning. Thereupon, the request and the Department file shall be transmitted to the Commission. The Commission shall make a determination on the application pursuant to the provisions of this Plan.

### **3. Notice**

- a. The applicant shall post a "Notice of Intent" for each Project Permit application submitted pursuant to this Plan. The applicant shall post the notice in a conspicuous place on the subject property, within five days after the application has been filed with the Department of City Planning and fees have been paid.
- b. The notice shall be on a form prescribed by the Director of Planning and shall be legible to the public from the adjacent right-of-way, and shall include the applicant's name, and a description of the proposed Project and the Project Permit application number supplied by the Department of City Planning.
- c. The applicant shall file a declaration with the Department of City Planning within five days after notice has been posted in accordance with this subsection.

### **4. Project Permit Review**

- a. The Director, or his or her designee, in making a determination to approve or disapprove a Project Permit application for a One-Family Project, shall review the proposed project in relation to all buildings located on adjacent lots and lots along the same right-of-way for a distance of 200 feet in each direction.
- b. The approval or disapproval of a Project Permit for all projects shall include written findings in support of the decision. A copy of these findings and the decision shall be mailed to the applicant, to the Councilmember in whose District the project is located, and to any other interested persons upon written request. If the Director approves the Project Permit, that approval shall be indicated on the building permit application.

### **F. Appeals to the Planning Commission**

1. An appeal of a Project Permit determination by the Director may be made to the City Planning Commission within a period of 15 days from the date on which a notice of determination was mailed. The appeal shall be in writing, shall be filed in a public office of the Department of City Planning on forms provided for that purpose and shall be accompanied by the applicable fees. An appeal shall not be considered as having been filed unless and until the appellant has properly completed the form, submitted all information required by it and paid the fee.
2. For a Multi-Family Project, notice of the hearing shall be mailed to the applicant, the appellant, and the Councilmember of the District in which the property is located, the Director, all persons within a 300-foot radius of the Project, and anyone requesting

notice of the appeal in writing.

For a One-Family Project, notice of the hearing shall be mailed to the applicant, the appellant, and the Councilmember of the District in which the property is located, the Director, property owners of all lots abutting, across the street or alley from or having a common corner with the Project, and anyone requesting notice of the appeals in writing.

3. A hearing examiner shall hear the appeal for the Commission and submit a report to the Commission within 30 days after the expiration of the 15-day appeal period, unless the applicant and the Director of the Planning mutually consent to an extension of time not to exceed 30 days. The City Planning Commission shall make its determination by its second meeting after submission of the report by the hearing examiner. The Commission may sustain, reverse, impose conditions, or otherwise modify any determination of the Director. The City Planning Commission shall make findings in support of its determination as set forth in Subsection B, C and D above. If by the end of the time limit specified in this section, or at the end of any extension of time agreed on pursuant to this section, the Commission fails to act, the appeal shall be deemed denied, the decision from which the appeal was taken shall be deemed affirmed and an appeal therefrom may be taken to the City Council. Notice of the Commission's action shall be mailed to the applicant, the appellant, the Councilmember of the District in which the Project is located, the Director and any other person requesting notification in writing.

**G. Appeals to the City Council**

1. An appeal of an action on a Project Permit by the City Planning Commission may be made to the City Council within a period of 15 days from the date on which a notice of the Commission's determination was mailed or from its failure to act. The appeal shall not be considered as having been filed unless and until the appellant has properly completed the form, submitted all information required by it and paid the fees. The completed appeal form and file shall then be transmitted to the City Clerk to be set for hearing before the City Council.
2. Notice of the hearing shall be mailed to the applicant, the appellant, and the Councilmember of the District in which the property is located, all persons requesting notice of the appeal in writing, the Director and the City Planning Commission. Notice of the hearing shall be mailed not less than 14 days prior to the date of the hearing. The City Council shall hear the appeal within 30 days after the expiration of the 15-day appeal period unless the applicant and the City Council consent to an extension of time not to exceed 30 days.
3. The City Council shall make its determination within seven days after the conclusion of the hearing. It may sustain, reverse,

impose additional conditions or otherwise modify a determination or ruling of the Planning Commission, or the Director if the Commission failed to act and shall make findings as set forth in Subsections B, C, and D above support its determination. The reversal, imposition of additional conditions or modification of determinations or rulings may be made upon a two-thirds vote of the entire City Council. If at the end of the time specified in this section or at the end of any extension of time agree upon pursuant to this section, the City Council fails to act, the appeal shall be deemed denied and the decision below affirmed. Notice of the determination shall be mailed to the applicant, the appellant, the Councilmember of the District in which the Project is located, the Director of Planning and any other person requesting notification in writing.

- H. **Fees.** The application fee for the Project Permit shall be \$250.00. The fee for filing an appeal with the City Planning Commission or the City Council shall be \$125.00. A City Councilmember who files an appeal need not pay any fee.

**Section 9.**

**SEVERABILITY**

If any provisions of this Specific of this Specific Plan or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other Specific Plan provisions, clauses, or applications which can be implemented without the invalid provision, clause, or application and to the end, the provision and clause, or application and , to this end, the provisions and the clause of Specific Plan are declared to be severable.