

Chapter IA – Los Angeles Zoning Code

Article 13 Administration

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Article 13 Administration

Division 13.1. Authorities

This Division recognizes or formally establishes the agencies involved in administering the Los Angeles Zoning Code. The Division also describes how the agencies are composed, and their powers and duties. If the agency is established by another body of laws such as the city charter or State law, cross-references to those laws are provided.

Sec. 13.1.01 City Council

A. Establishment

See City Charter, Sec. 200.

B. Composition

See City Charter, Sec. 202, 241.

C. General Authority

The City Council generally exercises all legislative authority associated with the Zoning Code, except where otherwise provided by the Charter, State law, or the Zoning Code. The City Council's legislative authority is subject to veto or approval by the Mayor. See City Charter, Sec. 240.

D. Specific Authority

The City Council exercises the following specific authority:

1. Adopt or amend the General Plan,
2. Adopt or amend a Specific Plan,
3. Adopt or amend the Zoning Code (Chapters I and IA of the LAMC),
4. Adopt or amend a Zone Change (including Supplemental Use Districts),
5. Approve, conditionally approve, or deny a Class 3 Conditional Use Permit on appeal from the City Planning Commission,
6. Approve, conditionally approve, or deny a Specific Plan Exception on appeal from an Area Planning Commission,
7. Approve, conditionally approve, or deny a Nuisance Abatement/Revocation on appeal from the Zoning Administrator,
8. Accept Final Maps and dedications pursuant to a final map,
9. Accept Final Parcel Maps and dedications pursuant to a final parcel map,

10. Adopt or amend a Historic Preservation Overlay Zone (“HPOZ”) designation or boundary change,
11. Approve, conditionally approve, or deny a Certificate of Appropriateness for demolition, removal, or relocation, on appeal from an Area Planning Commission, and
12. Exercise any other authority delegated by the Zoning Code, City Charter, or State law.

Sec. 13.1.02 Mayor

A. Establishment

See City Charter, Sec. 200.

B. Composition

See City Charter, Sec. 202.

C. General Authority

See City Charter, Sec. 230.

D. Specific Authority

The Mayor exercises the following specific authority:

1. Review and submit recommendations pertaining to an amendment, in whole or in part, of the General Plan,
2. Approve or veto pursuant to the City Charter:
 - (a) a Specific Plan,
 - (b) the Zoning Code or a Zoning Code amendment,
 - (c) a Zone Change (including Supplemental Use Districts), and
3. Exercise any other authority delegated by the Zoning Code, City Charter, or State law.

Sec. 13.1.03 City Planning Commission

A. Establishment

See City Charter, Sec. 551.

B. Composition

See City Charter, Sec. 551.

C. General Authority

See City Charter, Sec. 551, 559.

D. Specific Authority

The City Planning Commission exercises the following specific authority:

1. Review and submit recommendations to the City Council on:
 - (a) The adoption or amendment of the General Plan;
 - (b) The adoption or amendment of a Specific Plan;
 - (c) The adoption or amendment of the Zoning Code;
 - (d) Any Zone Change (including Supplemental Use Districts);
 - (e) Any Historic Preservation Overlay Zone (“HPOZ”) designation or boundary change.
2. To render a final decision on any:
 - (a) Class 3 Conditional Use Permit,
 - (b) Preservation Plan Adoption / Amendment, and
 - (c) Policy Plan.
3. To approve or deny, on appeal, any:
 - (a) Director Review relating to a Density Bonus
 - (b) Specific Plan Interpretation (which affects an entire Specific Plan area or any of its subareas),
 - (c) Appeals of Department of City Planning action on LADBS appeal that are found may have a citywide impact,
 - (d) Zoning Code Interpretation, and
 - (e) Subdivision approval, as provided in Division 13.10 Division of Land.
4. Make decisions on any matter that would otherwise be heard by an Area Planning Commission if the matter involves a project which crosses the boundaries of the area served by more than one Area Planning Commission.
5. Adopt guidelines for the administration of the provisions of this Chapter and Chapter I of the LAMC if it determines that guidelines are necessary and appropriate. Authority to adopt guidelines for the administration of the provisions of these Chapters may be delegated to others by adoption of a resolution by Council. Existing provisions of these Chapters that delegate authority for the adoption of guidelines to others shall continue to apply with respect to those provisions.

6. No ordinance, order or resolution referred to in Charter Sections 555 or 558 shall be adopted by the Council, unless it shall have first been submitted to the City Planning Commission or the Area Planning Commission for report and recommendation, in the manner set forth in those Sections. The report and recommendation shall indicate whether the proposed ordinance, order or resolution is in conformance with the General Plan, any applicable Specific Plans.

Sec. 13.1.04 Area Planning Commission

A. Establishment

1. **Creation of Area Planning Commissions.** In accordance with Charter Section 552, there are established 7 Area Planning Commissions as set out in Subsection 2 below.
2. **Boundaries.** The Area Planning Commissions, and their boundaries are as follows:

Area Planning Commission	Boundaries <i>(as set out in the designated Community Plans)</i>
North Valley Area Planning Commission	<ul style="list-style-type: none"> • Arleta - Pacoima Community Plan, as adopted on November 6, 1996, the boundaries of which are shown on a map in Council File No. 95-1396. • Chatsworth - Porter Ranch Community Plan, as adopted on July 14, 1993, the boundaries of which are shown on a map in Council File No. 91-1045-43. • Granada Hills - Knollwood Community Plan, as adopted on July 10, 1996, the boundaries of which are shown on a map in Council File No. 95-0994. • Mission Hills - Panorama City - North Hills Community Plan, as adopted on June 9, 1999, the boundaries of which are shown on a map in Council File No. 97-0706. • Northridge Community Plan, as adopted on February 24, 1998, the boundaries of which are shown on a map in Council File No. 98-0027. • Sun Valley - La Tuna Canyon Community Plan, as adopted on August 13, 1999, the boundaries of which are shown on a map in Council File No. 98-2025. • Sunland - Tujunga - Lakeview Terrace - Shadow Hills - East La Tuna Canyon Community Plan, as adopted on November 18, 1997, the boundaries of which are shown on a map in Council File No. 97-0703. • Sylmar Community Plan, as adopted on August 6, 1997, the boundaries of which are shown on a map in Council File No. 96-0429.
South Valley Area Planning Commission	<ul style="list-style-type: none"> • Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan, as adopted on August 17, 1999, the boundaries of which are shown on a map in Council File No. 98-1957. • Encino - Tarzana Community Plan, as adopted on December 16, 1998, the boundaries of which are shown on a map in Council File No. 98-1823. • North Hollywood - Valley Village Community Plan, as adopted on May 14, 1996, the boundaries of which are shown on a map in Council File No. 95-0830. • Reseda - West Van Nuys Community Plan, as adopted on November 17, 1999, the boundaries of which are shown on a map in Council File No. 96-1597. • Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan, as adopted on May 13, 1998, the boundaries of which are shown on a map in Council File No. 97-0704.

Area Planning Commission	Boundaries <i>(as set out in the designated Community Plans)</i>
West Los Angeles Area Planning Commission	<ul style="list-style-type: none"> • Van Nuys - North Sherman Oaks Community Plan, as adopted on September 9, 1998, the boundaries of which are shown on a map in Council File No. 98-0572. • Mulholland Scenic Parkway Specific Plan, as adopted by Ordinance No. 167,943 on June 29, 1992, the boundaries of which are shown in the map attached to that ordinance. To the extent any area included within the boundaries of the Mulholland Scenic Parkway Specific Plan is also included within a community plan, that area shall be served by the South Valley Commission, and not by any other Area Planning Commission that would otherwise be authorized to serve that area under this subsection. • Bel Air - Beverly Crest Community Plan, as adopted on November 6, 1996, the boundaries of which are shown on a map in Council File No. 95-1386; except for that area within the boundaries of the Mulholland Scenic Parkway Specific Plan, which area shall be served by the South Valley Area Planning Commission as provided in Subdivision 2 of this subsection. • Brentwood - Pacific Palisades Community Plan, as adopted on June 17, 1998, the boundaries of which are shown on a map in Council File No. 98-0771; except for that area within the boundaries of the Mulholland Scenic Parkway Specific Plan, which area shall be served by the South Valley Area Planning Commission as provided in Subdivision 2 of this subsection. • Palms - Mar Vista - Del Rey Community Plan, as adopted on September 17, 1998, the boundaries of which are shown on a map in Council File No. 97-0705. • Venice Community Plan, as adopted on October 14, 1970, the boundaries of which are shown on a map in Council File No. 76-1403. • West Los Angeles Community Plan, as adopted on July 27, 1999, the boundaries of which are shown on a map in Council File No. 98-2024. • Westchester - Playa Del Rey Community Plan, as adopted on June 13, 1974, the boundaries of which are shown on a map in Council File No. 72-2670. • Westwood Community Plan, as adopted on July 27, 1999, the boundaries of which are shown on a map in Council File No. 98-1534. • Interim Plan for the Los Angeles International Airport, as adopted by the City Council on January 12, 1981, the boundaries of which are shown on the map in Council File No. 82-4283-S1.
Central Area Planning Commission	<ul style="list-style-type: none"> • Central City Community Plan, as adopted on May 2, 1974, the boundaries of which are shown on a map in Council File No. 72-1723. • Central City North Community Plan, as adopted on February 5, 1985, the boundaries of which are shown on a map in Council File No. 84-1717. • Hollywood Community Plan, as adopted on December 13, 1988, the boundaries of which are shown on a map in Council File No. 86-0695-S1; except for that area within the boundaries of the Mulholland Scenic Parkway Specific Plan, which area shall be served by the South Valley Area Planning Commission as provided in Subdivision 2 of this subsection. • Westlake Community Plan, as adopted on September 16, 1997, the boundaries of which are shown on a map in Council File No. 95-1234. • Wilshire Community Plan, as adopted on May 17, 1976, the boundaries of which are shown on a map in Council File No. 75-2828-S1.
East Area Planning Commission	<ul style="list-style-type: none"> • Boyle Heights Community Plan, as adopted on November 10, 1998, the boundaries of which are shown on a map in Council File No. 95-1302.

Area Planning Commission	Boundaries <i>(as set out in the designated Community Plans)</i>
South Los Angeles Area Planning Commission	<ul style="list-style-type: none"> • Northeast Los Angeles Community Plan, as adopted on June 15, 1999, the boundaries of which are shown on a map in Council File No. 99-0711. • Silver Lake - Echo Park Community Plan, as adopted on February 17, 1984, the boundaries of which are shown on a map in Council File No. 83-0071. • South Central Los Angeles Community Plan, as adopted on March 22, 2000, the boundaries of which are shown on a map in Council File No. 98-1192. • Southeast Los Angeles Community Plan, as adopted on March 22, 2000, the boundaries of which are shown on a map in Council File No. 99-0496. • West Adams - Baldwin Hills - Leimert Community Plan, as adopted on May 6, 1998, the boundaries of which are shown on a map in Council File No. 97-0534.
Harbor Area Planning Commission	<ul style="list-style-type: none"> • Harbor Gateway Community Plan, as adopted on December 6, 1995, the boundaries of which are shown on a map in Council File No. 95-1394. • San Pedro Community Plan, as adopted on March 24, 1999, the boundaries of which are shown on a map in Council File No. 98-1771. • Wilmington - Harbor City Community Plan, as adopted on July 14, 1999, the boundaries of which are shown on a map in Council File No. 98-1619. • Port of Los Angeles Plan, as adopted by the City Council on September 28, 1982, the boundaries of which are shown on the map in Council File No. 82-0400.

3. **Change in Boundaries.** If the boundaries of any community plan or Specific Plan mentioned in Subsection 2. above are changed, that change will not affect the boundaries of the areas to be served by each Area Planning Commission as prescribed by this Section. A change in the boundaries of the area to be served by any Area Planning Commission are affected only by specific amendment or repeal of this Section.

B. Composition

See City Charter, Sec. 552.

C. General Authority

See City Charter, Sec. 552.

D. Specific Authority

An Area Planning Commission exercises the following specific authority:

1. Review and submit recommendations to the City Council on a Zone Change (including Supplemental Use Districts).
2. To render a final decision on any:
 - (a) Specific Plan Exception,
 - (b) Certificate of Appropriateness (demolition, removal, relocation).
3. To approve or deny, on appeal, any:

- (a) Class 2 Conditional Use Permit,
 - (b) Director Review relating to a Site Plan Review,
 - (c) Project Permit,
 - (d) Project Permit (with Design Review),
 - (e) Project Permit Adjustment,
 - (f) Specific Plan Interpretation (which is applicable only on a site specific basis),
 - (g) Alternative Compliance,
 - (h) Adjustment,
 - (i) Variance,
 - (j) Appeals of Department of City Planning action on LADBS appeal,
 - (k) Zoning Code Interpretation on a site specific issue,
 - (l) Subdivision approval, as provided in Division 13.10 Division of Land,
 - (m) Certificate of Appropriateness (construction, addition, alteration, reconstruction),
 - (n) Certificate of Compatibility for non-contributing elements, and
 - (o) Coastal Development Permit.
4. To render decisions or consider appeals relating to Coastal Development Permits, where provided by this Code.
5. Notwithstanding the above, the City Planning Commission shall make decisions on any matter that would otherwise be heard by an Area Planning Commission if the matter involves a project which crosses the boundaries of the area served by more than one Area Planning Commission.

Sec. 13.1.05 Cultural Heritage Commission

See Los Angeles Administrative Code Division 22, Chapter 7, Sec. 22.106.

Sec. 13.1.06 Director of Planning

A. Establishment

See City Charter, Sec. 553.

B. Composition

See City Charter, Sec. 508.

C. General Authority

See City Charter, Sec. 553.

D. Specific Authority

The Director of Planning exercises the following specific authority:

1. Review and submit recommendations on:

- (a) The adoption or amendment of the General Plan,
- (b) The adoption or amendment of a Specific Plan,
- (c) The adoption or amendment of the Zoning Code,
- (d) A Zone Change (including Supplemental Use Districts),
- (e) The adoption or amendment of a Preservation Plan, and
- (f) Any other decision within the original jurisdiction of the City Planning Commission or an Area Planning Commission.

2. To render a decision on any:

- (a) Director Review,
- (b) Administrative Review,
- (c) Project Permit,
- (d) Project Permit (with Design Review),
- (e) Project Permit Adjustment,
- (f) Specific Plan Interpretation,
- (g) Alternative Compliance,
- (h) Adjustment,
- (i) Reasonable Accommodation - Fair Housing Protections for Individuals with Disabilities,

- (j) Review of Conforming Work in an Historic Preservation Overlay Zone, where delegated by a Preservation Plan,
 - (k) Certificate of Appropriateness (construction, addition, alteration, reconstruction) in an Historic Preservation Overlay Zone,
 - (l) Certificate of Compatibility for non-contributing elements in an Historic Preservation Overlay Zone,
 - (m) Coastal Development Permit, and
3. Interpret the meaning of the General Plan and Specific Plans in instances when there is a lack of clarity in the meaning of those regulations, subject to appellate review.
 4. Appoint a designee to act on his or her behalf, in which case, references in this Code and other land use ordinances to Director shall include this designee, unless otherwise stated.

Sec. 13.1.07 Zoning Administrator

A. Establishment

See City Charter, Sec. 561.

B. Composition

See City Charter, Sec. 561.

C. General Authority

See City Charter, Sec. 561.

D. Specific Authority

The Zoning Administrator exercises the following specific authority:

1. To render a decision on any:
 - (a) Variance,
 - (b) Class 1 Conditional Use Permit,
 - (c) Class 2 Conditional Use Permit,
 - (d) Nuisance Abatement/Revocation, and
 - (e) Zoning Code Interpretation.
2. To consider and decide Appeals from LADBS Determinations.

Sec. 13.1.08 Department of Building and Safety

A. Establishment

See Los Angeles Administrative Code Sec. 22.12.

B. Specific Authority

In addition to the powers established in Los Angeles Administrative Code Division 22, Chapter 2, and LAMC Chapter IX (Building Regulations), the Department of Building and Safety has the powers listed below. However, to the extent that any provision of this Chapter or Chapter I conflicts with a provision of Los Angeles Administrative Code Division 22, Chapter 2, or LAMC Chapter IX, this Chapter applies.

1. **Enforcement.** The Department of Building and Safety is granted the power to enforce the zoning ordinances of the City.
2. **Zoning Information.** The Department of Building and Safety shall maintain a public information bureau relative to zoning matters.
3. **Nonconforming Use.** The Department of Building and Safety has the authority to issue an order to comply to an owner of any building or structure who is in violation of Section 12.23 of Chapter I or Division 13.3 of Chapter IA and advise the owner of the required discontinuance of the nonconforming use of the building or structure.
 - (a) A provision advising the owner of the right to apply to the Department of City Planning within 90 days for permission to continue the nonconforming use of the building or structure as provided in this Subsection, must be included in the order, but the failure to include that provision does not nullify the order or provide a basis for the continued use of the building or structure.
 - (b) The Department of Building and Safety must record a notice of any order issued pursuant to this Subsection with the Office of the Los Angeles County Recorder, but the failure to so record does not nullify the order or provide a basis for the continued use of the building or structure by any owner, purchaser or lessee who was not aware of the order.
4. **Issuance of Citations by Designated Employees.** Employees of the Department of Building and Safety specified in Section 98.0408 of this Code shall have the powers, duties and immunities as set forth in said section.

Sec. 13.1.09 Advisory Agency

A. Establishment

The Director of Planning acts in the capacity of the Advisory Agency for the City pursuant to the Subdivision Map Act (California Government Code § 66415) and the City Charter (Section 553). The Director is authorized to act in such capacity through one or more deputies who are appointed by him/her for that purpose. The Director, with the concurrence of the Chief Zoning Administrator, may designate an Associate Zoning Administrator to perform these additional functions.

B. General Authority

1. The Advisory Agency makes investigations and reports on the design and improvement of proposed divisions of real property, imposes requirements or conditions on divisions of real property, and approves, conditionally approves or disapproves subdivision maps, parcel maps and private streets.
2. In taking any such action, the Advisory Agency is authorized to include or omit in whole or in part the reports or recommendations of the other concerned officials or City departments, except that the Advisory Agency may not omit any mandatory requirements relating to public health or safety recommended by such other officials or departments in the exercise of their duties prescribed by law. Before approving the omission of any report or recommendation made by such officials or departments the Advisory Agency shall submit the matter to the members of the Subdivision Committee for consideration at a regular meeting.

C. Specific Authority

The Advisory Agency renders decisions on:

1. Parcel Map Exemption/Lot Line Adjustment,
2. Tentative Tract Map,
3. Final Tract Map/Dedication
4. Preliminary Parcel Maps,
5. Final Parcel Map/Dedication, and
6. Private Street Map.

Sec. 13.1.10 Subdivision Committee

A. Establishment

There is hereby created a Subdivision Committee.

B. Composition

This committee is composed of the following officers of the City or their duly authorized representatives:

1. The City Engineer;
2. The Superintendent of Building;
3. The Chief Engineer of the Department of Fire;
4. The Chief Engineer and General Manager of the Department of Water and Power;
5. The General Manager of the Department of General Services (Oper. 7/1/79.);
6. The General Manager of the Department of Recreation and Parks;
7. The General Manager of the Department of Transportation; and
8. The Director of the Bureau of Street Lighting of the Department of Public Works.
9. For purposes of reviewing and submitting recommendations to the Advisory Agency on mobilehome park closure impact reports pursuant to Sec. 47.09 of this Code only, the Subdivision Committee shall also include a representative of the Rent Stabilization Division of the Housing and Community Investment Department, in addition to the above listed representatives.

C. General Authority

The Subdivision Committee shall meet with the Advisory Agency and make recommendations upon all Tentative Maps, Private Street Maps, Preliminary Parcel Maps, and other matters that are presented to it by the Advisory Agency. The Committee shall hold regular meetings for this purpose. Those meetings shall be open to the public and any persons having an interest in pending maps may be heard.

D. Specific Authority

The Subdivision Committee shall submit recommendations to the Advisory Agency relating to:

1. Tentative Maps,
2. Preliminary Parcel Maps, and
3. Private Street Maps.

Sec. 13.1.11 Design Review Board

A. Establishment

1. **Formation.** Certain Specific Plans call for uniquely formed design review boards. A design review board is not established for Specific Plans that do not expressly provide for one.

2. **Name of Board.** Each design review board shall have, as part of its name, words linking it to its area of administration and distinguishing it from other similar associations and boards.

B. Composition

1. **Number of Members.** Design review boards shall consist of a minimum of five and maximum of seven voting members.
2. **Appointment of Members.** With the exception of the Mulholland Specific Plan, the members of design review boards shall be appointed by the Councilmember(s) of the Council District(s) in which the Specific Plan area is located.
3. **Qualifications of Membership**
 - (a) Unless otherwise specifically required in a Specific Plan, to the maximum extent practicable, each design review board shall be composed of two architects and two professionals from the following or related fields: planning, urban design, and landscape architecture. The remaining member or members need not be design professionals. All members shall reside, operate a business, or be employed within the Specific Plan area. If no eligible person is known to be available for appointment in the designated disciplines who resides, operates a business, or is employed within the Specific Plan area, then the Councilmember(s) may make the appointment from the community plan area(s) in which the Specific Plan area is located. If a Specific Plan is located in more than one community plan area, then the members may be chosen from any of those community plan areas.
 - (b) If the design review board area is represented by more than one Councilmember, then the President of the City Council shall, to the extent feasible, determine the number of members appointed by the Councilmember of each Council District, based on the percentage of design review board area located in each Council District.
4. **Terms of Membership**
 - (a) A term of office of a member of a design review board is four years.
 - (b) The members of design review boards shall be appointed to staggered terms so that at least one term becomes vacant on each successive year.
 - (c) The chairperson and vice-chairperson shall be elected annually by a majority of the design review board members.
 - (d) Upon expiration of the term of any member of the design review board, the appointment for the next succeeding term shall be made by the appointing authority. Appointments are limited to 2 consecutive 4 year terms. Members of the board whose terms have expired shall remain members until their replacements have been appointed.
5. **Vacancies.** In the event of a vacancy occurring during the term of a design review board member, the Councilmember(s) who appointed the member, or the Councilmember(s)

successor, shall make an appointment to serve the unexpired term of that member. Where the member is required to have specific qualifications, the vacancy shall be filled by a person having similar qualifications.

6. Organization

(a) Design review boards shall schedule regular meetings at fixed times within the month with a minimum of 2 meetings a month.

(b) Meetings may be canceled if no applications which have been deemed complete are received at least 14 calendar days prior to the next scheduled meeting.

7. **Quorum.** The presence of a simple majority of the appointed members shall constitute a quorum. If a design review board cannot obtain a quorum for action within the stated time limits, the application shall be transferred to the Director for action with no recommendation from the design review board. An action by the board requires a majority vote of the members of the board. An action by the board cannot be made by a simple majority of those members present.

C. **Specific Authority.** Design Review Boards shall review applications in relation to compliance with the design components and criteria set forth in Sec. 13.6.03, and provide their recommendations to the Director.

Sec. 13.1.12 Historic Preservation Overlay Zone (HPOZ) Board

Sec. 13.1.13 See Division 13.11.Street Standards Committee

A. Establishment

There is hereby created a Street Standards Committee.

B. Composition

This committee is composed of the following officers of the City or their duly authorized representatives:

1. The Director of Planning (as Chair);
2. The City Engineer; and
3. The General Manager of the Department of Transportation;

C. General Authority

The Street Standards Committee shall meet to consider design standards for streets.

D. Specific Authority

The Street Standards Committee shall:

Article 13 Administration | Division 13.1 Authorities

Sec. 13.1.13 See Division 13.11.Street Standards Committee

1. Recommend to the Commission minimum width and improvement standards for all classes of public and private streets and alleys.
2. Modify the Complete Street Design Guide (CSDG) on an as-needed basis to align the CSDG with current and innovative street design practice.

Division 13.2. General Procedural Elements

Sec. 13.2.01 Applicability

A. General. This Article applies to any application for –

1. An amendment to any part of Chapter I and Chapter IA of the LAMC, including the text or zoning map,
2. A Discretionary Decision, including entitlements related to a Development Project,
3. Any other activity that is subject to Divisions 13.3 through 13.13 of this Article.

B. Charter/State Law. This Article does not supersede any provisions of the City Charter or provisions of State law that applied to charter cities.

C. Procedural Categories. This Article establishes procedures for land development decisions made under this Article. These include:

1. **Legislative** decisions, including zone changes and amendments to this Zoning Code, the General Plan, a Specific Plan, and other ordinances. These involve a new policy or rule, or a change in land use regulation and development regulation.
2. **Quasi-judicial** decisions, including Director Determinations, Conditional Permits and Variances. These proceedings involve the exercise of discretion by the decision-making body, which requires a weighing of evidence, an application of rules, regulations and ordinances to facts and a resolution of specific issues. These may involve a public hearing (unless the hearing is waived).
3. **Ministerial** decisions, such as clearances. These apply the provisions of this Code or conditions of a quasi-judicial decision or legislative action to a project that is either clearly defined in this Code, or that has already obtained all necessary legislative and quasi-judicial approvals. Because these involve the application of non-discretionary rules to projects, these applications are reviewed by City staff without a public hearing.

Sec. 13.2.02 Process Elements

- A. This Article sets up rules for procedures, such as application, notices and public hearings. It then describes the process for specific land use decisions. The procedures all have a common workflow and description, as follows:

Table 1 Procedure Workflows

Element	Description
Applicability	The type of development or situation that is subject to the process.
Initiation	This is how the application process begins, where the application is filed and the department or official who conducts initial processing (such as completeness review).
Notice	This describes the type of notice, and how it is provided.
Decision	This states who approves that application, how notice is provided, and the type of proceeding that leads to the decision.
Approval Criteria	These are any particular standards or findings that determine whether the application is approved. All applications are subject to this Chapter or Chapter I and the applicable zoning district regulations.
Appeals	This provides a way to review an application that is approved, denied, or that have conditions that are disputed by the applicant or a party with standing to appeal.
Subsequent Applications	If an application is denied, some processes have a waiting period before that type of application can be re-filed for the property.
Revisions	This describes how the decision can be revised, changed, amended or modified after final approval or conditional approval.
Scope of Decision	This refers to the activities that the application authorizes. For example, some approvals send the applicant to the next step in the overall process or only require compliance review, while others authorize construction or use.

Article 13 Administration | Division 13.2 General Procedural Elements

Sec. 13.2.02 Process Elements

The processes established in this Code are summarized below.

Table 2 Process Summary	Ministerial	Director	Zoning Administrator	Subdivision Committee	City Engineer	Area Planning Commission	City Planning Commission	City Council	Mayor	Design Review Board	HPOZ Board	Cultural Heritage Commission
ENTITLEMENT REVIEW												
Legislative Action												
General Plan Adoption / Amendment		R					[R]	[D]	R/S V			
Specific Plan Adoption / Amendment		R					[R]	[D]	SV			
Zoning Code Amendment		R					[R] ¹	D ¹	SV			
Zone Change		R				[R]	[R] ¹	[D] ¹	SV			
Quasi-Judicial Action												
Conditional Use Permit, Class 1			<D>			[A]						
Conditional Use Permit, Class 2			<D>			[A]						
Conditional Use Permit, Class 3							[D]	[A]				
Director Review		<D>				A						
Clearance												
Ministerial Action	D											
LADBS Certificate	C											
Specific Plan Implementation												
Project Permit		D				[A]						
Project Permit (with Design Review)		D				[A]				[R]		
Project Permit Adjustment		D				[A]						
Specific Plan Exception						[D]		[A]				
Specific Plan Interpretation		D				[A]	[A]					
Relief												
Alternative Compliance		D				[A]						
Adjustment		D				[A]						
Variance			[D]			[A]		[A]				
Modification of Entitlement	←		→			←		→				
Reasonable Accommodation - Fair Housing Protections for Individuals with Disabilities		D					[A]					
Non-Compliance												
Evaluation of Non-Compliance			[D]			[A]	[D]	[A]				
Nuisance Abatement/Revocation			[D]					[A]				

Key to Table 2:

C	Certification by Planning	Green type	Optional or where directed by decision maker (e.g., CPC)
R	Review & Recommendation	Blank cell	Not required
D	Decision or Acceptance	Red type	Required by charter
SV	Signature / Veto	<i>Italics</i>	Action only under certain conditions (such as project size, delegation or transfer from another agency, etc.)
A	Appeal	↔	Varies with underlying process
[]	Public Hearing		
<>	Public Hearing optional or waivable	1	If filed by application and CPC recommends disapproval, its decision is appealable to CC.

Note: This table is a general summary. Refer to Divisions 2 through 13 for the specific procedure. If there is any conflict between this Table and the text in Divisions 2 through 13 relating to the procedure, the text Section controls.

Article 13 Administration | Division 13.2 General Procedural Elements

Sec. 13.2.02 Process Elements

Table 2 Process Summary
(cont'd)

	Ministerial	Director	Zoning Administrator	Subdivision Committee	City Engineer	Department Planner	Area Planning Commission	City Planning Commission	City Council	Mayor	Design Review Board	HPOZ Board	Cultural Heritage Commission
ENTITLEMENT REVIEW													
Miscellaneous/General Administration													
Zoning Code Interpretation			D				[A]	[A]					
Subdivision Review													
Parcel Map Exemption (Lot Line Adjustment) or Waiver		D					[A]	[A]					
Tentative Map / Vesting Tentative Map / Air Space Lots / Reversion		D		R			[A]	[A]					
Final Map / Dedication					C				D				
Preliminary Parcel Map / Air Space Lots / Reversion		<D>					[A]	[A]					
Final Parcel Map / Dedication					C				D				
Private Street Map		<D>		R			[A]	[A]					
Subdivision Standards Modification		D		R			[A]	[A]					
Parcel Map-Slight Modification		D					[A]	[A]					
Final Recorded Map Modification (tract & parcel)		[D]					[A]	[A]					
Certificate of Compliance		D					[A]	[A]					
Subdivision Appeal							[D]	[D]					
Subdivision violation													
Historic Preservation or Design Review													
Historic Preservation Overlay Zone ("HPOZ") Designation or Zone Change								[R]	[D]				R
Preservation Plan Adoption / Amendment		R				[R]		[D]					[R]
Review of Conforming Work	D											D	
Certificate of Appropriateness (construction, addition, alteration, reconstruction)		D					[A]					[R]	[R]
Certificate of Appropriateness (demolition, removal, relocation)							D		[A]			[R]	[R]
Certificate of Compatibility for non-contributing elements		D					[A]					[R]	[R]
Coastal Development													
Coastal Development Permit (pre-certification)	←		→				←	→					
Coastal Development Permit (post-certification)		D					[A]						
Department of Building and Safety													
Appeals from LADBS			[D]			[A]							

Key to Table 2:

C	Certification by Planning	Green type	Optional or where directed by decision maker (e.g., CPC)
R	Review & Recommendation	Blank cell	Not required
D	Decision or Acceptance	Red type	Required by charter
SV	Signature / Veto	<i>Italics</i>	Action only under certain conditions (such as project size, delegation or transfer from another agency, etc.)
A	Appeal	↔	Varies with underlying process
[]	Public Hearing	1	If filed by application and CPC recommends disapproval, its decision is appealable to CC.
<>	Public Hearing optional or waivable		

Note: This table is a general summary. Refer to Divisions 2 through 13 for the specific procedure. If there is any conflict between this Table and the text in Divisions 2 through 13 relating to the procedure, the text Section controls.

B. Time Limits

1. This article establishes a number of time limits for action by the City, agencies, the applicant or appellant.
2. Unless otherwise designated, all time limits prescribed in this article run from the date that the application is deemed complete by the City.
3. Unless otherwise stated, time limits may be extended where mutually agreed upon in writing by the applicant and the decision-making official or agency.

Sec. 13.2.03 Applications

A. General Requirements

1. Applications filed under this Article must include all of the information required by the Department. All applications shall be made on forms prepared by and available from the Department.
2. The Council may establish fees for all applications required in this Article by ordinance. Applications shall include all fees required by Article 9 of Chapter I of the LAMC.

B. Application Completeness

1. An application is not complete until all required items are submitted and all required application fees are paid (*see Chapter I Article 9 [Fees]*).
2. The City will not process incomplete applications. Applications will be reviewed for completeness in accordance with the Permit Streamlining Act (California Government Code Title 7, Division 1, Chapter 4.5, as may be amended from time to time).

C. Multiple Entitlement Requests

In order to facilitate the development process, applications for multiple entitlements for the same project shall be submitted and processed concurrently as provided in Sec. 13.2.10.

Sec. 13.2.04 Notice of Public Hearing

A. Public Hearing Purpose

1. A public hearing gives interested parties an opportunity to be heard. The specific processes for providing testimony and conducting the hearing are established by the agency that conducts the hearing, subject to State law requirements.

B. General Procedures for Notice of Public Hearing

1. In certain cases, state law establishes specific requirements for public notice. Unless otherwise provided, the notice established in this Article is as provided in the table below.
2. The time period required for a notice is the minimum number of days preceding commencement of the applicable public hearing.
3. If a Department Planner conducts a public hearing on behalf of the Area or City Planning Commission, the notice requirements apply to only the Department Planner hearing.
4. Unless otherwise provided for a specific procedure, notice of a public hearing shall be given in writing to the owner, applicant, interested parties, and appellant, as appropriate.
5. The agency may continue the hearing to another date announced publicly at the hearing to a date certain. In that case, no additional notice of the continued hearing is required.
6. Unless otherwise provided for a specific procedure, no additional notice is required for the appellate hearing. However, the department may make notice available on its website or by email to persons requesting written notice.

Table 3 Notice

Type of notice	Description
Publication	Publication in a newspaper of general circulation in the City designated for this purpose by the City Clerk.
Mail	This requirement is satisfied when the item is placed in the mail, directed to the applicant or person receiving notice at their designated address, and bearing the proper postage. Notice is mailed to any person requesting notice of the hearing, unless a specific notification area is designated for the individual process. If a notification distance is prescribed, the distance is measured from the boundaries of the area subject to the application as shown upon the records of the City Engineer or the County Assessor. A mailed notice requirement can be met by mailing the notice to "property owner and current resident". Notice by delivery satisfies the requirement for notice by notice by mail unless otherwise provided by State law or this Chapter or Chapter I.
Posting	Posting notice in a conspicuous place on the property. The Department shall prescribe requirements for the size, materials, font, font size, or similar requirements for the notice, and may distribute a standard notice.
Email	The reviewing agency may (at its option) transmit an email to: <ul style="list-style-type: none"> • the Applicant, • parties to whom State law or this Article require notice by email, or upon request.
Online	The City may provide information about the permit or proceeding available on its website. Unless another form of notice is required by law or this Article, this is how the City will provide notice.

C. What information is provided in a notice?

Notice shall include the following information, unless the process includes a different requirement: time, place, and purpose of the public hearing or meeting.

D. How is the required time period for notice calculated?

Required time periods refer to calendar days as provided in Sec. 106 of the City Charter, unless otherwise provided.

E. Can the City provide additional notice, beyond what is listed above?

The City may provide additional notice not required by this Article or State law at its discretion.

F. What notice requirements apply to each process in this Code?

Table 4 Summary of Notice Requirements summarizes the notice type and requirements for each process described in this Article:

Table 4 Summary of Notice Requirements

		Reference	Publication	Mail	Posting
Legislative Action		Division 13.3			
General Plan Adoption / Amendment	Sec. 13.3.01		■	■	●
Specific Plan Amendment	Sec. 13.3.02		■	●	●
Zoning Code Amendment	Sec. 13.3.03		■		
Zone Change	Sec. 13.3.04		■	●	●
Quasi-judicial Action		Division 13.4			
Conditional Use Permit, Class 1	Sec. 13.4.01			■	■
Conditional Use Permit, Class 2	Sec. 13.4.02		■	■	■
Conditional Use Permit, Class 3	Sec. 13.4.03		■	■	■
Director Review	Sec. 13.4.04			■	
Ministerial Action		Division 13.5			
Administrative Review	Sec. 13.5.01				
Specific Plan Implementation		Division 13.6			
Project Permit	Sec. 13.1.01			○	○
Project Permit (with Design Review Board)	Sec. 13.6.03			■	■
Project Permit Adjustment	Sec. 13.1.01			○	○
Specific Plan Exception	Sec. 13.6.04			■	■
Specific Plan Interpretation	Sec. 13.6.06			○	
Relief		Division 13.7			
Alternative Compliance	Sec. 13.7.01			○	○
Adjustment	Sec. 13.7.02			○	○
Variance	Sec. 13.7.03			■	■
Modification of Entitlement	Sec. 13.7.04			❖	❖
Reasonable Accommodation-Fair Housing Protection for Individuals with Disabilities	Sec. 13.1.01A		■		
Non-Compliance		Division 13.8			
Evaluation of Non-Compliance	Sec. 13.8.01				
Nuisance Abatement/Revocation	Sec. 13.8.01			■	■
Miscellaneous/General Administration		Division 13.9			
Interpretation of Zoning Code	Sec. 13.9.01			●	●
Subdivision Review		Division 13.10			
Parcel Map Exemption/Lot Line Adjustment	Sec. 13.10.02				
Tentative Tract Map	Sec. 13.10.03			■	■
Final Tract Map	Sec. 13.10.04				

■ = initial decision ● site specific only (not City-initiated) ○ = appeal only
❖ = varies with underlying application

Table 4 Summary of Notice Requirements

		Reference	Publication	Mail	Posting
■ = initial decision ● site specific only (not City-initiated) ○ = appeal only					
❖ = varies with underlying application					
	Preliminary Parcel Map	Sec. 13.10.05		■	■
	Final Parcel Map	Sec. 13.10.06			
	Private Street Map	Sec. 13.10.07		■	■
	Subdivision Appeal	Sec. 13.10.08		■	
	Subdivision Violation	Sec. 13.10.09			
Historic Preservation or Design Review		Division 13.11			
	Historic Preservation Overlay Zone ("HPOZ") Designation	Sec. 13.11.02	■	■	
	Preservation Plan Adoption or Amendment	Sec. 13.11.03		■	■
	Review of Conforming Work	Sec. 13.11.04			
	Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)	Sec. 13.11.05		■	■
	Certificate of Appropriateness (Demolition, Removal, or Relocation)	Sec. 13.11.06		■	■
	Certificate of Compatibility	Sec. 13.11.07		■	■
Coastal Development		Division 13.12			
	Coastal Development Permit (Prior to Certification of the Local Coastal Program)	Sec. 13.12.01		■	■
	Coastal Development Permit (After Certification of the Local Coastal Program)	Sec. 13.12.02		■	■
Department of Building and Safety		Division 13.12			
	Appeals from LADBS	Sec. 13.12.02		■	■

Note: This table is a general summary. Refer to Divisions 2 through 13 for the specific procedure. If there is any conflict between this Table and the text in Divisions 2 through 13 relating to the procedure, the text Section controls.

G. State Noticing Requirements. Where applicable, the City may provide notice consistent with California Government Code § 65804.

Sec. 13.2.05 Decisions

A. Decision Time Period

Decisions must be made within the time period specified in this Chapter, or as otherwise required by law. Unless otherwise provided in the regulations governing the particular application or State law, this time limit may be extended by mutual consent of the decision maker and the applicant. The extension of time to act also applies to applications or initiations under the multiple approval provisions in Sec. 13.2.10.

B. Criteria or Findings for Decision

1. Each decision is subject to all applicable standards of this Code, including the applicable zone.
2. Each process described in Divisions 13.3 through 13.12 of this Article includes standards and/or findings for approval. In approving an application, the decision maker must find that the use or project substantially conforms to the standards and/or findings for approval.
3. For a Quasi-judicial action, the initial decision maker shall adopt written findings of fact supporting the decision based upon evidence in the record. This may include written or oral statements and documents presented to the agency, such as photographs, maps, and plans, and any results of the decision maker's investigations.

C. Decision and Conditions

1. Unless otherwise provided, an application may be approved or disapproved in whole or in part.
2. Unless otherwise provided, the decision maker may impose conditions that it determines are needed to ensure substantial compliance with the standards or findings for approval.

D. Transmittal

The decision maker transmits a letter of determination that notifies the applicant, owner, and interested parties, as applicable, of the decision. The notification will indicate whether the application is approved, approved with conditions, or denied.

E. Effective Date

1. **Initial Decision.** An initial decision becomes final and effective upon the close of the appeal period if no appeal is filed.
2. **City Planning Commission or Area Planning Commission.** A decision of the City Planning Commission or Area Planning Commission becomes final at the expiration of the next 5 meeting days of the Council during which the Council has convened in regular session, unless the Council acts pursuant to Charter Section 245. However, after the initial Commission action, applications may ask for their item to be reconsidered at the next meeting of the Commission.
3. **Appellate Decision.** Except as provided in Subsection 2 above, the appellate agency's decision becomes final on the day the appellate agency submits a written decision, if it is subject to no further appeals to an agency or official of the City or to Council's jurisdiction under Charter Section 245.

Sec. 13.2.06 Transfer of Jurisdiction

A. Applicability

1. When outlined in a specific procedure, the applicant may request a transfer of jurisdiction.

B. Failure to Act

1. If the initial decision maker fails to act on an application within 75 days from the date of filing a complete application, or within a mutually agreed upon extension of time, the applicant may file a request for a transfer of jurisdiction to the designated appellate body for decision. The designated appellate body is the body to whom the matter would normally be appealable, pursuant to Division 13.4. The Director of Planning shall prescribe the form and manner of filing requests for transfers of jurisdiction.

2. When the designated appellate body receives the applicant's request for a transfer of jurisdiction, the initial decision maker shall lose jurisdiction. However, the body to whom the matter is transferred may remand the matter to the initial decision maker who shall regain jurisdiction for the time and purpose specified in the remand action. In addition, upon receipt of a written request by the applicant for withdrawal of the transfer of jurisdiction prior to the matter being heard by the appellate body, the matter shall be remanded to the initial decision maker.
3. If the matter is not remanded, the decision maker to whom the matter has been transferred shall consider the application following the same procedures and subject to the same limitations as are applicable to the initial decision maker, except that the body to which the matter has been transferred shall act within 45 days of the transfer of jurisdiction. The Department of City Planning, including the Office of Zoning Administration, shall make investigations and furnish any reports requested by the body to which the matter has been transferred.

Sec. 13.2.07 Scope of Decision

A. Discretionary Project Approvals Time Limits

1. Unless otherwise provided in this Chapter, Chapter I, or in the conditions of approval, any approval by the Zoning Administrator, Director of Planning, an Area Planning Commission, or the City Planning Commission as initial decision makers that is not utilized within 3 years of its effective date becomes null and void.
2. When approvals are granted as part of a project requiring multiple approvals (see Sec. 13.2.10), the following time limits apply unless a different time period is provided in a signed and effectuated development agreement:

Approvals	Granted in Conjunction with	Expiration
Quasi-judicial Approvals	Legislative Approvals	Expires with the Legislative Approval, not to exceed 6 years unless the initial decision maker extends the time period (see Subsection B.1 below).
Quasi-judicial Approvals	Subdivision Approval	Expires with the Subdivision Approval pursuant to Division 13.10 of this Article. If the expiration date on a Subdivision Approval is extended pursuant to Division 13.10, or by amendment to the Subdivision Map Act, the Quasi-judicial Approval is automatically extended for the same time period.
Legislative Approvals	Subdivision Approval	Extended for the full time limit of the Subdivision Approval, including time extensions pursuant to Division 13.10, as needed to record an approved map.

B. Utilizing the Permit

1. An approval is considered utilized when all the conditions of approval have been demonstrated and authorization on a building permit has been obtained from the Department of city Planning prior to the expiration of the approval. Authorization on a building permit shall remain valid for 18 months after the plan check fee is paid, or if a permit is issued during that time, when the building permit terminates pursuant to Section 98.0605. An approval not requiring permits for construction or alteration from the Department of Building and Safety is considered utilized when compliance with all conditions of approval have been demonstrated and authorization has been obtained from the Department of City Planning. The initial decision maker referred to above may establish a longer time period to utilize the approval, or may extend the time period for using the approval as a Modification of Entitlement (see Sec. 13.7.04).

2. Exceptions

- (a) Religious and Institutional Uses.** Where a lot or lots have been approved for use as a governmental enterprise, religious use, hospital, educational institution or private school, including elementary and high schools, no time limit to utilize the privileges shall apply provided that all of the following conditions are met:
- (1) The property involved is acquired or legal proceedings for its acquisition are commenced within one year of the effective date of the decision approving the conditional use.
 - (2) A sign is immediately placed on the property indicating its ownership and the purpose to which it is to be developed, as soon as legally possible after the effective date of the decision approving the conditional use. This sign shall have a surface area of at least 20 square feet.
 - (3) The sign is maintained on the property and in good condition until the conditional use privileges are utilized.

- (b) Approvals With Effective Dates Between July 15, 2005, and December 31, 2010.** The expiration period of any approval by the Zoning Administrator, Director of Planning, an Area Planning Commission, or the City Planning Commission as initial decision-makers (as well as any approval by a Deputy Advisory Agency acting in the capacity as a Zoning Administrator or as the Director of Planning's designee), pursuant to the provisions of Chapter I of this Code or any ordinance adopted pursuant to Chapter I of this Code, shall automatically be increased by 60 months if the effective date of approval was July 15, 2005, through December 31, 2007; by 48 months if the effective date of approval was January 1, 2008, through December 31, 2008; and 24 months if the effective date of approval was January 1, 2009, through December 31, 2010, provided that the Director makes a written finding that the prior discretionary approval and the required environmental review considered significant aspects of the approved project and that the existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the extension. This one-time extension of time supersedes any previous extensions of time granted pursuant to Ordinances Nos. 180,647 and/or 181,269.
- (c) Affordable Housing Projects.** Where a lot or lots have been approved for housing that include Restricted Affordable Units, as defined in Sec. 12.22 A.25 (b), a 6 year time limit to utilize the privileges will apply.
- C. Planning and Zoning Matters in Litigation.** The time limits set forth in Subsections A. and B. above shall not include any time period during which the approval or the environmental clearance for the approval is challenged in court.
- D. California Coastal Commission Approvals.** The time limits set forth in Subsections A. and B. above shall not include any time period during which the subdivider or applicant is awaiting a land use approval from the California Coastal Commission. The subdivider or applicant shall submit a written request for a suspension of time and a copy of the submitted California Coastal Commission application for such approval to the Department of City Planning within 10 days of filing the application with the California Coastal Commission. Suspensions of time shall be automatically granted until the California Coastal Commission has rendered a final decision on the application, including any appeal period. The subdivider or applicant shall submit a copy of the California Coastal Commission's final action to the Department of City Planning within 10 days of the final decision.

Sec. 13.2.08 Appeals

A. Filing of Appeals

1. Appeals shall be in writing and filed on forms maintained by the Department.
2. An appeal shall specifically state the points at issue and the reasons why the decision should be upheld.
3. An appeal not properly or timely filed shall not be accepted.

B. Time Limits for Appeal

1. The specific procedures in this Article include the time limits for appeal. Unless otherwise required, appeals must be filed within 15 days after the date on the letter of determination to the applicant.
2. Any appeal that is filed late will not be considered by the appellate body.

C. Appeal Procedures

1. An appeal stays proceedings in the matter until the appellate body makes a decision.
2. After an appeal is filed, the initial decision maker will transmit the appeal and the file to the appellate body, together with any report if one was prepared by staff responding to the points raised made in the appeal. The Department of City Planning will make investigations and furnish any reports requested by the body to which the matter is transferred.
3. When the appellate body receives the appeal, the initial decision maker loses jurisdiction.
4. Upon the date set for the hearing, the appellate body shall either hear the appeal, or continue the matter by mutual agreement to another date if there is cause to do so. No notice of continuance need be given if the continuance is announced at the time for which the hearing was set.
5. The appellate body will conduct a public hearing. After the public hearing, the appellate body will render a decision:
 - (a) affirming the initial decision in whole or in part, or
 - (b) reversing the initial decision in whole or in part, after which it may render its own decision or remand the decision to the initial decision maker for further proceedings.
6. The appellate body may extend the time period for deciding an appeal to allow the consideration of changes to the project requested by the applicant. If the appellate body finds that the changes are substantial, the hearing may be continued by mutual agreement after additional posted notice is provided. The time period required for additional notice is at least the time required for post a notice on the original application. If no posted notice was required on the original application, the time period is the longest period required for mailed or published notice as applicable.
7. The appellate body may take additional evidence, make its own record, or base its decision on the record created by the initial decision maker.

D. Withdrawal of Appeals

1. **Procedures.** Appellant(s) may withdraw an appeal of an initial determination if the withdrawal is filed with the Department at least 15 days prior to the public hearing by the appellate body on the appeal.
2. **Requirements**
 - (a) **Filing.** Withdrawal of an appeal shall be in writing and does not require the decision maker to concur. The withdrawal shall be filed with the Department.
 - (b) **Withdrawal Before Close of Appeal Period**
 - (1) If the withdrawal of the appeal is received by the Department after the close of the original appeal period, the Department shall notify the same persons who received notice of the decision that was appealed, that an appeal had been filed and was now withdrawn. The notice shall state that the appeal period is being reopened.
 - (2) The reopened appeal period shall run for 10 days from the date the notice of withdrawal of the appeal is mailed.
 - (3) If more than one appeal was filed, the appeal period is not reopened unless the withdrawal of the appeal would result in no appeal going forward.
 - (4) The appeal period shall only be reopened once.
 - (c) **Withdrawal Before Public Notice.** If the withdrawal is received by the Department before any required public hearing notice is mailed, then the time for the appellate body to act is extended for 10 days.
 - (d) **Withdrawal After Public Notice.** If the withdrawal is received by the Department after the public hearing notice is mailed, then any appeal filed during the reopened appeal period shall be heard on the same date and time as set forth in the previously mailed public hearing notice. No further notice of the appeal hearing is required.
 - (e) **Withdrawal Resulting in No Appeal.** If the withdrawal of the appeal, and the subsequent reopening of the appeal period, results in no appeal going forward:
 - (1) the withdrawal of the appeal is permanent, and
 - (2) the decision from which the appeal was taken automatically becomes final at the end of the appeal or reopened appeal period.
 - (f) Appeals challenging Variance decisions cannot be withdrawn.

E. Standards for Review and Required Findings

1. **Standard of Review.** The appellate body shall hear the matter de novo. The appellate body shall make its decision based on the record before the initial decision maker and any other evidence or testimony presented at or before the appellate body's hearing.
2. **Findings for Appeals.** Unless required otherwise by this Chapter, the appellate body shall make the same findings as required by the initial decision maker, supported by substantial evidence.

F. Lack of Timely Decision on Appeal

Unless otherwise required by a specific procedure, the appellate body shall act within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the appellate body.

1. For Legislative matters for which there is an appeal, failure of the appellate body to render a timely decision shall result in the denial of the appeal.
2. For Quasi-judicial matters for which there is an appeal:
 - (a) Failure of the appellate body to hear the matter within the time limit shall result in the matter being calendared for the next meeting of the appellate body.
 - (b) Failure of the appellate body to act on the matter after holding a hearing shall result in the denial of the appeal.

Sec. 13.2.09 Permits Issued in Error

- A. Notwithstanding any other provisions of this Code or any other ordinance of the City, no permit or license shall be issued in violation of any provisions of this Code or any other ordinance of the City.
- B. Any permit or license issued in violation of any provision of this Code or any other ordinance of the City is void. Any permit or license that purports to authorize any act prohibited by any other provision of this Code or any other ordinance of the City is void.
- C. Upon publication of a zone change, the Department of Building and Safety may issue a permit for a building or structure which will comply with all of the requirements of the new zone. Before that permit is issued, the applicant shall execute and file with the Superintendent of Building a notarized agreement assuming all risk and agreeing to remove all buildings or structures

authorized by the permit if the zone change does not become effective.

Sec. 13.2.10 Multiple Approvals

A. Applicability

1. **Generally.** This Section applies to applications for projects that require multiple Legislative and/or Quasi-judicial Approvals.
2. **Definitions.** The following definitions apply to this Section (see Table 5 below for classification of actions in this Article for purposes of qualification for the multiple approvals process):
 - (a) **Legislative Approval.** Any action that formulates a rule of general applicability that applies to all future cases. These typically require an action by the City Council, such as those as set forth in Division 13.3 of this Article.
 - (b) **Quasi-judicial Approval.** These actions apply rules to specific facts, and are subject to procedural due process principles. These include the processes described in Divisions 13.4, 13.6 and 13.7 of this Article.
 - (c) **Subdivision Approval.** Any approval under the Division of Land regulations set forth in Division 13.10. of this Article.
 - (d) **Ministerial Action.** Any action involving only the nondiscretionary application of objective standards, including the processes described in Division 13.5 of this Article. Ministerial Actions are not subject to the multiple approvals processes established below.

Table 5 Classification of Actions for Multiple Approvals

		Legislative	Quasi-judicial	Subdivision	Ministerial
■ = qualifies for multiple approval “—” = does not qualify for multiple approval					
Action	Reference				
Legislative Action		Division 13.3			
General Plan Adoption / Amendment	Sec. 13.3.01	■			
Specific Plan Amendments	Sec. 13.3.02	■			
Zoning Code Amendments	Sec. 13.3.03	■			
Zone Change	Sec. 13.3.04	■			
Quasi-judicial Action		Division 13.4			
Conditional Permit, Class 1	Sec. 13.4.01				
Conditional Permit, Class 2	Sec. 13.4.02		■		
Conditional Permit, Class 3	Sec. 13.4.03		■		
Director Review	Sec. 13.4.04		■		
Ministerial Action		Division 13.5			
Administrative Review	Sec. 13.5.01				--
Specific Plan Implementation		Division 13.6			
Project Permit	Sec. 13.1.01		■		
Project Permit (with Design Review Board)	Sec. 13.6.03		■		
Project Permit Adjustment	Sec. 13.1.01		■		
Specific Plan Exception	Sec. 13.6.04		■		
Specific Plan Interpretation	Sec. 13.6.06		--		

Table 5 Classification of Actions for Multiple Approvals

■ = qualifies for multiple approval | “--” = does not qualify for multiple approval

Action	Reference	Legislative	Quasi-judicial	Subdivision	Ministerial
Relief					
Alternative Compliance	Sec. 13.7.01		■		
Adjustment	Sec. 13.7.02		■		
Variance	Sec. 13.7.03		■		
Modification of Entitlement	Sec. 13.7.04				-
Reasonable Accommodation-Fair Housing Protections for individuals with Disabilities	Sec. 13.1.01A		--		
Miscellaneous/General Administration					
Interpretation of Zoning Code	Sec. 13.9.01		--		-
Subdivision Review					
Parcel Map Exemption/Lot Line Adjustment	Sec. 13.10.02			--	
Tentative Map	Sec. 13.10.03			■	
Final Tract Map	Sec. 13.10.04			--	
Preliminary Parcel Map	Sec. 13.10.05			■	
Final Parcel Map	Sec. 13.10.06			--	
Private Street Map	Sec. 13.10.07			■	
Subdivision Appeal	Sec. 13.10.08			--	
Historic Preservation or Design Review					
Historic Preservation Overlay Zone (“HPOZ”) Designation	Sec. 13.11.02	--			
Preservation Plan Adoption or Amendment	Sec. 13.11.03	■			
Review of Conforming Work	Sec. 13.11.04				--
Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)	Sec. 13.11.05		■		
Certificate of Appropriateness (Demolition, Removal, or Relocation)	Sec. 13.11.06		■		
Certificate of Compatibility	Sec. 13.11.07		■		
Coastal Development					
Coastal Development Permit (Prior to Certification of the Local Coastal Program)	Sec. 13.12.01		■		
Coastal Development Permit (After Certification of the Local Coastal Program)	Sec. 13.12.02		■		
Department of Building and Safety					
Appeals from LADBS	Sec. 13.13.02		--		

B. Initiation

- Applicants shall file applications at the same time for all approvals reasonably related and necessary to complete the project.
- The procedures and time limits set forth in this Section only apply to multiple applications filed concurrently. Prior to a public hearing, the Director may require an applicant to amend an application for a project requiring multiple approvals to ensure that all relevant approvals are reviewed concurrently.

C. Decision Makers and Procedures. Notwithstanding any provision of this Code to the contrary, the following procedures apply to projects requiring multiple approvals.

1. Legislative Decisions

- The City Planning Commission or Area Planning Commission has initial authority to submit a recommendation, and the City Council has final decision-making authority for all approvals involving legislative decisions.

(b) Procedures

- (1) To the extent permitted by California law and the City Charter, the procedures for consideration of all decision are those set forth in:
 - (i) Sec. 13.3.01 if a General Plan Amendment is involved, or
 - (ii) Sec. 13.3.02 if a Specific Plan amendment, but no General Plan Amendment, is involved, or
 - (iii) Sec. 13.3.04 if a Zone Change is combined with a Code Amendment.
- (2) If a development agreement is combined with a General Plan Amendment, Specific Plan, Zoning Code Amendment, or Zone Change, the City Planning Commission shall submit a Planning Commission recommendation, and all required notices and hearings required by and the California Government Code shall be combined to the extent permitted by law.

2. City Planning Commission

- (a) The City Planning Commission has initial decision-making authority for all approvals and/or recommendations if a project requires:
 - (1) a separate approval or recommendation by an Area Planning Commission, the Zoning Administrator, and/or the Director, as the initial decision maker, and
 - (2) an approval or recommendation by the City Planning Commission as the initial decision maker.
- (b) Procedures
 - (1) If all of the applications are for Quasi-judicial Approvals, the procedures for consideration and appeal of all the applications are those set forth in Sec. 13.4.03 of this Code.
 - (2) If any Legislative Approval is included, the procedures for consideration and appeal of all the applications are those set forth in Sec. 13.3.04 of this Code.
 - (3) If there is a request for a Modification of Entitlement, the Director may act on behalf of the City Planning Commission unless the City Planning Commission is specified to be the decision maker for any such modifications.
- (c) **Appellate Body.** The City Council shall decide all appeals of the City Planning Commission's decisions or recommendations under this subsection.

3. **Area Planning Commission.** If a project requires an approval separately decided by the Zoning Administrator and/or the Director as the initial decision maker, and also requires any approval or recommendation by an Area Planning Commission as the initial decision maker, then the Area Planning Commission where the project is located has initial decision-making authority for all of the approvals and recommendations.

(a) Procedures

- (1)** If all of the applications are for Quasi-judicial Approvals, the procedures for consideration and appeal of all the applications are those set forth in Sec. 13.4.03 of this Code.
- (2)** If a Legislative Approval is included, then the procedures for consideration and appeal of all the approvals shall be those set forth in Sec. 13.3.04 of this Code.

(b) Appellate Body. The City Council shall decide all appeals of the Area Planning Commission's decisions or recommendations under this subsection.

- 4. Zoning Administrator.** If a project requires approvals separately decided by the Zoning Administrator and the Director, as the initial decision maker, the Zoning Administrator has decision-making authority for all of the approvals (except as provided in Paragraph (b) below).

(a) Procedures. The procedures for consideration and appeal of all related applications for Quasi-judicial Approvals of the Zoning Administrator as initial decision maker are those set forth in Sec. 13.4.02 of this Code.

(b) Appellate Body. The Area Planning Commission where the project is located decides all appeals of decisions of the Zoning Administrator as initial decision maker on projects requiring multiple approvals. However, if this Article requires any of the approvals to be heard by the City Planning Commission on appeal, the City Planning Commission decides all appeals of decisions of the Zoning Administrator.

- 5. Density Bonus.** If a Housing Development Project qualifies for a density bonus and requests a waiver or modification of any development standard(s) (see Sec. 12.22.A.25(g)(2) or -(g)(3)):

(a) a Variance, Adjustment or other relief mechanism will not be processed, and

(b) the initial decision maker is the Director or City Planning Commission, as provided in Sec. 12.22.A.25(g).

- 6. Director of Planning.** If a project requires multiple approvals decided by the Director as the initial decision maker, the following procedures apply:

(a) Procedures. The procedures for consideration and appeal of all related applications for Quasi-judicial Approvals of the Director as initial decision maker are those set forth in Sec. 13.4.04 of this Code.

(b) Appellate Body. The Area Planning Commission where the project is located shall decide all appeals of decisions of the Director as initial decision maker on projects requiring multiple approvals. However, if this Article requires any of the approvals to be heard by the City Planning Commission on appeal, the City Planning Commission shall decide all appeals of decisions of the Director as initial decision maker.

- (c) **Ministerial Action.** An application for a Ministerial Action may only be reviewed after the final decision on a Director Review is rendered, including all appeals.

7. Advisory Agency

- (a) **Procedures.** If a project requiring multiple approvals also requires a Subdivision Approval by the Advisory Agency, that Subdivision Approval shall be decided and governed by the rules set forth in Division 13.10 of this Article.

(b) Appeals

- (1) When a Subdivision Approval is appealed, it shall follow the procedures set forth in Division 13.10, except when other approvals are also appealed.
 - (2) Hearings for and consideration of appeals of Subdivision Approvals by the Advisory Agency shall be scheduled for the same time as any hearing and decision by the Area Planning Commission or City Planning Commission, whichever has jurisdiction over the other approvals. In the event that the Appeal Board as determined by Division 13.10 is the City Planning Commission, the hearing for and consideration of the appeals shall be heard by the City Planning Commission.
 - (c) Any time limit within which the Area Planning Commission or City Planning Commission must act on the applications are automatically extended as necessary to allow the Area Planning Commission or City Planning Commission to hear and decide appeals of Subdivision Approvals at the same time as it serves as the initial decision maker for the other approvals.
- D. Findings.** When acting on multiple applications for a project, the initial decision maker or appellate body shall separately make all required findings for each application. When appropriate, the initial decision maker or appellate body may make findings by reference to findings made for another application involving the same project.
- E. No New Appeal Rights.** This Section does not create any additional appeal or level of appeal in connection with any land use approval. This Section also does not limit or expand who may file an appeal as identified in each discretionary land use application process.

Division 13.3. Legislative Action

Sec. 13.3.01 General Plan Adoption / Amendment

A. Applicability

1. This Section applies to the adoption or an amendment to the City's comprehensive General Plan.
2. Amendments to the General Plan are subject to Charter Sec. 555 and this Section.

B. Initiation

1. Only the City Council, the City Planning Commission or the Director of Planning may initiate a General Plan Amendment.
2. Initiations by the City Council or City Planning Commission require a majority vote.
3. Upon initiation, the Director shall prepare and transmit a report and recommendation to the City Planning Commission.
4. Batching
 - (a) In order to comprehensively consider amendments to all 35 community plans, requests by private parties to amend each of the community plan areas shall be batched into geographically based groups. The Director of Planning shall establish the boundaries of the groups and may modify them as necessary in order to more effectively carry out the purpose and intent of this section.
 - (b) The City Planning Commission may begin consideration of a General Plan Amendment proposal involving a particular lot or lots only during the period set forth in the adopted schedule for review of the geographical area within which the lot or lots are located. However, the City Planning Commission or Council may authorize a deviation from the adopted schedule, if either the City Planning Commission or the Council finds that a deviation from the adopted schedule is appropriate because the proposed plan amendment is needed to avoid unusual financial loss or extreme hardship; provide for affordable housing or other social benefits, or; achieve compatible land uses or other planning objectives.

C. Notice of Public Hearing

The following notice is required for the public hearing held by the City Planning Commission or Director:

Notice	When	Where / To Whom / Additional Requirements
Publication	21 days	<ul style="list-style-type: none"> in a newspaper of general circulation in the City, designated for that purpose by the City Clerk
Mail (if the amendment affects the permitted uses or intensity of uses of real property)	21 days	<ul style="list-style-type: none"> the applicant, the owner or owners of the property involved, the owners and occupants of all property within and outside the City within 500 feet of the area to be changed, and residential, commercial and industrial occupants of all properties within 500 feet of the exterior boundaries of the property involved (or the expanded area described below)
Posting (site specific changes only)	10 days	<ul style="list-style-type: none"> the applicant will post notice in a conspicuous place on the property

Reference: California Government Code §§ 65353, 65354.5, 65355, 65356, 65090, and 65091.

1. If the notice required above involves more than 1,000 property owners, a display advertisement of at least one-eighth page in at least one newspaper of general circulation may substitute for mail or delivery.

D. Decision

1. City Planning Commission

(a) Scheduling

- (1) The City Planning Commission shall set the matter for a public hearing.
- (2) The City Planning Commission may hold the hearing itself, or may direct the Director to hold the hearing.

(b) Director Hearing

- (1) This subsection applies if the hearing is conducted by the Director.
- (2) After the close of the hearing, the Director shall submit a report to the City Planning Commission summarizing the information received. The report shall also contain a recommendation to the City Planning Commission regarding its action on the proposed amendment.

(c) City Planning Commission Action

- (1) After receiving the Director's report, or after the close of a public hearing conducted by the City Planning Commission, the City Planning Commission shall recommend to the Mayor and the Council that the proposed amendment be approved or disapproved in whole or in part.
 - (i) If the Commission recommends disapproval of an amendment initiated by the Commission, it shall report its decision to the Council and Mayor.

(ii) After the Commission recommends approval of an amendment initiated by the Commission, or takes action concerning an amendment initiated by the Director or the Council, the Commission shall forward its recommendation to the Mayor.

(2) The City Planning Commission's report to the Mayor and the Council shall set forth the Commission's findings for its recommendation.

(3) The City Planning Commission shall act within 90 days after receiving the report of the Director (see Paragraph (b)(2) above). If the City Planning Commission fails to do so, the City Planning Commission's failure to act is deemed a recommendation for approval of the Director's recommendation regarding the General Plan Amendment.

2. Mayor Action on Proposed Amendments

(a) Within 30 days after receipt of the City Planning Commission's recommendation, the Mayor shall make a recommendation to the Council on the proposed Plan amendment. If the Mayor does not act within the 30-day period, the Mayor's inaction is deemed a recommendation for approval of City Planning Commission's recommendation regarding the General Plan Amendment.

(b) The Mayor's report to the Council shall set forth the Mayor's reasons for his or her recommendation.

3. Council Action on Proposed Amendments

(a) After receiving the recommendations of the City Planning Commission and the Mayor, or at the expiration of the 30-day period for the Mayor to act, the Council shall hold a public hearing on the proposed Plan amendment.

(b) After the close of the public hearing, the Council may do either of the following:

(1) Approve or disapprove the Plan Amendment in accordance with Charter Section 555(e); or

(2) Propose changes to the Plan Amendment.

(c) The Council shall take either of these actions within 75 days after receiving the recommendation of the Mayor, or within 75 days after the expiration of the Mayor's time to act if the Mayor has not made a timely recommendation. In the case of a multiple approval, the Council may extend this time limit to be consistent with the time limit for the related decisions. The failure of the Council to act within that 75-day period is a disapproval of the Plan amendment.

4. Required Vote. The votes necessary for adoption of a General Plan Amendment are as follows:

Recommendation

Required Council Vote

Both City Planning Commission and Mayor recommend approval	Majority
--	----------

Either the City Planning Commission or the Mayor recommends disapproval	$\frac{2}{3}$ Vote
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Both City Planning Commission and Mayor recommend disapproval	$\frac{3}{4}$ Vote
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5. Proposed Changes by the Council.

- (a) If the Council proposes changes to the Plan amendment that differ from the amendment as initiated or as recommended by the City Planning Commission, the matter shall be returned simultaneously to the City Planning Commission and the Mayor for their recommendations on the proposed changes.
- (b) In acting on those changes, the City Planning Commission and the Mayor shall follow the procedures set forth above for their initial action.
- (c) The City Planning Commission shall act within 60 days of receipt of the Council's proposed change.
- (d) The Mayor shall act within 30 days of the receipt of the City Planning Commission's recommendation on the proposed change, or the expiration of the time for the City Planning Commission to act if the Commission fails to make a timely recommendation.
- (e) If either the City Planning Commission or the Mayor do not act within the time period, that inaction is a recommendation of approval of the proposed changes.
- (f) The Commission and the Mayor shall consider only those changes made by the Council.
- (g) The Council shall act to approve or disapprove, in whole or in part, the Plan amendment, including the Council's changes, within 120 days after receiving both the City Planning Commission's and the Mayor's recommendations on the Council's proposed changes, or the expiration of their time to act on those changes.

E. Standards for Review and Required Findings

The following provisions are effective pursuant to the time periods stated in "The Build Better LA Initiative."

1. **Planning Areas.** The City is hereby divided into 37 planning areas. Each planning area constitutes an area for which either a community plan, a district plan, or other portion of the Land Use Element of the General Plan has been adopted by the City. The boundaries of each planning area shall be those of the applicable adopted community or district plan, or other portion of the Land Use Element of the General Plan as they existed on enactment of this Section. These boundaries may be only changed by amendment to the General Plan pursuant

to the procedures set forth in this Section. No amendment to a plan for any of the 37 planning areas, including reduction in the number of such areas, changes in their respective boundaries, land uses permitted within or at any particular location in any such area, or any other material change, may be made until the completion of a comprehensive assessment of such proposed changes by the Planning Department to ensure that such changes do not:

- (a) Reduce the capacity for creation and preservation of affordable housing and access to local jobs; or
 - (b) Undermine California Government Code Section 65915 or any other affordable housing incentive program; and
- 2. The changes must include a program to create and monitor an inventory of units within the Community Plan Area that are: subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of Lower or Very Low-Income; subject to the City Rent Stabilization Ordinance; and/or occupied by Lower-Income or Very Low-Income households.
- 3. **Action on Proposed Amendments.** The City Planning Commission shall receive the assessment by the Planning Department and shall by vote make a recommendation to accept or reject the amendment. The Commission's recommendation will be received by City Council and the Council shall vote to either accept or reject the proposed amendment. The current plans for the 37 planning areas shall remain in full force and effect until or unless the City Council votes to amend them in accordance with this Section.
- 4. **Affordable Housing.** To be eligible for a discretionary General Plan amendment pursuant to this Section of the Los Angeles Municipal Code or otherwise, or any zone change or height-district change that results in increased allowable residential floor area, density or height, or allows a residential use where previously not allowed, Projects with ten or more residential dwelling units shall meet one of the following on-site affordability provisions, or satisfy one of the alternative options in Subdivision 5 of this Subsection and shall comply with the job standards in Paragraph (m) of this subsection.
 - (a) Rental Projects shall provide the following:
 - (1) No less than the affordability percentage corresponding to the level of density increase as provided in California Government Code Section 65915(f), inclusive of any Replacement Units; or
 - (2) If the General Plan amendment, zone change or height district change results in a residential density increase greater than 35%, then the Project shall provide no less than 5% of the total units at rents affordable to Extremely Low Income households, and either 6% of the total units at rents affordable to Very Low Income households or 15% of the total units at rents affordable to Lower Income households, inclusive of any Replacement Units; or

- (3) If the General Plan amendment, zone change or height district change allows a residential use where not previously allowed, then the Project shall provide no less than 5% of the total units at rents affordable to Extremely Low Income households, and either 11% of the total units at rents affordable to Very Low Income households or 20% of the total units at rents affordable to Lower Income households, inclusive of any Replacement Units.
 - (b) **For-sale Projects** shall provide the following:
 - (1) No less than the affordability percentage corresponding to the level of density increase as provided in California Government Code Section 65915(f), inclusive of any Replacement Units; or
 - (2) If the general plan amendment, zone change or height district change results in a residential density increase greater than 35% or allows a residential use where not previously allowed, then the Project shall provide no less than 11% of the total units at rents affordable to Very Low Income households, or 20% of the total units at rents affordable to Lower Income households, or 40% of the total units at rents affordable to Moderate Income households, inclusive of any Replacement Units.
 - (c) **100% affordable.** Each residential unit in the Project, exclusive of a manager's unit or units, is affordable to, and occupied by, either a Lower or Very Low Income household.
 - (d) **Projects with both for-sale and rental units.** When a Project includes both for-sale and rental dwelling units, the provisions of this Section that apply to for-sale residential development shall apply to that portion of the Project that consists of for-sale dwelling units, while the provisions of this Section that apply to rental dwelling units shall apply to that portion of the development that consists of rental dwelling units.
 - (e) All Projects qualifying for development bonuses pursuant to this Section shall be required to meet any applicable replacement requirements of California Government Code Section 65915(c)(3).
 - (f) A Developer seeking and receiving a density or development bonus under the provisions of California Government Code Section 65915 or any other State or local program that provides development bonuses shall not be eligible for the development bonuses pursuant to this Section. For purposes of this provision, development bonuses shall include discretionary General Plan amendments, zone changes, and height district changes.
5. **Alternative compliance options.** A Project may satisfy the affordability provisions of this Section through the following off-site options in lieu of providing affordable units on site:
- (a) **Off-site Construction.** The affordability provisions of this Section may be satisfied by constructing off-site affordable units at the following rate:

- (1) No less than the same number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in Subsection 4, if constructed within one-half mile of the outer edge of the Project;
 - (2) No less than 1.25 times the number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in Subsection 4, if constructed within 2 miles of the outer edge of the Project;
 - (3) No less than 1.5 times the number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in Subsection 4, if constructed within 3 miles of the outer edge of the Project.
- (b) The off-site units created pursuant to this paragraph must be on a site that is zoned for residential development at a density to accommodate at least the number of otherwise required units; is suitable for development of the units in terms of configuration, physical characteristics, location, access, adjacent uses and other relevant planning and development criteria; and environmental review has been completed to the satisfaction of the City prior to acceptance of the site by the City. The development of off-site affordable units shall include integration of community space and services as required by the Housing and Community Investment Department for comparable affordable housing development. The first Certificate of Occupancy for the off-site units shall be issued prior to or concurrent with the first Certificate of Occupancy for the original Project. In no event shall the Certificate of Occupancy for the market rate units for the original project be issued prior to the Certificate of Occupancy for the affordable off-site units. Individual affordable units constructed as part of an off-site project under this Section shall not receive development subsidies from any Federal, State or local program established for the purpose of providing affordable housing, and shall not be counted to satisfy any affordable housing requirement for the off-site development. Other units in the same offsite project may receive such subsidies. In addition, subsidies may be used, only with the express written permission by the Department of Housing and Community Investment, to deepen the affordability of an affordable unit beyond the level of affordability required by this Section.
- (c) **Off-site Acquisition.** The affordability provisions of this Section may be satisfied by the acquisition of property containing At-Risk Affordable Units and converting the units to non-profit, Community Land Trust, and/or tenant ownership prior to issuance of the Certificate of Occupancy for the original Project. Prior to transferring ownership to a qualified entity, the At-Risk Affordable Units shall achieve a minimum of a C2 rating based on the Fannie Mae Uniform Appraisal Dataset Property Condition Ratings, as assessed and certified by the Housing and Community Investment Department (HCID), or as required by HCID to be completed by the Developer and subsequently certified by HCID. Any entity taking ownership of At-Risk Affordable Units pursuant to this Section shall record an affordability covenant, consistent with the provisions of Paragraph (g), guaranteeing affordability to Lower or Very Low Income Households. The number of At

Risk Affordable Units that must be acquired and converted to non-profit or tenant ownership under this subdivision shall be as follows:

- (1) No less than the same number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in Subsection 4, if acquired within one-half mile of the outer edge of the Project;
 - (2) No less than 1.25 times the number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in Subsection 4, if acquired within 1 mile of the outer edge of the Project;
 - (3) No less than 1.5 times the number of on-site affordable units, and affordability levels as provided in paragraph at the same or greater mix of unit type if acquired within 2 miles of the outer edge of the Project.
- (d) In-Lieu Fee.** The affordability provisions of this Section may be satisfied by the payment of a fee to the City in lieu of constructing the affordable units within the Project. The in lieu fee shall be determined by the City based on the following:
- (1) The number of units equivalent to 1.1 times the required number of on-site affordable units pursuant to Paragraph (a), in the same proportion of affordability, multiplied by the applicable Affordability Gap, as defined herein.
 - (2) No later than 90 days from the enactment of this ordinance, the City shall produce a study identifying the Affordability Gap for rental and ownership units of each bedroom size (studio, 1 bedroom, 2 bedroom and 3 bedroom) for each required affordability level. For rental housing, the study shall collect and determine, by unit type and affordability level, the following information from recently completed affordable housing projects funded by the City's Affordable Housing Trust Fund: total development costs and operating expenses. The study shall also determine the amounts of permanent financing available based on restricted rents and prevailing interest rates. The difference between the total development cost and permanent financing amount shall be the Affordability Gaps per unit by unit type and affordability level. For ownership housing, the study shall identify the market median sales prices by unit type in the 37 Community Plan areas. It shall determine the restricted sales prices of for-sale units by unit type and affordability level. The difference between the market median sales price and the restricted sales price shall be the Affordability Gaps per unit by unit type and affordability level.
 - (3) The City shall adjust the fee every two years, based on the results of a new Affordability Gaps study (as defined in the previous Subparagraph). An Affordability Gaps study, the proposed adjusted Affordability Gaps, and the adjusted fees shall be published within 2 years of the date that the original Affordability Gaps study is released, and consecutively thereafter by the date that is 2 years after the release of the previous Gaps study.

- (e) The fee is due and payable to the Affordable Housing Trust Fund at the time of and in no event later than issuance of the first building permit, concurrent with and proportional to project phases. The Developer shall have an option to defer payment of all or a portion of the fee upon agreeing to pay a Deferral Surcharge, with the fee and the Deferral Surcharge due and payable at the time of and in no event later than issuance of the Certificate of Occupancy. The Deferral Surcharge will be assessed at the Wall Street Journal Prime Rate plus 200 basis points at the time such fee is due, at the issuance of the building permit. The Deferral Surcharge fee shall be deposited into the Affordable Housing Trust Fund and accounted for and used as provided in Paragraph (f).
- (f) **Use of Funds.** All monies contributed pursuant to this Section shall be deposited in the City's Affordable Housing Trust Fund. All funds collected under this Section shall be used in the following manner:
 - (1) Except as provided in Subparagraph (2) below, the funds collected under this Section shall be used to create and/or preserve housing affordable to Extremely Low-, Very Low-, and Lower-Income households.
 - (2) The City shall designate and separately account for all Deferral Surcharge payments that it receives under this Section to support the creation and/or preservation of affordable housing within one-half mile of a Major Transit Stop ("TOC area"), with priority to TOC Areas where there is a demonstrated decline in units affordable to and/or occupied by Extremely Low, Very Low and/or Lower Income households. Use of the Deferral Surcharge funds shall include but not be limited to the following:
 - (i) Acquisition and/or remediation of land, and/or acquisition, construction, rehabilitation, and/or financing of housing units by a Community Land Trust or non-profit entity which guarantees perpetual affordability of these units for Extremely Low, Very Low and/or Lower-Income Households or a term of affordability of these units that has a duration of a minimum of 55 years.
 - (ii) Funding for proactive enforcement of the City's Rent Stabilization Ordinance.
- (g) **Continuing Affordability / Standards for Affordable Units.**
 - (1) All affordable rental housing units created or acquired pursuant to this Section shall be subject to an affordability covenant acceptable to the Housing and Community Investment Department, and recorded with the Los Angeles County Recorder, guaranteeing continuing affordability to the targeted income group for no less than 55 years. In addition, when units are acquired and conveyed pursuant to the Off-Site Acquisition option, the Developer and/or entity taking ownership of the units shall create and implement a plan to prevent involuntary displacement of current tenants. Affordable units provided under this Section shall be comparable to the market rate units in the Project (or off-site location in the case of off-site affordable

units) in terms of unit type, number of bedrooms per unit, quality of exterior appearance, energy efficiency, and overall quality of construction.

- (2) All for-sale housing units created pursuant to this Section shall be subject to an affordability covenant acceptable to the Los Angeles Housing and Community Investment Department, and recorded with the Los Angeles County Recorder, consistent with the for-sale requirements of California Government Code Section 65915(c)(2).
- (3) A longer term of affordability may be required if the Project receives a subsidy which requires a longer term of affordability. If the duration of affordability covenants provided for in this subsection conflicts with any other government requirement, the longest duration shall control.

- (h) Developer Incentives.** In addition to the requested General Plan amendments, zone changes and/or height district changes, a Project that provides affordable housing consistent with this Section shall also be entitled to three incentives or concessions specified in California Government Code Section 65915(k) or the applicable Affordable Housing Incentive Program.
- (i) Processing.** A Project that provides affordable housing consistent with this Section shall be entitled to review and processing by the Expedited Processing Section of the Planning Department dedicated solely to processing entitlements for such Projects with the goal of expediting such Projects.
- (j) City Council Approved Adjustments to Affordable Housing Set-asides Contained Herein.** The City may, by majority vote of City Council, adjust the affordable housing percentages set forth in this Section upon a showing of substantial evidence that such adjustments are necessary to maximize affordable housing while ensuring a reasonable return on investment for Developers.
- (k) Waiver/Adjustment.** Notwithstanding any other provision of this Section, the requirements of this Section may be waived or adjusted only if a Project applicant shows, based on substantial evidence, that compliance with its requirements would result in a deprivation of the applicant's constitutional rights. The applicant shall bear the burden of presenting substantial evidence to support the request and set forth in detail the factual and legal basis for the claim, including all supporting technical documentation.
- (l)** In determining whether an applicant has presented substantial evidence to support the request for waiver/adjustment, if upon legal advice provided by or at the behest of the City Attorney, it is determined that applying the requirements of this Section would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property, the requirements of this Section shall be adjusted or waived only to the extent necessary to avoid an unconstitutional result. If an adjustment or waiver is granted, any change in the use within the project shall invalidate the adjustment

or waiver. If it is determined that no violation of the United States or California Constitutions would occur through application of this Section, the requirements of this Section remain fully applicable.

- (m) All building and construction work on the project will be performed at all tiers by contractors which (a) are licensed by the State of California and the City of Los Angeles; (b) shall make a good-faith effort to ensure that at least 30% of all their respective workforces' construction workers' hours of Project Work shall be performed by permanent residents of the City of Los Angeles of which at least 10% of all their respective workforces' construction workers' hours of Project Work shall be performed by Transitional Workers whose primary place of residence is within a 5-mile radius of the covered project; (c) employ only construction workers which possess all licenses and certifications required by the State of California and the City of Los Angeles; (d) pay their construction workers performing project work the area standard wages in the project area; and (e) have at least 60% of their respective construction workforces on the project from: (1) workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program, and (2) registered apprentices in an apprenticeship training program approved by the State of California or an out-of-state, federally-approved apprenticeship program. The Department of Public Works, Bureau of Contract Administration, shall bear administrative responsibilities for the labor standards required by this subsection.

6. The following definitions apply to this Division:

At-Risk Affordable Unit	Any residential dwelling unit that receives government assistance under prescribed federal, State, and/or local programs, or any combination of rental assistance and is eligible to convert to market rate due to termination (opt-out) of a rent subsidy contract, prepayment of a subsidized mortgage, or expiration of rental restrictions. These assistance programs include, but are not limited to, Housing Choice Vouchers [formerly Section 8], project-based rental assistance, subsidized mortgage programs (e.g., FHA), or expiring rent/deed restrictions with the use of State or local funding programs, including Community Redevelopment Agency Covenants.
Community Land Trust	A California nonprofit corporation that: (1) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; (2) is neither sponsored by, controlled by, nor under the direction of a for-profit organization; (3) has a corporate membership of adult residents of a particular geographic area as described in the bylaws of the corporation; (4) has a board of directors that: (A) includes a majority of members who are elected by the corporate membership; (B) includes representation by

	persons occupying and/or leasing any structural improvements on the land; and (C) includes representation by persons residing within the geographic area specified in the bylaws of the corporation who neither lease land from the corporation nor occupy structural improvements controlled by the corporation; (5) acquires and retains parcels of land, primarily for conveyance under long-term ground leases; (6) transfers ownership of many or all of the structural improvements located on such leased parcels to the lessees; and (7) retains a preemptive option to purchase such structural improvements at a price determined by formula that is designed to ensure that the improvements remain affordable to low and moderate income households in perpetuity.
Developer	The owner of the Project and, if different from the owner, any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which develops or causes to be developed the residential housing project and, if applicable, provides off-site affordable units, together with their successors and assigns, but does not include a lender, any governmental entity or the general contractor working for any developer.
Economically Disadvantaged Area	A zip code that includes a census tract or portion thereof in which the median annual household income is less than \$40,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census and as updated by the parties upon the U.S. Census Bureau issuing updated Median Annual Household Income data by census tract in the American Community Survey.
Extremely Economically Disadvantaged Area	A zip code that includes a census tract or portion thereof in which the median annual household income is less than \$32,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census and as updated by the parties upon the U.S. Census Bureau issuing updated Median Annual Household Income data by census tract in the American Community Survey.
Extremely Low-Income Households	As defined in Section 50106 of the Health and Safety Code.
Lower Income Households	As defined in Section 50079.5 of the Health and Safety Code.
Project	The construction, erection, alteration of, or addition to a structure. The term Project shall not include interior or exterior improvements that do not increase the floor area over that of an existing structure, and shall not mean any construction for which a building permit or demolition permit is required to comply with an order issued by the Department of Building and Safety to repair, remove, or demolish an unsafe or substandard

	condition, or to rebuild as a result of destruction by fire, earthquake or natural disaster, provided that the development is not prohibited by any provision of the Los Angeles Municipal Code and the development does not increase the square footage beyond what previously existed on the site.
Replacement Unit	Any unit that would need to be replaced pursuant to California Government Code Section 65915(c)(3) if the Project was seeking a density bonus.
Transitional Worker	An individual who, at the time of commencing work on the project, resides in an Economically Disadvantaged Area or Extremely Economically Disadvantaged Area and faces at least two of the following barriers to employment: (1) being homeless; (2) being a custodial single parent; (3) receiving public assistance; (4) lacking a GED or high school diploma; (5) having a criminal record or other involvement with the criminal justice system; (6) suffering from chronic unemployment; (7) emancipated from the foster care system; (8) being a veteran; or (9) being an apprentice with less than 15% of the apprenticeship hours required to graduate to journey level in a program.
Very Low-Income Households	As defined in Section 50105 of the Health and Safety Code.

F. Scope of Decision

See Sec. 13.2.07.

G. Appeals

There is no appeal.

H. Modification of General Plan Decision

The General Plan is amended by following the processes established above for a General Plan Adoption/Amendment.

Sec. 13.3.02 Specific Plan Adoption / Amendment

A. Applicability

- 1. General.** This Section applies to the adoption of, or any amendment to the map or text of, a Specific Plan.
- 2. When a Specific Plan Amendment is Required.**
 - (a)** To permit a new principal use or a change of use that the specific plan specifically prohibits (Note: a Specific Plan Exception is required to alter or enlarge an existing legal nonconforming use.);
 - (b)** To permit a use which exceeds the maximum number of permitted establishments or the maximum permitted occupant load for that use within a specific plan area or subarea;
 - (c)** To permit a sign which the specific plan specifically prohibits;
 - (d)** To deviate from a plan map footnote;
 - (e)** To make significant changes to environmental mitigation measures which were adopted as part of the environmental clearance for the Specific Plan;
 - (f)** To make changes to impact fees which affect implementation of the specific plan or planned improvements;
 - (g)** To make boundary changes to a specific plan area or subarea;
 - (h)** To change highway/street designations, which are identified in a specific plan;
 - (i)** To reconcile an inconsistency with the applicable community plan(s) where the request requires a community plan amendment; or
 - (j)** To establish significant policy changes or modifications to specific plan regulations which affect the entire specific plan area or a subarea, as determined by the Director.

B. Initiation

- 1.** Only the City Council, the City Planning Commission or the Director of Planning may initiate a Specific Plan Adoption or Amendment.

C. Notice of Public Hearing

The following notice is required for the public hearing held by the City Planning Commission or Director:

Notice	When	Where / To Whom / Additional Requirements
Publication	21 days	<ul style="list-style-type: none"> in a newspaper of general circulation in the city, designated for that purpose by the City Clerk
Mail <i>(if the amendment affects the permitted uses or intensity of uses of real property)</i>	21 days	<ul style="list-style-type: none"> the owner or owners of the property involved, the owners and occupants of all property within and outside the City within 500 feet of the area to be changed, and residential, commercial and industrial occupants of all properties within 500 feet of the exterior boundaries of the property involved (or the expanded area described below)
Posting <i>(site specific changes only)</i>	10 days	<ul style="list-style-type: none"> the applicant will post notice in a conspicuous place on the property if a Department Planner is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, will also post notice of the initial meeting of the decision making body on the matter

Reference: California Government Code §§ 65353, 65354.5, 65355, 65356, 65090, and 65091.

1. If the mailed notice does not include at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.
2. If the notice required above involves more than 1,000 property owners, a display advertisement of at least one-eighth page in at least one newspaper of general circulation may substitute for mail or delivery.

D. Decision

1. Director

- (a) The Director shall make a recommendation for action on the ordinance, and shall forward the recommendation to the City Planning Commission. The Director may direct a Hearing Officer to hold a public hearing and submit a written report and recommendation to the City Planning Commission on behalf of the Director.

2. City Planning Commission Action

- (a) After receipt of the Director's recommendation, the City Planning Commission shall hold a public hearing and make a report and recommendation to the Council.
- (b) If the matter was initiated by either the City Planning Commission or the Director, and the City Planning Commission recommends denial of the ordinance, the decision is final.
- (c) The City Planning Commission shall act within 75 days of receipt of the Director's report and recommendation.
- (d) If the Planning Commission does not act by that deadline, or any extension, the Council may then, by resolution, request the Planning Commission to forward the matter to it for the Council's action. If the Council does not do so, the time for the Planning Commission to act shall automatically be extended for an additional 75 days. The Council may request

the Planning Commission forward the matter at any time within any 75 day continuance period.

3. Council Action

- (a) After the City Planning Commission has made its report and recommendation for approval, or after the time for it to act has expired, the Council shall consider the matter.
- (b) The Council may approve or disapprove the proposed Specific Plan Amendment.

E. Standards for Review and Required Findings

1. In approving a Specific Plan Adoption or Amendment, the City Council shall find that:
 - (a) the action substantially conforms to the purposes, intent and provisions of the General Plan, and
 - (b) the proposed ordinance is in conformity with public necessity, convenience, general welfare and good zoning practice.
2. If the Council does not adopt the City Planning Commission's findings and recommendations, the Council shall make its own findings.

F. Scope of Decision

See Sec. 13.2.07.

G. Appeals

There is no appeal.

H. Modification of Specific Plan Decision

A Specific Plan Adoption or Amendment may be amended by following the same procedures established above for a Specific Plan Adoption/Amendment.

Sec. 13.3.03 Zoning Code Amendment

A. Applicability

1. This Section applies to the adoption, amendment or repeal of any text in this Chapter or Chapter I concerning:
 - (a) the creation or change of any zones or districts for the purpose of regulating the use of land (including areawide or comprehensive zone changes that the City initiates to implement a land use policy);
 - (b) zoning or other land use regulations concerning permissible uses, height, density, bulk, location or use of buildings or structures, size of yards, open space, setbacks, building line requirements, and other similar requirements, including Specific Plan ordinances;
 - (c) private street regulations;
 - (d) public projects; and
 - (e) the acquisition of, change of area or alignment to, abandonment of, or vacation of any public right of way, park, playground, airport, public building site or other public way, ground or open space, but not including easements for sewers, storm drains or slopes, nor the temporary transfer of jurisdiction over any portion of a street to another local agency.
Reference: City Charter Sec. 558(a).
2. Amendments to this Chapter or Chapter I that are not subject to Subsection 1 above are adopted by City Council ordinance or resolution as provided in Article 2 of the City Charter.

B. Initiation

1. Only the City Council, the City Planning Commission or the Director of Planning may initiate a Zoning Code Amendment.
2. Initiations by the City Council or City Planning Commission require a majority vote.

C. Notice of Public Hearing

No notice is required.

D. Decision

1. Director
 - (a) The Council or the City Planning Commission shall forward the proposed Zoning Code Amendment to the Director of Planning for a report and recommendation.
 - (b) The Director shall make a recommendation for action on the proposed Zoning Code Amendment, and shall forward the recommendation to the Planning Commission. Before

making a recommendation, the Director may direct a Department Planner to hold a public hearing and make a report and recommendation on behalf of the Director.

2. City Planning Commission Action

- (a) After receipt of the Director's recommendation, the City Planning Commission shall hold a public hearing and make a report and recommendation to the Council.
- (b) If the matter was initiated by either the City Planning Commission or the Director, and the City Planning Commission recommends denial of the proposed ordinance, the decision is final.
- (c) The City Planning Commission shall act within 75 days of receipt of the Director's report and recommendation. If the City Planning Commission fails to act on an initiation within the time allowed by this Section, an ordinance in conformity with that which was initiated by the Council or by application shall be prepared and presented to the Council.

3. Council Action

- (a) After the City Planning Commission has made its report and recommendation for approval, or after the time for it to act has expired, the Council may consider the matter.
- (b) The Council may approve or disapprove the proposed Zoning Code Amendment.

4. Required Vote. The votes necessary for adoption of a Zoning Code Amendment are as follows:

Recommendation	Required Council Vote
City Planning Commission recommends approval	Majority
City Planning Commission recommends disapproval	$\frac{2}{3}$ Vote
Failure of City Planning Commission to Act	Majority

E. Standards for Review and Required Findings

- 1. In approving a Zoning Code Amendment, the City Planning Commission and City Council shall find that:
 - (a) the action substantially conforms to the purposes, intent and provisions of the General Plan, and
 - (b) the proposed ordinance is in conformity with public necessity, convenience, general welfare and good zoning practice.

2. If the Council does not adopt the City Planning Commission's findings and recommendations, the Council shall make its own findings.

F. Scope of Decision

See Sec. 13.2.07.

G. Appeals

There is no appeal.

H. Modification of Zoning Code

A Zoning Code Amendment may be further amended by following the same procedures established above for the original amendment.

Sec. 13.3.04 Zone Change

A. Applicability

1. **General.** This Section applies to any amendment to the Zoning map through a legislative land use ordinance.
2. **APC Authority.** Pursuant to Charter Sec. 565, the City Planning Commission may delegate classes or categories of Zone Changes for consideration by an Area Planning Commission.
3. The City Planning Commission has delegated the following categories of zone or height district changes to Area Planning Commissions:
 - (a) Any development project which creates or results in fewer than 50,000 gross square feet of nonresidential floor area;
 - (b) Any development project which creates or results in fewer than 50 dwelling units, guest rooms or combination of dwelling units or guest rooms; or
4. Any application involving a lot with fewer than 65,000 square feet of lot area. **Reference to "Planning Commission."** Unless otherwise specified, further references in this Section to "Planning Commission" mean either the **Area Planning Commission** or the **City Planning Commission**, whichever has authority.
5. To be eligible for any Zone Change or height district change that results in increased allowable residential floor area, density or height, or allows a residential use where previously not allowed, Projects with ten or more residential dwelling units must comply with the provisions in Sec. 13.1.01A.

B. Initiation

1. The Council, the City Planning Commission or the Director of Planning may initiate a Zone Change.
2. An application for a Zone Change may be filed with the Department.

C. Notice of Public Hearing

The following notice is required for the public hearing held by the City Planning Commission or Director:

Notice	When	Where / To Whom / Additional Requirements
Publication	21 days	<ul style="list-style-type: none">in a newspaper of general circulation in the city, designated for that purpose by the City Clerk

Mail (if the amendment affects the permitted uses or intensity of uses of real property)	21 days	<ul style="list-style-type: none"> the applicant, the owner or owners of the property involved, the owners and occupants of all property within and outside the City within 500 feet of the area to be changed, and residential, commercial and industrial occupants of all properties within 500 feet of the exterior boundaries of the property involved (or the expanded area described below)
Posting (applicant initiated zone changes only)	10 days	<ul style="list-style-type: none"> the applicant will post notice in a conspicuous place on the property if a Hearing Officer is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, will also post notice of the initial meeting of the decision making body on the matter

Reference: California Government Code §§ 65090, 65091.

1. If the mailed notice does not result include at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.
2. If the notice required above involves more than 1,000 property owners, a display advertisement of at least one-eighth page in at least one newspaper of general circulation may substitute for mail or delivery.

D. Decision

1. Area or City Planning Commission Action (referred to collectively here as the “Planning Commission”)

(a) City Initiated

- (1) The Director shall make a recommendation for action on the matter, which recommendation shall then be heard by the Planning Commission. Before making a recommendation, the Director may direct a Hearing Officer to hold a public hearing and make a report and recommendation. If the Director does not hold the hearing, the hearing shall be held at the Planning Commission meeting.
- (2) After receipt of the Director’s recommendation, the Planning Commission shall consider the matter and make a report and recommendation to the Council.
- (3) After the Planning Commission has made its report and recommendation for approval, or after the time for it to act has expired, the Council may consider the matter.
- (4) If the matter was initiated by either the City Planning Commission or the Director, and the City Planning Commission recommends denial of the proposed land use ordinance, the decision is final.

(b) Applicant Initiated

- (1) Once a complete application is received, as determined by the Director, the Commission shall hold a public hearing or direct a Department Planner to hold the hearing. If a Department Planner holds the public hearing, he or she shall make a recommendation for action on the application.
- (2) That recommendation shall then be heard by the Planning Commission, which may hold a public hearing and shall make a report and recommendation to the Council.
- (3) After the Planning Commission has made its report and recommendation, or after the time for it to act has expired, the Council may consider the matter.
- (4) If the Planning Commission recommends disapproval, that action is final unless the applicant timely files an appeal pursuant to Subsection G below.

2. Time for the Commission to Act

(a) City Initiated

- (1) The Planning Commission shall act within 75 days of receipt of the Director's report and recommendation.
- (2) If the Planning Commission does not act by that deadline, or any extension, the Council may then, by resolution, request the Planning Commission to forward the matter to it for the Council's action.
- (3) If the Council does not do so, the time for the Planning Commission to act shall automatically be extended for an additional 75 days. The Council may request the Planning Commission forward the matter at any time within any 75 day continuance period.
- (4) If the Planning Commission fails to act on an application within the time allowed by this Section, an ordinance in conformity with that which was initiated by the Council or by application shall be prepared and presented to the Council.

(b) Applicant Initiated

- (1) The Planning Commission shall act within 75 days of the filing of a complete, verified application for a proposed Zone Change, except as otherwise provided in this Section. This time limit may be extended by mutual consent of the applicant and the Planning Commission.
- (2) The Planning Commission may withhold action on an application relating to land located within an area in which the City Planning Commission is conducting a general survey or study, for a period of up to 180 days from the date the application was filed. The Planning Commission shall provide written notice of this decision to the applicant, advising of the study and the postponement.

- (3) If the Director determines that the application is inconsistent with the General Plan, the Planning Commission may withhold action on the application for a period of up to 180 days with the applicant's consent. This time limit may be extended for 2 additional 3 month periods by mutual consent of the applicant and the Planning Commission.
- (4) If the Planning Commission fails to act on an application within the time allowed by this Section, an ordinance in conformity with that which was initiated by the Council or by application shall be prepared and presented to the Council.

3. Council Action

- (a) After the Planning Commission has made its report and recommendation, or after the time for it to act has expired, the Council may consider the matter.
- (b) The Council may approve or disapprove the proposed Zone Change.
- (c) If the Planning Commission recommends approval of the proposed Zone Change, the Council shall act within 90 days of receipt of the Planning Commission recommendation. This time limit may be extended by mutual consent of the applicant and the Council.

4. Required Vote. The votes necessary for adoption of a proposed Zone Change are as follows:

Recommendation	Required Council Vote
City Planning Commission recommends approval	Majority
City Planning Commission recommends disapproval	$\frac{2}{3}$ Vote
Failure of City Planning Commission to Act	Majority

5. Area Affected by Zone Change

- (a) The Planning Commission may recommend, without additional notice or hearing:
 - (1) a change to any zone between that existing on the property and that requested in the application, or
 - (2) that all or a portion of the property be changed to a P or PB Zone, or
 - (3) that an M Zone be changed to an MR Zone, or
 - (4) minor additions to the area proposed for a Zone Change or slight adjustments of proposed zone boundaries within that area that it determines are required by the public necessity, convenience, general welfare or good zoning practice.

E. Standards for Review and Required Findings

1. In approving a Zone Change, the Planning Commission and City Council shall find that:
 - (a) the action substantially conforms to the purposes, intent and provisions of the General Plan, and
 - (b) the proposed ordinance is in conformity with public necessity, convenience, general welfare and good zoning practice.
2. If the Council does not adopt the Commission's findings and recommendations, the Council shall make its own findings.

F. Scope of Decision

1. See Sec. 13.2.07.
2. As part of any legislative land use ordinance, the initial decision maker or the appellate body may approve changes to the parking requirements not to exceed 20% of the requirements otherwise required by the Code.

G. Appeals

1. **Decision maker.** The City Council is the appellate decision maker.
2. **Filing**
 - (a) If the Planning Commission recommends disapproval of an application, in whole or in part, the applicant may appeal that decision to the Council.
 - (b) At any time prior to the action of the Council on the appeal, the Department shall submit any supplementary, pertinent information as the Council or its Committee may request.
3. **Appellate Decision.**
 - (a) Before acting on any appeal, the City Council shall set the matter for hearing, giving notice by mail to the applicant and any interested party who has requested in writing to be notified. The notice shall be mailed at least 10 days prior to the hearing.
 - (b) The City Council shall act within 75 days after the expiration of the appeal period. The 75 day time limit to act on an appeal may be extended by mutual written consent of the applicant and the Council.
4. If the Council fails to act within this time limit, the failure shall constitute a denial of the application or disapproval of the initiated land use ordinance.
5. **Special Zoning Classifications.** A request for an amendment of any Special Zoning Classification may be filed and processed pursuant to Sec. 12.32 H.

H. Vesting Zone Change

1. **Applicability.** An applicant may elect to file an application for a vesting Zone Change. If an applicant does not seek the rights conferred by this Subsection, the filing of a vesting application shall not be required by the City for the approval of any proposed zone change.
2. **Development Rights**
 - (a) The approval of a vesting application confers a vested right to proceed with a development in substantial compliance with the rules, regulations, ordinances, zones and officially adopted policies of the City in force on the date the application is deemed complete, and with the conditions of approval imposed and specifically enumerated by the decision maker in its action on the vesting application case.
 - (b) These rights do not include exemption from:
 - (1) other applications or approvals necessary to entitle a project to proceed (i.e., subdivision, parcel map, zone variance, design review, etc.), or
 - (2) subsequent changes in the Building and Safety and Fire regulations contained in Chapters V and IX of the Los Angeles Municipal Code that the City Council finds to protect the public health and safety and which apply on a citywide basis, or policies and standards relating to those regulations, or
 - (3) citywide programs enacted after the application is deemed complete to implement State or Federal mandates.
 - (c) If the ordinances, policies, or standards described in Paragraph (b) are changed subsequent to the approval or conditional approval of a vesting application, the applicant may file an application to amend its application case to secure a vested right to proceed with the changed ordinances, policies, or standards. The applicant shall file the amendment before a final decision on the vesting application case is rendered. The application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.
 - (d) Prior to final signoff on a building permit filed pursuant to a vesting application, the Planning Department shall submit a copy of the final site plan to the office of the affected council district for informational purposes only.
3. **Filing and Processing an Application.** A vesting Zone Change shall be filed on the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as procedures for applications for a zone change, except as provided here. The application shall specify that the case is for a vesting Zone Change. If any rules, regulations, or ordinances in force at the time of filing require any additional approvals (such as a variance or coastal development permit), the complete application for these additional approvals shall be filed prior to or simultaneously with the vesting Zone Change in order for

the City Planning Department to be able to schedule a concurrent hearing. In all vesting Zone Change cases a site plan and a rendering of the architectural plan of the building envelope shall be submitted. The plans and renderings shall show the proposed project's height, design, size and square footage, number of units, the use and location of buildings, driveways, internal vehicular circulation patterns, loading areas and docks, location of landscaped areas, walls and fences, pedestrian and vehicular entrances, location of public rights-of-way and any other information deemed necessary by the Director of Planning.

4. Conditional Approval or Denial. Despite the provisions of Subdivision 2(a) of this Subsection, a vesting Zone Change may be

(a) conditioned if the City Planning Commission or the City Council determines:

- (1) that the condition is deemed necessary to protect the best interest of and assure a development more compatible with the surrounding property or neighborhood;
- (2) to secure an appropriate development in harmony with the objectives of the General Plan;
- (3) to prevent or mitigate potential adverse environmental affects of the zone change; or
- (4) that public necessity, convenience or general welfare require that provisions be made for the orderly arrangement of the property concerned into lots and/or that provisions be made for adequate streets, drainage facilities, grading, sewers, utilities and other public dedications and improvements; or

(b) denied if the City Planning Commission or the City Council determines the Zone Change is not in substantial conformance with the purposes, intent or provisions of the General Plan or is not in conformance with public necessity, convenience, general welfare and good zoning practice and the reason for not conforming with the plan.

(c) If the Council does not adopt the Commission's findings and recommendations, the Council shall make its own findings.

5. Expiration

(a) The approval or conditional approval of a vesting Zone Change expires 6 years after the effective date of the ordinance.

(b) Where a project to be developed under a vesting Zone Change contains multiple phases, the vested zoning terminates if less than 25% the total project allowed by the vesting zone change and as described in the vesting application has not received a certificate of occupancy before the end of the period of time specified.

6. Amendment of Vested Project Plans or Amendment of Vested City Regulations to Comply with Subsequent Regulation Changes

- (a)** An owner or lessee of the subject property subject to an approved vesting zone change may file a verified application requesting an amendment of the City regulations described in Subsection G.1(a) of this Section.
- (b)** The City Council may amend the vested building or site plans or add to the set of City regulations to which the applicant's project has vested. The Director shall submit a report and recommendation on the amendment within 40 days of the date of the request or within any additional time mutually agreed upon by the Director and the applicant. If the Director fails to submit a timely report, City Council may consider the amendment without the Director's recommendation.
- (c)** The City Council, prior to making a decision pursuant to this paragraph shall hold a public hearing and render its decision pursuant to Subsection D.4 above.

Sec. 13.3.05 Policy Action

A. Applicability

1. This Section applies where any provision of this Code requires a Policy Action.
2. **Street Design Standards**
 - (a) The City Planning Commission shall adopt such minimum width and improvement standards as it determines are necessary for the safe and adequate movement of pedestrians, bicyclists, transit service and vehicular traffic, the increased retention and detention of stormwater, the installation of necessary utilities and for reasonable and proper access to abutting properties.
 - (b) Such standards shall not be applicable to any street or alley for which the City Council, by ordinance, adopts specific standards.

B. Initiation

A Policy Action may only be initiated by the Department of City Planning, City Planning Commission, or City Council.

C. Notice of Public Hearing

No notice is required.

D. Decision

1. **Public Hearing.** A public hearing shall be conducted by the City Planning Commission prior to any action on the Policy Action.
2. **Recommending Body**
 - (a) If a recommendation by another body is required, the City Planning Commission may consider the matter after receipt of the recommendation.
 - (b) **Street Design Standards.** The Street Standards Committee shall recommend to the City Planning Commission minimum width and improvement standards for all classes of public and private streets and alleys.
3. **City Planning Commission Action.** The City Planning Commission may approve or disapprove the proposed Policy Action.

E. Standards for Review and Required Findings

In approving a Policy Action, the City Planning Commission shall find that:

1. the action substantially conforms to the purposes, intent and provisions of the General Plan.

F. Scope of Decision

See Sec. 13.2.07.

G. Appeals

There is no appeal.

H. Modification of the Policy Plan

A Policy Action may be amended by following the same procedures established above for the original action.

Division 13.4. Quasi-Judicial Review

Sec. 13.4.01 Conditional Use Permit, Class 1

A. Applicability

1. This Section applies where any provision of this Code requires a Zoning Administrator Determination.
2. This Section also applies to conditional uses and deviations designated in Sec. 12.24 X.

B. Initiation

A property owner may file an application for a Zoning Administrator Determination with the Department.

C. Notice of Public Hearing

The following notice is required for the public hearing on the initial decision, if held, and the hearing on appeal:

Notice	When	Where / To Whom / Additional Requirements
Mail	21 days	<ul style="list-style-type: none">• the applicant,• the owner or owners of the property involved,• owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property
Posting	10 days	<ul style="list-style-type: none">• the applicant will post notice in a conspicuous place on the property• if a Hearing Officer is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, will also post notice of the initial meeting of the decision making body on the matter

D. Decision

1. **Decision maker.** The Zoning Administrator is the initial decision maker, and may approve, conditionally approve, or deny the Class 1 Conditional Use Permit.
2. Public Hearing
 - (a) Upon receipt of a complete application, the Zoning Administrator may set the matter for public hearing.
 - (b) The Zoning Administrator may conduct the hearing or designate a Hearing Officer to conduct the hearing.
 - (c) Unless otherwise provided for a specific Class 1 Conditional Use Permit, the Chief Zoning Administrator may waive the public hearing:
 - (1) if the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property have expressed in writing no objections to the application, or

- (d) the Chief Zoning Administrator finds that the requested entitlement will not have a significant effect on adjoining properties or on the immediate neighborhood.

3. Decision

- (a) The Zoning Administrator shall render the initial decision within 75 days of the date the application is deemed complete.
- (b) If the Zoning Administrator fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Sec. 13.2.06.

4. **Transmittal.** The Zoning Administrator shall transmit a copy of the written findings and decision to the applicant, to all owners of properties abutting, across the street or alley from, or having a common corner with, the subject property and all persons who filed a written request for the notice with the Zoning Administrator.

E. **Standards for Review and Required Findings**

1. The Zoning Administrator or Area Planning Commission (on appeal) shall grant a Zoning Administrator Determination if it finds that:
- (a) the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;
 - (b) the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and
 - (c) the project substantially conforms to the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The decision maker shall also make any additional findings required by the Code.

2. Conditions of Approval and Inspections

- (a) In approving a project, the decision maker may impose conditions related to the interests addressed in the findings set forth in Subsection E.1 above. The decision may state that the height and area regulations required by other provisions of this Chapter and Chapter I shall not apply to the conditional use approved.
- (b) The Department shall have the authority to conduct inspections to verify compliance with any and all conditions imposed on any conditional use or other similar Quasi-judicial approval granted pursuant to this Section. Clearance, monitoring and inspection fees shall be paid by the business operator or property owner to the Department in accordance with the fee schedule in Article 9 of Chapter I of this Code.

- (c) If, upon inspection, the Department finds that the applicant has failed to comply with conditions of any conditional use or other similar quasi-judicial approval granted pursuant to this Section, the Department shall give notice to the business operator or property owner to correct the specific deficiencies and the time in which to complete the correction. Evidence of compliance shall be submitted to the Department within the specified correction period. If the deficiencies are not corrected within the time prescribed by the Department, revocation proceedings pursuant to Sec. 13.8.02 may commence.

F. Scope of Decision

See Sec. 13.2.07.

G. Appeals

1. **Decision maker.** The Area Planning Commission is the appellate decision maker. The City Council is the appellate body in the case of a transfer of jurisdiction.
2. **Filing.** An applicant or any other person aggrieved by the Zoning Administrator's decision may appeal the decision to the Area Planning Commission.
3. Appellate Decision
 - (a) Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving the same notice as provided for the original hearing.
 - (b) The Area Planning Commission shall conduct a public hearing and shall base its decision on the record established by the Zoning Administrator. The Area Planning Commission shall provide the same transmittal that was required for the initial decision.
 - (c) The Area Planning Commission shall act within 75 days after the expiration of the appeal period.
 - (d) The resolution must contain the same findings required to be made by the Zoning Administrator, supported by facts in the record.

H. Modification of Entitlement

See Sec. 13.7.04.

Sec. 13.4.02 Conditional Use Permit, Class 2

A. Applicability

1. This Section applies where any provision of this Code requires a Class 2 Conditional Use Permit.
2. This Section also applies to the conditional uses designated in Sec. 12.24 W.
3. **Existing Uses.** Any lot or portion of a lot which is being lawfully used for any of the purposes enumerated in this Code at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this Section, shall be deemed to be approved for the conditional use and may be continued on the lot. Further, the conditions included in any special district ordinance, exception or variance which authorized the use shall also continue in effect.

B. Initiation

An application is filed for a Class 2 Conditional Use Permit with the Department.

C. Notice of Public Hearing

1. The following notice is required for the public hearing on the initial decision and the hearing on appeal:

Notice	When	Where / To Whom / Additional Requirements
Publication	21 days	<ul style="list-style-type: none"> • in a newspaper of general circulation in the City, designated for that purpose by the City Clerk
Mail	21 days	<ul style="list-style-type: none"> • the applicant, • the owner or owners of the property involved, • the owners and occupants of all property within and outside the City within 300 feet of the exterior boundaries of the area subject to the application (or the expanded area described below) • where all property within the 300 foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right-of-way or other easement, will also be notified
Posting	10 days	<ul style="list-style-type: none"> • the applicant will post notice in a conspicuous place on the property • if a Department Planner is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, will also post notice of the initial meeting of the decision making body on the matter

2. If the mailed notice does not include at least 20 different owners of at least 20 different lots other than the subject property, the notification radius will increase in increments of 50 feet until that number of owners and lots are encompassed within the expanded area.

D. Decision

1. **Decision maker.** The Zoning Administrator is the initial decision maker, and may approve, conditionally approve, or deny the Class 2 Conditional Use Permit.

2. Public Hearing

- (a) Upon receipt of a complete application, the Zoning Administrator shall set the matter for public hearing.
- (b) The Zoning Administrator may conduct the hearing or designate a Department Planner to conduct the hearing.

3. Decision

- (a) The Zoning Administrator shall render the initial decision within 75 days of the date the application is deemed complete.
- (b) If the Zoning Administrator fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Sec. 13.2.06.

- 4. **Transmittal.** The Zoning Administrator shall transmit a copy of the written findings and decision to the applicant, to all owners of properties abutting, across the street or alley from, or having a common corner with, the subject property and all persons who filed a written request for the notice with the Zoning Administrator.

E. Standards for Review and Required Findings

- 1. **Generally.** In approving any conditional use plans, the initial decision maker must find that the use conforms to the purpose and intent of the findings required for a conditional use under this section and may impose conditions on the same basis as provided for in this section for the establishment of new conditional uses. The initial decision maker shall adopt written findings of fact supporting the decision based upon evidence in the record, including any investigations.
- 2. **Findings.** The Zoning Administrator or Area Planning Commission (on appeal) shall grant a Class 2 Conditional Use Permit if it finds that:
 - (a) the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;
 - (b) the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety;
 - (c) the project substantially conforms to the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan, and
 - (d) any additional findings required by the Code.

3. Conditions of Approval and Inspections

- (a) In approving a project, the decision maker may impose conditions related to the interests addressed in the findings set forth in Subsection E.1 above. The decision may state that the height and area regulations required by other provisions of this Chapter and Chapter I shall not apply to the conditional use approved.
- (b) The Department shall have the authority to conduct inspections to verify compliance with any and all conditions imposed on any conditional use or other similar quasi-judicial approval granted pursuant to this Section. Clearance, monitoring and inspection fees shall be paid by the business operator or property owner to the Department in accordance with the fee schedule in Article 9 of Chapter I of this Code.
- (c) If, upon inspection, the Department finds that the applicant has failed to comply with conditions of any conditional use or other similar quasi-judicial approval granted pursuant to this Section, the Department shall give notice to the business operator or property owner to correct the specific deficiencies and the time in which to complete the correction. Evidence of compliance shall be submitted to the Department within the specified correction period. If the deficiencies are not corrected within the time prescribed by the Department, revocation proceedings pursuant to Sec. 13.8.01 or Sec. 13.8.02 may commence.

F. Scope of Decision

- 1. See Sec. 13.2.07.
- 2. As part of any conditional use approval, the initial decision maker or the appellate body may approve changes to the parking requirements not to exceed 20% of the requirements otherwise required by the Code.

G. Appeals

- 1. **Decision maker.** The Area Planning Commission is the appellate decision maker.
- 2. **Filing.** An applicant or any other person aggrieved by the Zoning Administrator's decision may appeal the decision to the Area Planning Commission.
- 3. Appellate Decision
 - (a) Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving the same notice as provided for the original hearing.
 - (b) The Area Planning Commission shall act within 75 days after the expiration of the appeal period.
 - (c) The decision must contain the same findings required to be made by the Zoning Administrator, supported by facts in the record.

H. Modification of Entitlement

1. See Sec. 13.7.04
2. Development of Uses
 - (a) On any lot or portion of a lot on which an approved or deemed- approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended on an approved site, pursuant to the provisions in Sec. 13.7.04.
 - (b) The Zoning Administrator may deny the plans if the Zoning Administrator finds that the use does not conform to the purpose and intent of the findings required for a conditional use under this Section, and may specify the conditions under which the plans may be approved.
 - (c) **Exceptions.** A Modification of Entitlement shall not be required in the following instances:
 - (1) For buildings within mobilehome parks located in the M2 Zone, which existed in that zone on September 3, 1961, provided that the entire approval site is retained for mobilehome park use and there is no increase in the number of mobilehome sites.
 - (2) For temporary structures erected on the site of a place of worship in an A Zone, if:
 - (3) the structures are erected and maintained not more than five days in any one year;
 - (4) all structures, including temporary facilities, are located at least 40 feet from all exterior lot lines;
 - (5) the required permits are obtained from the Fire Department, and all structures are removed from the premises the next day following the closing of the event;
 - (6) no public address system in connection with the event is installed on the property unless it is modulated so as not to be disturbing to occupants of nearby dwelling units; and
 - (7) any lights used to illuminate the area are arranged to reflect the light away from any adjacent residentially used premises.
3. **Reduction of Site.** So long as the conditional use is continued, the entire approved site shall be retained for the conditional use. No portion shall be severed from the site or utilized for other purposes unless the plans for the reduced site are first submitted to and approved by the Zoning Administrator, pursuant to the provisions in Sec. 13.7.04.
4. **Change of Use.** No conditional use may be changed to a different type of conditional use unless the new use is authorized in accordance with the procedure prescribed in this section for the establishment of a conditional use.

5. **Discontinuance of Use.** If a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this Section for the establishment of a conditional use.

I. Vesting Conditional Use Permit

1. Applicability

- (a) Whenever a provision of the Los Angeles Municipal Code requires the filing of an application for a Conditional Use Permit, a vesting Conditional Use Permit may be filed instead, in accordance with these provisions. If an applicant does not seek the rights conferred by this subsection, the filing of a vesting application shall not be required by the City for the approval of any proposed Zone Change, Conditional Use Permit, permit for construction or work preparatory to construction.
- (b) Vesting Conditional Use Permits may be filed for the conditional uses listed in Sec. 12.24 T.3.

2. Filing an Application

- (a) If any rules, regulations or ordinances in force at the time of filing require any additional approvals, the complete application for these additional approvals shall be filed prior to or simultaneously with the vesting Conditional Use Permit to be processed pursuant to Sec. 13.2.10.
- (b) In all vesting Conditional Use Permit cases, a site plan and a rendering of the architectural plan of the building envelope shall be submitted with the application. The plans and renderings shall show the proposed project's height, design, size and square footage, number of units, the location of buildings, driveways, internal vehicular circulation patterns, loading areas and docks, location of landscaped areas, walls and fences, pedestrian and vehicular entrances, location of public rights-of-way and any other information deemed necessary by the Director of Planning.

3. **Transmittal.** Prior to final approval filed pursuant to a vesting application, the Planning Department shall submit a copy of the final site plan to the office of the affected council district for informational purposes only.

4. Development Rights

- (a) The approval of a vesting application confers a vested right to proceed with a development in substantial compliance with the rules, regulations, ordinances, zones and officially adopted policies of the City in force on the date the application is deemed complete, and with the conditions of approval imposed and specifically enumerated in the final decision on the vesting application case.
- (b) These rights do not include exemption from:

- (1) other applications or approvals necessary to entitle a project to proceed (i.e., subdivision, parcel map, zone variance, design review, etc.), or
 - (2) subsequent changes in the Building and Safety and Fire regulations (Chapters V and IX of the Los Angeles Municipal Code) that apply on a citywide basis, and that the City Council finds are necessary to protect the public health and safety, or
 - (3) policies and standards relating to those regulations or from citywide programs to implement State or Federal mandates.
- (c) A vesting Conditional Use Permit may be conditioned or denied if the decision-maker determines:
 - (1) that the condition is necessary in order to make all of the findings in Subsection E., or
 - (2) that one or more of the findings in Subsection E cannot be made.
- 5. Amendment of Vested Project Plans or Amendment of Vested City Regulations to Comply with Subsequent Regulation Changes**
 - (a) One or more of the owners or lessees of the subject property may file a verified application requesting an amendment of the City regulations as described in Subdivision 3 of this Subsection vested by a Conditional Use Permit issued pursuant to this subsection. They shall file the application with the Department of City Planning upon a form designated for this purpose, and accompany it with a fee as provided in Section 19.01 A. of this Code.
 - (b) The Area Planning Commission, the City Planning Commission, the Zoning Administrator or the Area Planning Commission or City Council on Conditional Use Permit appeals may approve any changes to the set of City regulations to which the applicant's project has vested for a Conditional Use Permit issued pursuant to this subsection. The Department's report shall be made within 40 calendar days of the date of the request or within any additional time as may be mutually agreed upon by the Department of City Planning and the applicant.
 - (c) The City Council, the Area Planning Commission, the City Planning Commission, or the Office of Zoning Administration prior to making a decision pursuant to this subsection shall hold a public hearing. Written notice shall be mailed to the owners or tenants of all property within and outside of the City that is within 300 feet of the exterior boundaries of the property involved.

Sec. 13.4.03 Conditional Use Permit, Class 3

A. Applicability

1. This Section applies where any provision of this Code requires a Class 3 Conditional Permit.
2. This Section also applies to conditional uses designated in Sec. 12.24 U and – V.
3. **Existing Uses.** Any lot or portion of a lot which is being lawfully used for any of the purposes enumerated in this Code at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this Section, shall be deemed to be approved for the conditional use and may be continued on the lot. Further, the conditions included in any special district ordinance, exception or variance which authorized the use shall also continue in effect.

B. Initiation

An application is filed for a Class 3 Conditional Use Permit with the Department.

C. Notice of Public Hearing

1. The following notice is required for the public hearing on the initial decision and the hearing on appeal:

Notice	When	Where / To Whom / Additional Requirements
Publication	21 days	<ul style="list-style-type: none"> • in a newspaper of general circulation in the city, designated for that purpose by the City Clerk
Mail	21 days	<ul style="list-style-type: none"> • the applicant, • the owner or owners of the property involved, • the owners and occupants of all property within and outside the City within 300 feet of the exterior boundaries of the area subject to the application (or the expanded area described below) • where all property within the 300 foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right-of-way or other easement, will also be notified
Posting	10 days	<ul style="list-style-type: none"> • the applicant will post notice in a conspicuous place on the property • if a Department Planner is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, will also post notice of the initial meeting of the decision making body on the matter

2. If the mailed notice does not include at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.

D. Decision

1. **Decision maker.** The City Planning Commission is the initial decision maker and may approve, conditionally approve, or deny the Class 3 Conditional Use Permit..

2. Public Hearing

- (a) Upon receipt of a complete application, the City Planning Commission shall set the matter for public hearing.
- (b) The City Planning Commission may conduct the hearing itself or designate the Director to conduct the hearing.

3. Decision

- (a) If the Director conducts the public hearing, the Director shall transmit its findings and recommendation to the City Planning Commission.
- (b) After the Director or City Planning Commission's hearing is closed, the City Planning Commission shall render the initial decision at a public meeting.
- (c) The City Planning Commission shall render the initial decision within 75 days of the date the application is deemed complete. If the City Planning Commission fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the City Council pursuant to Sec. 13.2.06.

- 4. **Transmittal.** The City Planning Commission shall transmit a copy of the written findings and decision to the applicant, to all owners and occupants of properties abutting, across the street or alley from, or having a common corner with the subject property and all persons who filed a written request for the notice.

E. Standards for Review and Required Findings

- 1. **Generally.** In approving any conditional use plans, the initial decision maker must find that the use conforms to the purpose and intent of the findings required for a conditional use under this section and may impose conditions on the same basis as provided for in this section for the establishment of new conditional uses.
- 2. The City Planning Commission or City Council (on appeal) shall grant a Class 3 Conditional Permit if it finds that:
 - (a) the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;
 - (b) the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety;
 - (c) the project substantially conforms to the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable Specific Plan;

- (d) the project complies with all applicable requirements established in this Code for the proposed use, building type or situation; and
- (e) any additional findings required by the Code.

3. Conditions of Approval and Inspections

- (a) In approving a project, the decision maker may impose conditions related to the interests addressed in the findings set forth in Subsection E.1 above. The decision may state that the height and area regulations required by other provisions of this Chapter and Chapter I shall not apply to the conditional use approved.
- (b) The Department shall have the authority to conduct inspections to verify compliance with any and all conditions imposed on any conditional use or other similar quasi-judicial approval granted pursuant to this Section. Clearance, monitoring and inspection fees shall be paid by the business operator or property owner to the Department in accordance with the fee schedule in Article 9 of Chapter I of this Code.
- (c) If, upon inspection, the Department finds that the applicant has failed to comply with conditions of any conditional use or other similar Quasi-judicial approval granted pursuant to this Section, the Department shall give notice to the business operator or property owner to correct the specific deficiencies and the time in which to complete the correction. Evidence of compliance shall be submitted to the Department within the specified correction period. If the deficiencies are not corrected within the time prescribed by the Department, Revocation proceedings pursuant to Sec. 13.8.02 may commence.

F. Scope of Decision

1. See Sec. 13.2.07.
2. As part of any conditional use approval, the initial decision maker or the appellate body may approve changes to the parking requirements not to exceed 20% of the requirements otherwise required by the Code.

G. Appeals

1. **Decision maker.** The City Council is the appellate decision maker.
2. **Filing.** An applicant or any other person aggrieved by the City Planning Commission's decision may appeal the decision to the City Council.
3. **Appellate Decision**
 - (a) Before acting on any appeal, the City Council shall set the matter for hearing, giving the same notice as provided for the original hearing.

- (b) The City Council shall hear the matter within 75 days after the expiration of the appeal period. Time can be extended by mutual agreement with the applicant. If there is no extension by mutual agreement, the City Council shall set the matter for hearing at the next regular meeting of the Council, giving the same notice as provided for the original hearing.
- (c) The City Council will render its decision by resolution. A decision to reverse or modify the City Planning Commission's decision, in whole or in part, shall only be adopted by at least a two-thirds ($\frac{2}{3}$) vote of the whole Council.
- (d) The resolution to approve must contain the same findings required to be made by the City Planning Commission, supported by facts in the record.
- (e) When a conditional use decision is appealed to the City Council and the Council either approves the conditional use or denies an appeal from an earlier approval, the matter together with the files and reports shall forthwith be transmitted to the Mayor.
- (f) The Mayor may approve or disapprove the conditional use within 10 days of its presentation to him or her. This action shall be based solely upon the administrative record and whether the Mayor believes the conditional use conforms to the requirements for approval set forth in this Section. If the Mayor disapproves the conditional use, he or she shall return the matter to the City Clerk for presentation to the Council, together with the objections in writing.
- (g) The Council within 60 days after the matter has been returned to it may override the disapproval:
 - (1) by a $\frac{2}{3}$ vote if the Council had not modified the conditional use as approved by the initial decision maker, or if the Council had made the initial approval of the conditional use by reason of the failure of the initial decision maker to act; or
 - (2) by a $\frac{3}{4}$ vote if the Council had modified and approved the conditional use or reversed the action of the initial decision maker and had approved the conditional use.
- (h) If the Council fails to override the Mayor's disapproval within the 60 days, the Mayor's disapproval shall constitute a denial of the conditional use. If the Mayor fails to return the matter to the City Clerk within 10 days of its presentation to him or her, the approval of the conditional use shall become final.

H. Modification of Entitlement

1. See Sec. 13.7.04.

2. Development of Uses

- (a) On any lot or portion of a lot on which an approved or deemed- approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be

- erected, enlargements may be made to existing buildings, and existing uses may be extended on an approved site, pursuant to the provisions in Sec. 13.7.04.
- (b) The City Planning Commission may deny the plans if the City Planning Commission finds that the use does not conform to the purpose and intent of the findings required for a conditional use under this Section, and may specify the conditions under which the plans may be approved.
 - (c) The City Planning Commission may delegate to the Director the authority to approve or disapprove, on their behalf, plans for the development of an approved or deemed-approved conditional use site. The City Planning Commission shall establish reasonable guidelines and policies to be followed in the exercise of the delegated authority.
 - (d) **Exceptions.** A Modification of Entitlement shall not be required in the following instances:
 - (1) For buildings within mobilehome parks located in the M2 Zone, which existed in that zone on September 3, 1961, provided that the entire approval site is retained for mobilehome park use and there is no increase in the number of mobilehome sites.
 - (2) For temporary structures erected on the site of a place of worship in an A Zone, if:
 - (3) the structures are erected and maintained not more than five days in any one year;
 - (4) all structures, including temporary facilities, are located at least 40 feet from all exterior lot lines;
 - (5) the required permits are obtained from the Fire Department, and all structures are removed from the premises the next day following the closing of the event;
 - (6) no public address system in connection with the event is installed on the property unless it is modulated so as not to be disturbing to occupants of nearby dwelling units; and
 - (7) any lights used to illuminate the area are arranged to reflect the light away from any adjacent residentially used premises.
3. **Reduction of Site.** So long as the conditional use is continued, the entire approved site shall be retained for the conditional use. No portion shall be severed from the site or utilized for other purposes unless the plans for the reduced site are first submitted to and approved by the Zoning Administrator, pursuant to the provisions in Sec. 13.7.04.
4. **Change of Use.** No conditional use may be changed to a different type of conditional use unless the new use is authorized in accordance with the procedure prescribed in this section for the establishment of a conditional use.

5. **Discontinuance of Use.** If a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this Section for the establishment of a conditional use.

I. Vesting Conditional Use Permit

1. Applicability

- (a) Whenever a provision of the Los Angeles Municipal Code requires the filing of an application for a Conditional Use Permit, a vesting Conditional Use Permit may be filed instead, in accordance with these provisions. If an applicant does not seek the rights conferred by this subsection, the filing of a vesting application shall not be required by the City for the approval of any proposed Zone Change, Conditional Use Permit, permit for construction or work preparatory to construction.
- (b) Vesting Conditional Use Permits may be filed for the conditional uses listed in Sec. 12.24 T.3.

2. Filing an Application

- (a) If any rules, regulations or ordinances in force at the time of filing require any additional approvals, the complete application for these additional approvals shall be filed prior to or simultaneously with the vesting Conditional Use Permit to be processed pursuant to Sec. 13.2.10.
- (b) In all vesting Conditional Use Permit cases, a site plan and a rendering of the architectural plan of the building envelope shall be submitted with the application. The plans and renderings shall show the proposed project's height, design, size and square footage, number of units, the location of buildings, driveways, internal vehicular circulation patterns, loading areas and docks, location of landscaped areas, walls and fences, pedestrian and vehicular entrances, location of public rights-of-way and any other information deemed necessary by the Director of Planning.

3. **Transmittal.** Prior to final approval filed pursuant to a vesting application, the Planning Department shall submit a copy of the final site plan to the office of the affected council district for informational purposes only.

4. Development Rights

- (a) The approval of a vesting application confers a vested right to proceed with a development in substantial compliance with the rules, regulations, ordinances, zones and officially adopted policies of the City in force on the date the application is deemed complete, and with the conditions of approval imposed and specifically enumerated in the final decision on the vesting application case.
- (b) These rights do not include exemption from:

- (1) other applications or approvals necessary to entitle a project to proceed (i.e., subdivision, parcel map, zone variance, design review, etc.), or
 - (2) subsequent changes in the Building and Safety and Fire regulations (Chapters V and IX of the Los Angeles Municipal Code) that apply on a citywide basis, and that the City Council finds are necessary to protect the public health and safety, or
 - (3) policies and standards relating to those regulations or from citywide programs to implement State or Federal mandates.
- (c) A vesting Conditional Use Permit may be conditioned or denied if the decision maker determines:
 - (1) that the condition is necessary in order to make all of the findings in Subsection E., or
 - (2) that one or more of the findings in Subsection E cannot be made.
- 5. Amendment of Vested Project Plans or Amendment of Vested City Regulations to Comply with Subsequent Regulation Changes**
 - (a) One or more of the owners or lessees of the subject property may file a verified application requesting an amendment of the City regulations as described in Subdivision 3 of this subsection vested by a Conditional Use Permit issued pursuant to this subsection. They shall file the application with the Department of City Planning upon a form designated for this purpose, and accompany it with a fee as provided in Section 19.01 A. of this Code.
 - (b) The Area Planning Commission, the City Planning Commission, the Zoning Administrator or the Area Planning Commission or City Council on Conditional Use Permit appeals may approve any changes to the set of City regulations to which the applicant's project has vested for a Conditional Use Permit issued pursuant to this subsection. The Department's report shall be made within 40 calendar days of the date of the request or within any additional time as may be mutually agreed upon by the Department of City Planning and the applicant.
 - (c) The City Council, the Area Planning Commission, the City Planning Commission, or the Office of Zoning Administration prior to making a decision pursuant to this subsection shall hold a public hearing. Written notice shall be mailed to the owners or tenants of all property within and outside of the City that is within 300 feet of the exterior boundaries of the property involved.

Sec. 13.4.04 Project Review

Purpose. The Director Determination process promotes orderly development, evaluates and mitigates significant environmental impacts, and promotes public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, mobility, sewers, other infrastructure and environmental settings; and controls or mitigates the development of projects which are likely to have a significant adverse effect on the environment as identified in the City's environmental review process.

A. Applicability

- 1. Projects Subject to Director Determination.** The Director Determination process applies to any use or activity that requires a Director Determination in this Code, including but not limited to:
 - (a)** Any development project which creates, or results in an increase of 50,000 gross square feet or more of nonresidential floor area.
 - (b)** Any development project which creates, or results in an increase of, any combination of at least 50 or more dwelling units or guest rooms.
 - (c)** Any change of use to a Drive-Through Fast-food Establishment or any change of use to a Fast-food Establishment, either of which results in a net increase of 500 or more average daily trips as determined by, and using the trip generation factors promulgated by the Department of Transportation.
 - (d)** Any change of use other than to a Drive-Through Fast-food Establishment or to a Fast-food Establishment which results in a net increase of 1,000 or more average daily trips as determined by, and using the trip generation factors promulgated by the Department of Transportation.
- 2. Any residential (including Apartment Hotel or mixed-use, but excluding one-family dwellings) building located within the Greater Downtown Housing Incentive Area.**
Individual or Cumulative Projects. This Section applies to individual projects for which permits are sought and also to the cumulative sum of related or successive permits which are part of a larger project. This includes piecemeal additions to a building, or multiple buildings on a lot, as determined by the Director.
- 3. Exemptions.** The following projects are exempt from a Director Determination:
 - (a)** Unless made discretionary by any other provision of law, the approval of any building permit for a development project unless the thresholds set forth in Subsection A.1 above are exceeded (these are ministerial and exempt from environmental review).
 - (b)** Any project that already requires a discretionary or quasi-judicial review of environmental documentation under CEQA (including Zone Changes, Conditional Use Permits, and Tentative Subdivision Maps).

Reference: Cal Pub Resources Code § 21080(a).

- (c) Any project subject to a Categorical Exemption from CEQA pursuant to California Public Resources Code Sec. 21084.

Reference: 14 Cal. Code Reg. Sec. 15300 – 15332.

- (d) Any development project with a still-valid discretionary approval only if the applicable decision-making body determines in writing that:
- (1) the prior discretionary approval, and the required environmental review, considered significant aspects of the approved project's design (such as, but not limited to, building location, height, density, use, parking, access), and
 - (2) the existing environmental documentation under CEQA is adequate to issue the present permit in light of the conditions specified in Section 21166 of the California Public Resources Code. The Department of City Planning may require supplements to the environmental documentation to ensure that the information is current. The Director may establish procedures to process determinations required under this subdivision.
- (e) Any development project located within the boundaries of an adopted redevelopment project area if:
- (1) The former Community Redevelopment Agency of the City of Los Angeles (CRA) and the City Council approved an owner participation agreement, a disposition and development agreement, a loan agreement, a cooperation agreement or other discretionary agreement for the development project; and
 - (2) The project was considered during a public hearing conducted in accordance with the CRA's adopted policies and procedures for public hearings; or
 - (3) The residential (including Apartment Hotel or mixed-use) building is within the Greater Downtown Housing Incentive Area and was determined by the CRA to comply with the Urban Design Standards and Guidelines, prepared by the CRA and approved by the City Planning Commission when the City Planning Commission finds that the guidelines are consistent with the applicable community plans.
 - (4) Prior to the issuance of any building permit, the CRA shall certify to the Director and the Department of Building and Safety that the required notification, hearing and agreement are complete.
- (f) Any development project within a Specific Plan area for which an EIR was certified by the City Council within 6 years before the date of the present application for a building permit. The date of the application is the date on which architectural and structural plans sufficient for a complete plan check are accepted by the Department of Building and Safety. This exemption applies only if the Director determines in writing that the EIR considered significant aspects of the approved project's design (such as, but not limited to,

- building location, height, density, use, parking, access) and that it is adequate for the issuance of the present permit. The Director may establish procedures to process determinations.
- (g) Projects in those Specific Plan areas where similar project site planning regulations are established by the Specific Plan and significant project environmental impacts, if any, are mitigated by the measures imposed in the Project Permit process, as determined by the Director (see Sec. 13.1.01 and Sec. 13.6.03 for Project Permit workflows).
 - (h) Any development project on a motion picture and/or television production lot that is industrially or commercially zoned and is enclosed by a minimum 6 foot high wall or other barrier (such as building walls, fences, topographical barrier, etc.) which separates the facility and the development from adjacent properties. However, all new office uses shall be directly related to motion picture and/or television production and shall not be rented or leased to other entities not directly related to motion picture and/or television production uses.
 - (i) Adaptive Reuse Projects in the Downtown Project Area pursuant to Sec. 12.22 A.26.
 - (j) Any residential (including Apartment Hotel or mixed use) building located within the Greater Downtown Housing Incentive Area that is subject to Sec. 12.22 A.30 of this Code.
4. **Alternative Thresholds.** A Community Plan or Specific Plan may establish a Director Determination exemption or different threshold from that indicated in subsections 2-4 above when specifically stated in the plan text and only when the plan area contains at least one of the following:
- (a) A transportation impacted area;
 - (b) An environmentally sensitive area;
 - (c) An historically sensitive area; or
 - (d) Any other area of special significance which is clearly identified as to its significance and the need for a different threshold level.

B. Initiation

1. **Application.** A property owner files an application for a Director Review with the Department.
2. **Environmental Review**
 - (a) As part of the application for a Director Review, the applicant shall file necessary forms and information for environmental review as prescribed by the Director.

- (b) The Director shall cause the required environmental studies and notices for the project to be prepared concurrent with the Director Review.

C. Notice of Public Hearing

The following notice is required for the public hearing on the initial decision, if held, and the hearing on appeal:

Notice	When	Where/To Whom/Additional Requirements
Publication	21 days	<ul style="list-style-type: none"> in a newspaper of general circulation in the city, designated for that purpose by the City Clerk
Mail	21 days	<ul style="list-style-type: none"> the applicant, the owners or tenants of the property involved, the owners and tenants of all property within 300 feet of the boundary of the subject site, City Council member(s) representing the area in which the property is located, and Interested parties who have requested notice in writing

D. Decision

- Decision Maker.** The Director is the initial decision maker and may approve, conditionally approve, or deny the Director Review.
- Referral**
 - If applicable, the Director shall refer all completed applications for the Director Review to affected City departments for their review and report.
 - If applicable, responses shall be returned within 15 days after receipt, or another period agreed to by the Director and the affected agency or department.
- Public Hearing.** If the Director finds that the matter may have a significant effect on neighboring properties, the matter may be set for public hearing.
- Decision**
 - The Director shall approve, conditionally approve or deny the Director Review within 75 days after the date an application is deemed complete, including environmental review.
 - This time limit may be extended up to 45 days by mutual consent of the applicant and the Director. The time limit shall also be extended if necessary to prepare and process an EIR.
 - If the Director fails to make a decision on an application within the time limit specified in this subsection, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Sec. 13.2.06.
- Conditions**
 - The Director may condition and/or modify the project, or select an alternative project, as necessary to:

- (1) implement the General or a specific plan, and
- (2) address potential effects of the development project on surrounding areas. The Director shall not approve or conditionally approve a Director Review without appropriate environmental review.

6. Transmittal

- (a) The Director shall send notice of the determination to the applicant and the interested parties listed in Subsection C.
- (b) Failure to receive notice does not invalidate any action taken pursuant to this section.
- (c) The Director shall notify the Department of Building and Safety of the final approval of the Director Review.

E. Standards for Review and Required Findings

In granting an approval, the Director, or the Area Planning Commission on appeal, shall find that:

1. the project substantially conforms to the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan;
2. 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, that is or will be substantially compatible with existing and future development on adjacent properties and neighboring properties; and
3. any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

F. Appeals

1. **Decision Maker** . The Area Planning Commission of the area in which the property is located is the appellate decision maker.
2. **Filing**. The applicant, any officer, board, department, or bureau of the City, or any interested person aggrieved by the decision of the Director may file an appeal to the Area Planning Commission.
3. **Appellate Decision**
 - (a) Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in Subsection C.
 - (b) The Area Planning Commission shall hold the public hearing within 75 days of the filing of the appeal.

- (c) The Area Planning Commission shall render its decision in writing within 15 days after the hearing is completed.
- (d) The Area Planning Commission may sustain or reverse any decision of the Director, and may establish additional conditions to conform to the findings required in Subsection E.
- (e) The decision shall be in writing and based upon evidence in the record, including testimony and documents produced at the hearing before the Area Planning Commission, and supported by any additional findings required by Subsection E. above.

G. Scope of Decision

1. See Sec. 13.2.07.
2. No grading permit foundation permit, building permit, or certificate of occupancy shall be issued for a development project approved under this section unless the project meets all requirements and conditions of the Director Review.
3. If the development project approval authorized by this Section is used (see Sec. 13.2.07), the conditions of that approval become effective immediately.

H. Modification of Entitlement

No modification is available.

Sec. 13.4.05 Director Determination

A. Applicability

This section applies where any provision of this Code, including any other ordinances, requires a Director Determination.

B. Initiation

An application for a Director Determination is filed with the Department.

C. Notice of Public Hearing

No notice is required.

D. Decision

1. **Decision maker.** The Director is the initial decision maker and may approve, conditionally approve, or deny the Director Determination.
2. **Decision.** The Director shall render the initial decision within 75 days of the date the application is deemed complete.

E. Standards for Review and Required Findings

The Director shall grant a Director Determination upon written findings that the project:

1. substantially complies with any applicable regulations, findings, standards and provisions of the Code, including any other ordinances.

F. Scope of Decision

1. See Sec. 13.2.07.
2. **Limitations.** The granting of a Director Determination shall not imply compliance with any other applicable provisions of the Los Angeles Municipal Code.

G. Appeals

1. **Decision maker.** The Area Planning Commission is the appellate decision maker.
2. **Filing.** An applicant or any other person aggrieved by the Director's decision may file an appeal.

3. Appellate Decision

- (a) Before acting on any appeal, the Area Planning Commission shall set the matter for hearing. The following notice is required for the public hearing on an appeal.

Notice	When	Where / To Whom / Additional Requirements
Mail	21 days	<ul style="list-style-type: none">• the applicant;• owner(s) of the subject property involved; and

Notice	When	Where / To Whom / Additional Requirements
		<ul style="list-style-type: none">owners of properties within 300 feet of the exterior boundaries of the property involved;

- (b) The Area Planning Commission shall act within 75 days after the expiration of the appeal period.
- (c) The appeal action must contain the same findings required to be made by the Director, supported by facts in the record.

H. Modification of Entitlement

See Sec. 13.7.04.

Division 13.5. Ministerial Action

Sec. 13.5.01 Administrative Review

A. Applicability

1. An Administrative Review is a ministerial approval for applications that comply with all requirements of this Code.
2. This section applies where any provision of this Code, including any other ordinances, requires an Administrative Review.
3. Projects which do not comply with the applicable regulations may request relief through the procedures set forth in Division 13.7.

B. Initiation

An Administrative Review is initiated by filing an application with the Department or as required in order to obtain a building permit.

C. Notice of Public Hearing

There is no public hearing.

D. Review

1. **Review.** The Department shall determine compliance with the applicable standards for projects requiring an Administrative Review.
2. **Clearance.** Clearance shall be issued as required pursuant to the applicable ordinance or building permit requirement.

E. Criteria for Compliance Review

The Department shall review the application for compliance with the applicable standards of this Code or the applicable specific plan, including the zone standards, established development standards, and any supplemental use regulations.

F. Scope of Action

After the Administrative Review determines that the application is compliance with the applicable standards, the following actions must comply with the approved plans:

1. the erection, enlargement or maintenance of buildings.
2. any development or construction work.
3. issuance of a grading, building or change of use permit.

G. Appeals

There is no appeal.

H. Modification of Action

Any change to the scope of the application requires review by the Department as provided in Subsection D above.

Division 13.6. Specific Plan Implementation

Sec. 13.6.01 General Provisions for Specific Plan Implementation

A. Purpose

This Division:

1. Establishes uniform citywide procedures to review applications for projects within Specific Plan areas in accordance with applicable Specific Plan requirements and the City Charter; and
2. Establishes uniform citywide standards and criteria for processing applications for exceptions from and interpretations of Specific Plans.
3. If any procedure established in a Specific Plan conflicts with any procedure set forth in this Division, the provisions of this Division prevail.

B. Public Information Meetings

1. When provided for in individual Specific Plans, the Director may hold public information meetings in connection with the Planning Department's review of a proposed project pursuant to this Division or a Project Permit if the Director decides that:
 - (a) the proposed project may have a potentially significant effect on adjoining properties or on the immediate neighborhood, or
 - (b) it is likely to evoke public controversy, or
 - (c) it would be in the public interest to conduct the meeting.
2. Written notice of a public information meeting shall be sent at least 21 days prior to the meeting date to: the applicant; the owner(s) of the property involved; owners of properties within 300 feet of the exterior boundaries of the property involved; the Councilmember(s) having jurisdiction over the Specific Plan Area in which the property is located; to the Department of Neighborhood Empowerment; the chair of any design review or plan review board having jurisdiction over the Specific Plan area in which the property is located; and interested parties who have requested notice in writing.

C. Decision Makers and Appellate Bodies for Other Specific Plan Provisions

1. The individual sections in this Division assigns initial decision making authority for a Project Permit, Project Permit Adjustment, Specific Plan Exception, and Specific Plan Interpretation. For Specific Plan provisions which are not addressed in this Division, the initial decision maker and appellate bodies responsible for implementing those provisions are the Area Planning Commission and Council, respectively, unless otherwise specified in a specific plan.

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2. Despite any specific plan provision to the contrary, there is only one level of appeal from any initial decision.
3. If a specific plan refers to a “Project Permit Compliance,” it means Project Permit.

D. Violations of Specific Plans

It shall be unlawful for any person to violate any provision of any specific plan and every violation shall be punishable as a misdemeanor.

Sec. 13.6.02 Project Permit

A. Applicability

1. This Section applies to the review of applications for projects within Specific Plan areas in accordance with applicable Specific Plan requirements and the City Charter.
2. The Director may determine the type of projects are exempt from this Section based on exemption provisions and other regulations contained in individual Specific Plans.

B. Initiation

A property owner files an application for Project Permit with the Department.

C. Notice of Public Hearing

No notice is required, but a public information meeting may be held pursuant to the Sec. 13.6.01B.

D. Decision

1. **Decision maker.** The Director is the initial decision maker and may approve, conditionally approve, or deny the Project Permit.
2. **Decision**
 - (a) The Director shall render the initial decision within 75 days of the date the application is deemed complete or when an EIR is required, the date the EIR is certified.
 - (b) If the Director fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Sec. 13.2.06.
3. **Transmittal.** The Director shall transmit a copy of the decision by email, electronic transmission, or mail to the applicant, the Department of Building and Safety, the Councilmember(s) having jurisdiction over the Specific Plan area in which the property is located, the Department of Transportation (where appropriate), owners of all properties abutting, across the street or alley from, or having a common corner with the subject property; and interested parties who have filed written requests with the City Planning Department.
4. **Limitations.** The granting of a Project Permit shall not imply compliance with any other applicable provisions of the Los Angeles Municipal Code. Any corrections and/or modifications to project plans made subsequent to a Project Permit that are deemed necessary by the Department of Building and Safety for Building Code compliance, and which involve a change in floor area, parking, building height, yards or setbacks, building separation or lot coverage, shall require a referral of the revised plans back to the Department of City Planning (and the Department of Transportation in cases where there are corrections and/or modifications that may affect the calculation of vehicle trips generated, project floor area or parking) for additional review and sign-off prior to the issuance of any permit in connection with those plans.

E. Standards for Review and Required Findings

The Director shall grant a Project Permit upon written findings that the project:

1. substantially complies with the applicable regulations, findings, standards and provisions of the Specific Plan;
2. complies with CEQA; and
3. any other findings that are required in a specific plan.

F. Scope of Decision

1. See Sec. 13.2.07.
2. **Limitations.** The granting of a Project Permit shall not imply compliance with any other applicable provisions of the Los Angeles Municipal Code. Any corrections and/or modifications to project plans made subsequent to a Project Permit that are deemed necessary by the Department of Building and Safety for Building Code compliance, and which involve a change in floor area, parking, building height, yards or setbacks, building separation or lot coverage, shall require a referral of the revised plans back to the Department of City Planning (and the Department of Transportation in cases where there are corrections and/or modifications that may affect the calculation of vehicle trips generated, project floor area or parking) for additional review and sign-off prior to the issuance of any permit in connection with those plans.

G. Appeals

1. **Decision maker.** The Area Planning Commission is the appellate decision maker.
2. **Filing.** An applicant or any other person aggrieved by the Director's decision may file an appeal.
3. Appellate Decision

(a) Before acting on any appeal, the Area Planning Commission shall set the matter for hearing. The following notice is required for the public hearing on an appeal.

Notice	When	Where / To Whom / Additional Requirements
Mail	21 days	<ul style="list-style-type: none"> • the applicant; • owner(s) of the subject property involved; • owners of properties within 300 feet of the exterior boundaries of the property involved; • the Councilmember(s) having jurisdiction over the Specific Plan area in which the property is located; • the Department of Neighborhood Empowerment; and • interested parties who have requested notice in writing.

- (b) The Area Planning Commission shall act within 75 days after the expiration of the appeal period.
- (c) The appeal action must contain the same findings required to be made by the Director, supported by facts in the record.

H. Modification of Entitlement

See Sec. 13.7.04.

Sec. 13.6.03 Project Permit (with Design Review Board)

Purpose and Objectives: The role of design review boards is to evaluate the placement of mass, form, spatial elements and overall quality of the design of proposed projects based on defined objectives established in Specific Plans. Design review boards should assist the City decision makers, the community, private developers, property owners, and design professionals in implementing the design goals of communities contained within Specific Plan boundaries.

The objectives of this Section are:

- *To establish uniform citywide procedures for design review within Specific Plan areas;*
- *To establish uniform citywide authority for design review boards to advise the Director, and/or the Area Planning Commission on aspects of exterior design, site layout and landscape, signs, and other design elements governed by a Specific Plan;*
- *To promote the general welfare of the community;*
- *To protect the community from the adverse effects of poor design; and*
- *To encourage good professional design practices and quality exterior design and appearance to improve the community and surrounding area.*

A. Applicability

1. General

(a) This Section applies when design review is required by a specific plan.

(b) The design review process may occur in 2 steps: (1) an optional preliminary review and a (2) mandatory final review.

2. **Building Permits.** The procedures established in this Section must be completed before a building permit is issued for any building or structure regulated by a specific plan that requires design review.

3. **Relationship to Specific Plans.** This Section does not convey any rights not otherwise granted under a specific plan, except as specifically provided.

B. Initiation

1. All applications for Project Permit with design review are submitted to the Department of City Planning on a form supplied by the Department. The forms may provide different information for optional preliminary design review and mandatory final review.
2. Before the acceptance of an application for a mandatory final review, the Department shall review the proposal for compliance with the applicable Specific Plan or ordinances under which the design review board is established. An application shall not be deemed incomplete for failure of the proposed project to meet the requirements of the applicable Specific Plan.

Note, however, if the project does not comply with these requirements, the project will be denied unless it is redesigned or appropriate relief is secured.

C. Notice of Public Hearing

The following notice is required for the public hearing held by the design review board:

Notice	When	Where / To Whom / Additional Requirements
Mail	10 days	<ul style="list-style-type: none">the applicant, andowners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property
Posting	10 days	<ul style="list-style-type: none">the applicant will post notice in a conspicuous place on the property

D. Decision

1. **Decision maker.** The Director is the initial decision maker and may approve, conditionally approve, or deny the Project Permit (with Design Review).

(a) Design review boards review applications and provide their recommendations to the Director.

(b) If no design review board is appointed, the Planning Department reviews the application and makes a recommendation to the Director.

2. Optional Preliminary Design Review

(a) Option

(1) An applicant may request a preliminary design review to consult with the design review board for advice on the design of a proposed project.

(2) The design review board shall review all projects for which applications for preliminary design review are accepted. The board shall provide comments to the applicant concerning the overall design of the project, materials and colors to be used, and landscaping for conformance to the applicable Specific Plan.

(b) Transmittal of Applications for Preliminary Review

(1) **Agenda.** Optional preliminary applications are referred to the design review board for placement on its agenda within 5 calendar days after they are deemed complete.

(2) **Review and Recommendation of Design Review Board.** The design review board shall preliminarily review the project within 21 calendar days after the request for the optional preliminary review has been referred to the board.

(3) **Transmittal to the Director.** Results of the optional preliminary review shall be transmitted by the board to the Director within 10 days after the design review board meeting. This is for the Director's information only.

3. Design Review of Final Applications

- (a) **Design Review Board Authority.** The design review board shall review all projects for which applications for final design review have been accepted.
- (b) **Transmittal of Applications for Final Review.** Applications for final design review are referred to the design review board within 5 calendar days after they are deemed complete.
- (c) **Final Review and Recommendation of the Design Review Board**
 - (1) The design review board shall hold a public hearing.
 - (2) The design review board shall review and make its recommendation on the project within 21 calendar days after the application is referred to the board.
 - (3) The design review board shall submit its recommendation to the Director within 5 calendar days after it acts on the application.
 - (4) The design review board's recommendation shall include approval, disapproval, or approval with conditions to the project. The design review board shall make its recommendation based upon design criteria in the Specific Plan. If the recommendation is for denial, the board shall specify how the project fails to comply with the design criteria in the Specific Plan. The design review board shall transmit its recommendations and summaries of discussions to the Director.
 - (5) The design review board's recommendation does not affect any entitlement or discretionary approvals by applicable agencies and departments. This subsection does not affect the Mulholland Scenic Parkway Design Review Board's authority to advise under Section 11 of the Mulholland Scenic Parkway Specific Plan.
 - (6) If the design review board does not act and an extension of time is not agreed upon as specified above in order for the applicant to provide a revised application with modifications for the project, the revised project shall be submitted to the design review board for a second meeting to be held within 30 calendar days of the first meeting. If the Design Review Board fails to act at that meeting, the application shall be referred to the Director as provided in Subsection 4, below.

- 4. **Design Review Board Failure to Act.** If a design review board fails to act on an application within the time limits specified in this Section, the application is immediately referred without recommendation to the Director for determination.

5. Action of the Director

- (a) Within 10 calendar days following the receipt of the design review board's recommendation or of the design review board's failure to act, the Director shall approve

- a project as presented to the board if it is in compliance with the specific regulations of the applicable Specific Plan.
- (b) If the project does not comply with specific regulations in the Specific Plan and cannot be made to be so by imposition of conditions, the Director shall disapprove the project.
 - (c) The Director shall make findings consistent with the Specific Plan criteria for any approval or disapproval.
 - (d) If the Director requests changes or additional information, copies of all materials submitted in connection with the request shall be transmitted to the design review board for its information.
6. **Transmittal.** A copy of all decisions shall be forwarded to the applicant, the design review board, the councilmember(s) in whose district(s) the Specific Plan area is located, the Department of Building and Safety, and any interested parties who make a written request for notice.

E. Standards for Review and Required Findings

- 1. The Director shall find that the project complies with the design criteria and guidelines set forth in the Specific Plan and after considering the recommendation of the design review board, if any.
- 2. For sign approvals, the Director may grant minor adjustments to permitted signs in accordance with the adjustment criteria and findings set forth in Sec. 13.1.01. Any requests for minor adjustments to permitted signs shall be filed in accordance with the application procedures set forth in this subsection.

F. Scope of Decision

- 1. See Sec. 13.2.07.
- 2. **Limitations.** The granting of a Project Permit shall not imply compliance with any other applicable provisions of the Los Angeles Municipal Code. Any corrections and/or modifications to project plans made subsequent to a Project Permit that are deemed necessary by the Department of Building and Safety for Building Code compliance, and which involve a change in floor area, parking, building height, yards or setbacks, building separation or lot coverage, shall require a referral of the revised plans back to the Department of City Planning (and the Department of Transportation in cases where there are corrections and/or modifications that may affect the calculation of vehicle trips generated, project floor area or parking) for additional review and sign-off prior to the issuance of any permit in connection with those plans.
- 3. A design review board's advice on an optional preliminary application is valid for 24 months.

G. Appeals

1. **Decision maker.** The Area Planning Commission is the appellate decision maker.
2. **Filing**
 - (a) An applicant, any other person aggrieved by a decision of the Director, the Mayor, or a member of the City Council may appeal the Director's action on a Project Permit to the Area Planning Commission.
 - (b) A board member may not appeal any design review determination of the Director unless they are the applicant.
 - (c) The appeal shall set forth specifically how the decision of the Director fails to conform to the requirements of the Specific Plan.
3. **Appellate Decision**
 - (a) Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving the same notice as provided for the original hearing.
 - (b) The Area Planning Commission shall act on the appeal within 75 days after the end of the appeal period.
 - (c) The resolution to approve must contain the same findings required to be made by the Director, supported by facts in the record. The Area Planning Commission shall base its decision on the record established by the design review board.

H. Modification of Entitlement

1. An applicant may request approval of a proposed modifications to a project in writing. The modification may include any modification required by a public agency, or minor modifications.
2. The Director (or Area Planning Commission on appeal) may approve the modifications. This approval must occur before issuance of a building permit or certificate of occupancy.
3. At the discretion of the Director or Area Planning Commission on appeal, these modifications may be transmitted to the design review board for its review at the next available meeting if the appropriate materials are received 14 days prior to that meeting. This subsection applies unless otherwise required in a Specific Plan.
4. In reviewing any modification, the Director (or Area Planning Commission on appeal) shall limit its review and reconsideration to those areas identified as changed or influenced by the changes.

Sec. 13.6.04 Project Permit Adjustment

A. Applicability

1. This Section applies to requests for minor adjustments from certain specific plan regulations.
2. Project Permit Adjustments are limited to:
 - (a) Dimensional or quantitative adjustments, up to the following:

Type of Adjustment	Maximum Adjustment
Exceed the designated height limit.	10%
Allowing portions of buildings to extend into a required yard, setback or other open space <i>(based on the minimum required width or depth).</i>	20%
Minimum landscaped area requirements.	20%
Maximum sign size (area) limitation.	20%
Maximum number of signs.	20%
Maximum sign height.	2 feet
Minimum or maximum number of required parking spaces.	10%

- (b) Minor adjustments to required types of landscape materials.
 - (c) The number of total dwelling units may be rounded up to the next whole number if:
 - (1) the calculation of the maximum number of permitted multiple-family dwelling units results in a fraction, and
 - (2) the lot area remaining after calculating the maximum number of permitted dwelling units is at least 90 percent of the lot area required by the Specific Plan regulation to permit one additional dwelling unit.
 - (d) Minor adjustments from other Specific Plan development regulations, which do not substantially alter the execution or intent of those Specific Plan regulations to the proposed project, and which do not change the permitted use, floor area, density or intensity, height or bulk, setbacks or yards, lot coverage limitations, or parking standards regulated by the Specific Plan.
3. If an application requests more than one Project Permit Adjustment, the Director may determine that the request be filed and processed as a Specific Plan Exception (see Sec. 13.6.04). The Director shall advise the applicant of this determination before it is deemed complete.

B. Initiation

A property owner files an application for Project Permit Adjustment with the Department.

C. Notice of Public Hearing

No notice is required, but a public information meeting may be held pursuant to the Sec. 13.6.01B.

D. Decision

1. **Decision maker.** The Director is the initial decision maker and may approve, conditionally approve, or deny the Project Permit Adjustment.
2. **Decision**
 - (a) The Director shall review and approve, disapprove or approve with conditions the project.
 - (b) The Director shall render the initial decision within 75 days of the date the application is deemed complete.
 - (c) If the Director fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Sec. 13.2.06.
3. **Transmittal.** The Director shall transmit a copy of the decision by email, electronic transmission, or mail to the applicant, the Department of Building and Safety, the Councilmember(s) having jurisdiction over the Specific Plan area in which the property is located, the Department of Transportation (where appropriate), owners of all properties abutting, across the street or alley from, or having a common corner with the subject property; and interested parties who have filed written requests with the City Planning Department.

E. Standards for Review and Required Findings

The Director shall approve, or approve with conditions, a Specific Plan Adjustment if the Director finds in writing that:

1. For Adjustments from a Specific Plan requirement:
 - (a) there are special circumstances applicable to the project or project site which make the strict application of the Specific Plan regulation(s) impractical; and
 - (b) the Director has imposed project requirements and/or decided that the proposed project will substantially comply with all applicable Specific Plan regulations;
 - (c) the adjustment will not have detrimental effects on surrounding properties and public rights-of-way; and
 - (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.
 - (e) the adjustment complies with any other required Specific Plan findings that may pertain to the Project Permit.

F. Scope of Decision

1. See Sec. 13.2.07.

2. **Limitations.** The granting of a Project Permit shall not imply compliance with any other applicable provisions of the Los Angeles Municipal Code. Any corrections and/or modifications to project plans made subsequent to a Project Permit that are deemed necessary by the Department of Building and Safety for Building Code compliance, and which involve a change in floor area, parking, building height, yards or setbacks, building separation or lot coverage, shall require a referral of the revised plans back to the Department of City Planning (and the Department of Transportation in cases where there are corrections and/or modifications that may affect the calculation of vehicle trips generated, project floor area or parking) for additional review and sign-off prior to the issuance of any permit in connection with those plans.

G. Appeals

1. **Decision maker.** The Area Planning Commission is the appellate decision maker.
2. **Filing.** An applicant or any other person aggrieved by the Director's decision may file an appeal.
3. **Appellate Decision**
 - (a) Before acting on any appeal, the Area Planning Commission shall set the matter for hearing. The following notice is required for the public hearing on an appeal.

Notice	When	Where / To Whom / Additional Requirements
Mail	21 days	<ul style="list-style-type: none"> • the applicant; • owner(s) of the subject property involved; • owners of properties within 300 feet of the exterior boundaries of the property involved; • the Councilmember(s) having jurisdiction over the Specific Plan area in which the property is located; • the Department of Neighborhood Empowerment; and • interested parties who have requested notice in writing.

- (b) The Area Planning Commission shall act within 75 days after the expiration of the appeal period.
- (c) The resolution to approve must contain the same findings required to be made by the Director, supported by facts in the record.

H. Modification of Entitlement

See Sec. 13.7.04 .

Sec. 13.6.05 Specific Plan Exception

A. Applicability

This Section applies to Exceptions from Specific Plan regulations, as follows:

1. **Description.** Exceptions grant relief from a specific plan on the basis of specific standards or criteria established in this Section, or in a specific section of a specific plan. Like variances, exceptions have a hardship component. However, they typically include additional standards that relate to the purposes of the Specific Plan.
2. **Specific Plan Exception Relationship to Other Entitlements.** The following table describes when Specific Plan Exceptions are needed when there is a conflict between the Specific Plan standard and a standard in the Zoning Code:

Situation	How the Specific Plan Regulation is Written	Other Entitlement Required?	Action Needed <i>for applicant seeking relief -</i>
Specific Plan regulation is same type of regulation with the same standard as the zoning regulation	Specific Plan regulation is considered to supersede the Zoning Code provision	No	Apply for Specific Plan Exception (<i>see Subsection 2, below</i>)
Specific Plan regulation conflicts with the same type of regulation but with a different standard than the applicable zoning regulation	Specific Plan regulation supersedes the Zoning Code provision by its terms	No	Apply for Specific Plan Exception (<i>see Subsection 2, below</i>)
Specific Plan regulation conflicts with the same type of regulation but with a different standard than the applicable zoning regulation	Specific Plan does not supersede the Zoning Code by its terms	Yes	Apply for Specific Plan Exception (<i>see Subsection 2, below</i>) (in addition to zoning variance)

B. Initiation

1. A property owner may initiate an Exception by filing an application with the Department.
2. The Exception may be combined with an application for Legislative action, Quasi-judicial action, or Ministerial action. However, the underlying application will not be approved until the Exception is approved, unless it is possible to comply with the standards associated with the underlying application without the Exception.
3. If an application for an Exception potentially impacts a specific plan policy or a regulation affecting the entire specific plan area or any of its subareas, the Director shall advise the applicant to request the City to initiate a Specific Plan Amendment in lieu of processing the application for an Exception. This shall occur before the application is deemed complete.

C. Notice of Public Hearing

1. The following notice is required before any public hearing for a Specific Plan Exception:

Notice	When	Where / To Whom / Additional Requirements
Publication	21 days	<ul style="list-style-type: none"> in a newspaper of general circulation in the city, designated for that purpose by the City Clerk
Mail	21 days	<ul style="list-style-type: none"> the applicant, the owner or owners of the property involved, the owners and occupants of all property within and outside the City within 300 feet of the exterior boundaries of the area subject to the application (or the expanded area described below) where all property within the 300 foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right-of-way or other easement, will also be notified
Posting	10 days	<ul style="list-style-type: none"> the applicant will post notice in a conspicuous place on the property if a Department Planner is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, will also post notice of the initial meeting of the decision making body on the matter

- If the mailed notice does not include at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.

D. Decision

- Decision Maker.** The initial decision maker is the Area Planning Commission and may approve, conditionally approve, or deny the Specific Plan Exception.
- Public Hearing
 - Upon receipt of a complete application, the Area Planning Commission shall set the matter for public hearing.
 - The Area Planning Commission may conduct the hearing itself or designate the Director to conduct the hearing.
- Decision
 - If the Director conducts the public hearing, the Director shall transmit its findings and recommendation to the Area Planning Commission.
 - After the Director or Area Planning Commission's hearing is closed, the Area Planning Commission shall render the initial decision at a public meeting.
 - The Area Planning Commission shall render the initial decision within 75 days of the date the application is deemed complete. If the Area Planning Commission fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the City Council pursuant to Sec. 13.2.06.
- Conditions.** In granting an exception, 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 specific plan.

5. Transmittal.

- (a) Where required, the Area Planning Commission shall transmit a copy of the decision to: the Department of Building and Safety; the Councilmember(s) having jurisdiction over the specific plan area in which the property is located; and the Department of Transportation, where appropriate.
- (b) Copies of the decision shall also be provided to: the applicant; the Department of Neighborhood Empowerment; the chairperson of any design review or plan review board having jurisdiction over the Specific Plan area in which the property is located; and interested parties who have filed written requests with the City Planning Department.

E. Standards for Review and Required Findings

Each of the findings below are required in order to approve a Specific Plan Exception:

1. The strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan;
2. 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 specific plan area;
3. An exception from the specific plan is necessary to preserve and enjoy a substantial property right or use generally possessed by other property within the specific plan area or zoning district in the same vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question;
4. The exception is not detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property; and
5. The exception is consistent with the principles, intent and goals of the specific plan, zoning district, and any applicable element of the General Plan.

F. Scope of Decision

After a Specific Plan Exception is approved, all subsequent Quasi-judicial approvals or clearances shall comply with the Exception, any conditions of approval, and any portions of the Specific Plan that are not subject to the Exception.

G. Appeals

1. **Decision maker.** The City Council is the appellate decision maker.
2. **Filing**

- (a) Any person aggrieved by an initial decision of the Area Planning Commission concerning a Specific Plan Exception may appeal the decision to the City Council.
- (b) After an appeal is filed, the Area Planning Commission shall transmit the appeal and the file to the City Council, together with any report responding to the allegations made in the appeal.

3. Appellate Decision

- (a) Before acting on any appeal, the City Council shall set the matter for hearing, giving the same notice as provided for the original hearing.
- (b) A decision to reverse or modify the Area Planning Commission's decision, in whole or in part, shall only be adopted by at least a two-thirds ($\frac{2}{3}$) vote of the whole Council. Any vote of the Council in which less than two-thirds ($\frac{2}{3}$) of the whole Council vote to reverse or modify the decision of the Area Planning Commission shall be deemed to be an action denying the appeal.
- (c) The failure of the Council to vote upon an appeal within 90 days after the expiration of the appeal period, or within any additional period agreed upon by the applicant and the Council, shall be deemed a denial of the appeal.
- (d) The decision must contain the same findings required to be made by the Area Planning Commission, supported by facts in the record.

H. Modification of Entitlement

See Sec. 13.7.04.

Sec. 13.6.06 Specific Plan Interpretation

A. Applicability

The Director may interpret Specific Plans when there is a lack of clarity in the meaning of their regulations.

B. Initiation

1. The Director may consider an Interpretation on his or her own initiative, or in response to an application (see Subdivision 2 below).
2. A resident or property owner in the specific plan area shall file an application on forms provided by the Department. The application shall include a reference to the specific plan regulation(s) for which clarification is requested and a narrative description of why a clarification is necessary for the project or subject property involved.

C. Notice of Public Hearing

The following notice is required for the hearing on appeal:

Notice	When	Where/To Whom
Mail	21 days	<ul style="list-style-type: none">• the applicant;• owner(s) of the subject property involved;• owners of properties within 300 feet of the exterior boundaries of the property involved;• the Councilmember(s) having jurisdiction over the Specific Plan area in which the property is located;• the Department of Neighborhood Empowerment; and• interested parties who have requested notice in writing.

1. If the notice required above involves more than 1,000 property owners, a display advertisement of at least one-eighth page in at least one newspaper of general circulation may substitute for mail or delivery.

D. Decision

1. **Decision Maker.** The Director is the initial decision maker for a Specific Plan Interpretation.
2. Decision.
 - (a) The Director shall make a determination within 75 days after the application is deemed complete.
 - (b) If the Director fails to render a timely decision, the Interpretation is deemed denied.
3. **Transmittal.** The Director shall:
 - (a) transmit a copy of the Interpretation to the Applicant by mail, and
 - (b) post a copy of the Interpretation on the Department's website.

E. Standards for Review and Required Findings

In rendering an Interpretation, the Director and City or Area Planning Commission on appeal will consider:

1. any General Plan, community plan, or specific plan policies that relate to the regulation subject to interpretation, and
2. the purpose statements or other official city policies relating to the regulation,
3. the context of the regulation and its relationship to similar regulations, and
4. any other factors bearing on the interpretation of local ordinances under California law.

F. Scope of Decision

After the interpretation is transmitted, all city commissions, agencies and officials will apply the interpretation unless it is reversed by charter amendment, ordinance, statutory amendment, or a final and binding decision by a court of law.

G. Appeals

1. **Decision Maker.** The City Planning Commission is the appellate decision maker for interpretations which affect an entire Specific Plan area or any of its subareas. The Area Planning Commission is the appellate decision maker for interpretations that apply only to a specific site.
2. **Filing.** An applicant, member of the City Council, or any other interested person adversely affected may file an appeal.
3. **Appellate Decision**
 - (a) The appeal shall be placed on the agenda for the first available meeting date of the City or Area Planning Commission.
 - (b) Before acting on any appeal, the City or Area Planning Commission shall set the matter for hearing. The following notice is required for the public hearing on an appeal.

Notice	When	Where / To Whom / Additional Requirements
Mail	21 days	<ul style="list-style-type: none"> • the applicant; • owner(s) of the subject property involved; • owners of properties within 300 feet of the exterior boundaries of the property involved; • the Councilmember(s) having jurisdiction over the Specific Plan area in which the property is located; • the Department of Neighborhood Empowerment; and • interested parties who have requested notice in writing.

- (c) The City Planning or Area Commission shall render its decision within 75 days from the last day of the appeal period. Failure to timely act is deemed a denial of the appeal, and the initial decision becomes final.

- (d) The City or Area Planning Commission may reverse or modify, in whole or in part, a decision of the Director, and may issue its own interpretation of the Specific Plan.

H. Modification of Entitlement

1. Any change to the scope of the project or a condition requires approval by the Director as provided in Subsection D above, and is appealable as provided in Subsection G.
2. The Director may refuse to accept applications for a different interpretation of the same plan or Zoning Code provision until the plan policies or Zoning Code provisions are amended.

Division 13.7. Quasi-Judicial Relief

Sec. 13.7.01 Alternative Compliance

A. Applicability

- General.** This Section applies to the following situations where this Code expressly allows Alternative Compliance:
 - The applicant proposed deviations from regulations which do not substantially alter the execution or intent of the regulations that apply to a proposed development, and
 - The proposed development does not comply with a design, development or performance standard required by this Code, and proposes an alternative standard or condition consistent with Paragraph (a) above.
- Specific Plan Excluded.** This Section does not apply to specific plans.

B. Initiation

- Alternative Compliance is initiated by filing an application with the Department.
- An application for Alternative Compliance must include conditions binding on the applicant that achieve the goals and purposes of the design, development or performance standards, or other regulations from which Alternative Compliance is requested.

C. Notice of Public Hearing

The following notice is required for the public hearing on an appeal (see Subsection G):

Notice	When	Where / To Whom / Additional Requirements
Mail	21 days	<ul style="list-style-type: none">the applicant,property owner(s) of the subject property ,owners and occupants of properties within 300 feet of the exterior boundaries of the property involved, andinterested parties who have requested notice in writing

D. Decision

- Decision Maker.** The initial decision maker for Alternative Compliance is the Director, and may approve, conditionally approve, or deny the Alternative Compliance.
- Decision.** The Director shall make a written decision within 75 days after the date the application is deemed complete.
- Conditions.** The Director shall impose conditions to secure substantial compliance with the purposes of the design, development or performance standards, or other regulations from which alternative compliance is requested and with any alternative methods of compliance approved pursuant to this procedure.

4. **Transmittal.** The Director shall transmit a copy of the decision by mail to the applicant, all owners and occupants of properties abutting, across the street or alley from, or having a common corner with the subject property, and persons who have filed a written request for the notice with the Department of City Planning.

E. Standards for Review and Required Findings

A decision approving Alternative Compliance shall include the following written findings in support of the determination:

1. The project is consistent with the purpose and intent of the applicable regulations;
2. The project substantially complies with the applicable regulations;
3. The project does not create detrimental effects on surrounding properties or public rights-of-way;
4. The project is compatible with the neighborhood's character.

F. Scope of Decision

See Sec. 13.2.07.

G. Appeals

1. **Decision maker.** The Area Planning Commission is the appellate decision maker.
2. Filing
 - (a) An appeal may be filed to the Area Planning Commission
 - (1) by an applicant or any other person aggrieved by the Director's decision; or
 - (2) by the applicant if the Director fails to act on an application within the time provided in Subsection D.
 - (b) After an appeal is filed, the Director shall transmit the appeal and the file to the applicable Area Planning Commission, together with a report responding to the points raised in the appeal.
3. Appellate Decision
 - (a) The Area Planning Commission shall conduct a public hearing and make its decision within 75 days after the expiration of the appeal period.
 - (b) The Area Planning Commission may affirm, reverse or modify the Director's decision.

H. Modification of Entitlement

See Sec. 13.7.04.

Sec. 13.7.02 Adjustment

A. Applicability

1. This Section applies to minor adjustments from zoning regulations. Adjustments are limited to:
 - (a) Deviations from the Yard, area, Building line and height requirements of Chapter I of this Code, except as provided in Subparagraphs (1) through (5) below;
 - (1) increases in density (required lot area per dwelling unit) of no more than 20% of what is otherwise permitted in the applicable zone;
 - (2) increases in Floor Area and height, excluding fences and hedges, of no more than 20% of what is otherwise permitted in the applicable zone;
 - (3) increases in Residential Floor Area of no more than 10% beyond what is otherwise permitted by the applicable zone;
 - (4) building encroachments into a required open space of no more than 20% of the minimum width or depth of the required open space;
 - (5) deviations of no more than 10% from the required Lot Area regulations.
 - (b) Adjustments from the minimum or maximum number of required parking spaces as follows:
 - (1) a 25% reduction in required parking spaces; and
 - (2) up to the total number provided on the publicly owned parking lot when:
 - (i) the lot is within the boundaries of an assessment district for the acquisition of publicly owned automobile parking lots, or
 - (ii) is located adjacent to land used or being acquired for publicly owned parking lots.
 - (c) Any off-street parking reduction as provided in Sec. 12.24 Y.
 - (d) Open space reductions of no more than 20% as provided in Sec. 12.21 G.3.
 - (e) Any zone boundary or height district adjustments pursuant to Sec. 12.30 H, 12.30 J, or 12.30 K.
2. Requests for deviations that exceed the thresholds established in Subdivision 1 above require a Variance.
3. An Adjustment cannot be requested for increases in Floor Area Ratio.

B. Initiation. An Adjustment is initiated by filing an application with the Department.

C. Notice of Public Hearing

The following notice is required for the public hearing on the initial decision, if held, and the hearing on appeal:

Notice	When	Where/To Whom/Additional Requirements
Mail	21 days	<ul style="list-style-type: none"> the applicant, the appellants, owners and occupants of all properties abutting, across the street or alley from or having a common corner with the subject property, and interested parties who have requested notice in writing
Posting	10 days	<ul style="list-style-type: none"> the applicant will post notice in a conspicuous place on the property

D. Decision

1. Decision Maker. The Director is the initial decision maker, and may approve, conditionally approve, or deny the Adjustment.

2. Public Hearing

(a) The Director may set an application for an adjustment for public hearing, even though a public hearing is not otherwise required, if the Director determines that it would be in the public interest.

(b) For R1, RS, RE and RA Zoned properties the Director must conduct a public hearing for any Adjustment requests.

3. Decision

(a) The Director shall make a written decision within 75 days after the application is deemed complete.

(b) Written findings must accompany the initial decision.

4. Conditions. In granting a variance, the Director may impose conditions to remedy any resulting disparity of privilege, to protect the public health, safety, welfare, and to assure compliance with the objectives of the General Plan and the purpose and intent of the applicable zoning district or Specific Plan.

5. Transmittal. The Director shall transmit a copy of the decision by mail to the applicant, all owners and occupants of properties abutting, across the street or alley from, or having a common corner with the subject property, and persons who have filed a written request for the notice with the Department of City Planning.

E. Standards for Review and Required Findings

All of the following findings are required to approve an Adjustment:

1. That while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms to the intent of those regulations;
2. That in light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and
3. That the project is in substantial conformance to the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.

F. Scope of Decision

See Sec. 13.2.07.

G. Appeals

1. **Decision maker.** The Area Planning Commission is the appellate decision maker.
2. **Filing**
 - (a) An appeal may be filed to the Area Planning Commission
 - (1) by an applicant or any other person aggrieved by the Director's decision; or
 - (2) by the applicant if the Director fails to act on an application within the time provided in Subdivision D.
 - (b) After an appeal is filed, the Director shall transmit the appeal and the file to the Area Planning Commission, together with a report responding to the points raised in the appeal.
3. **Appellate Decision**
 - (a) The Area Planning Commission shall conduct a public hearing and make its decision within 75 days after the expiration of the appeal period.
 - (b) The Area Planning Commission may affirm, reverse or modify the Director's decision.

H. Modification of Entitlement

See Sec. 13.7.04 .

Sec. 13.7.03 Variance

A. Applicability

1. This Section applies to Variances that grant relief from a standard in the Zoning Code on the basis of hardship or difficulties.
2. **Continuance of Variance or Exception**
 - (a) Except as provided in Subdivision 3 below with respect to Variances or Exceptions which have never been or are not being utilized, no provision of this article shall be interpreted or construed as limiting or interfering with the rights established by any variance or exception granted prior to the effective date of this article by:
 - (1) ordinance pursuant to the provisions of Ordinances Nos. 42,666 (N.S.), 66,750, 74,140 or Chapter I of the Los Angeles Municipal Code;
 - (2) decision of the Zoning Administrator or the former Board of Zoning Appeals pursuant to the provisions of Chapter I of this Code; or
 - (3) former decision of the Board of City Planning Commissioners pursuant to the provisions of Ordinance No. 74,145 or Chapter I of this Code.
 - (b) Notwithstanding any of the provisions of the ordinance granting a variance or exception, the Zoning Administrator shall have jurisdiction to perform all administrative acts with which the Board of City Planning Commissioners, City Council or its Planning Committee were formerly charged with under the ordinance, such as approving plans, signs, types of use, and the like. The use of any building, structure or land existing at the time this article became effective, by virtue of any exception from the provisions of former Ordinance No. 33,761 (N.S.), may be continued provided no new building or structure is erected, no existing building or structure is enlarged, and no existing use of land is extended.

B. Initiation

1. A property owner may initiate a Variance by filing an application with the Department.
2. The Variance may be combined with an application for Legislative action and Quasi-judicial action. However, the underlying application will not be approved until the Variance is approved, unless it is possible to comply with the standards associated with the underlying application without the Variance.

C. Notice of Public Hearing

1. The following notice is required for the public hearing on the initial decision and the hearing on appeal:

Notice	When	Where/To Whom/Additional Requirements
Mail	21 days	<ul style="list-style-type: none"> the applicant, residential, commercial and industrial owners and occupants of all property within 300 feet of the exterior boundaries of the property involved (or the expanded area described below), and interested parties who have requested notice in writing
Posting	10 days	<ul style="list-style-type: none"> applicant must post in a conspicuous place on the property involved

- If the mailed notice does not include at least 20 different owners of at least 20 different lots other than the subject property, the notification radius will increase in increments of 50 feet until that number of owners and lots are encompassed within the expanded area.

D. Decision

- Decision Maker.** The Zoning Administrator is the initial decision maker, and may approve, conditionally approve, or deny the Variance.
 - Public Hearing.** Upon receipt of a complete application, the Zoning Administrator may set the matter for public hearing.
 - The Chief Zoning Administrator or, in their absence, an Associate Zoning Administrator performing their functions, may waive the public hearing if they find:
 - that the requested entitlement will not have a significant effect on adjoining properties or on the immediate neighborhood; or
 - is not likely to evoke public controversy.
- Decision.** The Zoning Administrator shall render the initial decision within 75 days of the submission of a complete application. If the Zoning Administrator fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Sec. 13.2.06.

E. Standards for Review and Required Findings

- The standards in City Charter Sec. 562(c) apply to Variances. The following findings shall be made in the affirmative before a Variance may be granted:
 - that the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations;
 - that there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity;
 - that the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but

- which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;
- (d) that the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located; and
 - (e) that the granting of the variance will not adversely affect any element of the General Plan.
2. **Conditions.** In granting a Variance, the Zoning Administrator may impose conditions to remedy any resulting disparity of privilege, to protect the public health, safety, welfare, and to assure compliance with the objectives of the General Plan and the purpose and intent of the applicable zoning district or Specific Plan.

F. Scope of Decision

See Sec. 13.2.07.

G. Appeals

1. **Decision maker.** The Area Planning Commission is the appellate decision maker.
2. **Filing.** Any person aggrieved by an initial decision of the Zoning Administrator concerning a variance may appeal the decision to the Area Planning Commission.
3. **Appellate Decision**
 - (a) The Area Planning Commission will set the matter for a public hearing, giving the same notice as provided for the original hearing.
 - (b) The Area Planning Commission shall act within 75 days of the appeal.
 - (c) If the Area Planning Commission fails to render a timely decision, the appellant may file a request for a transfer of jurisdiction to the City Council for decision pursuant to Sec. 13.2.06.
 - (d) The Area Planning Commission shall base its decision only upon:
 - (1) evidence introduced at the hearing or hearings, if any, before the Zoning Administrator, on the issue; and
 - (2) the record, findings, and decision of the Zoning Administrator; and
 - (3) the consideration of arguments, if any, presented to the Area Planning Commission orally or in writing.
 - (e) A decision of the Area Planning Commission to deny a Variance is final.
4. **Appeal to City Council.**

- (a) An appeal from a decision of the Area Planning Commission granting or affirming the grant of a Variance may be filed by the applicant or any person aggrieved by the decision.
- (b) Action by Council and Mayor.
 - (1) When considering an appeal from an Area Planning Commission decision granting or affirming the grant of a Variance, the Council shall be subject to the same limitations regarding findings and conditions as are placed on the Area Planning Commission by this Section.
 - (2) The Council, by resolution, may affirm, reverse or modify, in whole or in part, the decision of the Area Planning Commission by a majority vote. Failure of the Council to act within 90 days from the expiration of the appeal period, or within any additional period as may be agreed upon by the applicant and the Council shall be deemed to be a denial of the appeal.
 - (3) When a Variance decision is appealed to the City Council and the Council either approves the Variance or denies an appeal from an earlier approval, the matter together with the files and reports shall forthwith be transmitted to the Mayor. The Mayor may approve or disapprove the Variance within 10 days of its presentation to him or her. This action shall be based solely upon the administrative record and whether the Mayor believes the variance conforms to the requirements for approval set forth in this Section.
 - (4) If the Mayor disapproves the Variance, he or she shall return the matter to the City Clerk for presentation to the Council, together with the objections in writing. The Council within 60 days after the matter has been returned to it may override the disapproval by a two-thirds ($\frac{2}{3}$) vote.
 - (5) If the Council fails to override the Mayor's disapproval within the 60 days, the Mayor's disapproval shall constitute a denial of the Variance. If the Mayor fails to return the matter to the City Clerk within 10 days of its presentation to him or her, the approval of the Variance shall become final.

H. Modification of Entitlement

- 1. See Sec. 13.7.04.
- 2. **Reduction of Site.** So long as the use approved by Variance is continued, the entire approved site shall be retained for the approved use, and no portion of the site shall be severed or utilized for other purposes unless the plans for the reduced site are first submitted to and approved by a Zoning Administrator, pursuant to the provisions in Sec. 13.7.04.
- 3. **Change of Use.** No use approved by Variance may be changed to a different use for which a Variance is otherwise required unless the new use is authorized in accordance with the procedure prescribed in this section for the establishment of a use by Variance.

I. Revocation and Repeal

1. Revocation for Discontinuance, Abandonment, or Non-Compliance with Conditions

- (a) This Subsection applies if the use authorized by any Variance is abandoned or discontinued for 6 months, or if the applicant fails to comply with the conditions of approval.
- (b) The Zoning Administrator, upon knowledge of this fact, may give notice to the record owner or lessee of the real property affected to appear at a time and place fixed by the Zoning Administrator and show cause why the Variance should not be revoked.
- (c) After the hearing, the Zoning Administrator may revoke the Variance. The decision is final after 15 days after it is mailed to the owner or lessees of the real property affected, unless an appeal to the Area Planning Commission is filed within that 15-day period. An appeal may be taken to Area Planning Commission in the same manner as described in Subsection G of this Section.
- (d) After revocation, the property affected is subject to all the regulations of the zone in which the property is located, as provided in this Code.

2. Failure to Use Variance - Repeal

- (a) This Subsection applies to Exceptions or conditional Variances which were once used, but the authorized use or development has been discontinued or removed from the site for at least one year and the original action approving the Variance has been repealed.
- (b) An Exception or conditional Variance from Chapter I of the Los Angeles Municipal Code, or Ordinances No. 42,666 (N.S.) 66,750 and 74,140 is no longer of any force or effect and the decision granting the exception or conditional variance is null and void, if:
 - (1) the rights established by any ordinance previously adopted authorizing the exception or conditional use have never been executed or used, or
 - (2) if once used, the use or development authorized is discontinued or removed from the site for at least 1 year.

Sec. 13.7.04 Modification of Entitlement

A. Applicability

1. **Original Action.** This Section applies to the modification of an approved entitlement (referred to in this Section as the “original action”) that substantially conforms to the original approval.
2. **Modification.** For purposes of this Section, a “modification” means any changes in the proposed physical development, planned operation, or conditions of approval.
3. **Maximum Deviation.** The Zoning Administrator or Director shall not approve any use, single deviation or series of deviations from the Zoning Code which was not approved as part of the original action, or which would result in an increase or reduction (individually or cumulatively) of the physical development, planned operation, or conditions of approval by more than 20%.
4. **New Application.** Any deviation that does not substantially conform to the original action or exceeds the maximum deviation prescribed in Subdivision 3 above requires a new application.

B. Initiation

1. A Modification of Entitlement is initiated by filing an application with the Department.
2. The application must include development plans showing the requested modifications.
3. A Modification of Entitlement shall be filed and approved before the original action expires.

C. Notice of Public Hearing

Notice of the public hearing on an initial decision and appeal is provided in the same manner as the original action or appeal.

D. Decision

1. **Decision Maker.** The initial decision maker on a Modification of Entitlement is the initial decision maker on the original action. If the project was subject to multiple approvals, the initial decision maker is the initial decision maker assigned per Sec. 13.2.10, unless otherwise delegated.
2. **Public Hearing.** The initial decision maker may conduct a public hearing after providing the notice required by Subsection C above.
3. **Decision.** The initial decision maker shall approve, conditionally approve or deny the request within 75 days after the application is deemed complete.

4. **Conditions.** The initial decision maker may impose conditions on the modification on the same basis as provided for in connection with the original action.
5. **Transmittal.** The initial decision maker shall transmit a copy of the decision by mail to the applicant, all owners and occupants of properties abutting, across the street or alley from, or having a common corner with the subject property, and persons who have filed a written request for the notice with the Department of City Planning.

E. Standards for Review and Required Findings

1. A Modification of Entitlement shall not be granted unless the decision maker finds that the modification complies with all of the findings that apply to the original action.
2. If the modification is a discrete development, the finding above shall consider only the requested modification and not the entire project. However, the decision maker may consider the entire project to the extent that the approved project and the modification are integrated.

F. Appeals

The initial decision on a Modification of Entitlement is appealable in the same manner as the original decision.

G. Scope of Decision

1. See Sec. 13.2.07.
2. Modification of Entitlement applications and approvals are only valid for permits or decisions which have not expired. A Modification of Entitlement does not suspend or extend the term grant of the original permit or decision, with the exception of Class 3 Conditional Use Permits, pursuant to the provisions below.
 - (a) If a term grant is applied as a condition of approval on the Class 3 Conditional Use Permit, the Zoning Administrator may extend the term grant if:
 - (1) the applicant files an application to extend the term grant with the Zoning Administrator before the approved term grant expires and
 - (2) the project demonstrates substantial compliance with conditions of approval.
 - (b) The Zoning Administrator shall set the matter for public hearing. The Chief Zoning Administrator may elect to approve the term grant without a public hearing. The Zoning Administrator shall approve or deny the request within 75 days after the application is deemed complete.

H. Modification of Entitlement

A Modification of Entitlement may be modified by following the same procedures established above for the original Modification of Entitlement.

Sec. 13.7.05 Reasonable Accommodation - Fair Housing Protections for Individuals with Disabilities

A. Applicability

1. This Section establishes a formal procedure for an Individual with a Disability seeking equal access to housing to request a reasonable accommodation as provided by the federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act, and to establish criteria to be used when considering these requests.
2. The following definitions apply to this Section:

Acts The Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act.

Individual with a Disability As defined under the Acts, a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having that type of impairment or, anyone who has a record of that type of impairment.

Reasonable Accommodation providing an Individual with a Disability or developers of housing for an Individual with a Disability, flexibility in the application of land use and zoning regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities.

B. Initiation

1. A written request for reasonable accommodation from a land use or zoning regulation or policy shall be made on a form provided by the Department by any Individual with a Disability, his or her representative, or a developer or provider of housing for an Individual with a Disability.
2. A request for reasonable accommodation shall state the basis of the request including but not limited to a modification or exception to the regulations, standards and practices for the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers and provide an Individual with a Disability equal opportunity to housing of his or her choice.
3. The Director may request additional information necessary for making a determination on the request for reasonable accommodation that complies with the fair housing law protections and the privacy rights of the Individual with a Disability to use the specified housing. If additional information is requested, the 45-day time period for making a determination on the request stops running until the additional information is provided.

C. Notice of Public Hearing

No notice is required.

D. Decision

1. **Decision Maker.** The Director is the initial decision maker, and shall issue a written determination to either grant, grant with modifications, or deny a request for reasonable accommodation within 45 days of the date the application is deemed complete, or within an extended period as mutually agreed upon in writing by the applicant and the Director.
2. **Regulations Effective While Decision Pending.** While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
3. **Covenant.** Prior to the issuance of any permits relative to an approved reasonable accommodation, the Director may require the applicant to record a covenant in the County Recorder's Office acknowledging and agreeing to comply with the terms and conditions established in the determination. The covenant is required only if the Director finds that a covenant is necessary to provide notice to future owners that a reasonable accommodation has been approved.
4. **Transmittal.** The Director shall transmit a copy of the written findings and decision to the applicant and to all owners of properties abutting the subject property. All written decisions shall give notice of the right to appeal and to request reasonable accommodation in the appeals process as set forth in Subsection G, below.

E. Standards for Review and Required Findings

1. **General.** The written decision to grant, grant with modifications or deny a request for reasonable accommodation shall include the following findings:
 - (a) that the housing, which is the subject of the request for reasonable accommodation, will be used by an Individual with a Disability protected under the Acts;
 - (b) that the requested accommodation is necessary to make housing available to an Individual with a Disability protected under the Acts;
 - (c) that the requested accommodation would not impose an undue financial or administrative burden on the City; and
 - (d) that the requested accommodation would not require a fundamental alteration in the nature of the City's land use and zoning program.
2. **Coastal Zone Properties**
 - (a) For housing located in the Coastal Zone, a request for reasonable accommodation under this Section shall be approved by the City if it is consistent with the requisite findings

above, with Chapter 3 of the California Coastal Act of 1976, and with the Interpretative Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977, and any subsequent amendments or the certified Local Coastal Program Land Use Plan for that area.

- (b)** Where a request for reasonable accommodation is not consistent with the regulations identified in Paragraph (a) above, the City may waive compliance with an otherwise applicable provision of these regulations and approve the request for reasonable accommodation if the City finds:
 - (1)** that the requested reasonable accommodation is consistent, to the maximum extent feasible, with the regulations identified in this subsection; and,
 - (2)** that there are no feasible alternative means for providing an accommodation at the property that would provide greater consistency with the regulations identified in this subsection.

F. Appeals

- 1. Decision maker.** The City Council is the appellate decision maker.
- 2. Filing.** Only the aggrieved applicant and abutting owners who received notice of the Reasonable Accommodation determination have a right to appeal the decision.
- 3. Appellate Decision**
 - (a)** Before acting on any appeal, the City Council shall set the matter for hearing, giving the same notice as provided for the original hearing.
 - (b)** The City Council shall act within 75 days after the expiration of the appeal period.
 - (c)** The City Council will render its decision by resolution. A decision to reverse or modify the Director's decision, in whole or in part, shall only be adopted by at least a two-thirds ($\frac{2}{3}$) vote of the whole Council.
 - (d)** The resolution to approve must contain the same findings required to be made by the Director, supported by evidence in the record.

G. Scope of Decision

- 1.** See Sec. 13.2.07.
- 2.** If the Director grants the request, the request is granted to an individual and does not run with the land unless the Director determines that:
 - (a)** the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the Code or

(b) the accommodation is to be used by another Individual with a Disability.

H. Modification of Entitlement

The Reasonable Accommodation is modified by following the procedures established above for the original action.

Division 13.8. Non-Compliance

Sec. 13.8.01 Evaluation of Non-Compliance

A. Applicability

This Section establishes procedures to modify, discontinue, or revoke any discretionary zoning approval where needed to remedy non-compliance with the conditions of any conditional use or similar Quasi-judicial approvals.

B. Initiation

The Zoning Administrator or City Planning Commission (if the approval or conditional use was granted by the City Planning Commission) may initiate evaluation proceedings by notifying the business operator, property owner, or lessee(s) upon knowledge of the fact of non-compliance with the conditions of the discretionary zoning approval.

C. Notice of Public Hearing

1. The following notice is required for the public hearing on the initial decision and the hearing on appeal:

Notice	When	Where/To Whom/Additional Requirements
Mail	21 days	<ul style="list-style-type: none">• operator,• owner and lessee(s) of the property involved, and• owners of all property within and outside of the City that is within 300 feet of the exterior boundaries of the property involved. If all property within the 300-foot radius is under the same ownership as the property involved in the proceeding, then the owners of all property which adjoins that ownership are included in the notification area.• Residential, commercial and industrial occupants of the property involved, and all property within 300 feet of the exterior boundaries of the property involved.
Posting	10 days	<ul style="list-style-type: none">• the applicant will post notice in a conspicuous place on the property

2. If the mailed notice does not include at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.

D. Decision

1. **Decision Maker.** The initial decision maker on an Evaluation of Non-Compliance is the Zoning Administrator or the City Planning Commission, whichever was the initial decision maker on the original action. The City Planning Commission may delegate its authority in this matter to the Director.
2. **Filing.** The Zoning Administrator or City Planning Commission may notify the record owner or lessee of the real property affected to appear at a time and place fixed by the Zoning Administrator or City Planning Commission and show cause why the discretionary zoning approval should not be repealed or rescinded, as the case may be.

3. **Public Hearing.** The Zoning Administrator shall set the matter for public hearing and provide the notice required by Subsection C above.
4. **Decision.** After the public hearing concludes, the Zoning Administrator or City Planning Commission may revoke, temporarily suspend or impose further restrictions on the conditional use or other similar Quasi-judicial approval.

5. **Fees**

- (a) A fee as set forth in Article 9 of Chapter I of this Code shall be paid to the City within 30 days of the effective date of the decision by the Zoning Administrator or City Planning Commission.
- (b) If an appeal is filed and the decision of the Zoning Administrator or City Planning Commission is upheld by the City Council on appeal, then the fee required by this subsection shall be paid in full within 30 days of the effective date of the final decision. However, if the City Council reverses the decision of the Zoning Administrator or City Planning Commission then no payment of fees other than the appeal fee specified in Article 9 of Chapter I shall be required.

E. **Standards for Review and Required Findings**

The Zoning Administrator or City Planning Commission may require modification, discontinuance, or revocation of any conditional use or other similar Quasi-judicial approval upon knowledge of the fact of a business operator, property owner, or lessee's non-compliance with the conditions of any conditional use or other similar Quasi-judicial approvals.

F. **Scope of Decision**

1. After corrective modification or imposition of new conditions, the property affected is allowed continuance of operation subject to compliance with all conditions.
2. After revocation, the property affected is subject to all the regulations of the zone in which the property is located, and as provided in this Code or as modified by the subject final revocation action.

G. **Appeals**

1. **Decision Maker.** If the initial decision maker is the Zoning Administrator, the Area Planning Commission is the appellate decision maker. If the City Planning Commission is the initial decision maker, the City Council is the appellate decision maker.
 - (a) If the Zoning Administrator modifies conditions or imposes additional conditions as a part of the evaluation action, the appellate body is the appellate body on the original decision.

2. **Filing.** Any person aggrieved by the Zoning Administrator's decision may appeal the decision to the Area Planning Commission. Any person aggrieved by the City Planning Commission's decision may appeal the decision to the City Council.

3. **Appellate Decision**

- (a) Before acting on any appeal, the appeal body shall set the matter for hearing, giving the same notice as provided for the original hearing.
- (b) The appeal body shall act within 75 days after the expiration of the appeal period. Failure to timely act is deemed a denial of the appeal.
- (c) The decision to approve the appeal must contain the same findings required to be made by the initial decision maker, supported by facts in the record.
- (d) If the City Council is the appellate body, the City Council will render its decision by resolution. A decision to reverse or modify the initial decision, in whole or in part, shall be adopted by at least a two-thirds ($\frac{2}{3}$) vote of the whole Council.
- (e) The City Council's decision on appeal shall be reviewable as an approval of a conditional use or other similar Quasi-judicial approval in the manner prescribed in Sec. 13.4.03G.

H. Modification of Decision

No modification is available.

Sec. 13.8.02 Nuisance Abatement/Revocation

Purpose: This consolidates a number of existing code provisions relating to administrative abatement of public nuisances, and revocations, rescissions, discontinuances or modifications of discretionary zoning approvals.

This Section allows the City's zoning authorities to:

- *protect the public peace, health and safety from any land use which becomes a nuisance;*
- *protect the public from situations that adversely affect the health, peace or safety of persons residing or working in the surrounding area;*
- *remedy violations of the Zoning Code or conditions imposed pursuant to the Zoning Code, and*
- *protects the constitutional rights of the parties involved.*

A. Applicability

1. **Generally.** This Section establishes procedures to modify, discontinue, or revoke any land use or discretionary zoning approval where needed to remedy a Zoning Code violation or a threat to the public health, safety or general welfare.
2. The Zoning Administrator may require the modification, discontinuance or revocation of any land use or discretionary zoning approval if it is found that the land use or discretionary zoning approval as operated or maintained:
 - (a) jeopardizes or adversely affects the public health, peace, or safety of persons residing or working on the premises or in the surrounding area; or
 - (b) constitutes a public nuisance; or
 - (c) has resulted in repeated nuisance activities, including, but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or police detentions and arrests; or
 - (d) adversely impacts nearby uses; or
 - (e) violates any provision of the Zoning Code, or any other city, state, or federal regulation, ordinance, or statute; or
 - (f) violates any condition imposed by:
 - (1) a prior legislative or discretionary land use approval (see Division 22.2 or 22.3 of this Article); or
 - (2) an approval initiated by application of a property owner or owner's representative related to the land use (such as a Parcel Map, Tentative Tract Map, or Coastal Development Permit).

3. Relationship to Other Code Provisions. The Zoning Administrator's authority in Subsection 1 supersedes any provision of this Code to the contrary.

4. Continuation of Prior Decisions

- (a) Prior administrative nuisance abatement decisions regarding land uses and discontinuances, revocations, rescissions or modifications of discretionary zoning approvals made by the Zoning Administrator, City Planning Commission or the Council remain in full force and effect.
- (b) It is unlawful to violate or fail to comply with any prior requirement or condition imposed by the Zoning Administrator, the former Board of Zoning Appeals, the City Planning Commission, or the Council.
- (c) Violation or failure to comply violates this Chapter or Chapter I and is subject to the same penalties as any other violation of this Chapter or Chapter I.
- (d) To remedy a violation of an order of discontinuance or revocation, the Department of Building and Safety shall order the business operator, property owner or lessee(s) to vacate and secure all or any portion of the property, premises, or buildings (refer to LAMC Section 91.9003). The Department of Building and Safety shall institute enforcement as provided in LAMC Sec. 91.9003.4 of this Code.

B. Initiation

The Zoning Administrator may initiate a nuisance abatement proceeding by notifying the business operator, property owner, or lessee(s) as provided in this Section.

C. Notice of Public Hearing

1. The Zoning Administrator shall give notice to the business operator, property owner, or lessee(s) of the real property affected to appear at a public hearing at a time and place fixed by the Zoning Administrator and show cause why the land use or discretionary zoning approval should not be modified, discontinued, or revoked.
2. The following notice is required for the public hearing on the initial decision and the hearing on appeal:

Notice	When	Where/To Whom/Additional Requirements
Mail	21 days	<ul style="list-style-type: none"> • operator, • owner and lessee(s) of the property involved, and • owners of all property within and outside of the City that is within 300 feet of the exterior boundaries of the property involved. If all property within the 300-foot radius is under the same ownership as the property involved in the proceeding, then the owners of all property which adjoins that ownership are included in the notification area. • Residential, commercial and industrial occupants of the property involved, and all property within 300 feet of the exterior boundaries of the property involved.
Posting	10 days	<ul style="list-style-type: none"> • operator must post in a conspicuous place on the property involved

3. If the mailed notice does not include at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.

D. Decision

1. **Decision Maker.** The initial decision maker on a Nuisance Abatement/Revocation is the Zoning Administrator.
2. **Filing.** The Zoning Administrator may notify the business operator, property owner, or lessee(s) of the real property affected to appear at a time and place fixed by the Zoning Administrator and show cause why the discretionary zoning approval should not be repealed or rescinded, as the case may be.
3. **Public Hearing.** The Zoning Administrator shall set the matter for public hearing and provide the notice required by Subsection C above.
4. **Decision**
 - (a) After the public hearing concludes, the Zoning Administrator may require the modification, discontinuance or revocation of the land use or discretionary zoning approval.
 - (b) Any determination shall be supported by written findings, including a finding that the Zoning Administrator's determination does not impair the constitutional rights of any person. The written determination shall also state that failure to comply with any or all conditions imposed may result in the issuance of an order to discontinue or revoke the land use or discretionary zoning approval.
5. **Conditions**
 - (a) The Zoning Administrator may impose conditions of operation as needed to:
 - (1) protect the best interests of the surrounding property or neighborhood;
 - (2) eliminate, lessen, or prevent any detrimental effect on the surrounding property or neighborhood; or
 - (3) assure compliance with other applicable provisions of law or conditions of an earlier discretionary approval.
 - (b) Conditions imposed may include:
 - (1) the establishment of amortization schedules,
 - (2) the closure or removal of buildings or structures, or

- (3) the establishment, maintenance, or operation of the subject use and related land uses, buildings, or structures.

(c) Compliance Review

- (1) Upon any finding of nuisance or non-compliance with existing conditions imposed on the land use or discretionary zoning approval, the Zoning Administrator's determination shall impose a condition requiring the business operator or property owner to file a Compliance Review application for Review of Compliance with Conditions within 2 years of the effective date, or the City may file an application on their behalf and a fee will be charged.
- (2) At the Zoning Administrator's discretion, the due date for the Compliance Review application can be set for 90 days, 180 days, 1 year, 18 months, or 2 years from the effective date of the Zoning Administrator's determination or the Council action on appeal.
- (d) The applicant, property owner, or operator shall pay the fee set forth in Article 9 of the Zoning Code to cover the City's costs in processing the matter.
- (e) If the Zoning Administrator discontinues or revokes any land use or discretionary zoning approval pursuant to this Section, the full cost of the abatement, including the cost of inspection, becomes the personal obligation of the business operator, property owner, or person in control. If confirmed by the Council, a lien may be placed against the property in accordance with the procedures described in Administrative Code Sec. 7.35.3.

E. Standards for Review and Required Findings

- 1. The Zoning Administrator may require the discontinuance or revocation of a land use or discretionary zoning approval only upon finding that:
 - (a) The determination does not impair the constitutional rights of any person;
 - (b) Prior governmental efforts to cause the owner or operator to eliminate the problems associated with the land use or discretionary zoning approval have failed (examples include formal action, such as citations, orders or hearings by the Police Department, Department of Building and Safety, the Zoning Administrator, the City Planning Commission, or any other governmental agency); and
 - (c) The owner or operator has failed to demonstrate, to the satisfaction of the Zoning Administrator, the willingness or ability to eliminate the problems associated with the land use or discretionary zoning approval.

F. Scope of Decision

1. **General.** After modification, discontinuance, or revocation, the property affected is subject to all the regulations of the zone in which the property is located, as provided in this Code or as modified by the subject final revocation action.
2. **Violations**
 - (a) It is unlawful to violate or fail to comply with any requirement or condition imposed by the Zoning Administrator or the City Council pursuant to this Section.
 - (b) Violation or failure to comply is a violation of the Zoning Code and is subject to the same penalties as any other violation of this Code.
 - (c) If a violation of an order to discontinue or revoke a land use or discretionary zoning approval pursuant to this Section occurs, the Department of Building and Safety shall order the owner to vacate and secure the property, premises, buildings or portion of any property, premises or building pursuant to Section 91.9003 of this Code. The Department of Building and Safety shall institute enforcement as provided in Section 91.9003.3 of this Code. The Zoning Administrator shall cause the determination or revocation to be recorded.

G. Appeals

1. **Decision Maker.** The City Council is the appellate decision maker.
2. **Filing.** Any person aggrieved by the Zoning Administrator's decision may appeal the decision to the City Council.
3. **Decision**
 - (a) Before acting on any appeal, the City Council shall set the matter for hearing, giving the same notice as provided for the original hearing.
 - (b) The City Council shall act within 75 days after the expiration of the appeal period. Failure to timely act is deemed a denial of the appeal.
 - (c) The City Council will render its decision by resolution. A decision to reverse or modify the Zoning Administrator's decision, in whole or in part, shall be adopted by at least a two-thirds ($\frac{2}{3}$) vote of the whole Council.
 - (d) The resolution to approve the appeal must contain the same findings required to be made by the Zoning Administrator, supported by facts in the record.
 - (e) If the City Council determines that the Zoning Administrator's decision impairs the constitutional rights of any person, then it shall modify the action accordingly, or remand the matter back to the Zoning Administrator for further action.

H. Modification of Decision

1. Any administrative nuisance abatement decision made pursuant to this Chapter, Chapter I, any conditions imposed by that decision, or any decisions on a discretionary zoning approval pursuant to this Section may be modified pursuant to the provisions of this Subsection.
2. Upon application by the business operator, property owner, or lessee(s), the Zoning Administrator may modify or eliminate the conditions of a prior decision.
3. An application may be considered if:
 - (a) a time period of at least 1 year has passed from the date the conditions were originally imposed; or
 - (b) there have been substantial changes in the nature and operation of the land use or discretionary zoning approval; or
 - (c) there has been a change in circumstances such that continued enforcement of the previously imposed conditions is no longer reasonable or necessary.
4. An application shall be set for public hearing. The Zoning Administrator may grant or deny the requested application, or modify the prior decision, including imposing new or different substitute conditions as the Zoning Administrator deems appropriate.
5. No modification shall be approved pursuant to this subsection unless the Zoning Administrator finds each of the following:
 - (a) that the requirements for consideration of the application under this subsection have been met; and
 - (b) that due consideration has been given to the effects of the modification on surrounding properties.
6. An appeal from the decision of the Zoning Administrator may be taken to the Council in the same manner as prescribed in Subsection G. of this Section.
7. When the Zoning Administrator orders the discontinuance or revocation of a land use or discretionary zoning approval and the applicant files for re-instatement of the land use pursuant to this subsection, the Zoning Administrator may re-instate the land use if all findings of this subsection are met. The applicant will not be issued a new certificate of occupancy.
8. Subsequent applications for reconsideration may be filed in accordance with this subsection. If the application is denied with prejudice, a subsequent application for reconsideration shall not be filed within 1 year from the reconsideration decision date, and then only if a property owner, business operator or lessee(s) shows that the circumstances involving the land use or

discretionary zoning approval have substantially and materially changed since the last reconsideration.

I. Revocations of Residential Uses

(a) Applicability. This subsection applies to all single-family and multi-family residential uses, including residential hotels as defined in LAMC 47.73 T. This Subsection does not apply to hotels or motels that are not residential hotels. Nothing in this Section or Section 91.9001 et seq. of this Code supersedes or abrogates the rights of tenants provided by State statute or by the Los Angeles Housing Code and Rent Stabilization Ordinance, or by any other provision of this Code.

(b) Process. The Zoning Administrator, as the initial decision maker, or the Council on appeal, shall ask the City Attorney to initiate the process of having the residential use placed in receivership pursuant to California Civil Code Section 3479 and Code of Civil Procedure Section 564(b)(9), upon finding that:

- (1)** prior governmental efforts to cause the owner or operator to eliminate the problems associated with the land use or discretionary zoning approval have failed (examples include formal action, such as citations, orders or hearings by the Police Department, Department of Building and Safety, Housing and Community Investment Department, a Zoning Administrator, the City Planning Commission, or any other governmental agency); and
- (2)** that the owner or operator has failed to demonstrate, to the satisfaction of the Zoning Administrator, the willingness or ability to eliminate the problems associated with the land use or discretionary zoning approval.

(c) Remedies. If the residential use is not placed in receivership and the Zoning Administrator, as the initial decision maker, or the Council on appeal, discontinues or revokes the land use or discretionary zoning approval, resulting in the displacement of tenants, the following provisions apply:

- (1)** The Housing and Community Investment Department shall identify each tenant who was displaced and is eligible for relocation assistance, and shall issue an order requiring the owner to pay relocation benefits in the amounts specified in LAMC Section 151.09 G.
- (2)** If the owner fails to pay relocation benefits to an eligible tenant as required by this subsection:
 - (i)** the Housing and Community Investment Department may advance relocation benefits to the tenant in the amount set forth in LAMC Section 151.09 G, and
 - (ii)** the owner is liable to the City for any relocation payments advanced, and the Housing and Community Investment Department may obtain a lien upon the property pursuant to Los

Angeles Administrative Code Section 7.35.3 to recover the amount advanced and associated costs.

- (3) Relocation benefits are not payable to any tenant who has caused or substantially contributed to the condition giving rise to an order to vacate issued pursuant to Section 91.9003.1 of this Code. The Zoning Administrator shall determine whether a tenant has caused or substantially contributed to the condition giving rise to the order to vacate.
- (4) The Housing and Community Investment Department shall inform each eligible tenant of their right to re-rent the same unit, or comparable unit, if the owner, or subsequent owner, re-establishes the residential use. The Housing and Community Investment Department shall inform the eligible tenant that they must advise the owner in writing of their interest in re-renting and must provide the owner with an address to which the owner can direct an offer.
- (5) When the residential use is re-established, the accommodations shall be offered, and rented or leased at the lawful rent in effect at the time the residential use was discontinued or revoked, plus annual adjustments available under Section 151.06 of this Code.

The Zoning Administrator's determination or the Council's action shall include the provisions of this subsection and shall be recorded as a covenant with the Office of the County Recorder.

Division 13.9. Miscellaneous/General Administration

Sec. 13.9.01 Interpretation of Zoning Code

A. Applicability

1. The Zoning Administrator may interpret the Zoning Code when there is a lack of clarity in the meaning its regulations.
2. The Zoning Administrator may:
 - (a) determine that a use not specifically listed in this Code is permitted in a zone, when in his or her judgment, the other uses are similar to and no more objectionable to the public welfare than those listed; or
 - (b) interpret the Zoning Code when the meaning of a regulation is not clear, either in general or as it applies to a specific property or situation; or
 - (c) adopt general interpretations determining the application of the Zoning Code.

B. Initiation

1. **General.** The Zoning Administrator may consider an Interpretation on its own initiative, or in response to an application (see Subdivision 2 below).
2. **Site Specific Interpretation**
 - (a) Any City resident or person or entity with a legal or equitable interest in property in the City may initiate an interpretation relating to the application of the Zoning Code to their property by filing an application with the Department.
 - (b) The Zoning Administrator is not legally obligated to consider a zoning interpretation. The Zoning Administrator shall notify the Department to proceed with completeness review if upon deciding to consider a zoning interpretation. The Zoning Administrator will notify the applicant if no interpretation is needed, and the interpretation will not undergo completeness review.

C. Notice of Public Hearing

No notice is required.

D. Decision

1. **Decision Maker.** The Zoning Administrator is the initial decision maker for an Interpretation.
2. **Decision.** If the Interpretation is initiated by application:
 - (a) The Zoning Administrator shall make a determination within 75 working days after a complete application is filed.

(b) If the Zoning Administrator fails to make a timely decision relating to a site specific zoning interpretation, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Sec. 13.2.06.

3. **Transmittal.** The Zoning Administrator shall transmit a copy of the Interpretation to the applicant and interested parties.

E. Standards for Review and Required Findings

1. In rendering an interpretation, the Zoning Administrator and City or Area Planning Commission on appeal will consider:
 - (a) any General Plan, community plan, or Specific Plan policies that relate to the regulation subject to interpretation, and
 - (b) the purpose statements or other official city policies relating to the regulation,
 - (c) the context of the regulation and its relationship to similar regulations, and
 - (d) any other factors bearing on the interpretation of local ordinances under California law.
2. The Zoning Code shall not be interpreted to permit a use in a zone when that use is specifically listed as first permitted in a less restrictive zone.

F. Appeals

1. **Decision Maker.** The Area Planning Commission is the appellate decision maker on site specific Zoning Code interpretations. The City Planning Commission is the appellate decision maker for interpretations of general applicability.
2. **Filing.** An applicant or any other person aggrieved by the decision may file an appeal.
3. **Appellate Decision**
 - (a) The City or Area Planning Commission shall render its decision within 75 days from the last day of the appeal period.
 - (b) The City or Area Planning Commission may reverse or modify, in whole or in part, a decision of the Director, and may issue its own interpretation of the Zoning Code.

G. Scope of Decision

After the decision is transmitted, the City commissions, agencies and officials will apply the interpretation unless it is reversed by Charter amendment, ordinance, statutory amendment, or a final, binding decision by a court of law.

H. Modification of Entitlement

1. An Interpretation is considered binding unless:

- (a)** It is overruled by a subsequent Interpretation, or
 - (b)** It is reversed by Charter amendment, ordinance, statutory amendment, or a final, binding decision by a court of law.
- 2.** The Zoning Administrator may refuse to accept applications for a different interpretation of the same plan or Zoning Code provision until the plan policies or Zoning Code provisions are amended.

Division 13.10. Division of Land

Sec. 13.10.01 General Provisions for Division of Land Processes

A. Purpose

1. The purpose of this Division is to process requests for the division of land, within the City of Los Angeles, to provide for the dedication of land, the payment of fees in lieu thereof, or a combination of both, for the acquisition and development of park and recreation sites and facilities to serve the future inhabitants of the subdivision, and to supplement the provisions of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, and the form and content of Tentative Maps and Final Maps.
2. The established procedures to be followed in securing the official approval of the City of Los Angeles on such maps must be done pursuant to Division 13.10 (Division of Land) of Chapter IA of the LAMC, in a manner that is consistent with the applicable general and specific plans as well as the public health, safety and welfare.
3. It is also the intention of this article that the subdividing of land in the City of Los Angeles be done in accordance with the grading regulations of the City contained and set forth in Article 1 of Chapter IX of this Code and to establish when possible beauty and attractiveness in the hills consistent with watershed drainage, erosion and fire control requirements, and good engineering practices.

B. General Provisions

1. The processes in this Division are subject to the Division of Land regulations in Article 7 of Chapter I.
2. **Extension of Time.** Any of the time limits specified in this section may be extended by mutual consent of the subdivider and the Advisory Agency, the Appeal Board or the City Council, as the case may be.
3. **Interpretation.** This Division and Article 7 of Chapter I shall not be interpreted or construed to invalidate any previous act on the part of the City approving or authorizing private streets, or authorizing the issuance of building permits for structures on lots served by private streets.
4. The General Manager of the Department of Recreation and Parks shall submit a report to the Advisory Agency respecting each application for subdivision approval. Said report shall contain recommendations, approved by the Board of Recreation and Park Commissioners, specifying the land to be dedicated, the payment of fees in lieu thereof, or a combination of both for the acquisition and development of park or recreational sites and facilities to serve the future inhabitants of such subdivision, all in accordance with the limitations specified in Sec. 17.12 of Chapter I. To the extent possible, the report shall also specify when the development of the park or recreational facilities will be commenced.

Sec. 13.10.02 Parcel Map Exemption/Lot Line Adjustment

Reference: California Government Code Sec. 66412 (lot line adjustment)

A. Applicability

This Section establishes a process to exempt Parcel Map regulations in 2 situations:

1. Land divisions that are exempt from Parcel Map review by state law, and
2. Lot Line Adjustments.

B. Initiation

A Parcel Map Exemption is initiated by filing an application with the Department.

C. Notice of Public Hearing

No notice is required.

D. Decision

1. The Advisory Agency shall review the application and approve or deny or Lot Line Adjustment.
2. The Advisory Agency shall transmit the decision to the applicant and all persons to whom notification of the preliminary Parcel Map is required by law.

E. Standards for Review and Required Findings

1. The Advisory Agency or Area Planning Commission (on appeal) may determine that a Lot Line Adjustment is exempt from the parcel map regulations if all the following conditions exist:
 - (a) A Lot Line Adjustment is made between 4 or fewer existing adjoining lots or parcels and the land taken from one lot or parcel is added to an adjoining lot or parcel;
 - (b) The resulting number of lots or parcels remains the same or decreases; and
 - (c) The parcels or lots resulting from the Lot Line Adjustment will conform to the local General Plan, any applicable coastal plan, and zoning and building ordinances.

F. Scope of Decision

An approved Lot Line Adjustment does not expire. The approval is effective unless the applicant chooses to divide its property in a way that requires further subdivision review.

G. Appeals

There is no appeal.

H. Modification of Entitlement

No modification is available.

Sec. 13.10.03 Tentative Tract Map

A. Applicability

1. Tentative Maps

- (a) This Section applies to Tentative Maps. A “Tentative Map” is a map made to show the design of a proposed subdivision creating 5 or more parcels, 5 or more condominiums, or 5 or more units in a community apartment project or stock cooperative, and showing the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.
- (b) A Tentative Map (but not a Final Map) is required for a subdivision of 5 or more parcels that is subject to the exceptions in Subdivisions (a), (b), (c) and (d) of Section 66426 of the Subdivision Map Act.

2. Subdivision of Air Space. The Advisory Agency is authorized to approve, conditionally approve or disapprove a Preliminary Parcel Map or a Tentative Tract Map showing one or more air space lots (as defined in Sec. 12.03 of this Code), if the air space lots are created in accordance with the provisions of Chapter I, Article 7 of this Code.

3. Reversion to Acreage

- (a) A Tentative Tract Map shall be filed under this Section before reverting previously subdivided land to acreage.
- (b) A Final Parcel Map may be recorded in lieu of a Final Tract Map, if the property involved originally consisted of 4 or fewer parcels or condominium units or if the project meets the exception criteria of Section 66426 of the State Government Code and Sec. 13.10.02A of the Zoning Code and this Subsection. Except as provided in Government Code Section 66445(e), a certificate shall appear signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map.
- (c) Maps recorded solely for the purpose of combining portions of vacated streets with adjoining lots shall be treated in procedure as Reversion to Acreage Maps.

B. Initiation

- 1. An application to approve a Tentative Tract Map, Vesting Tentative Map, Subdivision of Air Space Lots, or Reversion to Acreage is initiated by filing an application, including all required materials, with the Department.
- 2. An application for Tentative Tract Map or Vesting Tentative Map approval shall include written verification of the early consultation required by Sec. 12.33. C.1.

C. Notice of Public Hearing

1. Tentative Tract Map Initial Decision

The following notice shall be provided prior to a public hearing by the Advisory Agency on a Tentative Tract Map or Preliminary Parcel Map pursuant to this Section:

Notice	When	Where/To Whom/Additional Requirements
Mail	10 days	<ul style="list-style-type: none"> Owners and all residential, commercial, and industrial occupants of all property located within 500 feet of the proposed subdivision, as provided by the subdivider.
Posting	10 days	<ul style="list-style-type: none"> the applicant will post notice in a conspicuous place on the property

2. Condominium and Stock Cooperative Notice

(a) The following provisions apply only to cases where property is proposed for subdivision into condominiums, stock cooperatives or community apartments, whether by new construction or by conversion of an existing building. In these cases, notice to tenants shall be given as provided in this Subsection. These provisions are in addition to other notice provisions of the Municipal Code.

(b) The Department of City Planning shall give notice of any public hearings before the Advisory Agency on a Tentative Map, as follows:

Notice	When	Where/To Whom/Additional Requirements
Mail	15 days	<ul style="list-style-type: none"> In addition to the notice provided in Subdivision 1 above, all names shown on a current list of tenants of the property proposed for subdivision. The subdivider shall provide the current list, which shall include the name and address of one tenant in each rental unit on the property.

(c) The subdivider shall give written notice of any subdivision approval to at least one tenant in each rental unit on the property within 30 days of the approval. The subdivider or record owner of the property for which a subdivision application is pending or approved shall give notice of that fact to any prospective tenant of the property before entering into any written or oral rental agreement with the prospective tenant. This subsection may be enforced through Tentative Map or Preliminary Parcel Map condition or a covenant running with the land.

3. Appeals

The following notice shall be provided prior to a public hearing by the Appeal Board or City Council on appeal of a Tentative Tract Map or Preliminary Parcel Map pursuant to this Section:

Notice	When	Where/To Whom/Additional Requirements
Mail	As required by state law	<ul style="list-style-type: none"> Subdivider Appellant Advisory Agency Appeal Board (on appeal to the City Council)

D. Decision

1. Tentative Tract Map

(a) The Subdivision Committee shall examine the map and property, and submit their reports and recommendations to the Advisory Agency, as follows:

- (1) The reports must be submitted in writing.
- (2) The reports shall be made within 39 calendar days after the map is filed. The Advisory Agency may extend this time period.
- (3) The Subdivision Committee shall submit copies of their reports to the subdivider when they are submitted to the Advisor. This requirement is complied with when the reports or recommendations are mailed. Failure of any member of the committee to submit a timely report in writing is construed as indicating that the member has no recommendation to submit concerning the Tentative Map.

(b) Action of Advisory Agency

- (1) The Advisory Agency shall conduct a public hearing and approve, conditionally approve or disapprove the Tentative Tract Map within 50 calendar days after the Map is filed with the City.
- (2) When the Advisory Agency takes action on the Tentative Tract Map:
 - (i) The Advisory Agency shall report its action in writing directly to the subdivider and a copy of the Tentative Map showing the action taken by the Advisory Agency on it shall be returned to the subdivider.
 - (ii) The City Engineer and the Department of Transportation shall be notified of the Advisory Agency's action.

2. Dedication. The Advisory Agency may approve the proposed tentative tract map or Preliminary Parcel Map subject to the following conditions (to the satisfaction of the City Engineer):

- (a) That an offer be made to dedicate such land as is necessary for street or alley purposes in compliance with the applicable street and alley design standards established in Sec. 17.05 of this Code and necessary storm drain easements, sanitary sewer easements and slope easements.
- (b) The offer shall be properly executed by all parties having a record interest in the land including beneficiaries under deeds of trust as shown by a current preliminary title report prepared by a title company approved by the City Engineer for that purpose. The trustee under the deed of trust is not required to execute the dedicatory instrument, unless (in the

view of the City Engineer) that execution is necessary to satisfactorily dedicate the land. This report shall:

- (1) be on a form approved by the City Attorney and the City Engineer;
 - (2) bind the owner, and its heirs, assigns or successors in interest; and
 - (3) continue until the City Council accepts or rejects it.
- (c) The offer shall provide that the dedication is complete upon acceptance by the City Council.
- (d) The City Engineer or a designated deputy shall approve or disapprove the offer for recordation within 10 days after it is filed with the City Engineer.
- (e) The offer shall be recorded by the City Engineer in the Office of the County Recorder upon its approval by the City Engineer or their deputy.
- (f) If the streets, alleys and easements offered for dedication are required for immediate public use as streets, alleys and easements, a resolution of acceptance shall be submitted to the City Council concurrent with the final Parcel Map in order to complete the dedication. Offers to dedicate which are not required for immediate public use will be retained by the City until acceptance for public use occurs.
- (g) If an offer is rejected by the City Council, the City Engineer shall issue a release from the offer which shall be recorded in the office of the County Recorder.

E. Standards for Review and Required Findings

1. **Tentative Map.** The Advisory Agency may disapprove a Tentative Map because of flood hazard, inundation, lack of adequate access, lack of adequate water supply or fire protection, insufficient sewerage facilities, potentially hazardous geological conditions or non-compliance with the requirements of this Code, the Subdivision Map Act, or the standards, rules or regulations adopted by the Commission pursuant to Sec. 17.05 this Code.

Reference: California Government Code § 66474.61 (findings requiring denial of map approval for cities with population exceeding 2,800,000)

2. Air Space Lots

- (a) The Advisory Agency shall require, as a condition of approval of any Tentative Tract Map or Preliminary Parcel Map showing one or more air space lots, that the Final Map or Parcel Map showing such air space lots be based upon a site plan which accurately describes the location of those lots.
- (b) After recordation of such map and upon construction of the buildings or structures within the air space lots, if it is determined by the Department of Building and Safety that there are minor discrepancies between the site plan and the actual physical location of the air space lots in such buildings or structures, lot lines for the air space lots may be adjusted as

- necessary through the parcel map exemption procedure set forth in Sec. 13.10.02. (Parcel Map Exemption/Lot Line Adjustment).
3. **Reversion to Acreage.** Subdivided real property may be reverted to acreage only if the City Council finds that:
- (a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and
 - (b) Either:
 - (1) All owners of an interest in the property within the subdivision have consented to reversion; or
 - (2) None of the improvements required to be made have been within 2 years from the date the final or parcel map was filed for record, or within the time allowed by agreement with the City Engineer for completion of the improvements, whichever is the later; or
 - (3) No lots shown on the final or parcel map have been sold within 5 years from the date the map was filed for record.
 - (c) As conditions of reversion the City Council shall require:
 - (1) Dedications or offers of dedications necessary following reversion;
 - (2) Retention of all previously paid fees necessary to accomplish the purposes of this Code;
 - (3) Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this Code.
 - (d) After approval of the reversion by the City Council, the Final Map or Parcel Map shall be delivered to the county recorder. The filing of the Final Tract Map or Parcel Map shall constitute legal reversion to acreage of the land affected thereby and shall also constitute abandonment of all streets and easements not shown on the map.
4. **Public Health or Safety.** The Advisory Agency may not waive any mandatory requirements relating to public health or safety recommended by other officials or departments in the exercise of their duties prescribed by law.

F. Scope of Decision

1. Tentative Tract Map

- (a) **Model Dwellings.** When the Advisory Agency approves or conditionally approves a Tentative Map, it may also designate certain lots or proposed buildings, whether existing

or to be constructed on a lot shown on said map, as sites for the construction of model dwellings. The Advisory Agency is authorized to designate said sites only if it determines that they comply, or can be made to comply with the design standards for sites for model dwellings as hereinafter set forth in Section 17.05 of this Code.

(b) Condition Consistency. If the final decision maker imposes a condition as part of an action on a related application that differs from a condition of approval on a Tentative Tract Map, then the Advisory Agency shall have the authority to make the Tract Map conditions consistent with the final decision maker's action.

(c) Small Lot Subdivision Building Permit

- (1)** The Department of Building and Safety may issue a building permit for a small lot subdivision if the applicant for the permit has received a vesting Tentative Tract Map approval or Preliminary Parcel Map approval for the project and has submitted proof to the satisfaction of the Department of Building and Safety that a covenant and agreement has been recorded.
- (2)** This covenant and agreement shall state that the applicant and the applicant's successors and assignees agree that the building permit is issued on the condition that a certificate of occupancy (temporary or final) for the building cannot be issued until after the final map has been recorded.
- (3)** The Department of Building and Safety shall then issue the building permit based upon the approved Tentative or Preliminary Map and its conditions of approval. The dedication, improvement, and sewer requirements identified in the approved Tentative or Preliminary Map or its conditions of approval must be guaranteed to the satisfaction of the Bureau of Engineering at the time of building permit issuance.
- (4)** Projects with the following features are not eligible to receive building permits prior to the recordation of a final map: off-site common access or a street or alley vacation or merger.

(d) Final Map Filed. After the Tentative Map is approved, the applicant may file a Final Map and submit offers of dedication.

(e) Parcel Map. After a Tentative Map is approved for a land division subject to Subsection A.1 (b) of this Section, the applicant must obtain approval of and record a final Parcel Map.

(f) Time Limit

- (1)** Within 36 months after the approval or conditional approval of the Tentative Map, the subdivider shall cause the proposed subdivision to be accurately surveyed and a Final Map prepared and filed with the City Engineer. The failure of a subdivider to file a map with the City Engineer within that period and to have the map submitted by the

City Engineer to the City Council within the specified time limit shall automatically terminate and void the proceedings unless the time is extended by the Advisory Agency, the Appeal Board, or the City Council upon appeal from a denial of the extension by the Advisory Agency. The appeal shall follow the time limits and procedures set forth in Subsection G.

(2) The time limit for filing the Final Map with the City Engineer and submittal by the City Engineer of the Final Map to the City Council may be extended for a period or periods not exceeding a total of 72 months.

(3) **Exception.** The term of a Tentative Map approval shall be automatically extended pursuant to the provisions of California Governmental Code Sections 66452.21, 66452.22, and 66452.23, and any other current or future provision of the Subdivision Map Act that operates to extend the term of a Tentative Map approval.

Note: see California Government Code § 66452.6, 66452.21, 66452.22, and 66452.23.

2. **Air Space Lots.** After the map is recorded and buildings or structures are constructed within the air space lots, if it is determined by the Department of Building and Safety that there are minor discrepancies between the site plan and the actual physical location of the air space lots in the buildings or structures, lot lines for the air space lots may be adjusted as necessary through the Parcel Map Exemption procedure set forth in Sec. 13.10.02.
3. **Reversion to Acreage.** After approval of the reversion by the City Council, the Final Map or Parcel Map shall be delivered to the County Recorder. The filing of the Final Tract Map or Parcel Map shall constitute abandonment of all streets and easements not shown on the map.

G. Appeals

1. **Decision Maker.** The Appeal Board and City Council are the appellate decision makers.

2. Appeal Board

- (a) Appeals to the Appeal Board shall be filed in duplicate, in a public office of the Department of City Planning on forms provided for that purpose within ten days of the date of mailing of the written decision of the Advisory Agency and shall be accompanied by the fee required in Section 19.02 of this Code. No appeal shall be considered filed until the form has been properly completed and all information required by it has been submitted. The completed appeal form and file shall then immediately be transmitted to the Appeal Board Secretary for a public hearing before the Appeal Board.
- (b) **Who May File.** The subdivider, the Mayor, any member of the City Council, or any other interested person adversely affected by the proposed subdivision may appeal any action of the Advisory Agency with respect to the tentative map or the kind, nature or extent of the improvement required to the Appeal Board.

- (c) **Commencement of Hearing.** The Appeal Board, upon notice to the subdivider, the appellant and the Advisory Agency, shall hear the appeal within 30 days after it is filed, unless the time to act is extended by mutual agreement.
- (d) **Hearing.** At the time established for the hearing, the Appeal Board shall hear the testimony of the subdivider, the appellant, the Advisory Agency and any witnesses on their behalf. The Appeal Board may also hear the testimony of other persons with respect to the character of the neighborhood in which the subdivision is to be located, the kind, nature and extent of improvements, the quality or kinds of development to which the area is best adapted or any other phase of the matter into which the Appeal Board may desire to inquire.
- (e) **Decision**
 - (1) **Time to Act.** Upon conclusion of the hearing, the Appeal Board shall within 10 days render its decision on the appeal based upon the testimony and documents produced before it.
 - (2) **Action.** The Appeal Board may sustain, modify, reject or overrule any recommendations or ruling of the Advisory Agency, and shall make findings consistent with the provisions of this article and the Subdivision Map Act.
 - (3) **Failure to Act.** Failure to timely act is deemed a denial of the appeal. The decision from which the appeal was taken shall be deemed affirmed and an appeal may be filed and taken to the City Council.

3. City Council

- (a) Appeals to the City Council shall be filed in duplicate, in a public office of the Department of City Planning on the forms provided for that purpose within 10 days of the date of mailing of the written decision of the Appeal Board and shall be accompanied by the fee required in Section 19.02 of this Code. No appeal shall be considered filed until the form has been properly completed and all information required by it has been submitted. The completed appeal form and file shall then immediately be transmitted to the City Clerk for a public hearing before the City Council.
- (b) **Who May File.** The subdivider, the Mayor, any member of the City Council, the Advisory Agency, or any other interested person adversely affected by the proposed subdivision may appeal any action of the Appeal Board to the City Council.
- (c) **Commencement of Hearing.** The City Council shall hear the appeal within 30 days after it is filed, unless the time to act is extended by mutual agreement.
- (d) **Hearing.** At the time established for the hearing, the Council or its Committee shall hear the testimony of the subdivider, the appellant, the Advisory Agency and any witnesses on their behalf. The City Council may also hear the testimony of other competent persons

with respect to the character of the neighborhood in which the subdivision is to be located, the kind, nature and extent of improvements, the quality or kinds of development to which the area is best adapted or any other phase of the matter into which the City Council may desire to inquire.

(e) Decision

- (1) Time to Act.** Upon conclusion of the hearing, the City Council shall within 10 days render its decision on the appeal based upon the testimony and documents produced before it. Failure to timely act is deemed a denial of the appeal.
- (2) Action.** The City Council may sustain, modify, reject or overrule any recommendations or ruling of the Appeal Board, and shall make findings consistent with the provisions of this article and the Subdivision Map Act.
- (3) Failure to Act.** Failure to timely act is deemed a denial of the appeal. The decision from which the appeal was taken shall be deemed affirmed. It shall be the duty of the City Clerk to issue the decision.

Note: see Cal. Government Code § 66452.5.

H. Modification of Entitlement

1. The Advisory Agency may grant modifications to any of the provisions of this Article or Article 7 of Chapter I on its own initiative or upon recommendation of any member of the Subdivision Committee whenever the property to be divided is of such size or shape, is subject to such title limitations of record, is affected by such topographical location or subsurface or topographical conditions, is to be devoted to such use, is subject to such regulation by the provisions of Article 1 of Chapter I that it is impractical to conform to the strict application of the requirements of this article.
2. Such modification may be made by the Advisory Agency prior to its action on the Tentative Map without specific or written application therefore by the subdivider.
3. After the Tentative Map has been acted upon by the Advisory Agency, however, no such modification may be granted by the Advisory Agency except upon compliance with the following requirements:
 - (a)** A request for modification shall be submitted by the subdivider in writing, setting forth the facts relied upon.
 - (b)** Such request shall clearly indicate that the modification is reasonably necessary and is in conformity with the spirit and intent of this article and the Subdivision Map Act.
4. The actions of the Advisory Agency on a request for a modification after approval of the Tentative Map may be appealed in the same manner and subject to the same restrictions which apply to appeals from the action of the Advisory Agency on Tentative Maps. However,

in no event shall such appeals be construed as extending the time limit within which to record a Final Map.

5. When the Advisory Agency disapproves a Tentative Map, it may subsequently approve a new Tentative Map for the same property if it determines that arrangements are included to correct the conditions that caused the original disapproval, within the time limits specified in Subsection F above.

I. Vesting Tentative Map

1. **Applicability.** Whenever the Subdivision Map Act requires a Tentative Map to be filed, the applicant may choose to file a Vesting Tentative Map instead. The City shall not require the filing of a Vesting Tentative Map as a prerequisite to any approval for any proposed subdivision, permit for construction or work preparatory to construction.
2. **Filing an Application**
 - (a) A Vesting Tentative Map shall be filed on the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this article for a Tentative Map except as hereinafter provided. At the time a Vesting Tentative Map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map". If it is known at the time of filing that an additional approval (such as a variance or coastal development permit) is necessary, the application for such additional approval shall be filed prior to or simultaneously with the vesting tentative map.
 - (b) At the time a Vesting Tentative Map is filed, a subdivider shall provide all information required in connection with the filing of a tentative map by this Code, including the information required by Section 17.06 B and C. Where the proposed subdivision is in a designated Hillside area, the Advisory Agency shall require the filing of a proposed grading plan pursuant to Section 17.05 L and may not waive the requirement to file preliminary soils report pursuant to Section 17.05U. A subdivider shall also indicate whether the proposed subdivision is in the vicinity of the Mulholland Scenic Parkway and the dedication of land for such purposes may be necessary. In addition, if design review of the proposed subdivision is required by the applicable community or district plan or by a specific plan, the subdivider shall provide the information necessary for such review. The plan of building envelope shall be submitted, showing the height, size, number of units and approximate location of buildings, driveways and any proposed exterior garden walls.
3. **Expiration.** The approval or conditional approval of a Vesting Tentative Map expires at the end of the same time period, and is subject to the same extensions established by Subsection F of this Section for the expiration and extension of the approval or conditional approval of a Tentative Map.
4. **Development Rights**

- (a) The approval or conditional approval of a Vesting Tentative Map shall confer:
- (1) a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect on the date the application is deemed complete, and
 - (2) with the conditions of approval imposed and specifically enumerated by the Director, including the submittal of a detailed grading plan under an approved grading permit prior to recordation of the Final Map.
- (b) These development rights do not include exemptions from subsequent changes in the Building and Safety and Fire regulations (Chapters V and IX of the Los Angeles Municipal Code) and policies and related standards.
- (c) A permit, approval, extension or entitlement of a Vesting Tentative Map may be conditioned or denied if the Advisory Agency, or the Appeal Board on appeal, determines:
- (1) A failure to do so would place the occupants of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or
 - (2) The condition or denial is required in order to comply with state or federal law.
- (d) The rights conferred by a map approved or conditionally approved pursuant to this Section expire if a Final Map is not recorded prior to the expiration of the Vesting Tentative Map as provided in Subsection I.3 of this Section. If the Final Map is recorded, the rights conferred by this Section are effective for the following time periods:
- (1) An initial time period of 2 years beyond the recording of the Final Map. Where several Final Maps are recorded on various phases of a project covered by a single Vesting Tentative Map, this initial time period begins for each phase when the Final Map for the phase is recorded.
Note: see California Government Code § 66498.5.
 - (2) The initial time period set forth in Subparagraph (1) above is automatically extended by any time used thereafter by the City to process a complete application for a grading permit or for design or architectural review, if that time exceeds 30 days, from the date a complete application for that permit or review is filed.
 - (3) A subdivider may apply to the Advisory Agency for a one-year extension at any time before expiration of the initial time period set forth in Subparagraph (1) of this subdivision. Denial of the time extension may be appealed to the City Council within 15 days by the subdivider.

- (4) If the subdivider submits a complete application for a building permit during the periods of time specified in Subparagraphs (1)-(3) above, the rights conferred by this Section continue until that permit expires.
- (e) Consistent with Paragraphs (a) and (b) above, an approved or conditionally approved Vesting Tentative Map does not limit the City from imposing reasonable conditions on subsequently required approvals or permits necessary for the development and authorized by the ordinances, policies, and standards described in Paragraphs (a) and (b) above.
- (f) If the ordinances, policies, or standards described in this Paragraphs (a) and (b) above are changed subsequent to the approval or conditional approval of a Vesting Tentative Map:
 - (1) the subdivider, prior to the expiration of the vesting tentative map, may apply for an amendment to the vesting tentative map to secure a vested right to proceed with the changed ordinances, policies, or standards.
 - (2) An application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.

5. Development Inconsistent with Zoning – Conditional Approval

- (a) Whenever a subdivider files a Vesting Tentative Map for a subdivision whose intended development is inconsistent with the Zoning Code in existence at that time, that inconsistency shall be noted on the map.
- (b) The City may deny the Vesting Tentative Map or approve it conditioned on the subdivider obtaining the necessary change in the Zoning Code to eliminate the inconsistency. If the change in the Zoning Code is obtained, the approved or conditionally approved Vesting Tentative Map shall confer the vested right to proceed with the development (superseding Paragraphs (a) and (b) above) in substantial compliance with the change in the Zoning Code as approved.
- (c) The rights conferred by this Subdivision continue for the time periods set forth in Subsection I.4 (d).

Sec. 13.10.04 Final Tract Map

A. Applicability

This Section applies to:

1. The approval of a Final Map after a Tentative Tract Map is approved, and
2. Offer and acceptance of dedication when the Advisory Agency determines that a Tentative Tract Map or Preliminary Parcel Map complies with all of the provisions of this Division, but that street or alley dedications or improvements, storm drain easements, sanitary sewer easements or slope easements are necessary, or that grading or construction of an engineered retaining structure as specified in this Section is necessary.

B. Initiation

1. A Final Map shall be prepared and filed with the City Engineer in compliance with the provisions of this Article.
2. When a Final Map covers only a portion of the property shown on the Tentative Map, it shall be submitted to the Advisory Agency for its approval prior to submission to the City Engineer.

C. Notice of Public Hearing

No notice is required.

D. Decision

1. **Decision Maker.** The decision maker for a Final Map or Dedication is the City Council.
2. City Engineer Certification
 - (a) In addition to the certificates required by the Subdivision Map Act, the City Engineer shall certify that the subdivision substantially conforms to the approved Tentative Map, and the required public improvements have been installed or agreed to be installed.
 - (b) If any portion of a subdivision is located in a hillside area, it shall not be certified by the City Engineer until the Superintendent of Building submits a report that the hillside area is or will be graded in accordance with approved plans as required by Article 1 of Chapter IX of the Municipal Code, and that the applicant has entered into an agreement to provide the necessary grading.
3. Park and Recreation Sites
 - (a) If the Advisory Agency has required dedication of the land for park and recreation sites as a condition of approval of a Tentative Map, the City Engineer shall not certify the Final Map to the City Council unless it includes an offer of dedication for the required land.

(b) The offer of dedication may be by separate instrument.

4. **City Council Acceptance.** After the City Engineer certifies the Final Map in any offers of dedication, the City Council will approve or disapprove the Final Map in accordance with Government Code § 66458.

E. Standards For Review and Required Findings

1. Final Maps shall conform substantially to the approved Tentative Map.
2. **Dedication.** The City Council may accept dedication subject to the following standards:
 - (a) That all required improvements are constructed and installed to the satisfaction of the City Engineer, or that construction and installation of such improvements are guaranteed in accordance with Sec. 17.08 G of this Code.
 - (1) The improvements are limited to grading and the installation of local drainage and sewer facilities, curbs, gutters, sidewalks, street lights, street trees and roadway surfacing.
 - (2) The City Engineer may also require other incidental improvements that are essential to the proper installation of the required public street or alley improvements. All of those improvements shall be graded and improved in accordance with plans approved by the City Engineer.
 - (3) When the conditions of approval of the Tentative Tract Map or Preliminary Parcel Map specify that improvements are required to be constructed prior to the grant of any development right, no building permit shall be issued until the improvements are constructed or suitably guaranteed in accordance with Section 17.08 G of this Code.
 - (b) If grading or construction of an engineered retaining structure is required by the Director to remove potential geologic hazards, the grading or construction will be completed or guaranteed to the satisfaction of the City Engineer and/or the Superintendent of Building.
 - (c) When recommended by the Fire Department, the Advisory Agency may (as a condition of approval of the tentative tract map or preliminary Parcel Map) require the installation of fire hydrants to the satisfaction of the Fire Department.
 - (d) Upon proper application to the City Council, and upon recommendation of the City Engineer of Waterworks of the Department of Water and Power, the City may provide for contribution toward the costs of installation of water mains and hydrants necessary to comply with this subsection where that Chief Engineer determines that the cost of the installation greatly exceeds the normal charges to provide similar facilities.
3. No Final Map shall be approved nor shall it be recorded unless land within the subdivision has been dedicated to the City of Los Angeles for park or recreational purposes or the park

and recreation impact fee has been paid pursuant to Section 12.33 of the Los Angeles Municipal Code.

F. Scope of Decision

1. **Final Map.** No Final Map shall be recorded until the required improvements are installed or suitably guaranteed to be installed.
2. **Dedication.** Failure to fulfill all conditions of a conditional approval within 1 year after the date of approval automatically terminates and voids the proceedings. Upon application, prior to the expiration of the original 1-year period, the Advisory Agency may grant an extension of time for a period of up to 1 year. The Advisory Agency/s determination on an application for a time extension is subject to the appeal provision of Sec. 13.10.08 of this Code.

G. Appeals

There is no appeal.

H. Modification of Final Tract Map

1. In addition to amendments to final maps authorized by Government Code Section 66469, after a final map is filed with the Office of the County Recorder, such recorded map, including the conditions of approval thereof, may be modified pursuant to the provisions of this Section. The provisions of this Section are not applicable to certificates of correction or amending maps filed pursuant to Government Code Section 66469.
2. Applications for certificates of correction or amending maps filed pursuant to this section may be filed with the Advisory Agency. The filing and processing of such applications, including appeals, shall conform to the provisions of Sec. 13.10.03 of this Code relating to the filing and processing of modifications of tentative maps.
 - (a) In addition to such requirements, a public hearing shall be held by the Advisory Agency and 10 days notice thereof shall be published in a newspaper of general circulation and mailed to the applicant and to the owners of all property located within 500 feet of the subdivision (as shown on records of the City Engineer and on the records of the County Assessor for property located outside of the City of Los Angeles).
 - (b) Written notice shall also be mailed to residential, commercial and industrial occupants of all property, within 500 feet of the exterior boundaries of the property involved. This requirement can be met by mailing such notice to "occupant". This notice shall also conform to the requirements of Government Code Section 66451.3.
 - (c) Notice of the public hearing shall be posted, by the applicant, in a conspicuous place on the property involved at least 10 days prior to the date of the public hearing.

- (d) Consideration of and action on such applications shall be limited to the proposed modifications.
- 3. No such modification or amending map may be approved unless the Advisory Agency, or the City Planning Commission or City Council on appeal finds each of the following:
 - (a) That there are changes in circumstances which make any or all of the conditions of such map no longer appropriate or necessary;
 - (b) That the modifications do not impose any additional burden on the present fee owner of the property;
 - (c) That the modifications do not alter any right, title or interest in the real property reflected on the recorded map;
 - (d) That the map and conditions as modified conform to the provisions of Government Code Section 66474 and of this Code;
 - (e) That the decision-maker has given consideration, among other factors, to the effects of the modifications on surrounding properties.
- 4. Modifications and amending maps shall be governed by the following limitations.
 - (a) No modifications involving increases in density shall be allowed which would change the density of a subdivision as approved on appeal by the City Planning Commission or the City Council, where such density was the subject of the appeal to the City Planning Commission or the City Council.
 - (b) No condition may be modified if it was imposed as a mitigating measure identified in a mitigated or conditional negative declaration or in an Environmental Impact Report.
 - (c) Modifications involving increases in density over that originally approved by the Advisory Agency in approving the tentative map shall be limited as follows:
 - (i) For subdivision of fewer than 10 lots or dwelling units, any density increase shall be limited to one lot or dwelling unit; and
 - (ii) For subdivisions containing 10 or more lot or dwelling units, any increase shall be limited to not more than 10 percent of that originally approved.
 - (d) Modifications involving either increase in the height of structures, or in the elevation of building pads where the elevation of such pads has been specified by the Advisory Agency, shall be limited as follows:
 - (i) an increase in the height of structures of not more than 10 percent above the approved height of such structures; or

- (ii) an increase in the elevation of building pads of not more than 5 feet above the approved elevation of such pads.
 - (iii) Any such increase in height or elevation shall not obstruct the view from surrounding properties. A greater increase in the elevation of building pads may be approved if such increase has been determined to be necessary for health and safety reasons by the Department of Building and Safety.
 - (e) No modifications shall be permitted which violate the intent of any of the original conditions of the tract map approval as that intent is expressed in the findings or otherwise by the decision maker.
5. An amending map or certificate of correction shall be recorded with the Office of the County Recorder in the manner specified in Government Code Section 66472. If the modification of one or more conditions does not require an amending map or certificate of correction, the approval of the modification shall be evidenced in a letter mailed to the subdivider and made a part of the subject tract file.

Sec. 13.10.05 Preliminary Parcel Map

A. Applicability

1. Parcel Maps are required where provided by the Subdivision Map Act, unless a Parcel Map is waived as provided in Sec. 13.10.02

See California Government Code § 66426, 66428.

2. This Section also applies to preliminary Parcel Maps for the subdivision of air space lots or reversion to acreage.

3. This Section does not apply to divisions of land that are exempt from the Subdivision Map Act.

Reference: see California Government Code § 66412.

4. Waiver of Parcel Map

- (a) The Advisory Agency may waive Parcel Maps required by this Division if the proposed division of land complies with all applicable requirements established by the Subdivision Map Act (Government Code Sections 66410 et seq.) or this Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or this Code, provided that in waiving such a Parcel Map the Advisory Agency may receive a preliminary Parcel Map.
- (b) A request for a waiver of a Parcel Map shall be submitted by the subdivider in a form acceptable to the Advisory Agency. Notice of the action of the Advisory Agency upon such a request shall be given to the subdivider and to all persons to whom notification of the Preliminary Parcel Map is required by law. The Advisory Agency action on a request for a waiver of a Parcel Map may be appealed in accordance with the provisions of Section 17.54 of this Code. Provided that in overruling an Advisory Agency denial of such a request for a waiver of a Parcel Map, the Appeal Board shall make the findings required by Paragraph (a) of this Subdivision.

B. Initiation

1. A Preliminary Parcel Map, Air Space Lots Parcel Map, or Reversion is initiated by filing an application with the Department. An application for Tentative Tract Map or Vesting Tentative Map approval shall include written verification of the early consultation required by Sec. 12.33. C.1.
2. An application for Preliminary Parcel Map approval shall include written verification of the early consultation required by Sec. 12.33. C.1.

C. Notice of Public Hearing

The Advisory Agency shall provide the following notice for its public hearing:

Notice	When	Where/To Whom/Additional Requirements
Mail	10 days	<ul style="list-style-type: none">• Applicant,• Owners and all residential, commercial, and industrial occupants of all property located within 500 feet of the proposed subdivision, as provided by the subdivider.
Posting	10 days	<ul style="list-style-type: none">• the applicant will post notice in a conspicuous place on the property

D. Decision

1. **Decision Maker.** The initial decision maker on a Preliminary Parcel Map is the Advisory Agency.
2. **Public Hearing**
 - (a) Upon receipt of a complete application, the Advisory Agency shall set the matter for public hearing at which evidence shall be taken.
 - (b) The Advisory Agency may waive the public hearing required in this Subsection if the applicant submits with the application the written approval of the owners of all properties abutting, across the street or alley from, and/or having a common corner with the parcel map. A copy of the determination shall be mailed to the applicant, and to the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property and/or to all persons who have filed written requests for notice with the Advisory Agency.
3. **Processing**
 - (a) Upon receipt and acceptance of a properly prepared map, together with sufficient copies for appropriate City agencies, the Planning Department shall immediately forward copies to the City Engineer and, if in a Hillside Area, the Superintendent of Building for a report and recommendation.
 - (b) The City Engineer and the Superintendent of Building shall make their reports within 21 days after the map is transmitted to them. If a geologic and soils engineering report is required as specified in Sec. 17.51 of this Code, they shall make their reports within 35 days after the subject geologic and soils report is received.
 - (c) The Advisory Agency shall not take final action on any preliminary Parcel Map until:
 - (1) The Advisory Agency receives the City Engineer's report, and a report from the Superintendent of Building if the proposed Preliminary Parcel Map is in a Hillside Area, or
 - (2) until the expiration of the applicable period.
 - (d) A copy of the preliminary Parcel Map shall be forwarded to the Chief Engineer of the Fire Department for report and recommendation to the Director. The Chief Engineer shall

submit the report within 7 days after the map is transmitted. Said report shall indicate whether the designated areas in which buildings are to be erected on each proposed parcel or lot, as shown on said map are less than 1,000 feet from a Los Angeles City Fire Department fire hydrant, said distance to be measured along a route providing reasonable access for the laying of fire hoses in an emergency, or whether adequate alternative fire protection exists or is in the process of being provided for said parcel or lots.

4. Time Limits for Action by the Advisory Agency.

- (a) The Advisory Agency shall review and either approve, conditionally approve or disapprove the map within 30 days after map is filed, or within additional time as mutually agreed upon in writing by the applicant and the Advisory Agency. If geology and soils reports are required as specified in Sec. 17.51 of this Code, the Advisory Agency shall act within 44 days after the subject geologic and soils reports are submitted by the applicant or within additional time as mutually agreed upon in writing by the applicant and the Director.
- (b) If the Advisory Agency refers a matter back to an agency as provided for in Subsection E.2.(c) of this Section, the time limits for action by the Advisory Agency are automatically extended for 7 days.

- 5. **Approval.** The Advisory Agency shall approve the map upon determining that the proposed Parcel Map complies with all the provisions of these parcel map regulations, and no dedication or improvement is required.
- 6. **Disapproval.** If the preliminary Parcel Map is disapproved, the disapproval shall be in writing, shall set forth the reasons and clearly indicate where the proposed Parcel Map would contradict any of these regulations, and shall be transmitted to the subdivider.

E. Standards for Review and Required Findings

1. Disapproval of Maps

- (a) The preliminary Parcel Map shall comply with the Subdivision Map Act or any other applicable law of this City or State.
Reference: California Government Code § 66474.61 (findings requiring denial of map approval for cities with population exceeding 2,800,000)
- (b) The Advisory Agency may disapprove a preliminary Parcel Map if, after investigation, it is found that the map:
 - (1) does not substantially comply with the various elements of the City's General Plan, or
 - (2) does not provide street or alley dedication or improvements needed to achieve the purposes of these regulations, or

- (3) fails to provide acceptable lot design or lot sizes which closely conforms to the size of the contiguous or nearby lots on the same street, or reorients lots or parcels in a manner detrimental to adjoining properties or the surrounding neighborhood.
2. **Clarification Authority.** If the City Council imposes a condition as part of an action on a related application that differs from a condition of approval on a Preliminary Parcel Map, then the Advisory Agency may make the Parcel Map conditions consistent with the City Council action.

F. Scope of Decision

1. **General.** No building permit shall be issued, and no building or structure shall be constructed, altered or maintained on any land which has been separated in ownership or otherwise divided into 2 to 4 parcels in violation of the provisions of this Section, unless a Parcel Map is recorded in the office of the county recorder. All conditions of approval shall be completed prior to recording the Parcel Map.
2. **Modification of Requirements**
 - (a) The Advisory Agency may modify or waive any dedication or improvement requirements, if it determines such action is in the public interest.
 - (b) The Advisory Agency may modify or waive the application of the Design Standards for Streets and Alleys and the improvements required by this Section and Sec. 17.05 of this Code when it finds that their strict application would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of these regulations.
 - (c) Before approving the omission of any of the above requirements, the Advisory Agency shall refer the matter back to the agency which originally recommended the requirement, and to any other involved agency for further report, with a Statement of the reasons for its omission.
 - (d) The Advisory Agency may not waive any mandatory requirements relating to public health or safety recommended by other officials or departments in the exercise of their duties prescribed by law.
 - (e) Where the Advisory Agency elects to modify or waive requirements it shall do so within the time limit established in Subsection E.4 of this Section. The modification or waiver shall be consistent with the intent of these parcel map regulations.
3. **Small Lot Subdivision Building Permit**
 - (a) The Department of Building and Safety may issue a building permit for a small lot subdivision if the applicant for the permit has received a vesting Tentative Tract Map

- approval or Preliminary Parcel Map approval for the project and has submitted proof to the satisfaction of the Department of Building and Safety that a covenant and agreement has been recorded.
- (b) This covenant and agreement shall state that the applicant and the applicant's successors and assignees agree that the building permit is issued on the condition that a certificate of occupancy (temporary or final) for the building cannot be issued until after the final map has been recorded.
 - (c) The Department of Building and Safety shall then issue the building permit based upon the approved Tentative or Preliminary Map and its conditions of approval. The dedication, improvement, and sewer requirements identified in the approved Tentative or Preliminary Map or its conditions of approval must be guaranteed to the satisfaction of the Bureau of Engineering at the time of building permit issuance.
 - (d) Projects with the following features are not eligible to receive building permits prior to the recordation of a final map: off-site common access or a street or alley vacation or merger.
4. **Time Limit.** The preliminary Parcel Map remains effective for the time period, and to the extent provided by, assigned to tentative maps in the the Subdivision Map Act.

Note: see California Government Code § 66452.6, 66452.21, 66452.22, and 66452.23.

G. Appeals

The Director's action may be appealed in accordance with the Sec. 13.10.08 of the Zoning Code.

H. Modification of Entitlement

1. The Advisory Agency may grant slight modifications to a Preliminary Parcel Map upon its own initiative or upon a request from a subdivider.
2. The modifications may be granted where it is impractical to conform to the strict application of the requirements of this article for one or more of the following reasons relating to the property:
 - (a) its size or shape;
 - (b) title limitations of record;
 - (c) topographical location or conditions, or subsurface conditions;
 - (d) the specific intended use; or
 - (e) the application of provisions of the Zoning Code.
3. A request for slight modification shall be submitted in a form acceptable to the Advisory Agency.

4. Notice of the action of the Advisory Agency shall be given to the subdivider and to all persons to whom notification of the preliminary parcel map is required by law.
5. The Advisory Agency action on a slight modification request may be appealed in accordance with the provisions of Sec. 13.10.08 of the Zoning Code.
6. The action of the Advisory Agency on a slight modification or an appeal from that action shall not extend the time for recording a Parcel Map with the County Recorder.

Sec. 13.10.06 Final Parcel Map

A. Applicability

This Section applies to an approved Preliminary Parcel Map.

B. Initiation

A Final Parcel Map is filed with the City Engineer.

C. Notice of Public Hearing

No notice is required.

D. Decision

1. **Decision Maker.** The decision maker for a Final Parcel Map or dedication is the City Council.
2. **Certification by City Engineer.** Within 20 days after receiving the Parcel Map, the City Engineer shall examine it for the survey information shown thereon, and if satisfied that it is technically correct, shall certify the map in accordance with the provisions of the Subdivision Map Act.
3. **City Council Acceptance.** After the City Engineer certifies the Parcel Map in any offers of dedication, the City Council will approve or disapprove the Final Parcel Map in accordance with Government Code § 66458.

E. Standards for Review and Required Findings

1. The Final Parcel Map shall conform substantially to the approved Preliminary Parcel Map.
2. The City Council shall accept the Final Parcel Map if:
 - (a) The necessary improvements and grading or retaining structure construction (as set forth in the approval of the preliminary parcel map or tentative map):
 - (1) are installed and approved by the City, or
 - (2) the subdivider executes an Improvement Agreement and submits or agrees to submit:
 - (i) Improvement plans; and
 - (ii) Satisfactory grading or construction plans, where grading or construction of an engineered retaining structure is required in Hillside Areas; and
 - (iii) Improvement Securities, warranty guarantees, and labor and material payment securities in accordance with provisions of Section 17.08 G of this Code.
 - (b) All approvals are obtained from City departments and other public agencies; and
 - (c) Any special assessment or bond required to be paid or guaranteed pursuant to Sec. 66493(c) of the Subdivision Map Act is paid in full or payment is guaranteed.

3. Each approved Parcel Map recorded with the County Recorder shall contain the following statement; “The approval of this Parcel Map shall not be construed as having been based upon geological investigation such as will authorize the issuance of building permits on the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits.”

F. Scope of Decision

If the City Council refuses to accept the Final Map or Dedication, the applicant may take any further action authorized by California law.

G. Appeals

There is no appeal.

H. Modification of Final Parcel Map

1. In addition to amendments to Parcel Maps authorized by Government Code Section 66469, after a Parcel Map is filed with the Office of the County Recorder, such recorded map, including the conditions of approval thereof, may be modified pursuant to the provisions of this Section. The provisions of this Section are not applicable to certificates of correction or amending maps filed pursuant to Government Code Section 66469.
2. Applications for certificates of correction or amending maps filed pursuant to this section may be filed with the Advisory Agency. The submittal of an application and processing of such applications shall conform to the provisions of Sec. 13.10.05 of this Code relating to the filing and processing of modifications of Preliminary Parcel Maps.
 - (a) The public notice and hearing shall conform to the provisions of Sec. 13.10.03. The decision of the Advisory Agency may be appealed in accordance with the applicable provisions of Sec. 13.10.08 of this Code relating to the appeal of Preliminary Parcel Maps.
 - (b) Consideration of and action on such applications shall be limited to the proposed modifications.
3. No such modification or amending map may be approved unless the Advisory Agency, or the Appeal Board or City Council on appeal, finds each of the following:
 - (a) That there are changes in circumstances which make any or all of the conditions of such map no longer appropriate or necessary;
 - (b) That the modifications do not impose any additional burden on the present fee owner of the property;
 - (c) That the modifications do not alter any right, title or interest in the real property reflected on the recorded map;

- (d) That the map and conditions as modified conform to the provisions of Government Code Section 66474 and of this Code;
 - (e) That the decision maker has given consideration, among other factors, to the effects of the modifications on surrounding properties.
4. Modifications and amending maps shall be governed by the following limitations.
- (a) No modifications involving increases in density shall be allowed which would change the density of a parcel map as approved on appeal by the Appeal Board or the City Council, where such density was the subject of the appeal to the Appeal Board or the City Council.
 - (b) No condition may be modified if it was imposed as a mitigating measure identified in a mitigated or conditional negative declaration or in an Environmental Impact Report.
 - (c) Modifications involving increases in density shall not exceed an increase of one lot or dwelling unit.
 - (i) For subdivision of fewer than 10 lots or dwelling units, any density increase shall be limited to one lot or dwelling unit; and
 - (ii) For subdivisions containing 10 or more lots or dwelling units, any increase shall be limited to not more than 10 percent of that originally approved.
 - (d) Modifications involving either increase in the height of structures, or in the elevation of building pads where the elevation of such pads has been specified by the Advisory Agency, shall be limited as follows:
 - (i) an increase in the height of structures of not more than 10 percent above the approved height of such structures; or
 - (ii) an increase in the elevation of building pads of not more than 5 feet above the approved elevation of such pads.
 - (iii) Any such increase in height or elevation shall not obstruct the view from surrounding properties. A greater increase in the elevation of building pads may be approved if such increase has been determined to be necessary for health and safety reasons by the Department of Building and Safety.
 - (e) No modifications shall be permitted which violate the intent of any of the original conditions of the parcel map approval as that intent is expressed in the findings or otherwise by the decision maker.
5. An amending map or certificate of correction shall be recorded with the Office of the County Recorder in the manner specified in Government Code Section 66472. If the modification of one or more conditions does not require an amending map or certificate of correction, the approval of the modification shall be evidenced in a letter mailed to the subdivider and made a part of the subject parcel map file.

Sec. 13.10.07 Private Street Map

A. Applicability

1. This Section applies to the platting and division of land as lots or building sites which are contiguous or adjacent to private road easements.
2. As to a lot or building site described in Subdivision 1, a Private Street Map must be approved before:
 - (a) a Tract Map or Parcel Map is approved, or
 - (b) a building permit is issued.
3. This Section does not apply if the property is part of an application to approve a Parcel Map or Tract Map.

B. Initiation

A Private Street Map is initiated by filing an application with the Department.

C. Notice of Public Hearing

The Advisory Agency shall give notice consistent with the provisions of Sec. 13.10.03

D. Decision

1. Decision Maker

- (a) The Advisory Agency is the initial decision maker for a Private Street Map.
- (b) All private street maps and all prints or copies of maps as required in this Section shall be submitted to the Advisory Agency for approval.

2. Referral

- (a) The Advisory Agency shall not act on any Private Street Map until the City Engineer, the Department of Building and Safety, the Fire Department and the Department of Water and Power file their reports on the application.
- (b) The Subdivision Committee shall examine the map and property, and submit their reports and recommendations to the Advisory Agency.
- (c) The Departments shall submit the reports to the Advisory Agency within 30 days of the date they receive a request for the reports.

3. Public Hearing

- (a) Upon receipt of a complete application, the Advisory Agency shall set the matter for public hearing at which evidence shall be taken.

- (b) The Advisory Agency may waive the public hearing required in this Section if the applicant submits with the application the written approval of all owners of properties adjacent or gaining access from the private street. No appeal hearing shall be waived. With respect to private streets not set for public hearing, a copy of the determination shall be mailed to the applicant, and to the owners of properties adjacent or gaining access from the private street and to all persons who file written requests for notice with the Department.

4. Decision

- (a) Within 40 days after the application is deemed complete, the Advisory Agency shall approve, conditionally approve or disapprove the map.
- (b) The Advisory Agency shall transmit its decision on the private street to the applicant in writing.

E. Standards for Review and Required Findings

1. Generally. The following standards apply to approval of a Private Street map:

- (a) The private streets comply with Article 8 of this Code, and
- (b) adequate and safe vehicular access to the property exists from a public street over a private street for police, fire, sanitation and public service vehicles, and
- (c) an adequate water supply is available for domestic and fire fighting purposes, and
- (d) an approved method of sewage disposal is available, and
- (e) the lot or building site is graded and engineered in accordance with the grading regulations of the City as set forth in the Building Code (LAMC Article 1 of Chapter 9), and
- (f) any proposed name of a private street is approved by the City Engineer. The proposed street name shall not create confusion, be misleading, be unduly long, or carry connotations offensive to good taste and decency.

2. Offer to Dedicate Easements

- (a) Where it is necessary to acquire public easement rights, the Advisory Agency may require an offer to dedicate easements.
- (b) The offer shall be properly executed by all parties having a record interest, including beneficiaries under deeds of trust, as shown by a current preliminary title report. The title report shall be prepared by a title company approved by the Bureau of Engineering for that purpose. The report shall be furnished by the applicant.

(c) The offer shall:

- (i)** be on a form approved by the City Attorney and the City Engineer, and
- (ii)** binding on the owner and its heirs, assigns or successors in interest, and
- (iii)** continue until the City Council accepts or rejects it, and
- (iv)** shall provide that the dedication is complete upon the acceptance by the City Council.
- (v)** The Advisory Agency shall approve or disapprove the offer for recordation within 10 days after it is filed.
- (vi)** The offer shall be recorded in the Office of the County Recorder upon its approval by the Advisory Agency.
- (vii)** The recorded offer shall be promptly presented and processed by the City Departments concerned and submitted to the City Council, in order to complete the dedication within the earliest possible time. If the offer is rejected by the City Council shall issue a release from the offer which shall be recorded in the Office of the County Recorder.

F. Scope of Decision

1. The private street approval is void unless all conditions of approval are completed or fulfilled within 6 years from the date of approval.
2. Grading and improvement conditions are fulfilled if the required work is begun during that time limit and diligently carried on to completion.

G. Appeals

1. **Decision Maker.** The Appeal Board is the appellate decision maker.
2. **Filing**
 - (a)** An applicant or any other person aggrieved by the Advisory Agency's initial decision may file an appeal to the Appeal Board.
 - (b)** The appeal shall be filed within 15 days after Advisory Agency's decision is mailed.
3. **Public Hearing.** The Appeal Board shall consider the appeal within 30 days after the 15-day appeal period expires. Within 14-days after the appeal is considered, the Appeal Board shall affirm, modify, or reverse the action or determination. Failure to timely act is deemed a denial of the appeal.
4. **Decision**
 - (a)** The Appeal Board shall, affirm, modify, or reverse the initial decision.
 - (b)** The Appeal Board's action is final.

H. Modification of Entitlement

- 1. Private Street Map.** A Private Street map approved pursuant to subsections A through H, above, is not modifiable except as provided in Subdivision 2 below.
- 2. Modification of Private Street Map Regulations**
 - (a)** The Advisory Agency may grant modifications from this Section only if the modifications are necessary because of:
 - (1)** a private road easement, or
 - (2)** the size, use, physical or other conditions, or
 - (3)** considerations relating to contiguous or adjacent property.
 - (b)** The Advisory Agency may refer this modification request the Board of Public Works or the Department of Water and Power, or render its own decision the exercise of sound, reasonable judgement.
 - (c)** The applicant may appeal the Advisory Agency's decision to the Appeal Board as provided in Sec. 13.10.03F.

Sec. 13.10.08 Subdivision Appeal

A. Applicability

1. Each Section of this division either establishes and appeals process, or indicates that an appeal is not available. This Section supplements those Sections. The appeal processes established for an individual procedure supersede this Section to the extent that they are inconsistent.
2. An applicant or any other person claiming to be aggrieved by an action or determination of the Advisory Agency with respect to a Preliminary Parcel Map, certificate or conditional certificate of compliance pursuant to California Government Code Section 66499.35 or an exemption from the Parcel Map regulations pursuant to Sec. 13.10.01 may appeal to the Appeal Board for a public hearing.

B. Initiation

1. A Subdivision Appeal is initiated by filing an application with the Department.
2. Appeals must be filed within a period of 15 days after the date the initial decision was made.
3. The appeal is not considered filed unless and until the form is properly completed and all required information is submitted.

C. Notice of Public Hearing

The following notice applies to the Appeal Board public hearing:

Notice	When	Where / To Whom / Additional Requirements
Mail	as required by state law	<ul style="list-style-type: none">• applicant,• the person claiming to be aggrieved, if any, and• the Advisory Agency

D. Decision

1. The complete appeal form and file is immediately transmitted to the Appeal Board Secretary for hearing before the Appeal Board.
2. The Appeal Board shall hear the appeal within 30 days after the expiration of the appeal period. Within 14 days after the appeal is considered, the Appeal Board shall affirm, modify, or reverse the action or determination.
3. At the time established for the hearing, the Appeal Board shall hear the testimony of the applicant and witnesses in his/her behalf, the testimony of any aggrieved persons, if there are any, and the testimony of the Director and any witnesses on its behalf. The Appeal Board may also hear the testimony of other competent persons respecting the character of the neighborhood in which the division of land is to be located, the kinds, nature and extent of

improvements, the quality or kinds of development to which the area is best adapted or any other relevant phase of the matter into which the Appeal Board may desire to inquire.

4. Upon conclusion of the hearing, the Appeal Board shall within 14 days declare findings based upon the testimony and documents produced before it.
5. The Appeal Board may sustain, modify, reject or overrule any recommendation or ruling of the Advisory Agency and may make findings consistent with applicable provisions of this article.
6. Failure to timely act is deemed a denial of the appeal and the decision from which the appeal was taken shall be deemed affirmed.
7. Any of the time limits specified in this Section may be extended by mutual consent of the applicant and the Advisory Agency or the Appeal Board.

Sec. 13.10.09 Subdivision Violation

Any deed of conveyance, sale or contract to sell made contrary to the provisions of the subdivision review regulations (Division 13.10 of this Article) is voidable to the extent and in the same manner as is provided for violation of Section 66499.32 of the Subdivision Map Act.

Division 13.11. Historic Preservation

Sec. 13.11.01 General (Purpose, Definitions, Board)

A. Purpose

As a matter of public policy, the recognition, preservation, enhancement, and use of buildings, structures, Landscaping, Natural Features, and areas within the City having Historic, architectural, cultural or aesthetic significance are required in the interest of the health, economic prosperity, cultural enrichment and general welfare of the people. This Division:

1. Protects and enhances the use of buildings, structures, Natural Features, and areas, which are reminders of the City's history, or which are unique and irreplaceable assets to the City and its neighborhoods, or which are worthy examples of past architectural styles;
2. Develops and maintains the appropriate settings and environment to preserve these buildings, structures, Landscaping, Natural Features, and areas;
3. Enhances property values, stabilize neighborhoods and/or communities, render property eligible for financial benefits, and promote tourist trade and interest;
4. Fosters public appreciation of the beauty of the City, of the accomplishments of its past as reflected through its buildings, structures, Landscaping, Natural Features, and areas;
5. Promotes education by preserving and encouraging interest in cultural, social, economic, political and architectural phases of its history;
6. Promotes the involvement of all aspects of the City's diverse neighborhoods in the historic preservation process; and
7. Ensures that all procedures comply with the California Environmental Quality Act (CEQA).

B. Applicability

1. **General.** This Division applies to any Project within a Historic Preservation Overlay Zone (HPOZ).
2. **Exemptions.** This Division does not apply to the following:
 - (a) The correction of Emergency or Hazardous Conditions where the Department of Building and Safety, Housing and Community Investment Department, or other enforcement agency has determined that emergency or hazardous conditions currently exist and the emergency or hazardous conditions must be corrected in the interest of the public health, safety and welfare. When feasible, the Department of Building and Safety, Housing and Community Investment Department, or other enforcement agency should consult with the Director on how to correct the hazardous condition, consistent with the goals of the HPOZ. However, any other work shall comply with the provisions of this Division.

(b) Department of Public Works improvements located, in whole or in part, within an HPOZ:

(1) Where the Director finds:

- (i) That the certified Historic Resources Survey for the HPOZ does not identify any Contributing Elements located within the Right-of-Way and/or where the Right-of-Way is not specifically addressed in the approved Preservation Plan for the HPOZ; and
- (ii) Where the Department of Public Works has completed the CEQA review of the proposed improvement, and the review has determined that the improvement is exempt from CEQA, or will have no potentially significant environmental impacts.

(2) The relevant Board shall be notified of the Project, given a description of the Project, and an opportunity to comment.

(c) Work authorized by an approved Historical Property Contract by the City Council, or where a building, structure, Landscaping, Natural Feature or Lot has been designated as a City Historic-Cultural Monument by the City Council, unless proposed for demolition. However, those properties with Federal or State historic designation which are not designated as City Historic-Cultural Monuments or do not have a City Historical Property Contract are not exempt from review under this Division.

(d) Where work consists of Repair to existing structural elements and foundations with no physical change to the exterior of a building.

(e) Where work consists of Interior alterations that do not result in a change to an exterior feature.

(f) Where the type of work has been specifically deemed Exempt from review as set forth in the approved Preservation Plan for a specific HPOZ.

3. **Authority of Cultural Heritage Commission not Affected.** Nothing in this Division supersedes or overrides the Cultural Heritage Commission's authority as provided in Los Angeles Administrative Code Sections 22.132 and 22.133.

4. **Publicly Owned Property.** The provisions of this Section shall apply to any building, structure, Landscaping, Natural Feature or lot within an HPOZ which is owned or leased by a public entity to the extent permitted by law.

C. Definitions

The following definitions apply to this Division:

Addition	An extension or increase in floor area or height of a building or structure.
Alteration	Any exterior change or modification of a building, structure, Landscaping, Natural Feature or lot within a Historic Preservation Overlay Zone including but not limited to changing exterior paint color,

	removal of significant trees or Landscaping, installation or removal of fencing, and similar Projects, and including street features, furniture or fixtures.
Board	The respective Historic Preservation Board as established by this Section.
Building Coverage	The area of a parcel covered by buildings measured from the outside of the exterior perimeter of a building, including covered porches, patios, detached and attached accessory structures. Building Coverage does not include uncovered areas such as paved parking, driveways, walkways, steps, terraces, decks, and porches; or roof overhangs and architectural projections not intended for shelter or occupancy.
Certificate of Appropriateness	An approved certificate issued for the construction, Additions over established thresholds, Demolition, Reconstruction, Alteration, removal, or relocation of any publicly or privately owned building, structure, Landscaping, Natural Feature, or lot within a Historic Preservation Overlay Zone that is identified as a Contributing Element in the Historic Resources Survey for the zone, including street features, furniture or fixtures.
Certificate of Compatibility	An approved certificate issued for the construction of a new building or structure on a lot, Demolition, or building replacement of an element, identified as Non-Contributing, or not listed, in the Historic Resources Survey for the zone.
Contributing Element	Any building, structure, Landscaping, Natural Feature identified on the Historic Resources Survey as contributing to the Historic significance of the Historic Preservation Overlay Zone, including a building or structure which has been altered, where the nature and extent of the Alterations are determined reversible by the Historic Resources Survey.
Cultural	Anything pertaining to the concepts, skills, habits, arts, instruments or institutions of a given people at any given point in time.
Demolition	The removal of more than 50% of the perimeter wall framing, the removal of more than 50% of the roof framing, or the substantial removal of the exterior of a facade in the Street-Visible Area.
Historic	Any building, structure, Landscaping, Natural Feature, or lot, including street features, furniture or fixtures which depicts, represents or is associated with persons or phenomena which significantly affect or which have significantly affected the functional activities, heritage, growth or development of the City, State, or Nation.
Historic Preservation Overlay Zone (HPOZ)	Any area of the City containing buildings, structures, Landscaping, Natural Features or lots having Historic, architectural, Cultural or aesthetic significance and designated as a Historic Preservation Overlay Zone under the provisions of this Section.

Historical Property Contract	A contract between an Owner or Owners of a Historical-Cultural Monument or a Contributing Element and the City, which meets all requirements of California Government Code Sections 50281 and 50282 and 19.140 et seq. of the Los Angeles Administrative Code.
Historic Resources Survey	A document, which identifies all contributing and non-contributing buildings, structures and all contributing Landscaping, Natural Features and lots, individually or collectively, including street features, furniture or fixtures, and which is certified as to its accuracy and completeness by the Cultural Heritage Commission.
Landscaping	The design and organization of landforms, hardscape, and softscape, including individual groupings of trees, shrubs, groundcovers, vines, pathways, arbors, etc.
Maintenance and Repair	Any work done to correct the deterioration, decay of, or damage to a building, structure or lot, or any part thereof, including replacement in-kind where required, and which does not involve a change in the existing design, materials, or exterior paint color.
Monument	Any building, structure, Landscaping, Natural Feature, or lot designated as a City Historic-Cultural Monument.
Natural Feature	Any significant tree, plant life, geographical or geological feature identified individually or collectively on the Historic Resources Survey as contributing to the Cultural or Historical significance of the Historic Preservation Overlay Zone.
Non-Contributing Element	Any building, structure, Natural Feature, lot, or Landscaping, that is identified in the Historic Resources Survey as a Non-Contributing Element, or not listed in the Historic Resources Survey.
Owner	Any person, association, partnership, firm, corporation or public entity identified as the holder of title on any property as shown on the records of the City Engineer or on the last assessment roll of the County of Los Angeles, as applicable. For purposes of this Section, "Owner" also refers to an appointed representative of an association, partnership, firm, corporation, or public entity which is a recorded Owner.
Project	The Addition, Alteration, construction, Demolition, Reconstruction, Rehabilitation, relocation, removal or Restoration of the exterior of any building, structure, Landscaping, Natural Feature, or lot, within an HPOZ, except as provided under Subsection B.2. A Project may or may not require a building permit, and may include but not be limited to changing exterior paint color, removal of significant trees or Landscaping, installation or removal of fencing, replacement of windows and/or doors which are character-defining features of architectural styles, removal of features that may or may not have a building permit, or changes to public spaces and similar activities.

Reconstruction	The act or process of reproducing by new construction the exact form, features and details of a vanished building, portion of a building, structure, landscape, Natural Feature, or object as it appeared at a specific period of time, on its original or a substitute lot.
Rehabilitation	The act or process of returning a property to a State of utility, through repair or Alteration, which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its Historical, architectural and Cultural values.
Renter	Any person, association, partnership, firm, corporation, or public entity which has rented or leased a dwelling unit or other structure within an HPOZ for a continuous time period of at least three years. For purposes of this Section, the “renter” also refers to an appointed representative of an association, partnership, firm, corporation, or public entity which is a renter.
Restoration	The act or process of accurately recovering the form, features and details of a property as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
Right-Of-Way	The dedicated area that includes roadways, medians and/or sidewalks.
Street Visible Area	Any portion of the front, side, and rear facades that can be seen from any adjacent street, alley, or sidewalk, or that would be visible but are currently obstructed by landscaping, fencing, or freestanding walls. It also includes undeveloped portions of the lot where new construction would be visible from the adjacent street or sidewalk; facades that are generally visible from non-adjacent streets due to steep topography; or second stories visible over adjacent one story structures.

D. Historic Preservation Board Establishment and Duties

- 1. Establishment.** A Historic Preservation Board is established by this Section for each HPOZ. A Board may serve two or more HPOZs in joint name and administration. HPOZs may have separate individual Preservation Plans administered under one Board. Each Board shall have, as part of its name, words linking it to its area(s) of administration and distinguishing it from all other boards.
- 2. Composition.** A Board shall be comprised of five members. Where a Board serves two or more HPOZs, the Board shall be comprised of seven members. At least three members shall be Renters or Owners of property in the HPOZ(s), with a Renter or property Owner representative from each HPOZ on the Board. If an HPOZ is established for an area insufficient in size to provide for a Board whose members meet the requirements of this subsection, for appointment purposes only, the area may be expanded to include the community plan area in which the HPOZ is located. If a Board still cannot be comprised of members who meet the requirements of this subsection, the Director of Planning shall assume

all the powers and duties otherwise assigned to the Board for the HPOZ(s), until a Board can be established.

3. **Term of Membership.** Members of the Board serve for a term of 4 years. Members of the Board whose terms have expired may continue to serve on the Board until their replacements are appointed.

4. **Appointment of Members.**

- (a) All members shall have demonstrated a knowledge of, and interest in, the culture, buildings, structures, historic architecture, history and features of the area encompassed by the HPOZ and, to the extent feasible, shall have experience in historic preservation. The appointing authorities are encouraged to consider the cultural diversity of the HPOZ in making their appointments. Appointees serve at the pleasure of the appointing authority and the appointment may be rescinded at any time prior to the expiration of a member's term. To the maximum extent practicable, members shall be appointed as follows:

Appointing Body:	Qualifications:
Mayor	One member having extensive real estate or construction experience
Councilmember	<ul style="list-style-type: none"> • One member who is a Renter or Owner of Property in the HPOZ(s) shall be appointed by the councilmember of the district in which the HPOZ is located • Where a Board serves two or more HPOZs, 2 Renters or Owners of Property shall be appointed
Cultural Heritage Commission	<ul style="list-style-type: none"> • One member who is an architect licensed by the State of California
	<ul style="list-style-type: none"> • One member who is a Renter or Owner of Property in the HPOZ(s) • Where a Board serves 2 or more HPOZs, 2 Renters or Owners of Property shall be appointed
Board	One member who is a Renter or Owner of Property in the HPOZ(s), pursuant to the criteria set forth in Paragraph (d), below

- (b) If a Board serves two or more HPOZs in joint name and administration, a Renter or property Owner representative shall be appointed for each HPOZ the Board serves.
 - (c) If the HPOZ(s) is/are located in more than one council district, the appointment shall be made by the councilmember representing the greatest land area in the HPOZs.

- (d) The Board shall consider appointee suggestions from the certified Neighborhood Council representing the district in which the HPOZ(s) is/are located. In cases where the HPOZ(s) is/are located in an area represented by more than one Neighborhood Council, the appointee suggestions shall be made by the Neighborhood Council representing the greatest land area in the HPOZ(s). In those HPOZs containing no Certified Neighborhood Councils, or if, after notification of a vacancy by the Planning Department, the Certified Neighborhood Council fails to make suggestions within 45 days, or at least one Certified Neighborhood Council meeting has been held, whichever occurs first, the Board may make its appointment without delay.
5. **Vacancies.** In the event of a vacancy occurring during the term of a member of the Board, the same body or official, or their successors, who appointed the member shall make a new appointment. The new appointment shall serve a 4 year term beginning on the date of appointment. Where the member is required to have specified qualifications, the vacancy shall be filled with a person having these qualifications. If the appointing authority does not make an appointment within 60 days of the vacancy, the President of the City Council shall make a temporary appointment to serve until the appointing authority makes an appointment to occupy the seat.
6. **Expiration of Term.** Upon expiration of a term for any member of the Board, the appointment for the next succeeding term shall be made by the same body or official, or their successors, which made the previous appointment. No member of a Board shall serve more than 2 consecutive 4 year terms.
7. **Board Member Performance.** Board members are expected to regularly attend scheduled Board meetings and fully participate in the powers and duties of the Board. Appointees serve at the pleasure of the appointing authority and the appointment may be rescinded at any time prior to the expiration of a member's term. A board member with more than 3 consecutive unexcused absences or 8 unexcused absences in a year period from regularly scheduled meetings may be removed by the appointing authority. Excused absences may be granted by the Board chair. If a board member accrues unexcused absences, the Board shall notify the appointing authority.
8. **Organization and Administration.**
- (a) Each Board shall schedule regular meetings at fixed times within the month with a minimum of two meetings a month. Meetings may be canceled if no deemed complete applications are received at least three working days prior to the next scheduled meeting.
- (b) There shall be at least 1 meeting a year.
- (c) The Board shall establish rules, procedures and guidelines as it may deem necessary to properly exercise its function.

- (d) The Board shall elect a Chairperson and Vice-Chairperson who shall serve for a 1 year period. The Board shall designate a Secretary who shall serve at the Board's pleasure.
 - (e) For a 5-member Board, 3 members is a quorum. For a 7-member Board, 4 members is a quorum. Decisions shall be determined by majority vote of the Board.
 - (f) Public minutes and records shall be kept of all meetings and proceedings showing the attendance, resolutions, findings, determinations and decisions, including the vote of each member.
 - (g) To the extent possible, the staffs of the Department of City Planning may assist the Board in performing its duties and functions.
9. **Power and Duties.** When considering any matter under its jurisdiction, the Board has the following power and duties:
- (a) To evaluate any proposed changes to the boundaries of the HPOZ it administers and make recommendations to the City Planning Commission, Cultural Heritage Commission and City Council.
 - (b) To evaluate any Historic Resources Survey, resurvey, partial resurvey, or modification undertaken within the HPOZ it administers and make recommendations to the City Planning Commission, Cultural Heritage Commission and City Council.
 - (c) To study, review and evaluate any proposals for the designation of Historic-Cultural Monuments within the HPOZ it administers and make recommendations to the Cultural Heritage Commission and City Council, and to request that other City departments develop procedures to provide notice to the Boards of actions relating to Historic-Cultural Monuments.
 - (d) To evaluate applications for Certificates of Appropriateness or Certificates of Compatibility and make recommendations to the Director or the Area Planning Commission.
 - (e) To encourage understanding of and participation in historic preservation by residents, visitors, private businesses, private organizations and governmental agencies.
 - (f) In pursuit of the purposes of this Section, to render guidance and advice to any Owner or occupant on construction, Demolition, Alteration, removal or relocation of any Monument or any building, structure, Landscaping, Natural Feature or lot within the HPOZ it administers. This guidance and advice shall be consistent with approved procedures and guidelines, and the Preservation Plan, or in absence of a Plan, the guidance and advice shall be consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

- (g) To tour the HPOZ it represents on a regular basis, to promote the purposes of this Section and to report to appropriate City agencies matters which may require enforcement action.
- (h) To assist in the updating of the Historic Resources Survey for the HPOZ using the criteria in Sec. 13.1.01, below.
- (i) To make recommendations to decision makers concerning façade easements, covenants, and the imposition of other conditions for the purposes of historic preservation.
- (j) To make recommendations to the City Council concerning the utilization of grants and budget appropriations to promote historic preservation.
- (k) To assist in the preparation of a Preservation Plan, which clarifies and elaborates upon these regulations as they apply to the HPOZ, and which contains the elements listed in Sec. 13.11.03B.2.

10. Conflict of Interest. No Board member shall discuss with anyone the merits of any matter pending before the Board other than during a duly called meeting of the Board or subcommittee of the Board. No member shall accept professional employment on a case that has been acted upon by the Board in the previous 12 months or is reasonably expected to be acted upon by the Board in the next 12 months.

E. Enforcement

1. Inspections and Violations.

- (a) The Department of Building and Safety, the Housing and Community Investment Department, or any successor agencies, whichever has jurisdiction, shall make all inspections of properties which are in violation of this Section when apprised that work has been done or is required to be done pursuant to a building permit.
- (b) Violations, the correction of which do not require a building permit, shall be investigated and resolved jointly by the Planning Department, the Department of Building and Safety, the Housing and Community Investment Department, or any successor agencies, whichever has jurisdiction, and if a violation is found, the Planning Department may then request the Department of Building and Safety, the Housing and Community Investment Department or any successor agencies to issue appropriate orders for compliance.
- (c) Any person who fails to comply with the provisions of this Division is subject to the provisions of Section 11 .00 (m) of this Code. The Owner of the property in violation shall be assessed a minimum inspection fee, as specified in Section 98.0412 of this Code for each site inspection. No building permit shall be cleared by the Planning Department while an outstanding violation exists, regardless of whether a building permit is required or not for the violation.

2. Demolition of Buildings without a Permit

Purpose. The purpose of this subsection is to require the documentation of the loss of historic features as a result of unpermitted construction or Demolition activities, relocation, neglectful ownership, or man-made disaster.

(a) Applicability. If a Contributing or Non-Contributing Element, or a portion thereof, is Demolished or relocated without benefit of a building permit and Certificate of Appropriateness or Certificate of Compatibility approvals pursuant to Sec. 13.11.06E and Sec. 13.11.07D.5(a), the matter shall be reviewed by the Director of Planning as provided in Paragraph (b) below.

(b) Prohibition. Where all or portions of a Contributing or Non-Contributing Element have been Demolished or relocated without the necessary approvals, the provisions of Sec. 13.11.06E or Sec. 13.11.07D.5(a) shall not apply. Upon completion of a Preliminary Evaluation of Demolition or Relocation without Permit, and 91.106.4.1(10) proceedings by the Department of Building and Safety; an application for Certificate of Appropriateness or Certificate of Compatibility shall be reviewed in accordance with the provisions of Sec. 13.11.05, Sec. 13.11.07 and Sec. 13.11.07, whichever is applicable.

(c) Procedures

(1) Evaluation. The Director of Planning or his or her designee can initiate review on the Demolition or relocation of a structure, in whole or in part, commenced prior to the issuance of a building permit. During the investigation, all work on the site shall cease and an order to comply shall be issued per Sec. 13.11.01E. Review by the Director shall include, but is not limited to: documentation of the structure(s) as it(they) existed at the time of the Historic Resources Survey, permit history research, site visits, documentation of the loss of building features, identification of salvageable features, and evaluation of the demolition's impact on the historic resource.

(2) Evaluation Fees. Fees for the preliminary evaluation will be assessed pursuant to Article 9 of Chapter I.

(3) Notice. A copy of the evaluation shall be mailed to the Department of Building and Safety, the applicant, the Board, Council Office, and any other interested parties.

(4) Proceedings per LAMC Section 91.106.4.1(10). Upon completion of the evaluation, the matter shall be referred to the Department of Building and Safety for investigation and enforcement pursuant to LAMC Section 91.106.4.1(10). The Department of Building and Safety shall be authorized to withhold development permits on said property for five years if it determines that demolition occurred in violation of the LAMC Section 91.106.4.1(10). Any person who has failed to comply with the provisions of Sec. 13.11.06E or Sec. 13.11.07D.5(a) is subject to the provisions of Section 11.00 (l) of this Code.

(d) During the LAMC Section 91.106.4.1(10) proceedings and the 5 year penalty period, the property owner is responsible for protecting any features of the original structure which remain intact, securing the property from vandalism and theft, and keeping the property free of other nuisances.

3. **Injunctive Relief.** Where it appears that the Owner, occupant or person in charge of a building, structure, Landscaping, Natural Feature, lot or area within an HPOZ threatens, permits, is about to do or is doing any work or activity in violation of this Section, the City Attorney may apply to an appropriate court for a temporary restraining order, preliminary or permanent injunction, or other or further relief as appears appropriate.

F. Relation to Other Provisions of the Zoning Code

When the City Council establishes, adds land to, eliminates land from or repeals in its entirety an HPOZ, this Division does not abrogate any other provision of this Code. Any portion of a street that is located within an HPOZ(s) or shares a boundary with an HPOZ(s), is not subject to the street dedication and/or improvement requirements as set forth in Section 12.37 A-C and 17.05 of the Los Angeles Municipal Code unless requested by the Director of Planning. However, the existing sidewalk(s) shall comply with any accessibility guidelines within the public right-of-way that are adopted to comply with Title II of the American with Disabilities Act. When it appears that there is a conflict, the most restrictive requirements of this Code apply, except for a requirement in this Section that would compromise public safety if enforced.

Sec. 13.11.02 Historic Preservation Overlay Zone (HPOZ) Designation

A. Applicability

1. This Section applies to the establishment, boundary change or repeal of a Historic Preservation Overlay Zone (HPOZ).
2. The processing of an initiation or an application to an HPOZ shall conform to all the requirements of Sec. 1.14 of this Code and the following additional requirements. If any provision of this Section is inconsistent with Sec. 1.14, this Section governs.

B. Initiation

1. **By City Council, the City Planning Commission, the Director of Planning or the Cultural Heritage Commission.** In addition to the provisions of Sec. 1.14.B, the Cultural Heritage Commission may initiate proceedings to establish, repeal, or change the boundaries of an HPOZ. Upon initiation by City Council, the City Planning Commission, the Director of Planning, or the Cultural Heritage Commission, a Historic Resources Survey shall be prepared, pursuant to Subdivision 3, below.

2. By Application

- (a) Owners or Renters of property within the boundaries of the proposed or existing HPOZ may initiate the establishment of an HPOZ.
- (b) A Historic Resources Survey shall not be prepared for a proposed HPOZ until the Planning Department verifies that the application contains the signatures of at least 75 percent of the Owners or lessees of property within the proposed district.
- (c) Applications initiated by Owners or Renters are not complete until the requirements of Subsection B.2.(b) above are met and the Cultural Heritage Commission certifies an Historic Resources Survey for the proposed HPOZ pursuant to Subsection E.1.(a), below.

3. Historic Resources Survey

- (a) **Purpose.** Each HPOZ shall have an Historic Resources Survey, which identifies all Contributing and Non-Contributing Elements and is certified as to its accuracy and completeness by the Cultural Heritage Commission.
- (b) **Context Statement.** In addition to the requirements above, the Historic Resource Survey shall also include a context statement supporting a finding establishing the relation between the physical environment of the HPOZ and its history, thereby allowing the identification of Historic features in the area as Contributing or Non-Contributing. The context statement shall represent the history of the area by theme, place, and time. It shall define the various Historical factors which shaped the development of the area. It shall define a period of significance for the HPOZ, and relate Historic features to that period of

significance. It may include, but not be limited to, Historical activities or events, associations with Historic personages, architectural styles and movements, master architects, designers, building types, building materials, landscape design, or pattern of physical development that influenced the character of the HPOZ at a particular time in history.

- (c) **Finding of Contribution.** For the purposes of this Section, no building, structure, Landscaping, or Natural Feature shall be considered a Contributing Element unless it is identified as a Contributing Element in the Historic Resource Survey for the applicable HPOZ. Features designated as contributing shall meet one or more of the following criteria:
- (1) Adds to the Historic architectural qualities or Historic associations for which a property is significant because it was present during the period of significance, and possesses Historic integrity reflecting its character at that time; or
 - (2) Owing to its unique location or singular physical characteristics, represents an established feature of the neighborhood, community or city; or
 - (3) Retaining the building, structure, Landscaping, or Natural Feature, would contribute to the preservation and protection of a Historic place or area of Historic interest in the City.
- (d) **Modification of a Previously Certified Historic Resources Survey.** The City Council, City Planning Commission, or Director may find that a previously certified Historic Resource Survey needs to be modified, and may call for a revision, re-survey, or partial re-survey to a previously certified survey. Modifications, including boundary changes, re-surveys, partial re-surveys, and minor corrections of a previously certified Historic Resources Survey shall be processed as follows:
- (1) Revisions involving a boundary change, expansion, or contraction of an HPOZ shall be certified by the Cultural Heritage Commission as to the accuracy of the survey, and shall be forwarded to the City Planning Commission for recommendation and the City Council for final action.
 - (2) Revisions involving a re-survey or partial re-survey of an existing HPOZ shall be certified by the Cultural Heritage Commission as to the accuracy of the survey, and shall be forwarded to the City Planning Commission for final action.
 - (3) The correction of technical errors and omissions in a previously certified Historic Resource Survey can be made by the Director based on input from the Board and the Cultural Heritage Commission or its designee.
- (e) **Application Procedure for Redesignation of an Individual Property in a Certified Historic Resources Survey (Technical Correction)**

(1) Application, Form and Contents. To apply for a technical correction to a previously certified Historic Resources Survey pursuant to Paragraph (d)(3) above, an applicant shall file an application with the Department of City Planning, on a form provided by the Department, and include all information required by the instructions on the application. Prior to deeming the application complete, the Director shall advise the applicant of the processes to be followed and fees to be paid. Upon receipt of a complete application, the Director shall review all documents submitted and may approve or deny a technical correction.

(2) Application Fees. The application fees for a Property Survey Redesignation is set forth in Article 9 of Chapter I.

C. Notice of Public Hearing

1. The following notice is required for the public hearing held by the City Planning Commission or Director:

Notice	When	Where / To Whom / Additional Requirements
Publication	21 days	<ul style="list-style-type: none"> • in a newspaper of general circulation in the city, designated for that purpose by the City Clerk • if City initiated, in 2 newspapers of general circulation in the city, designated for that purpose by the City Clerk
Mail (<i>applicant initiated zone changes only</i>)	21 days	<ul style="list-style-type: none"> • the applicant, • the owner or owners of the property involved, • the owners and occupants of all property within and outside the City within 500 feet of the area to be changed, and • residential, commercial and industrial occupants of all properties within 500 feet of the exterior boundaries of the property involved (or the expanded area described below)
Posting (<i>applicant initiated zone changes only</i>)	10 days	<ul style="list-style-type: none"> • the applicant will post notice in a conspicuous place on the property • if an applicant initiates the establishment of a new HPOZ, notice will be posted at key entry points to the proposed HPOZ with no less than 3 postings • if a Department Planner is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, will also post notice of the initial meeting of the decision making body on the matter

Reference: California Government Code §§ 65090, 65091.

2. If the mailed notice does not result include at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.
3. If the notice required above involves more than 1,000 property owners, a display advertisement of at least one-eighth page in at least one newspaper of general circulation may substitute for mail or delivery.

D. Decision

1. Cultural Heritage Commission Determination

(a) The Cultural Heritage Commission shall certify each Historic Resources Survey as to its accuracy and completeness, and the establishment of or change in boundaries of an HPOZ upon:

(1) a majority vote and

(2) a written finding that structures, Landscaping, and Natural Features within the HPOZ meet one or more of criteria in Subsection C.2.(c)(1)-(3) above.

(b) The Cultural Heritage Commission shall act within 45 days from the date of the submission to the Commission. This time limit may be extended for a specified further time period if the Cultural Heritage Commission requests an extension, in writing, from the City Planning Commission.

(c) Upon action, or failure to act, the Cultural Heritage Commission shall transmit their determination, comments, and any related files to the City Planning Commission for recommendation.

2. City Planning Commission Approval. The City Planning Commission shall make its report and recommendation to approve, approve with changes, or disapprove the establishment, repeal, or change to the boundaries of an HPOZ, pursuant to Sec. 1.14.E.

3. City Council.

(a) The City Council may approve or disapprove the establishment, repeal, or change in the boundaries of an HPOZ.

(b) The City Council may require that a specific HPOZ not take effect until a Preservation Plan for the HPOZ is approved by the City Planning Commission.

E. Standards for Review and Required Findings

1. In granting approval, the City Planning Commission shall find that the proposed boundaries are appropriate and make the findings of contribution required in Subsection C.2.(c).

2. The City Planning Commission shall also carefully consider the Historic Resources Survey and the determination of the Cultural Heritage Commission.

3. The Director and the City Planning Commission may recommend conditions to be included in the initial Preservation Plan for a specific HPOZ, as appropriate to further the purpose of this Section.

F. Scope of Decision

1. Once an HPOZ has been adopted, all projects within the HPOZ must comply with the procedures in this Division.
2. All Projects within HPOZ, except as exempted in Subsection 1.44.A.2, shall be submitted in conjunction with an application, if necessary, to the Department of City Planning on a form provided for that purpose.
3. Upon receipt of an application, the Director shall review a request and find whether the Project requires:
 - (a) a Certificate of Appropriateness, pursuant to Sec. 13.11.05 and Sec. 13.11.06;
 - (b) a Certificate of Compatibility, pursuant to Sec. 13.11.07; or
 - (c) is eligible for review under Conforming Work on Contributing Elements, pursuant to Sec. 13.11.04; or
 - (d) Conforming Work on Non-Contributing Elements, pursuant to Sec. 13.11.04.
4. All questions of Street Visible Area are determined by Department of City Planning Staff.
5. If multiple applications are received resulting in a significant cumulative impact, a Certificate Case may be required for additional work.

G. Appeals

There is no appeal.

H. Modification of Designation

The establishment or boundary change of an HPOZ is amended or repealed in the same manner as it was adopted.

Sec. 13.11.03 Preservation Plan Adoption or Amendment

A. Applicability

1. This Section applies to the adoption of Preservation Plans. A Preservation Plan clarifies and elaborates upon the “HP” Historic Preservation Overlay Zone regulations as they apply to individual HPOZs. A Preservation Plan is used by the Director, Historic Preservation Board (Board), property Owners and residents in the application of preservation principles within an HPOZ.
2. This Section applies equally to a new Preservation Plan or an amendment, unless otherwise indicated.

B. Initiation

1. **Preparation.** The Board shall make a draft Preservation Plan available for review and comment to property Owners and Renters within the HPOZ.
 - (a) **If a Board exists**, it will prepare the Preservation Plan with the Director’s assistance. Historic preservation groups may also assist in this effort.
 - (b) **If no Board exists, or has yet to be appointed**, the Director may create a working committee of diverse neighborhood stakeholders to prepare a Preservation Plan for the HPOZ. The Director will consult with the Councilmember(s) representing the HPOZ. This committee does not have any duties beyond preparing the Preservation Plan.
2. **Elements.** A Preservation Plan shall contain the following elements:
 - (a) A mission Statement;
 - (b) Goals and objectives;
 - (c) A function of the Plan Section, including the role and organization of a Preservation Plan, Historic Preservation Overlay Zone process overview, and work exempted from review, if any, and delegation of Board authority to the Director, if any;
 - (d) The Historic Resources Survey;
 - (e) A brief context Statement which identifies the Historic, architectural and Cultural significance of the HPOZ;
 - (f) The Secretary of the Interior’s Standards of Rehabilitation;
 - (g) Design guidelines for Rehabilitation or Restoration, Additions, Alterations, infill and the form of single and multi-family residential, commercial and other non-residential buildings, structures, and public areas. The guidelines shall use the Secretary of the

Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings; and

- (h) Preservation incentives and adaptive reuse policies, including policies concerning adaptive reuse projects permitted under the Class 1 Conditional Use Permit regulations (see Sec. 12.24 X.12 of this Code).

C. Notice of Public Hearing

1. The following notice is required for the public hearing:

Notice	When	Where / To Whom / Additional Requirements
Mail	21 days	<ul style="list-style-type: none"> the applicant, the owner or owners of the property involved, the owners and occupants of all property within and outside the City within 300 feet of the exterior boundaries of the area subject to the application (or the expanded area described below), and residential, commercial and industrial occupants of all property within 300 feet of the application area.

2. If the mailed notice does not include at least 20 different owners of at least 20 different lots other than the subject property, the notification radius will increase in increments of 50 feet until that number of owners and lots are encompassed within the expanded area.

D. Decision

1. **Decision maker.** The City Planning Commission is the initial decision maker and may make its report and approve, approve with changes, or disapprove a Preservation Plan.

(a) Public Hearing

- (1) A draft Preservation Plan shall be set for a public hearing before the City Planning Commission or a Department Planner designated by the City Planning Commission.
- (2) If a Department Planner is designated, the Department Planner shall submit a written report with conclusions and recommendations to the City Planning Commission after the hearing concludes. The report shall be submitted within a period of time fixed by the Commission.

- (b) **Cultural Heritage Commission Recommendation.** The Cultural Heritage Commission shall submit its recommendation regarding a proposed Preservation Plan within 45 days of its submission to the Commission.

2. **Decision.** The City Planning Commission shall render the initial decision within 75 days of the Preservation Plan being submitted.

E. Standards for Review and Required Findings

A Preservation Plan is a legislative decision that is committed to the City Planning Commission's discretion. The Commission will consider whether the Preservation Plan is reasonable, including:

1. Whether the policies, guidelines and standards are consistent with the General Plan, community plan, or any Specific Plan, and
2. Whether the document is internally consistent, and
3. Whether the document is consistent with sound planning principles, and
4. Whether the document is consistent with State and federal law, and
5. Any other factors the Commission deems appropriate.

F. Scope of Decision

The Preservation Plan, Guidelines and Standards are in addition to those set forth in the Zoning Code, 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 in this Section.

G. Appeals

There is no appeal.

H. Modification of Preservation Plan

1. **Review.** After approval by the City Planning Commission, the Board shall review a Preservation Plan at least every 5 years, or as needed.
2. **Modifications.** Any modifications to a Preservation Plan are processed pursuant to Subsections B-F, above.

Sec. 13.11.04 Review of Conforming Work

A. Applicability

1. Generally.

- (a) This Section applies to the review of Conforming Work on Contributing and Non-Contributing Elements.
- (b) Conforming Work may fall into two categories: Major Conforming Work and Minor Conforming Work.
- (c) This Section requires Conforming Work on Contributing Elements for some Projects which may, or may not, require a building permit, including, but not limited to, changing exterior paint color, removal of trees (for Contributing Elements) significant trees (for Non-Contributing Elements) or Landscaping, installation or removal of fencing, window and door replacement, changes to public spaces, and similar Projects.

2. Conforming Work on Contributing Elements

- (a) Conforming Work meeting the criteria and thresholds set forth in this subsection do not require Certificates of Appropriateness set forth in Sec. 13.11.05 and Sec. 13.11.06.
- (b) Where the Project consists of the Demolition of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure:
 - (1) The Director shall review the request and determine whether it qualifies for review under Conforming Work, based on at least one of the following considerations:
 - (i) It can be demonstrated that the structure was built outside of the Period of Significance for the HPOZ through building permits, or where building permits do not exist, through Sanborn Fire Insurance Maps or historic records or photographs.
 - (ii) The Demolition of the structure will not degrade the status of the lot as a Contributing Element in the Historic Preservation Overlay Zone.
 - (iii) The Demolition will not affect the integrity and development pattern of the district as a whole.
 - (2) Any request for the Demolition of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure that does not meet one or more of the above criteria is reviewed is Certificate of Appropriateness (see Sec. 13.11.05 and Sec. 13.11.06).

- 3. **Conforming Work on Non-Contributing Elements.** Conforming Work meeting the criteria and thresholds set forth in this subsection do not require Certificates of Compatibility set forth in Sec. 13.11.07.

4. Failure to Meet Conforming Elements Criteria

- (a)** If an application fails to conform to the criteria of Conforming Work on Contributing Elements, an applicant may elect to file for review under the Certificate of Appropriateness procedure pursuant to Sec. 13.11.05 and Sec. 13.11.06).
- (b)** If an application fails to conform to the criteria of Conforming Work on Non- Contributing Elements, an applicant may elect to file for review under the Certificate of Compatibility procedure pursuant to Sec. 13.11.07.

B. Initiation

- 1. Application, Form and Contents.** To apply for Conforming Work, an owner shall file an application with the Department of City Planning and include all information required by the instructions on the application. Prior to deeming the application complete, the Director shall determine and, if necessary, advise the applicant of the processes to be followed and fees to be paid.
- 2. Application Fees.** The application fees for Major Conforming are set forth in Section 19.01F. Minor Conforming Work does not require an application fee.

C. Notice of Public Hearing

No notice is required.

D. Decision

- 1. Decision maker.** Pursuant to Sec. 13.1.01, the Director shall forward applications for Conforming Work to the Board for conformance review and sign off. The Board may delegate its review authority to the Director of Planning as specified in the Preservation Plan approved for the HPOZ.
- 2. Meeting and Decision**
 - (a) Agenda.** The Board shall place applications reviewed under Conforming Work in the agenda at its next available Board meeting within 21 days of the Director deeming an application complete, unless the applicant and the Director mutually agree in writing to an extension of time.
 - (b) Certification.** The Board shall review and sign off a request for Conforming Work if it finds that the work meets the criteria as set forth in Subsection E. below. The Board does not have the authority to impose conditions on Conforming Work. If the Board finds that the work does not meet that criteria, it shall specify the reasons in writing.
 - (c) Failure to Act.** The applicant may request a transfer of jurisdiction to the Director if the Board fails to act within 21 days. If the applicant does not request for a transfer jurisdiction, the application is deemed denied as of the date the decision becomes untimely.

E. Standards for Review and Required Findings

1. Conforming Work on Contributing Elements.

A request for Conforming Work on Contributing Elements shall be reviewed for conformity with the Preservation Plan for the HPOZ, or if none exists, the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and at least one of following conditions:

Review Criteria for Contributing Elements:		
	Project Scope:	
Minor Conforming Work	i.	Restoration work, Rehabilitation, Maintenance, and/or Repair of architectural features on any Contributing Building, structure, Landscaping, Natural Feature or lot
	ii.	Projects that do not require the issuance of a building permit but affect the building or site, pursuant to Section 91.106.2 of this Code
Major Conforming Work	i.	Addition(s) to any and all structures on a lot or new Building(s) that satisfy all of the following: <ul style="list-style-type: none"> • The Addition(s) or new Building(s) result(s) in an increase of less than twenty (20) percent of the Building Coverage legally existing on the effective date of the Historic Preservation Overlay Zone. • The Addition(s) or new Building(s) is/are located outside of a Street Visible Area, • No increase in height is proposed, and • (d) The Addition(s) and/or new Building does/do not involve two or more structures
	ii.	Construction of detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure in a Street Visible Area in which the proposed square footage is equal to less than ten (10) percent of the lot area
	iii.	Demolition of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure pursuant to the criteria set forth in Subsection A.2.(b) above.
	iv.	demolition and Reconstruction taken in response to natural disaster or to correct a hazardous condition (subject to the provisions of California Public Resources Code Section 5028, where applicable)
	v.	Correction of Code Enforcement Conditions

2. Conforming Work on Non-Contributing Elements.

A request for Conforming Work on Non-Contributing Elements shall be reviewed for conformity with the Preservation Plan for the HPOZ, and at least one of following conditions:

Review Criteria for Non-Contributing Elements:		
		Project Scope:
Minor Conforming Work	i.	Rehabilitation, Maintenance, or Repair of architectural features on any Non-Contributing building, structure, Landscaping, Natural Feature or lot
	ii.	Relocation of buildings or structures dating from the HPOZ's Period of Significance onto a lot designated as a Non-Contributing Element in an HPOZ
	iii.	Projects that do not require the issuance of a building permit but affect the building or site, pursuant to Section 91.106.2 of this Code
Major Conforming Work	i.	Addition(s) to any and all structures on a lot
	ii.	Construction or Demolition of a structure located outside of a Street Visible Area
	iii.	Construction of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure located in a Street Visible Area in which the proposed square footage is equal to less than ten (10) percent of the lot area.
	iv.	Relocation or Demolition of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure located in a Street Visible Area
	v.	Correction of Code Enforcement Conditions

F. Scope of Decision

After the Conforming Work is approved, the following actions must comply with the approved plans:

1. The alteration, relocation, Restoration, Rehabilitation, Demolition, erection, enlargement or maintenance of buildings,
2. any development or construction work, and
3. issuance of a grading, public works, building or change of use permit.

G. Appeals

There is no appeal.

H. Modification of Entitlement

The Review of Conforming Work is modified by following the procedures required for the original decision.

Sec. 13.11.05 Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)

A. Applicability

1. General.

(a) This Section requires the issuance of a Certificate of Appropriateness for:

- (1) any Project affecting a Contributing Element, except as set forth in subsection (b), below.
- (2) A Certificate of Appropriateness is required for some Projects which may, or may not, require a building permit. Examples include changing exterior paint color, removing significant trees or Landscaping, installing or removing fencing, window and door replacement which are character-defining features of architectural styles, changes to public spaces, and similar Projects. However, an applicant not approved under Sec. 13.11.04 may elect to file for a Certificate of Appropriateness.

(b) Prohibition

- (1) No person shall construct, add to, alter, or reconstruct any building, structure, Landscaping, or Natural Feature designated as contributing in the Historic Resources Survey for an HPOZ unless a Certificate of Appropriateness is approved for that action pursuant to this Section, with the exception of Conforming Work on Contributing Elements (which shall not require a Certificate of Appropriateness).
- (2) In the event that Demolition, removal, or relocation has occurred without a Certificate of Appropriateness for Demolition, removal, or relocation having been approved for such action pursuant to 13.11.06 below, a Certificate of Appropriateness shall be based on the existing conditions of the Historic Resource prior to the Demolition, removal, or relocation.
- (3) No Certificate of Appropriateness shall be approved unless the plans for the construction, alteration, addition, or reconstruction conform to the provisions of this Section.

(c) Conforming Work

- (1) This Section does not require a Certificate of Appropriateness for the ordinary Maintenance and Repair of any exterior architectural feature of a property within an HPOZ, which does not involve a change in design, material, color, or outward appearance.
- (2) Work meeting the criteria for Conforming Work on Contributing Elements shall not require a Certificate of Appropriateness.

2. **Other City Approvals.** The activities listed in subsection 1 above require a Certificate of Appropriateness in addition to other City approvals (building permits, variances, etc.) or other legal requirements, such as California Public Resources Code Sec. 5028, which may be required.

B. Initiation

1. The applicant shall submit:
 - (a) any plan for the construction, Addition, Alteration, Demolition, Reconstruction, relocation or removal of a building, structure, Landscaping, or Natural Feature, or
 - (b) any combination of the above designated as Contributing in the Historic Resources Survey for an HPOZ.
2. The plans shall be submitted to the Department of City Planning in conjunction with an application, on a form provided for that purpose.
3. The application fees for a Certificate of Appropriateness shall be as set forth in Section 19.01F.

C. Notice of Public Hearing

The applicant shall provide the following notice before the public hearings required by this Section:

Notice	When	Where / To Whom / Additional Requirements
Historic Preservation Board's ("Board") public hearing – provided by applicant		
Mail	10 days	<ul style="list-style-type: none"> Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property
Posting	10 days	<ul style="list-style-type: none"> the applicant will post notice in a conspicuous place on the property
Area Planning Commission hearing on appeal		
Mail	21 days	<ul style="list-style-type: none"> applicant, appellant, Cultural Heritage Commission, the relevant Board, and any other interested parties of record.

D. Decision

1. **Decision Maker.** The initial decision maker on a Certificate of Appropriateness for construction, Addition, Alteration or Reconstruction is the Director, following a recommendation from the Cultural Heritage Commission and the Board.
2. **Referral.** The Department shall mail a complete application for Certificate of Appropriateness to the Cultural Heritage Commission and to each Board Member for the HPOZ for evaluation.
3. **Cultural Heritage Commission and Board Recommendations**
 - (a) After notice pursuant to Subsection C, the Cultural Heritage Commission (or its designee) and the Board shall each conduct a public hearing and submit their recommendation to

the Director as to whether the Certificate should be approved, conditionally approved or disapproved.

- (b) If the Cultural Heritage Commission or Board do not submit their recommendations within 30 days after the application is mailed (based on the postmarked date), the Director may render a decision without their recommendation(s). The applicant and the Director may mutually agree in writing to a longer period of time for the Board to act.

4. Decision

- (a) The Director shall approve, conditionally approve or disapprove a Certificate of Appropriateness for construction, Addition, Alteration or Reconstruction.

- (b) Any approval, conditional approval, or denial shall include written findings in support.

- 5. **Time to Act.** The Director shall render a determination on any Certificate of Appropriateness within 75 days after the application is deemed complete. These time periods may be extended if necessary with the written mutual consent of the applicant and the Director.

- 6. **Transmittal.** A copy of the determination shall be mailed to the applicant, the Board, the Cultural Heritage Commission and any other interested parties.

E. Standards for Review and Required Findings

The Director shall base a determination whether to approve, conditionally approve or disapprove a Certificate of Appropriateness for construction, Addition, Alteration or Reconstruction on each of the following:

- 1. If no Preservation Plan exists, whether the Project complies with Standards for Rehabilitation approved by the United States Secretary of the Interior considering the following factors:
 - (a) architectural design;
 - (b) height, bulk, and massing of buildings and structures;
 - (c) lot coverage and orientation of buildings;
 - (d) color and texture of surface materials;
 - (e) grading and site development;
 - (f) landscaping;
 - (g) changes to Natural Features;
 - (h) antennas, satellite dishes and solar collectors;
 - (i) off-street parking;

- (j) light fixtures and street furniture;
 - (k) steps, walls, fencing, doors, windows, screens and security grills;
 - (l) yards and setbacks; or
 - (m) signs; and
2. Whether the Project protects and preserves the Historic and architectural qualities and the physical characteristics which make the building, structure, landscape, or Natural Feature a Contributing Element of the Preservation Zone; or
 3. If a Preservation Plan exists, whether the Project complies with the approved Preservation Plan for the HPOZ.

F. Scope of Decision

After the Certificate of Appropriateness is approved, the following actions must comply with the approved plans:

1. The alteration, relocation, Restoration, Rehabilitation, Demolition, erection, enlargement or maintenance of buildings,
2. any development or construction work, and
3. issuance of a grading, public works, building or change of use permit.

G. Appeals

1. **Decision Maker.** The Area Planning Commission is the appellate decision maker.

2. **Filing**

(a) An appeal may be filed by:

- (1) the applicant,
- (2) any aggrieved party
- (3) the Mayor or a member of the City Council, or
- (4) A Board member who is an applicant.

(b) The Planning Department shall forward a copy of the appeal to the Board and the Cultural Heritage Commission. The appellate body may grant, conditionally grant or deny the appeal.

3. **Public Hearing.** Before acting on any appeal, the Area Planning Commission shall conduct a public hearing, providing the notice required by Subsection C above.

4. Appellate Decision

- (1) The Area Planning Commission may grant, conditionally grant or deny the appeal.
- (2) The Area Planning Commission shall render its decision within 75 days after the expiration of the appeal period. Failure of the Area Planning Commission to submit a timely decision is considered denial of the appeal, and the original decision becomes final.

H. Modification of Entitlement

1. **Modification of an Approved Certificate of Appropriateness.** Once a Certificate of Appropriateness becomes effective, the Director shall review any subsequent proposed modification to the project. The Director shall approve the modification if he or she finds the modification to be substantially in conformance to the original approved project. If the Director finds that the proposed modification does not substantially conform to the original approved project, then the applicant shall resubmit the project for a new Certificate of Appropriateness.
2. **Modification Procedure.** To modify an approved Certificate of Appropriateness, an applicant shall submit to the Department of City Planning plans, elevations, or details of the proposed modification and any additional information determined necessary for conformance review. The Director may forward proposed modifications to the Board and/or the Cultural Heritage Commission's Designee for consultation.

Sec. 13.11.06 Certificate of Appropriateness (Demolition, Removal, or Relocation)

A. Applicability

- 1. General.** This Section requires the issuance of a Certificate of Appropriateness (Demolition, Removal or Relocation) for:
 - (a)** the Demolition, relocation or removal of a building, structure, Landscaping, or Natural Feature, except as set forth in Subdivision 3, below, or
 - (b)** any combination of the above designated as contributing in the Historic Resources Survey for an HPOZ.
- 2. Prohibition**
 - (a)** No person shall Demolish, relocate or remove any building, structure, Landscaping, or Natural Feature designated as contributing in the Historic Resources Survey for an HPOZ unless a Certificate of Appropriateness (Demolition, Removal or Relocation) is approved for that action pursuant to this Section, with the exception of Conforming Work on Contributing Elements (which shall not require a Certificate of Appropriateness).
 - (b)** If any Demolition, removal, or relocation occurs without a Certificate of Appropriateness for Demolition, Removal, or Relocation approved for that action pursuant to Subsection E of this Section, a Certificate of Appropriateness pursuant to Sec.13.11.05 shall be based on the existing conditions of the Historic Resource prior to the Demolition, removal, or relocation.
 - (c)** No Certificate of Appropriateness (Demolition, Removal or Relocation) shall be approved unless the plans for the Demolition, relocation, or removal conform to the provisions of this Section.
- 3. Conforming Work**
 - (a)** This Section does not require a Certificate of Appropriateness (Demolition, Removal or Relocation) for the ordinary Maintenance and Repair of any exterior architectural feature of a property within an HPOZ, which does not involve a change in design, material, color, or outward appearance.
 - (b)** Work meeting the criteria for Conforming Work on Contributing Elements does not require a Certificate of Appropriateness (Demolition, Removal or Relocation).
- 4. Other City Approvals.** The activities listed in Subdivision 1 above require a Certificate of Appropriateness in addition to other City approvals (building permits, variances, etc.) or other legal requirements, such as California Public Resources Code Sec. 5028, which may be required.

B. Initiation

A Certificate of Appropriateness is initiated by filing an application with the Department.

C. Notice of Public Hearing

The applicant shall provide the following notice before the public hearings required by this Section:

Notice	When	Where / To Whom / Additional Requirements
Historic Preservation Board's ("Board") public hearing – provided by applicant		
Mail	10 days	<ul style="list-style-type: none"> Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property
Posting	10 days	<ul style="list-style-type: none"> the applicant will post notice in a conspicuous place on the property
City Council hearing on appeal		
Mail	21 days	<ul style="list-style-type: none"> applicant, appellant, Cultural Heritage Commission, the relevant Board, and any other interested parties of record.

D. Decision

- Decision Maker.** The initial decision maker on a Certificate of Appropriateness (Demolition, Removal or Relocation) is the Area Planning Commission.
- Referral.** The Department shall mail a complete application Certificate of Appropriateness (Demolition, Removal or Relocation) to the Cultural Heritage Commission and to each Board Member for the HPOZ for evaluation.
- Cultural Heritage Commission and Board Recommendations**
 - After notice and hearing pursuant, the Cultural Heritage Commission and Board shall submit their recommendations to the Area Planning Commission as to whether the Certificate should be approved, conditionally approved or disapproved.
 - If either the Cultural Heritage Commission and Board do not submit their recommendations within 30 days after the application is mailed, the Director may render a decision without their recommendations.
- Decision.** The Area Planning Commission shall approve, conditionally approve or disapprove a Certificate of Appropriateness (Demolition, Removal or Relocation).
- Time to Act.** The Area Planning Commission shall render a determination on any Certificate of Appropriateness (Demolition, Removal or Relocation) within 75 days of an application being deemed complete. These time periods may be extended if necessary with the written mutual consent of the applicant and the Director.
- Transmittal.** A copy of the determination shall be mailed to the applicant, the Board, the Cultural Heritage Commission and any other interested parties. No Certificate of

Appropriateness (Demolition, Removal or Relocation) shall be issued until the appeal period, as set forth in Subsection G expires or until any appeal has been resolved.

E. Standards for Review and Required Findings

1. No Certificate of Appropriateness (Demolition, Removal or Relocation) shall be issued to Demolish, remove or relocate any building, structure, Landscaping, Natural Feature or Lot within an HPOZ that is designated as a Contributing Element unless the Owner demonstrates that it would be deprived of all economically viable use of the property. In making its determination, the decision maker shall consider any evidence presented concerning the following:
 - (a) An opinion regarding the structural soundness of the structure and its suitability for continued use, renovation, Restoration or Rehabilitation from a licensed engineer or architect who meets the Secretary of the Interior's Professional Qualification Standards as established by the Code of Federal Regulation, 36 CFR Part 61. This opinion shall be based on the Secretary of the Interior's Standards for Architectural and Engineering Documentation with Guidelines;
 - (b) An estimate of the cost of the proposed Alteration, construction, Demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendation of the Board for changes necessary for it to be approved;
 - (c) An estimate of the market value of the property in its current condition; after completion of the proposed Alteration, construction, Demolition, or removal; after any expenditure necessary to comply with the recommendation of the Board for changes necessary to approve a Certificate of Appropriateness (Demolition, Removal or Relocation); and, in the case of a proposed Demolition, after renovation of the existing structure for continued use;
 - (d) For a proposed Demolition, an estimate from architects, developers, real estate consultants, appraisers, or other real estate professionals experienced in Rehabilitation as to the economic feasibility of Restoration, renovation or Rehabilitation of any existing structure or objects. This includes tax incentives and any special funding sources, or government incentives which may be available.
 - (e) If Demolition, removal, or relocation of any Contributing Element, without a Certificate of Appropriateness (Demolition, Removal or Relocation) has occurred, this Subsection E does not apply. Procedures in Sec.13.11.05 and/or Sec. 13.11.01E apply.

F. Scope of Decision

See Sec. 13.2.07.

G. Appeals

1. **Decision Maker.** The City Council is the appellate decision maker.

2. Filing

(a) An appeal may be filed by:

- (1) the applicant,
- (2) any aggrieved party,
- (3) the Mayor or a member of the City Council, or
- (4) A Board member who is an applicant.

(b) **Copies.** The Planning Department shall forward a copy of the appeal to the Board and the Cultural Heritage Commission. The appellate body may grant, conditionally grant or deny the appeal.

(c) **Public Hearing.** Before acting on any appeal, the City Council shall conduct a public hearing, providing the notice required by Subsection C above.

(d) **Appellate Decision**

- (1) The City Council may grant, conditionally grant or deny the appeal.
- (2) The City Council shall render its decision within 75 days after the expiration of the appeal period. Failure of the City Council to submit a timely decision is considered denial of the appeal, and the original decision becomes final.

H. Modification of Entitlement

1. **Modification of an Approved Certificate of Appropriateness (Demolition, Removal or Relocation).** Once a Certificate of Appropriateness (Demolition, Removal or Relocation) becomes effective, the Director shall review any subsequent proposed modification to the project. The Director shall approve the modification if he or she finds the modification to be substantially in conformance to the original approved project. If the Director finds that the proposed modification does not substantially conform to the original approved project, then the applicant shall resubmit the project for a new Certificate of Appropriateness (Demolition, Removal or Relocation).
2. **Modification Procedure.** To modify an approved Certificate of Appropriateness (Demolition, Removal or Relocation), an applicant shall submit to the Department of City Planning plans, elevations, or details of the proposed modification and any additional information determined necessary for conformance review. The Director may forward proposed modifications to the Board and/or the Cultural Heritage Commission's Designee for consultation.

Sec. 13.11.07 Certificate of Compatibility for Non-Contributing Elements

Purpose. The intent of this Section is to ensure compatibility of Non-Contributing Elements with the character of the HPOZ and to ensure that any construction or Demolition work is undertaken in a manner that does not impair the essential form and integrity of the Historic character of its environment.

A. Applicability

1. **General.** A request for a Certificate of Compatibility shall be reviewed for conformity with the Preservation Plan for the HPOZ and shall consist of at least one of following project types:
 - (a) Where the Project on a Non-Contributing Element does not qualify as Conforming Work;
 - (b) Where a structure is constructed or Demolished in a Street Visible Area on a lot designated as a Non-Contributing Element;
 - (c) Where structures not dating from the HPOZs period of significance are replaced or relocated onto a lot designated as a Non-Contributing Element.
2. **Prohibition.** No person shall construct, add to, alter, Demolish, relocate or remove any building, structure, Landscaping, or Natural Feature designated as a Non-Contributing Element or not listed in the Historic Resources Survey for an HPOZ unless a Certificate of Compatibility is approved for that action pursuant to this Section. Additions and Alterations may be exempt from this Section if they meet the criteria in Sec. 13.11.04. No Certificate of Compatibility shall be approved unless the plans for the construction, Demolition, Alteration, Addition, relocation, or removal conform to the provisions of this Section. Any approval, conditional approval, or denial shall include written justification pursuant to Subsection E below.
3. **Conforming Work.** Other types of work solely involving Non-Contributing Elements, including the relocation of buildings or structures dating from the HPOZ's period of significance onto a lot designated as a Non-Contributing Element, are eligible for review under Conforming Work on Non-Contributors as set forth in Sec. 13.11.04. The Director shall review a request, pursuant to Sec. 13.1.01 and find whether the application is eligible for Conforming Work on Non-Contributors as outlined in Sec. 13.11.04 or requires a Certificate of Compatibility. An applicant not approved under Sec. 13.11.04 may elect to file for a Certificate of Compatibility. **Other City Approvals.** The requirements for a Certificate of Compatibility are in addition to other City approvals (building permits, variances, etc.) and other legal requirements, such as Public Resources Code Section 5028, which may be required.

B. Initiation

1. Plans shall be submitted, in conjunction with an application, to the Department of City Planning upon a form provided for that purpose.
2. The application fees for a Certificate of Compatibility are set forth in Section 19.01F.

C. Notice of Public Hearing

The applicant shall provide the following notice before the public hearings required by this Section:

Notice	When	Where / To Whom / Additional Requirements
Historic Preservation Board's (Board) public hearing – provided by applicant		
Mail	10 days	<ul style="list-style-type: none"> Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property
Posting	10 days	<ul style="list-style-type: none"> the applicant will post notice in a conspicuous place on the property
Area Planning Commission hearing on appeal		
Mail	21 days	<ul style="list-style-type: none"> applicant, appellant, Cultural Heritage Commission, the relevant Board, and any other interested parties of record.

D. Decision

- Decision maker.** The initial decision maker on a Certificate of Compatibility is the Director, following a recommendation from the Cultural Heritage Commission and the Board.
- Referral.** When the Director deems the application complete, the Department of City Planning shall mail one copy of the application and relevant documents to each Board member of the HPOZ for evaluation. After notice pursuant to Subsection D, the Cultural Heritage Commission (or its designee) and the Board shall each conduct a public hearing and submit their recommendation to the Director as to whether the Certificate should be approved, conditionally approved or disapproved.
- Cultural Heritage Commission and Board Recommendations.** If the Cultural Heritage Commission or Board do not submit their recommendations within 30 days after the application is mailed (based on the postmarked date), the Director may render a decision without their recommendation(s). The applicant and the Director may mutually agree in writing to a longer period of time for the Board to act.
- Certificates of Compatibility for the Demolition of Non-Contributing Elements**
 - After notice pursuant to Subsection D and a hearing, the Board shall submit its comments on a request to Demolish a Non-Contributing Element, considering the impact(s) of the Demolition of the Non-Contributing Element to the essential form and integrity of the Historic character of its surrounding built environment within 30 days of the postmarked date of mailing of the application from the City Planning Department. If the Board does not submit its comment within 30 days, the Board shall forfeit all jurisdiction. The applicant and the Director may mutually agree in writing to a longer period of time for the Board to comment.

- (b) If Demolition of any Non-Contributing Element, without a Certificate of Compatibility for the Demolition of Non-Contributing Elements or permit has occurred, Subsection 5(a) above does not apply. Procedures in Subsections A-G of this Section and/or Sec. 13.11.01E apply.

5. Decision

- (a) The Director shall approve, conditionally approve or disapprove a Certificate of Compatibility.
 - (b) Any approval, conditional approval, or denial shall include written findings in support.
- 6. Time to Act.** The Director shall render a determination on any Certificate of Compatibility within 75 days after the application is deemed complete. These time periods may be extended if necessary with the written mutual consent of the applicant and the Director.
- 7. Transmittal.** A copy of the determination shall be mailed to the applicant, the Board, and any other interested parties.

E. Standards for Review and Required Findings

Standards for Issuance of Certificate of Compatibility for New Building Construction or Replacement, and the Relocation of Buildings or Structures Not Dating from the HPOZ's Period of Significance onto a Lot Designated as a Non-Contributing Element. The Director shall base a determination whether to approve, conditionally approve or disapprove a Certificate of Compatibility on each of the following:

- 1. If no Preservation Plan exists; whether the following aspects of the Project do not impair the essential form and integrity of the Historic character of its surrounding built environment, considering the following factors:
 - (a) architectural design;
 - (b) height, bulk, and massing of buildings and structures;
 - (c) lot coverage and orientation of buildings;
 - (d) color and texture of surface materials;
 - (e) grading and lot development;
 - (f) Landscaping;
 - (g) changes to Natural Features;
 - (h) steps, walls, fencing, doors, windows, screens, and security grills;
 - (i) yards and setbacks;

- (j) off street parking;
- (k) light fixtures and street furniture;
- (l) antennas, satellite dishes and solar collectors; or
- (m) signs.

2. New construction shall not destroy Historic features or materials that characterize the property. The design of new construction shall subtly differentiate the new construction from the surrounding Historic built fabric, and shall be contextually compatible with the massing, size, scale, and architectural features of nearby structures in the HPOZ; or
3. Whether the Project complies with the Preservation Plan approved by the City Planning Commission for the HPOZ.

F. Scope of Decision

After the Certificate of Compatibility is approved, the following actions must comply with the approved plans:

1. The alteration, relocation, Restoration, Rehabilitation, Demolition, erection, enlargement or maintenance of buildings,
2. any development or construction work, and
3. issuance of a grading, public works, building or change of use permit.

G. Appeals

1. **Decision Maker.** The Area Planning Commission is the appellate decision maker.
2. **Filing.** An appeal may be filed by: the applicant, any aggrieved party, the Mayor or a member of the City Council, or a Board member who is an applicant.
3. **Appellate Decision**
 - (a) The Planning Department shall forward a copy of the appeal to the Board and the Cultural Heritage Commission.
 - (b) The Area Planning Commission may grant, conditionally grant or deny the appeal.
 - (c) The Area Planning Commission shall render its decision within 75 days after the expiration of the appeal period. Failure of the Area Planning Commission to submit a timely decision is considered denial of the appeal, and the original decision becomes final.

H. Modification of Entitlement

1. **Modification of an Approved Certificate of Compatibility.** Once a Certificate of Compatibility becomes effective, the Director shall review any subsequent proposed modification to the project. The Director shall approve the modification if he or she finds the modification to be substantially in conformance with the original approved project. If the Director finds that the proposed modification does not substantially conform to the original approved project, then the applicant shall resubmit the project for a new Certificate of Compatibility.
2. **Modification Procedure.** To modify an approved Certificate of Compatibility, an applicant shall submit to the Department of City Planning plans, elevations, or details of the proposed modification and any additional information determined necessary for conformance review. The Director may forward proposed modifications to the Board and/or the Cultural Heritage Commission's Designee for consultation.

Division 13.12. Coastal Development

Sec. 13.12.01 Coastal Development Permit (Prior to Certification of the Local Coastal Program)

Purpose. It is the purpose of this Section to provide for the approval or denial of Coastal Development Permits in accordance with Section 30600(b) of the California Public Resources Code. In adopting the California Coastal Act of 1976 the State Legislature finds and declares:

“(a) That the California Coastal Zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.

“(b) That the permanent protection of the State’s natural and scenic resources is a paramount concern to present and future residents of the State and nation.

“(c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and to prevent its deterioration and destruction.”

A. Applicability

- 1. Use.** No Development shall be undertaken in the Coastal Zone unless and until an application for such Development has been submitted to the City for a Coastal Development Permit and such Permit has been obtained from the appropriate City Department in conformance with the provisions of this Section and has become final. Where the particular coastal project requires a coastal development permit from the Commission in addition to the one obtained from the City, no development may be commenced until both such permits have been obtained, and both have become final.
- 2. Definitions.** For the purpose of this Section the following words and phrases are defined:

Aggrieved Person	Any person who, in person or through a representative, appeared at a hearing on the application for a Coastal Development Permit, or appeal hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the permit issuing authority, or appeal body of the nature of his or her concerns or who for good cause was unable to do either. “Aggrieved person” includes the applicant for a Coastal Development Permit.
Coastal Zone	That land and water area within the City as specified on maps prepared by the California Coastal Commission, copies of which are on file with the Department of City Planning and the Office of City Engineer. Such “coastal zone” extends seaward to the City’s outer limit of jurisdiction, and generally extends inland 1000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone extends inland 1000 yards.
Development	On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal

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Sec. 13.12.01 Coastal Development Permit (Prior to Certification of the Local Coastal Program)

waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivisions pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including parcel maps and private street divisions, except where any land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the California Public Resources Code). As used in this definition, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Feasible	Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.
Local Coastal Program (LCP)	The City's land use plans and other applicable general plan elements, zoning ordinances, zoning district maps, and proposed implementing actions, which when taken together, meet the requirements of, and implement the provisions and policies of, the California Coastal Act of 1976.
Permit	Any license, certificate, approval, or other entitlement for use granted, conditionally granted, or denied by any public agency which is subject to the provisions of this Section.
Public Project	Any development initiated by the Department of Public Works or any of its bureaus, any development initiated by any other department or agency of the City, and any development initiated or to be carried out by any other governmental agency which is required to obtain a local government permit. Public Project shall not include any development by any department or agency of the City or any other governmental entity which otherwise requires action by or approval of the City Planning Commission, Area Planning Commission or the Office of Zoning Administration, or any development by any department or agency of the City or any other government entity for which a permit from the Department of Building and Safety is required. Public Project shall also not include any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled. <i>(Definition Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)</i>
Sea	The Pacific Ocean and all harbors, bays, channels, canals, estuaries, salt marshes, sloughs and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

3. Exception.

- (a) The provisions of this Section shall not apply to developments which do not need locally issued coastal development permits under the Coastal Act of 1976 or the California Coastal Commission Regulations, Division 5.5 Title 14 of the California Administrative Code. A current copy of these regulations is on file with the Department of City Planning and the Office of City Engineer. This exception shall not relieve any person from obtaining from the proper authority a Coastal Development Permit for a Development within the Coastal Zone where such permit is required but can only be issued by the California Coastal Commission, the Regional Commission or the Executive Director. The provisions

of this Section shall also not apply to any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled; any development by a public agency for which a local government permit is not otherwise required; any emergency repair authorized by Section 30611 of the Public Resources Code; any permits authorized to be issued by the Executive Director of the California Coastal Commission or the Executive Director of the Regional Commission pursuant to Section 30624 of the Public Resources Code; and any other permits over which the City is not authorized to exercise the option provided for in Subdivision (b) of Section 30600 of the Public Resources Code.

(b) Despite any other provisions of this Section or Code, an applicant may file an application for a Permit at any point of the project approval process relating to his or her Development. However, upon initiation of the project approval process by the applicant, said applicant shall sign and notarize a form prescribed for this purpose which shall contain the following:

- (1)** A statement advising the applicant that no permits or permission for a Development in the Coastal Zone shall be issued unless and until a Permit has been approved in accordance with the provisions of this Section.
- (2)** A statement relieving the City of any legal or other responsibility in the event that failure to apply for a Permit results in, or contributes to, a violation of Section 65950, 65951 or 65952 of the California Government Code.

B. Initiation

Proceedings for a Permit shall be initiated by the filing of a verified application upon a form or forms prescribed for that purpose. An application for a Coastal Development Permit for a public project, or for a private project where the approval for the underlying permit is within the jurisdiction of the City Engineer shall be filed in the public office of the City Engineer. All other applications for Coastal Development Permits shall be filed in a public office of the Department of City Planning.

All applications filed with the City Engineer and the Department of City Planning shall be accompanied by the following data:

- 1.** An adequate description of the project including, but not limited to maps, plans, photographs, drawings, etc., of the proposed development, project site and vicinity sufficient to determine whether the project complies with all relevant policies of the California Coastal Act of 1976. Each application shall contain sufficient information concerning land and water areas in the vicinity of the site of the proposed project, (whether or not owned or controlled by the applicant) so that the permit issuing authority will be adequately informed as to present uses and plans, both public and private, insofar as they can reasonably be ascertained for the vicinity surrounding the project site. The description of the development shall also include any feasible alternatives or any feasible mitigation measures available which would substantially lessen any significant adverse impact which the development may have on the

environment. For purposes of this Section the term “significant adverse impact on the environment” shall be defined as in the California Environmental Quality Act and the State and City Guidelines adopted pursuant thereto.

2. A description and documentation of the applicant’s legal interest in the property on which the Development is to be located if the application were approved (e.g., ownership, leasehold, enforceable option, authority to acquire the specific property by eminent domain.)
3. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness, and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant’s representative and to bind the applicant in all matters concerning the application.
4. A Statement of the status of the environmental documentation for the project and a copy of the required environmental documentation.
5. Any additional information as may be required by the permit granting authority.

C. Notice of Public Hearing

1. **Notice – Posting.** At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development a notice that an application has been made for a Coastal Development Permit. Such notice shall contain specific information as to the nature of the proposed development and be in a form as prescribed for that purpose.
2. **Notice – Mailing.** The applicant shall furnish to the City, accompanying the application, a list containing the name and address of each property owner of record and the addresses of all residences, including apartments within 100 feet from each boundary of the site of the proposed development. Where the hearing on the Coastal Development Permit is to be combined with a public hearing otherwise required by this Code for the proposed development, and the provisions of this Code require notification to persons beyond 100 feet of the site of the proposed development, no separate list shall be required, and all persons notified of the hearing for the proposed development shall also be notified that the hearing shall include the application for a Coastal Development Permit. Notice of such hearing shall also be sent to an occupant of all residences, including apartments within 100 feet of the boundary of the proposed development, all persons known, or thought to have a particular interest in the application, and all other persons requesting notice.
3. **Charges For Notification.** No person requesting notification of any application, hearing or decision by any permit granting authority or any notification of hearing or decision on any appeal therefrom shall be required to bear the cost of any such notification.

D. Decision

1. **Proceedings and Hearing**

- (a) **Time Limit – Hearing – Notice.** To the extent possible, any Permit application for a Development within the Coastal Zone shall be processed in accordance with established policies and procedures of a permit granting authority in conformance with the provisions of this Code. For those projects for which no hearing would otherwise be required by law, the appropriate City agency shall notify by mail, at least ten (10) days prior to the hearing, the following:
- (1) those persons whose names appear on the list of property owners within 100 feet of the boundary of the site of the proposed development;
 - (2) an occupant of all residences, including apartments, within 100 feet of the boundary of the site of the proposed development. This requirement can be met by mailing such notice to “occupant” of the subject residence.
 - (3) those persons known or thought to have a particular interest in the application and
 - (4) all other persons requesting notice.
- (b) At the public hearing, all interested persons shall be afforded a reasonable opportunity to testify and present evidence.

2. Determination

- (a) **Authority.** A permit granting authority shall have the authority to approve, conditionally approve or disapprove any application for a Permit under the provisions of the California Coastal Act of 1976; and, standards as established by Division 5.5 Title 14 of the California Administrative Code.
- (b) **Conditions of Approval.** In approving an application for a permit under the provisions of this Section, the City shall impose such reasonable terms and conditions as it deems necessary to assure a development that is in accordance with the provisions of the California Coastal Act of 1976 and those other criteria set forth in Subsection E.

3. Notification.

A copy of the permit granting authority’s action approving, conditionally approving or disapproving any application for a Coastal Development Permit, along with any findings made and conditions imposed in connection therewith, shall be mailed to the applicant and to any person or persons who, in writing, request a copy of such action.

4. Transmittal

- (a) After the decision of the last appeal body, or the time within which any appeal can be taken has expired, the permit granting authority, or any appeal body whose action became final on the permit, shall transmit a copy, by mail, with return receipt requested, of the notice of permit issuance or permit denial to the Executive Director of the Regional Coastal Commission. Such notice shall include the requisite findings, a project description and a verbatim copy of any conditions attached to the permit, all as required by Section

13302(g) of the California Coastal Commission Regulations. Notice shall also be mailed to the applicant, the appellant, and any persons who, in writing, requested such notice.

- (b) The decision of the permit granting authority, or any appeal body to approve issuance of a permit shall not be deemed to be final and no Coastal Development Permit may be issued until 20 working days have expired from the date said notice of permit issuance is deemed received by said Executive Director and without an appeal having been taken to the South Coast Regional Commission.
- (c) If a timely, valid appeal is taken to the Regional Commission, the operation and effect of the Coastal Development Permit is stayed pending final action on the appeal by the Regional Commission or the Commission, and the City shall within 5 working days of the receipt of such notice, deliver to the Executive Director copies of all relevant documents and materials used by the City in its consideration of the permit application.
- (d) If no appeal is taken within 20 working days of the date of the notice of the City's decision to issue a permit is deemed received by the Executive Director, the applicant may commence utilization of the permit. If no timely appeal is taken from the City's decision to deny a permit, such decision is final.
- (e) Neither an applicant nor any other aggrieved party may appeal the approval, conditional approval, or disapproval of any permit to the Regional Commission unless and until all of the City's appeal procedures for such permit have been taken, and a decision thereon has been made.

E. Standards for Review and Required Findings

In making its determination under the provisions of this Section, the permit granting authority shall not approve, or conditionally approve a permit unless it makes written findings, including specific factual findings, supporting the following conclusions:

1. That the development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code).
2. That the permitted development will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976.
3. That the Interpretative Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in the light of the individual project in making its determination.
4. That the decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.

5. If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.
6. Any other finding or findings as may be required for the development by the California Environmental Quality Act.

F. Scope of Decision

1. **General.** Coastal Development undertaken pursuant to a Coastal Development Permit shall conform to the plans, specifications, terms and conditions approved in the Permit.
2. Extensions of Permits
 - (a) Prior to the expiration of a Coastal Development Permit, an applicant may apply to the initial approving authority of the original permit for an extension of the permit for a period of one year. This request shall automatically extend the expiration date of the permit until the approving authority has acted upon the request and the approving authority's action becomes effective. However, if construction has not commenced at the time the application for extension is made, construction may not commence during the period of the automatic extension until the approving authority has acted upon the request and it becomes effective. The application shall State the reasons for the request and shall be accompanied by evidence of a valid, unexpired permit and of the applicant's continued legal ownership interest in the property. The applicant shall also furnish to the City the information required in Subsection C. of this Section.
 - (b) The approving authority, in considering the request for extension, shall determine whether there are changed circumstances that may affect the consistency of the project with the findings required under Subsection E. of this Section.
 - (c) If the approving authority determines that there are no changed circumstances that may affect the consistency of the project with the findings required under Subsection E of this Section, notice of the determination, including a summary of the procedures set forth in this subsection, shall be posted on the subject property by the applicant and shall be mailed, by first class mail by the appropriate City agency, to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any other persons requesting notice.
 - (d) If no written objection to the determination is received within 10 working days of the posting and mailing, the extension shall be approved.
 - (e) If the approving authority determines that, due to changed circumstances, the proposed development is no longer consistent with the findings required in Subsection E of this Section, or if objection is made to the determination of consistency, the approving authority shall set the matter for public hearing and give notice in accordance with the provisions of Subsection D of this Section. In addition, the approving authority shall

- notify any persons who objected to the approving authority's determination of consistency.
- (f) The approving authority shall make a determination based on the facts presented at the public hearing. If the proposed development is determined to be consistent with the findings required in Subsection E of this Section, the extension shall be approved. If the proposed development is determined to be inconsistent with these requirements, the extension shall be denied.
 - (g) Notice of any action taken by the approving authority on an application for an extension of a permit shall be provided as set forth in Subsection D.3 of this Section.
 - (h) Any action taken by the approving authority on an application for an extension of a permit is appealable to the first City appellate body referenced in Subsection F. of this Section in the same manner as an appeal of the original permit as set forth in Subsection F.
 - (i) The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in Subsection D.4 of this Section are applicable to applications for extensions of permits.

G. Appeals

Appeals from the approval, conditional approval, or disapproval of a permit under the provisions of this Section, may be taken by the applicant or any aggrieved person as follows:

1. Where a Coastal Development Permit hearing has been combined with the hearing on the project itself, an appeal may be taken to the appellate body that would hear and decide the appeal from the underlying project. If the appeal from any underlying project is further appealable to a second appellate body, the Coastal Development Permit is likewise further appealable. The time within which to appeal shall be the same as that provided for an appeal of the project itself, but the decision of the permit granting authority on the coastal permit may be separately appealed, without appealing the action on the underlying project. The times for notification of hearing and action on such appeal shall be the same as for the underlying project, whether or not such underlying project is also appealed.
2. Where a Coastal Development Permit application is for a public project, the action of the City Engineer may be appealed to the Board of Public Works. Such appeal shall be filed with the Office of the City Engineer within ten days of the mailing of the decision of the permit granting authority.
3. Where a Coastal Development Permit (other than for a Public Project) involves an underlying activity which is not otherwise appealable, the action of a permit-granting authority on an application may be appealed to the Area Planning Commission. That appeal shall be filed with the Area Planning Commission within ten days of the mailing of the decision of the permit-granting authority.

4. Any appeal filed with either the City Engineer or the Area Planning Commission shall be heard and decided within 30 days of the filing of the appeal. Notice shall be mailed to the required parties at least ten days prior to the hearing.
5. Action on any appeal shall be in writing, and if the appeal is granted, in whole or in part, such decision shall set forth wherein the permit granting authority, or the lower appeal body erred in its action on the permit under the criteria set forth in Subsection E. If the action of any appeal body is further appealable within the City' appeal structure, notice of such intermediate appeal body's action approving, conditionally approving or disapproving any appeal of a Coastal Development Permit along with any findings made and conditions imposed in connection therewith, shall be mailed to the applicant, the appellant, and to any person or persons who, in writing, request a copy of such action.

H. Modification of Entitlement

1. The holder of a Coastal Development Permit may apply to amend the permit by filing a written application with the initial approving authority who approved the original permit. The application shall contain a description of the proposed amendment, the reason for the amendment, together with maps, plans or any other information as may be required by the approving authority, and shall be accompanied by evidence of a valid, unexpired permit and of the applicant's continued legal ownership interest in the property. The applicant shall also furnish to the City the information required in Subsection C of this Section. If the application is deemed complete and accepted, the approving authority shall determine if the requested amendment constitutes an immaterial or material change to the permit.
2. For applications representing immaterial changes, the approving authority shall prepare a written notice containing the same information required for the notice of the original application for a Coastal Development Permit, a description of the proposed amendment and a summary of the procedures outlined in this subsection. The notice shall be posted on the subject property by the applicant and shall also be mailed, by first class mail by the appropriate City agency, to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any other persons who requested to be notified. If no written objection is received by the approving authority within 10 working days of the posting and mailing, the approving authority shall approve the amendment provided the following findings are made:
 - (a) that the proposed amendment will not lessen or avoid the intended effect of the original permit, as approved or conditioned consistent with the findings required in Subsection E of this Section, unless the proposed amendment is necessitated by a change in circumstances, and the applicant has presented newly discovered material which he or she could not, with reasonable diligence, have discovered and produced before the original permit was granted; and

- (b) that the proposed amendment will not lessen or eliminate any conditions imposed for the purpose of protecting a coastal resource or coastal access consistent with the findings required by Subsection E of this Section; and
 - (c) that all of the findings required by Subsection E of this Section can still be made; and
 - (d) that the proposed amendment will not result in any increase in the density or intensity of the project; and
 - (e) that the proposed amendment will not cause any adverse impact on surrounding properties.
3. For applications representing material changes, applications whose immateriality has been challenged or applications for amendments which affect coastal resource or coastal access protection as required by California Public Resources Code Section 30604, the approving authority shall set the matter for public hearing and shall give notice in accordance with the provisions of Subsection D of this Section. The approving authority shall also notify all persons who objected to the approving authority's determination of immateriality. If the approving authority can make the findings contained in Subdivision 2 of this Subsection H, it shall approve the application for amendment to the permit. If the approving authority cannot make the findings referenced above, the application for amendment shall be denied.
 4. Notice of any action taken by the approving authority on an application for an amendment to a permit shall be provided as set forth in Subsection D.3 of this Section.
 5. Any action taken by the approving authority on an application for an amendment to a permit is appealable in the same manner as an appeal on the original permit as set forth in the Subsection G of this Section.
 6. The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in Subsection D.4 of this Section are applicable to applications for amendments to permits.

I. Enforcement

1. **Violations.** Any violation of the provisions of this Section and Code relating to the processing of permits shall be subject to enforcement and penalties of Chapter 9 of the California Coastal Act of 1976 and subsequent amendments thereto.
2. **Revocation.** Any permit application filed or approved under the provisions of this Section or Code may be immediately terminated or revoked by the permit granting authority upon a finding that one or more of the following grounds exist:
 - (a) That inaccurate, erroneous or incomplete information was filed or presented in conjunction with said Permit application.

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- (b)** That names and addresses of all property owners as shown on the records of the City Engineer or of the County Assessor, were not provided within the required radius of the involved property in conformity with the requirements of this Section and Code.
- (c)** That the addresses of all residential occupancies within one hundred feet of each boundary of the site of the proposed development were not provided.
- (d)** That the applicant failed to post and maintain the required notice at the project site in accordance with Subsection C of this Section.

Sec. 13.12.02 Coastal Development Permit (After Certification of the Local Coastal Program)

A. Applicability

1. Requirement of a Coastal Development Permit

(a) A Coastal Development Permit issued by the City that conforms to this Section is required for all Coastal Development located within an area of the City covered by a certified local coastal program,

(1) unless the Coastal Development is exempted under Subsection A.4 of this Section, or

(2) the proposed project site lies completely within the Coastal Commission Permit jurisdiction, or

(3) the Coastal Commission previously issued a Coastal Development Permit for the Coastal Development.

2. Amendments. Amendments to these procedures are not effective until certified by the Coastal Commission.

3. Definitions. The following definitions apply to the Coastal Zone of the City within areas subject to certified Local Coastal Programs. Words and phrases not defined here shall be construed as defined in Section 12.03 or the California Coastal Commission regulations, if defined there.

Appealable Area	The area identified in Public Resources Code Section 30603. The area that meets this criteria includes, but is not limited to, the area shown on the "Post-LCP Certification Permit and Appeals Jurisdiction Map" certified by the Coastal Commission in accordance with the provisions of California Code of Regulations Title 14 Section 13576 and attached as an exhibit in each certified coastal Specific Plan.
Appealable Development	In accordance with Public Resources Code Section 30603(a), any development that constitutes a major public works project or a major energy facility, or any development located in the Appealable Area.
Applicant	The person, partnership, corporation, or other entity or State or local government agency applying for the Coastal Development Permit.
Approving Authority	The initial decision maker and appeal body, including the Director of Planning, City Engineer, Zoning Administrator, City Planning Commission, Area Planning Commission, Board of Public Works, City Council or other applicable decision-making person or body within the City, which has the authority to approve a Coastal Development Permit pursuant to this Section or by reason of jurisdiction over other permits and approvals sought in conjunction with an application for a Coastal Development Permit.
Categorically Excluded Development	A development, which is excluded from the Coastal Development Permit requirements pursuant to a categorical exclusion order adopted by the Coastal Commission that sets forth the specific categories of development that qualify for the exclusion within a specific geographic area, and which establishes that those categories of development in the specified geographic areas will have no potential for significant adverse effects,

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either individually or cumulatively on coastal resources or on public access to or along the coastline.

Coastal Bluff	The upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. The minimum length of bluff line or edge used in making these determinations is 500 feet.
Coastal Development	<p>Any of the following on land, in or under water:</p> <ul style="list-style-type: none">• the placement or erection of any solid material or structure;• the discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste;• the grading, removing, dredging, mining or extraction of any materials; any change in the density or intensity of use of land, including, but not limited to, subdivisions pursuant to the Subdivision Map Act (commencing with Government Code Section 66410), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use;• any change in the intensity of use of water or of access to the water;• construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and• the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations, which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Public Resources Code Section 4511).
Coastal Zone	That land and water area specified on the maps cited in Public Resources Code Sec. 30103, extending seaward to the State's outer limit of jurisdiction, including all offshore islands, but with some additional criteria for special areas as specified in Public Resources Code Secs. 30103.5 and 30166.
Disaster	Fire, flood, wind, earthquake, or other natural or man-made disaster.
Emergency	A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.
Environmentally Sensitive Habitat Area	Any officially mapped area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and developments, and any area identified as a wetland, an environmentally sensitive habitat or as a Sensitive Coastal Resource Area, in a certified Local Coastal Program, a certified land use plan or a certified Specific Plan.
First Public Road Paralleling the Sea	That road nearest to the sea, as defined in Public Resources Code Sec. 30115, which: (a) is lawfully open to uninterrupted public use and is suitable for that use; (b) is publicly maintained; (c) is an improved, all-weather road open to motor vehicle traffic in at least one direction; (d) is not subject to any restrictions on use by the public except when closed due to an Emergency or when closed temporarily for military purposes; and (e) does, in fact, connect with other public roads, providing a continuous access system, and generally parallels and follows the shoreline of the sea to include all portions of the sea

where the physical features, such as bays, lagoons, estuaries and wetlands cause the waters of the sea to extend landward from the generally continuous coastline.

Public Project	Any development initiated by the Department of Public Works or any of its bureaus, any development initiated by any other department or agency of the City, and any development initiated or to be carried out by any other governmental agency that is required to obtain a local government permit. Public Project does not include any development by any department or agency of the City or any other governmental entity that otherwise requires action by or approval of the City Planning Commission, Area Planning Commission or the Office of Zoning Administration, or any development by any department or agency of the City or any other government entity for which a permit from the Department of Building and Safety is required. Public Project shall also not include any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled.
Wetland	Lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens.

4. Exemptions. The following types of Coastal Development are exempt from the requirement to obtain a Coastal Development Permit in accordance with the provisions of this Section:

(a) Improvements to Existing Structures

(1) Improvements to any existing structure are exempt. For purposes of this Section, in order to qualify as an improvement, the Coastal Development shall retain 50% or more of the existing exterior walls of the building or structure. In addition, the following is considered part of an existing structure:

- (i)** all fixtures and other structures directly attached to the existing structure and landscaping on the lot;
- (ii)** for single-family residences, in addition to Sub-subparagraph (i) above, structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences and storage sheds, but not including guest houses or self-contained dwelling units, shall also be considered part of that structure.

(2) Despite the exemption provided in Paragraph (a) above, the following improvements require a Coastal Development Permit:

- (i)** improvements to any structure on a beach, Wetland, stream or lake, seaward of the mean high tide line, where the structure or proposed improvement would encroach within 50 feet of the edge of a Coastal Bluff, stream or in areas of natural vegetation designated by resolution of the Coastal Commission as a significant natural habitat, or identified in a certified local coastal plan or specific plan as a significant natural habitat; or within 100 feet of the edge of a Coastal Bluff if the structure is a single family dwelling;
- (ii)** any significant alteration of land forms, including the removal or placement of vegetation, on a beach, Wetland or sand dune, or within 100 feet of the edge of a Coastal Bluff or stream or in areas of natural vegetation designated by resolution of the Coastal Commission or in a certified specific plan as a significant natural habitat; or within 50 feet of the edge of a Coastal Bluff if the structure is a single family dwelling;

- (iii) the expansion or construction of water wells or septic systems;
 - (iv) improvements to any structure on property located in the Appealable Area that would result in:
 - an increase of 10% or more of internal floor area of the existing structure, or
 - an additional improvement of 10% or less where an improvement to the structure has previously been undertaken pursuant to Public Resources Code Section 30610(b), and/or
 - an increase in height by more than 10% of an existing structure;
 - (v) improvements to any structure on property in the non-appealable area that would result in an increase of 10% or more of internal floor area of the existing structure;
 - (vi) improvements to any structure in significant scenic resource areas as designated by the Coastal Commission or in a certified Specific Plan that would result in:
 - an increase of 10% or more of internal floor area of the existing structure, or
 - an additional improvement of 10% or less where an improvement to the structure has previously been undertaken pursuant to Public Resources Code Section 30610(b), and/or
 - an increase in height by more than 10% of an existing structure;
 - (vii) in areas the Coastal Commission has previously declared, by resolution after public hearing, to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specific major water-using Coastal Development including, but not limited to, swimming pools, or the construction or extension of any landscaping irrigation system;
 - (viii) any improvement to a structure where the development permit issued for the original structure by the Coastal Commission indicated that any future improvements would require a Coastal Development Permit;
 - (ix) any improvement to a structure that results in a Change in the Intensity of Use of the structure; and
 - (x) any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold, including, but not limited to, a condominium conversion, stock cooperative conversion or hotel/motel timesharing conversion.
- (b) Repair and Maintenance Activities of Public Utilities.** Repair and maintenance activities of public utilities as specified in the repair, maintenance and utility hook-up exclusion adopted by the Coastal Commission on September 5, 1978.
- (c) Other Repair and Maintenance.** Repair and maintenance activities that do not result in a material addition to or an enlargement or expansion of the object of those activities, except as otherwise specified by the Coastal Commission in California Code of Regulations, Title

14, Section 13252, and any amendments subsequently adopted, except if the repairs or maintenance involve any of the following:

- (1)** Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work that involves:
 - (i)** repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
 - (ii)** the placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, Wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
 - (iii)** the replacement of 20% or more of the materials in an existing structure with materials of a different kind; or
 - (iv)** the presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within 20 feet of coastal waters or streams.
- (2)** Any method of maintenance dredging that involves:
 - (i)** the dredging of 100,000 cubic yards or more within a 12 month period;
 - (ii)** the placement of dredge spoils of any quantity within an Environmentally Sensitive Habitat Area, on any sand area, within 50 feet of the edge of a Coastal Bluff or Environmentally Sensitive Habitat Area or within 20 feet of coastal waters or streams; or
 - (iii)** the removal, sale or disposal of dredge spoils of any quantity that would be suitable for beach nourishment in an area that the Coastal Commission has declared by resolution, or has been identified in a certified Local Coastal Program, to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.
- (3)** Any repair or maintenance to facilities or structures or work located in an Environmentally Sensitive Habitat Area, any sand area, within 50 feet of the edge of a Coastal Bluff or Environmentally Sensitive Habitat Area or within 20 feet of coastal waters or streams that includes:
 - (i)** the placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; or
 - (ii)** the presence, whether temporary or permanent, of mechanized equipment or construction materials.
- (4)** Unless destroyed by Disaster, the replacement of 50% or more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership is not repair and maintenance under Public Resources Code Sec. 30610(d),

but instead constitutes a replacement structure requiring a Coastal Development Permit.

(d) Replacement Structures. The replacement of any structure destroyed by a Disaster if the replacement structure conforms to applicable existing zoning requirements, is for the same use as the destroyed structure, does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10% and is sited in the same location on the affected property as the destroyed structure.

(1) As used in this subdivision, “bulk” means total interior cubic volume as measured from the exterior surface of the structure.

(2) As used in this subdivision, “structure” includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the Disaster.

(e) Categorically Excluded Development. Any Coastal Development that has been categorically excluded pursuant to a categorical exclusion approved by the Coastal Commission.

(f) Geologic Testing. Geologic testing that does not require other City permits, does not involve cutting access roads and does not remove significant vegetation.

(g) Temporary Events.

(1) A temporary event that meets all of the following criteria:

(i) does not involve a charge for general public admission or seating; and

(ii) will not restrict public access or use of roadways, parking areas, or recreational areas; and

(iii) will not either directly or indirectly impact Environmentally Sensitive Habitat Areas, rare or endangered species, significant scenic resources, or other coastal resources, such as water-oriented activities, visitor facilities, marine resources, biological resources, agricultural lands, and archaeological or paleontological resources.

(2) Any temporary event which has previously received a Coastal Development Permit, will be in the same location, during the same time period, will be operated in the same manner, and was not the subject of previous complaints.

B. Initiation

1. Generally. An application for a Coastal Development Permit shall be filed with either the Department of City Planning or the City Engineer.

(a) Within 30 days of the submittal of the application and the payment of fees, the Director or City Engineer, whichever has jurisdiction, shall determine whether the application is complete.

- (b) Prior to deeming an application complete, the Director or City Engineer shall determine, and if necessary, advise the Applicant, of the processes to be followed, any additional information required, and the fees to be paid. The Director or City Engineer shall adopt guidelines and use them to determine when an application is deemed complete.

2. Jurisdiction

- (a) An application for a Coastal Development Permit for a Public Project, or for a private project where the approval of the underlying permit is within the jurisdiction of the City Engineer, shall be filed in the office of the City Engineer.
- (b) All other applications for Coastal Development Permits shall be filed in a public office of the Department of City Planning.

3. Preliminary Notice of Jurisdiction

- (a) At the time an application for Coastal Development is submitted, the Director of Planning (Director) or City Engineer, whichever has jurisdiction, shall determine whether:
 - (1) the development is within the Coastal Commission's jurisdiction or the City's jurisdiction; and
 - (2) the development is located within the appealable or non-appealable jurisdiction of the Coastal Zone; and
 - (3) the development is within an area designated by a certified Local Coastal Program or within the area subject to the provisions of Sec. 12.20.1 of this Code (SL Ocean Submerged Land zone); and
 - (4) the development is exempt or categorically excluded according to the criteria of subsection A.4 of this Section.
- (b) The Director or City Engineer shall use the following criteria: the certified Local Coastal Program, including any maps, the Post LCP Certification Permit and Appeals Jurisdiction Map certified by the California Coastal Commission, land use designations, special programs and zoning ordinances that are certified as part of the Local Coastal Program and categorical exclusion orders granted by the Coastal Commission.
- (c) If the preliminary notice of jurisdiction of the Director or City Engineer is challenged by the Applicant or an interested person within 15 days after the determination is made, the Director or City Engineer may request an opinion of the Coastal Commission Executive Director. The decision of the Executive Director or the Coastal Commission pursuant to California Code of Regulations, Title 14, Section 13569 shall apply.

4. **Notice of Exemption.** After jurisdiction has been established and the Director or City Engineer has determined that the Coastal Development is exempt pursuant to subsection A.4 of this Section, the Director or the City Engineer, whichever has jurisdiction, shall issue a

notice of exemption for a Coastal Development which is exempt from the Coastal Development Permit requirements. The Director or City Engineer shall mail a copy of the notice of exemption to the Applicant and the Coastal Commission.

C. Notice of Public Hearing

The following notice applies to hearings conducted under this Section:

Notice	When	Where / To Whom / Additional Requirements
Notice of Coastal Development Permit Application		
Mail	10 days before initial decision	<ul style="list-style-type: none"> Applicant The Certified Neighborhood Council All persons who have requested to be on the mailing list for the particular Coastal Development or for all coastal decisions within the Coastal Zone All property owners and residents within 300 feet of the perimeter of the parcel on which the Coastal Development is proposed exclusive of streets The Coastal Commission
Coastal Development that requires a public hearing		
Mail	10 calendar days before the first public hearing	<ul style="list-style-type: none"> Applicant All persons who have requested to be on the mailing list for the particular Coastal Development or for all coastal decisions within the Coastal Zone All property owners and residents within 300 feet of the perimeter of the parcel on which the Coastal Development is proposed, exclusive of streets Coastal Commission
All applications		
Posting	At the time the application is submitted for filing	--
Appeal		
Mail	15 days	<ul style="list-style-type: none"> Applicant Appellant(s) All persons who have requested to be on the mailing list for the particular Coastal Development or for all coastal decisions within the Coastal Zone All property owners and residents within 300 feet of the parcel on which the Coastal Development is proposed, exclusive of streets Coastal Commission

1. **Notice of Coastal Development Permit Application.** The City shall provide the notice at the Applicant's expense. The notice shall contain the following information:

- (a) a statement that the Coastal Development is within the Coastal Zone;
- (b) the date of filing of the application and the name of the Applicant;
- (c) the case number assigned to the application;
- (d) a description of the Coastal Development and its proposed location;

2. **Notice of Waiver of Public Hearing.**

- (a) For Coastal Development in the Appealable Area where the requirement for a public hearing is proposed to be waived, the City shall provide the following statement in the manner provided in Subdivision 1. above: "the public hearing will be waived unless a

hearing is requested by any person within ten working days of the date of this notice. The failure to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission the City's action on the Coastal Development Permit."

- (b) For a Coastal Development that does not require a public hearing pursuant to this Section, the notice shall contain the date the application will be acted upon by the Approving Authority and the general procedure for submitting public comments in writing to the Approving Authority prior to the decision date.

3. Notice of Public hearing

- (a) For a Coastal Development that requires a public hearing pursuant to this Section, the City shall provide the notice at the Applicant's expense. This notice may be combined with the Notice of Coastal Development Permit Application for applications that require a Public hearing.

- (b) The notice shall contain the following information:

- (1) a statement that the Coastal Development is within the Coastal Zone;
- (2) the date of filing of the application and the name of the Applicant;
- (3) the case number assigned to the application;
- (4) a description of the Coastal Development and its proposed location;
- (5) the date, time, and place at which the public hearing on the application will be heard;
- (6) a brief description of the general procedure concerning the conduct of the public hearing and City actions;
- (7) the procedure for City and Coastal Commission appeals, if any, including any required fees;
- (8) If applicable, the criteria for eligibility to appeal to the Coastal Commission; and
- (9) a statement that an interested person must request to be on the mailing list for the particular Coastal Development in order to receive notice of the written determination and in order to appeal to the City.

- 4. Continuation of Public Hearing – Notice.** If a decision on a Coastal Development Permit is continued to a time which is neither (a) previously stated in the notice of public hearing provided pursuant to this subsection, nor (b) announced at the hearing as being continued to a time certain, notice of the further hearings or action on the proposed Coastal Development shall be provided in the same manner, and within the same time limits, as established in this subsection.

5. **Posted Notice.** The Applicant must post, in a conspicuous place, and as close as possible to the proposed Coastal Development, the City's notice that an application has been filed for a Coastal Development Permit. The notice shall contain specific information as to the nature of the proposed Coastal Development and be in a form as required by the approving department for that purpose.
6. Notification of Failure to Act and Approval by Operation of Law
 - (a) **Notification by Applicant.** If the Approving Authority fails to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, the person claiming a right to proceed pursuant to those Code Sections shall notify, in writing, the Approving Authority and the Coastal Commission and all persons entitled to receive notice of an appeal that the Coastal Development has been approved by operation of law. The notice shall specify the application which is claimed to have been approved.
 - (b) **Notification by Approving Authority.** When the Approving Authority determines that the time limits established pursuant to Government Code Sections 65950- 65957.1 have expired, and that the notice required to all persons entitled to receive notice of an appeal pursuant to Subsection C of this Section has occurred, the Approving Authority shall, within 7 calendar days of its determination, notify any person entitled to receive notice of an appeal pursuant to Subsection C that it has taken final action by operation of law pursuant to Government Code Sections 65950-65957.1, and that the application, if it is for an Appealable Development, may be appealed to the Coastal Commission pursuant to California Code of Regulations, Title 14, Section 13110, et seq.

D. Decision

1. **Decision Maker.** The initial decision maker on a Coastal Development Permit is the Director or the City Engineer, pursuant to Subsection B.1.
2. **Public hearing**
 - (a) **Generally.** The Approving Authority shall hold a public hearing on any application for a Coastal Development Permit for an Appealable Development except as waived in Paragraph (b), below. It shall hold the hearing at least 10 calendar days following the mailing of the notice required in Subsection C and shall consolidate the hearing with any other public hearing required for any other approvals required by the Los Angeles Municipal Code or other City ordinance.
 - (b) **Waiver of Public Hearing.** The Approving Authority may waive the public hearing for Coastal Development in the non-appealable area and may propose to waive the requirement for a public hearing for Coastal Development in the Appealable Area if it determines that the Coastal Development meets the following criteria:
 - (1) The Coastal Development is consistent with the Certified Local Coastal Program;

- (2) The Coastal Development requires no discretionary approvals other than a Coastal Development Permit; and
- (3) The Coastal Development has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

3. Initial Decision.

- (a) If an application for a Coastal Development Permit is submitted to the City and there is no application for another Quasi-judicial or Legislative approval, the initial decision shall be made by the Director or City Engineer, whichever has jurisdiction.
- (b) The Director or City Engineer may approve, conditionally approve or deny a Coastal Development Permit.
- (c) The Approving Authority, in approving an application for a Coastal Development Permit, shall impose any conditions considered necessary to insure that the proposed use will be consistent with the findings in Subsection E.
- (d) An application for a Coastal Development Permit shall be denied when the evidence submitted by the Applicant and/or presented at a public hearing fails to support the findings in Subsection E to the satisfaction of the Approving Authority.

4. Concurrent Processing with Other Permits or Approvals

- (a) When a proposed Coastal Development is required to obtain a Coastal Development Permit and is also required to obtain other Quasi-judicial or Legislative approvals, the application for a Coastal Development Permit shall be filed and processed concurrently with the other permits or approvals. The action of the Approving Authority is considered one consolidated action.
- (b) If a condition of the Coastal Development Permit varies from a condition contained in the other permits and approvals, the more restrictive condition controls.
- (c) No additional fees shall be charged for appeal of a Coastal Development Permit that is combined with an appeal for the other permits and approvals.

5. Time Limit for Initial Decision.

- (a) The initial Approving Authority shall make an initial decision within 75 days after:
 - (1) the date the application is deemed complete; or
 - (2) when an environmental impact report (EIR) is required, the date the EIR is certified as complete consistent with State law.
- (b) The time limit may be extended by mutual consent of the Director and the Applicant.

6. **Transmittal of Written Decision.** Upon making a written decision, the Approving Authority shall transmit a copy by First Class Mail to each Applicant, to all persons who have requested to be on the mailing list for the particular Coastal Development or for all coastal decisions within the Coastal Zone, to all property owners and residents within 100 feet of the perimeter of the parcel on which the Coastal Development is proposed, exclusive of streets, and to the Coastal Commission.
7. **Effective Date of City Action.** The City shall issue a Coastal Development Permit only:
 - (a) For a non-appealable development, 15 days after the final City action if no appeal is filed or if the Coastal Commission does not assert jurisdiction.
 - (b) For an Appealable Development, only:
 - (1) after receiving the final City action and notification that the 10 working day appeal period to the Coastal Commission established by California Code of Regulations has ended and no appeal was filed; or
 - (2) an appeal was filed and the Coastal Commission made a determination of no substantial issue with the City's decision.
 - (c) If a decision on a Coastal Development Permit is appealed to the Coastal Commission and the Coastal Commission determines that a substantial issue exists, the issuance of the permit will be regulated by the Coastal Commission.
8. **Recordation of the Coastal Development Permit.** Within 14 days of the issuance of the Coastal Development Permit for a Coastal Development subject to the jurisdiction of the Director, the Applicant shall record the Permit with the Los Angeles County Recorder's Office and provide a certified copy to the City Planning Department.
9. **Notice of Exemption.** The City shall maintain a record of all notices issued for exempt Coastal Developments (see Subsection B.4), including Categorically Excluded Developments, which shall be made available to the Coastal Commission or any interested person upon request. This record may be in the form of a list of issued permits or approvals currently maintained by the City, provided that the record includes the Applicant's name, the location of the Coastal Development, and a brief description of the Coastal Development.

E. Standards for Review and Required Findings

An application for a Coastal Development Permit shall be approved if the Approving Authority, based on information obtained during an investigation and/or public hearing, if applicable, makes specific written findings justifying the City's action, including any conditions imposed in order to bring the Coastal Development into conformity with the certified Local Coastal Program. These findings shall include the following:

1. that the proposed Coastal Development conforms to the certified Local Coastal Program;

2. that the Coastal Development conforms to all applicable provisions of any adopted community plan and specific plan for the area; and
3. where applicable, that any Coastal Development located between the First Public Road Paralleling the Sea and the sea or shoreline of any body of water located within the Coastal Zone conforms to the public access and public recreation policies of Chapter 3 of Division 20 of the California Public Resources Code.

F. Scope of Decision

1. Coastal Development undertaken pursuant to a Coastal Development Permit shall conform to the plans, specifications, terms and conditions approved in the Permit.

2. Duration of Permits

(a) Validity. A Coastal Development Permit that was granted pursuant to this Section runs with the land and continues to be valid upon any changes of ownership of the land or any changes to the existing building or structure on the land.

(b) Termination

- (1) A permit which is not used within the time specified in the permit, or, if no time is specified, within 2 years after the permit is granted, becomes void.
- (2) The Director or City Engineer, whichever has jurisdiction, may grant extensions of time for the using the permit, if the extension is requested prior to the expiration date, under the provisions of Subdivision 4 of this Subsection.
- (3) Where other approvals are granted concurrent with the Coastal Development Permit, the time limits and extensions shall be the same as those for the other approvals. However, the Coastal Development Permit shall become void after 6 years.

(c) Use of Permit

- (1) A Coastal Development Permit shall be considered used when construction or other development authorized by that permit, which would be prohibited in that location if no Coastal Development Permit had been issued, has commenced.
- (2) A Coastal Development Permit shall automatically cease to be in effect if the use for which the permit was granted has ceased or has been suspended for a consecutive period of 2 or more years.

3. Revocation

(a) Failure to Comply with Conditions. If the Director or City Engineer, whichever has jurisdiction, determines that the conditions of any Coastal Development Permit granted pursuant to this Section have not been complied with, the Director or City Engineer may

give notice to the record owner or lessee of the real property to appear at a time and place fixed by the Director or City Engineer and show cause why the determination of the Approving Authority granting the Coastal Development Permit should not be rescinded. An appeal from a revocation action may be taken in the same manner prescribed in Subsection G of this Section.

(b) Request by Aggrieved Person. Any aggrieved person may request revocation of a permit by application to the Director or City Engineer, whichever has jurisdiction, specifying with particularity the grounds for revocation. The Director or City Engineer shall review the stated grounds for revocation and shall determine whether to initiate revocation proceedings. An appeal from a revocation action may be taken in the same manner prescribed in Subsection G of this Section.

4. Extensions of Time

(a) Application

(1) Prior to the expiration of a Coastal Development Permit, an Applicant may apply for a 1 year extension of the permit. Prior to the expiration of any extension, the Applicant may apply for another 1 year extension of the permit.

(2) An application for an extension of time shall automatically keep the permit in effect until the Approving Authority has acted upon the request. However, if construction has not commenced at the time the application is made, construction may not commence after the initial expiration date until the Approving Authority has acted upon the request.

(3) The application shall state the reasons for the request and shall be accompanied by evidence of a valid, unexpired permit and of the Applicant's continued property interest.

(b) Procedures. The procedures for applying for an extension of time shall be in accordance with Subsections B, C, D, and E of this Section.

(c) Findings. The Approving Authority shall only grant an extension if the Approving Authority can make the same findings as were required for the original permit, with no new conditions, and must make an additional finding that there are no changed circumstances which would affect the Coastal Development's consistency with the Local Coastal Program.

(d) Appeal. An extension of time for a Coastal Development Permit may be appealed in accordance with Subsection G of this Section. However, in addition to the notice provisions required for appeals in the table in that subsection, the Approving Authority shall also notify any persons who objected to the Approving Authority's approval of an extension.

G. Appeals

1. Filing

- (a) An Applicant or any other person aggrieved by the initial decision on a Coastal Development Permit may appeal the decision to the Area Planning Commission or to the Board of Public Works for a Public Project or for a private project where the approval of the underlying permit is within the jurisdiction of the City Engineer. The appeal on an Appealable Development and non-appealable development shall be filed within 15 days of the date of mailing of the decision.
- (b) The appeal shall set forth specifically the points at issue and the reasons for the appeal.
- (c) Any appeal not filed within the 15-day filing period shall not be considered by the Area Planning Commission or Board of Public Works.
- (d) The filing of an appeal stays proceedings in the matter until the Commission or Board has made a decision.
- (e) Once an appeal is filed, the initial decision maker shall transmit the appeal and the file to the Commission or Board, together with any reports responding to the allegations made in the appeal.

- 2. **Notice of Appellate Decision.** Before acting on any appeal of a Coastal Development Permit, the Area Planning Commission or Board of Public Works shall set the matter for hearing.
- 3. **Time for Appellate Decision.** The Area Planning Commission or Board of Public Works shall act within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the Applicant and the Commission or Board.
- 4. **Appellate Decision.** The Area Planning Commission or Board of Public Works may reverse or modify the initial decision, in whole or in part. In reversing or modifying the initial decision, the Commission or Board shall make the same findings required to be made by the initial decision maker.
- 5. **Notice of Final City Action.** Within 7 calendar days of a final decision on an application for any Coastal Development, the Approving Authority shall provide notice of its action, at the expense of the Applicant, by first class mail to the Coastal Commission and to any persons who specifically requested notice of the final action by submitting a self-addressed, stamped envelope to the Approving Authority. The notice shall include conditions of approval, written findings, and, if applicable, the procedures for appeal to the Coastal Commission.
- 6. **Appeal Procedures for Multiple Applications Including a Coastal Development Permit**
 - (a) If a Coastal Development Permit is combined with another Quasi-judicial or Legislative approval, an appeal of the initial decision on a Coastal Development Permit application automatically constitutes an appeal of the decision on the application for the other

discretionary approvals. Any appeal of the other permits and approvals also constitute an appeal of the Coastal Development Permit unless the appeal of the Coastal Development Permit would violate Charter Sec. 563. The time for appeal of the Coastal Development Permit to the Coastal Commission shall commence after action on the other permits and approvals becomes final.

- (b)** The Approving Authority for multiple applications for a Coastal Development Permit and other Quasi-judicial or Legislative approvals shall be as established in Sec. 13.2.10.

However, the appeal procedures for the consolidated action shall follow the procedural requirements for notice, public hearing and final action of an initial decision on a Coastal Development Permit in accordance with Subsections C, D and E of this Section.

H. Modification of Entitlement

1. Immaterial Changes to a Coastal Development Permit

- (a) Application.** An application for an immaterial change to a Coastal Development Permit shall be filed with the Approving Authority that approved the existing permit.
- (b) Approval.** If the Approving Authority finds that the proposed change conforms to the original findings and conditions required for the Coastal Development Permit and is in substantial conformance with that Permit, then the Approving Authority may approve the proposed change.

2. Permit Amendments

- (a) Application.** If the Approving Authority that originally granted the Coastal Development Permit finds that a proposed change does not substantially conform to the original Coastal Development Permit, the holder of the Permit may apply for an amendment to the Permit in the same manner as an application for a new Coastal Development Permit. This application shall contain a description of the proposed amendment, the reason for the amendment, together with maps, plans or other material appropriate to the request, and shall be accompanied by evidence of a valid, unexpired permit and of the Applicant's continued legal ownership or interest in the property.
- (b) Procedures.** The procedures for an amendment are the same as would be required of a new application at the same location in accordance with Subsections B, C, D and E of this Section.
- (c) Appeals.** Decisions on amendment applications are appealable as provided in Subsection G above.

I. Emergency Permits

An Emergency permit shall only be issued in cases where an Emergency necessitates immediate action that would normally require a Coastal Development Permit, and where the worth of any permanent structures erected does not exceed \$25,000.

1. **Applications.** An application for an Emergency Coastal Development Permit shall be made to the Director or the City Engineer, whichever has jurisdiction, within three days of the Emergency or discovery of the danger. The following information shall be included in the request:
 - (a) nature of the Emergency;
 - (b) cause of the Emergency, if this can be determined;
 - (c) location of the Emergency;
 - (d) the remedial, protective or preventive work required to deal with the Emergency; and
 - (e) the circumstances during the Emergency that justify the proposed course of action, including the probable consequences of failing to take action.
2. **Verification of Emergency.** The Director or City Engineer shall verify the facts, including the existence and the nature of the Emergency, insofar as time permits.
3. **Procedure.** The Director or City Engineer shall provide public notice of the Emergency work, with the extent and type of notice determined on the basis of the nature of the Emergency. The Director or City Engineer shall not issue an Emergency permit for any work that falls within the provisions of Public Resources Code Sections 30519(b) and 30601. The Director or City Engineer may grant an Emergency permit upon reasonable terms and conditions, if the Director or City Engineer finds that:
 - (a) an Emergency exists that requires action more quickly than the regular permit process would allow, and the work can or will be completed within 30 days, unless otherwise specified by the terms of the permit;
 - (b) public comment on the proposed Emergency action has been reviewed, if time allows; and
 - (c) the work proposed would be consistent with the certified Local Coastal Program and any adopted, relevant community or specific plans.
4. **Compliance.** An Emergency permit shall be valid for not more than 60 days from the date of issuance. Prior to expiration of the Emergency permit, the permittee must submit a Coastal Development Permit application for the Coastal Development or else remove the Coastal Development undertaken pursuant to the Emergency permit in its entirety and restore the site to its previous condition. Failure to comply with the provisions of this Subsection or failure by the permittee to properly notice and report any Emergency actions may result in the revocation of the Emergency permit.
5. **Reporting.** The Director or City Engineer shall notify the Coastal Commission of the issuance of an Emergency permit by phone or letter as soon as possible, but in any event within three days of the issuance of the Emergency permit.

Division 13.13. Department of Building and Safety

Sec. 13.13.01 General Provisions for Department of Building and Safety

A. Purpose

This Division describes the powers, duties, and processes of the Department of Building and Safety as they relate to the Zoning Code.

B. Permits and Vesting of Development Plan

1. Permits

- (a) No permit pertaining to the use of land or buildings shall be issued by any department, officer, or employee of this City, vested with such duty, unless the application for the permit has been approved by the Department of Building and Safety as to conformance of said use with the provisions of this chapter. Any permit or certificate of occupancy, issued in conflict with the provisions of this chapter shall be null and void.
- (b) **Building Permits.** No tennis or paddle tennis court accessory to a primary residential use on the same lot in the A or R Zones shall be constructed until application for a building permit therefor has been filed with and issued by the Department of Building and Safety.

2. Vesting of Development Plan

- (a) Whenever plans sufficient for a complete plan check are accepted by the Department of Building and Safety and a fee is paid, a vested right is granted to the project to proceed with its development in substantial compliance with the zoning, and development rules, regulations, ordinances and adopted policies of the City of Los Angeles in force on the date that the plan check fee is paid as indicated on a valid building permit application. These rights shall not include exemption from other applications or approvals that may be necessary to entitle the project to proceed (*i.e.*, subdivision, zone variance, design review board review, *etc.*) and from subsequent changes in the Building and Safety and Fire regulations found necessary by the City Council to protect the public health and safety and which are applicable on a citywide basis, contained in [Chapters V](#) and [IX](#) of this Code and policies and standards relating to those chapters or from citywide programs enacted after the application is deemed complete to implement State or Federal mandates.
- (b) These rights shall end:
 - (1) 18 months after the plan check fee is paid, or if a permit is issued during that time, when the building permit terminates pursuant to Section 98.0602;
 - (2) when subsequent changes are made to those plans that increase or decrease the height, floor area, or occupant load of the proposed-structure by more than 5 percent;

- (3) when the use of the property is changed;
- (4) when changes exceed or violate the Zoning Code regulations in force on the date the plan check fee was paid; or
- (5) when the discretionary land use approval for the project terminates under the provisions of Chapter I or Chapter IA of this Code or any ordinance adopted pursuant to Chapter I or Chapter IA of this Code.

C. Yard Area Modifications

Section [98.0403.1](#)(a)11. of the Los Angeles Municipal Code provides in part that:

“The Department shall have the power to hear and determine requests for slight modifications for individual cases in the yard area requirements of the zoning ordinance, provided that in each such modification, the Superintendent shall first find that a special, individual reason makes the strict letter of the ordinance impractical and that the modification is in conformity with the spirit and purpose of the ordinance involved. Any action granting a modification shall be recorded and entered in the files of the Department.

“For structures and additions constructed after January 1, 1995, slight modifications from the yard requirements shall be limited to deviations permitting portions of buildings to extend into a required yard or other open space a distance of not to exceed 20 percent of the width or depth of such required yard or open space. However, for structures and additions existing prior to January 1, 1995, slight modifications may be granted for yard deviations slightly over 20 percent.

“Except as expressly provided herein, the Superintendent of Building shall not grant deviations from the lot area, height, or density requirements. Further, the Superintendent shall not grant deviations from the yard requirements relating to the height of fences and walls, or including those for tennis or paddle tennis courts and other game courts.

“If the yard regulations cannot reasonably be complied with or it is difficult to determine their application on lots of peculiar shape or location, then the regulations may be modified or determined by the Superintendent of Building. The Superintendent may also waive all or part of the required loading space on unusually shaped lots, oddly located lots, or hillside lots, when such space cannot reasonably be provided or utilized.

“Requests for yard modifications as provided in this subsection shall be made in accordance with the procedures established in Section 98.0403.2 of the Los Angeles Municipal Code.”

D. Parking Facility Modifications

1. The Superintendent of Building may grant slight modifications in the requirements of Section 12.21 A.5. of this Code if it is impractical to apply the design criteria set forth therein due to the unusual topography, peculiar shape of location of the lot, or where parking angles are less

than 40 degrees. He/she may also grant slight modifications in such requirements where such modifications will improve the design or functioning of the parking area or garage, or where attendant parking is assured to his/her satisfaction.

2. The power to grant such modifications shall be exercised in accordance with the procedure established in Section 98.0403 of this Code.

E. Inspection of Premises

1. Whenever it is necessary to make an inspection to enforce any of the provisions or to perform any duty imposed by this Code or other applicable law, or whenever the Superintendent of Building or his/her authorized representative has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Article or other applicable law, the Superintendent of Building or his/her authorized representative is hereby authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the General Manager by this Code or other applicable law, provided that:
 - (a) if such property be occupied, he/she shall first present proper credentials to the occupant and request entry explaining his/her reasons therefor; and
 - (b) if such property be unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the property and request entry, explaining his reasons therefor. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the Superintendent of Building or his/her authorized representative shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

F. Certificate of Occupancy

1. No vacant land shall be occupied or used, except for agricultural uses, and no building erected or structurally altered shall be occupied or used until a certificate of occupancy shall have been issued by the Superintendent of Building.
2. **Certificate of Occupancy for a Building**
 - (a) A certificate of occupancy for a new building or the enlargement or alteration of an existing building shall be applied for coincident with the application for a building permit. The certificate of occupancy shall be issued after the request for it has been made in writing to the Superintendent of Building after the erection, enlargement or alteration of the building or part of the building has been completed in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Superintendent of Building for a period not to exceed 6 months, during the completion of alterations or during partial occupancy of a building

- pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.
- (b) Whenever the automobile parking spaces which are required for a building by the provisions of this Code, are provided on a lot other than the one on which the building is located, the certificate of occupancy for said building shall be valid only while such parking spaces are being so maintained and shall bear a notation to that effect. Said certificate shall be kept posted in a conspicuous place in the building. The Superintendent of Building shall keep a record of each lot on which required automobile parking spaces are provided for a building located on another lot, and whenever he finds that such automobile parking spaces are no longer so maintained, he shall notify the persons having custody of the building of that fact. If at any time such automobile parking spaces are not being maintained, the certificate of occupancy shall automatically be cancelled and said building shall not thereafter be occupied or used until the required automobile parking spaces are again provided and a new certificate is issued.
- (c) Whenever a lot abutting a public alley in the "C" Zone is developed and used solely for dwelling or apartment house purposes with no more than 20 dwelling units on the lot and no loading space is provided, the certificate of occupancy for any building thereon shall be valid only while all the buildings on said lot are maintained for said use and the certificate shall bear a notation to that effect. If at any time any of the buildings on said lot are structurally altered or enlarged, or the use thereof is changed to a hospital, hotel, institution, commercial or industrial purposes, or a dwelling or apartment house so as to exceed 20 dwelling units on the lot, the certificate shall automatically be cancelled and none of the buildings on said lot shall thereafter be occupied or used until the required loading space is provided and a new certificate is issued.
- (d) Wherever authority is granted to permit the sale of a lot in a residential planned development contingent upon the possession of an interest in common areas and facilities which are appurtenant to said lot, the Certificate of Occupancy for buildings on said lot shall be valid only while said interest is held by the owner. Said interest may be through shares of stock or voting membership in an owners association.
3. **Certificate of Occupancy for Land.** A certificate of occupancy for the use of vacant land or a change in the character of the use of land, including the construction of tennis or paddle tennis courts, as herein provided, shall be applied for before any such land shall be occupied or used for any purpose except that of tilling the soil and the growing therein of farm, garden or orchard products; and a certificate of occupancy shall be issued after the application has been made, provided such use is in conformity with the provisions of the Municipal Code.
4. **Certificate of Occupancy - Contents - Filing Fee**

- (a) The Certificate of Occupancy shall state that the building or proposed use of a building or land conforms to the provisions of this Chapter. A record of all certificates shall be kept on file in the office of the Superintendent of Building, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. A fee shall be charged for each original certificate of occupancy pursuant to Subdivision 10. of Subsection (b) of Section 91.0304 of the Los Angeles Municipal Code.
 - (b) No excavation for any building shall be started before application has been made for a certificate of occupancy.
- 5. **Plats.** All applications for a certificate of occupancy shall be made on a printed form to be furnished by the Superintendent of Building, and shall contain accurate information and dimensions as to the size and location of the lot, the size and location of the buildings or structures on the lot, the dimensions of all yards and open spaces, and such other information as may be necessary to provide for the enforcement of these regulations. Where complete and accurate information is not readily available from existing records, the Superintendent of Building may require the applicant to furnish a survey of the lot prepared by a licensed surveyor. The applications and plats shall be kept in the office of the Superintendent of Building, and the duplicate copy shall be kept at the building at all times during construction.
- 6. **Recorded Agreements**
 - (a) Whenever the off-street automobile parking spaces required by this section are provided on a different lot from that on which the use they are to serve is located, as a prerequisite to the issuance of the required building permit or certificate of occupancy, the owner or owners of said lot on which parking is to be provided shall record an agreement in the Office of the County Recorder of Los Angeles County, California, as a covenant running with the land for the benefit of the City of Los Angeles, providing that such owner or owners shall continue to maintain said parking spaces so long as the building or use they are intended to serve is maintained.
 - (b) Whenever the total floor area permitted on a lot is to be included in a building which will not cover the entire buildable area of the lot, as a prerequisite to the issuance of the required building permit, the owner or owners of record of said lot shall record in the office of the County Recorder of Los Angeles County, California, a covenant running with the land for the benefit of the City of Los Angeles providing that so long as said building is maintained on said lot said owner or owners will not erect any additional buildings on the unoccupied buildable area of the lot.

Sec. 13.13.02 Appeals from LADBS Determinations

A. Applicability

1. The Zoning Administrator may investigate and make a decision upon appeals from determinations of the Department of Building and Safety in the interpretation or administration of the Zoning Code.
2. This Section does not apply to requests for extensions of time to comply with any order issued by the Department of Building and Safety.

B. Initiation

1. Any aggrieved person may file an appeal at a public counter of the Department of City Planning.
2. An appeal to the Zoning Administrator may only be made after the Department of Building and Safety has rendered a decision in writing and provided written justification and findings on an appeal made pursuant to Section 98.0403.2(a) of the Municipal Code.
3. The appeal shall be filed within 15 days after the Department of Building and Safety renders a decision in writing with justification and findings on the issues set forth in the appeal made pursuant to Section 98.0403.2(a).
4. Filing an appeal stays, with respect to that site, all enforcement proceedings and actions pertaining to the Zoning Code and other land use ordinances pending the Zoning Administrator's decision. However, filing an appeal will not prevent the issuance of a building permit or performance of work authorized by the permit when all Code and other land use requirements are met to the satisfaction of the Department of Building and Safety, and only after consideration of the issues set forth in the appeal to the Department of Building and Safety made pursuant to Section 98.0403.2(a). Filing an appeal does not delay enforcement proceedings or actions related to the abatement of imminent life safety hazards.

C. Notice of Public Hearing

1. Upon receipt of the appeal, the Department shall notify the owner of the subject property if an appeal is filed by a third party.
2. The following notice is required for the public hearing on the initial decision, if held:

Notice	When	Where/To Whom
Mail	21 days	<ul style="list-style-type: none">• applicant and property owner,• appellant,• Department of Building and Safety,• owners of all properties abutting, across the street or alley from, or having a common corner with the subject property, and• interested parties who have requested in writing to be noticed

D. Decision

1. **Decision Maker.** The Zoning Administrator is the initial decision maker on an appeal from a determination of the Department of Building and Safety.
2. **Public Hearing.** The Zoning Administrator shall set the matter for hearing if it is likely to be controversial.
3. **Decision**
 - (a) The Zoning Administrator shall investigate the matter.
 - (b) The Zoning Administrator shall render a decision within 75 days after the appeal period expires. If the Zoning Administrator fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Sec. 13.2.06.
4. **Transmittal.** The Zoning Administrator shall transmit a copy of the decision to the applicant, property owner, appellant, the Department of Building and Safety, owners of all properties abutting, across the street or alley from, or having a common corner with the subject property, and to all persons who requested notification in writing.

E. Standards for Review and Required Findings

1. In deciding an appeal, the Zoning Administrator will consider:
 - (a) the statement of purpose underlying the regulation,
 - (b) the plain language of the regulation and principles of interpretation in this Chapter and Chapter I.
2. The Zoning Administrator will make a finding regarding whether the matter may have a citywide impact.
3. The Zoning Administrator shall find that there is no citywide impact if the matter concerns only the use of the specific property, or circumstances or issues connected with other zoning matters which are unique to the affected site and would not generally apply to other sites in the City, or would not result in changes in the application of Chapter I of this Code and other land use ordinances to other sites.

F. Appeals

1. **Decision Maker.** The Area Planning Commission is the appellate decision maker on a matter that the Zoning Administrator found did not have a citywide impact. The City Planning Commission is the appellate decision maker on a matter that the Zoning Administrator found does have a citywide impact.

2. **Filing.** An applicant or any other person aggrieved by a decision of the Zoning Administrator may appeal that decision to the Area Planning Commission or City Planning Commission.

3. **Appellate Decision**

(a) Before acting on any appeal, the appellate body will set the matter for a public hearing, giving the same notice as provided for the original hearing.

(b) The appellate body shall act within 75 days after the expiration of the appeal period.

(c) The decision to sustain or overturn must contain the same findings required to be made by the Zoning Administrator, supported by evidence in the record.

G. **Scope of Decision**

See Sec. 13.2.07.

H. **Modification of the Action**

No modification is available.

Sec. 13.13.03 Annual Inspection Monitoring of Auto Dismantling Yards, Junk Yards, Scrap Metal or Recycling Materials Processing Yards, Recycling Collection and/or Buyback Centers, Recycling Materials Sorting Facilities and Cargo Container Storage Yards

A. Applicability

1. The provisions of this subsection shall apply to every recycling center or yard operating pursuant to a valid certificate of occupancy. In addition, these provisions shall be applicable to every recycling center or yard operating with nonconforming status pursuant to Section [12.23](#) of this Code, and as to such recycling centers or yards, any revocation proceedings authorized by these provisions shall be deemed to be proceedings to revoke and void any rights otherwise granted by Section [12.23](#) of this Code.
2. **Definitions.** For the purpose of this Section the following words and phrases are defined:

Board	The Board of Building and Safety Commissioners
Department	In accordance with Public Resources Code Section 30603(a), any development that constitutes a major public works project or a major energy facility, or any development located in the Appealable Area.
Recycling Center	Any recycling collection or buyback site, recycling sorting facility, or other recycling oriented site which does not do any processing other than mechanical compaction to reduce the volume of recyclable containers for economy of storage.
Superintendent	The Superintendent of Building or his or her authorized representative.
Yard	Any automobile or truck dismantling yard, junk yard, scrap metal or recycling materials processing yard or cargo container storage yard or any open storage location where used materials and equipment of any kind, including vehicles, boats, or airplanes, which are inoperable, wrecked, damaged, or unlicensed, i.e., not currently licensed by the Department of Motor Vehicles, are stored or processed.

B. Initiation

1. Annual Inspections

- (a) The Department shall make an inspection of each recycling center or yard at least once a year to verify compliance with all applicable provisions of this Code.
- (b) An annual inspection fee as specified in Section 98.0402(e) of the Code shall be paid by each business operator or property owner to the Department. The business operator and the property owner of every site under the jurisdiction of this section shall be notified of

- all fees, fines, penalties, costs, or other assessments resulting from enforcement of this section and are jointly and severally responsible to ensure that code compliance is maintained, at all times, and that payment of all fees, fines, penalties, costs, or other assessments due for each qualifying business as specified by this section, is made to the Department. If all fees, fines, penalties, costs or other assessments due pursuant to this section are not paid, a lien may be placed upon the property as provided for in Section 98.0402(g) of the Code and Los Angeles Administrative Code section 7.35.1et seq. In addition, failure to pay all fees, fines, penalties, costs or other assessments is sufficient cause to institute a certificate of occupancy revocation hearing.
- (c) An inspection may also be made whenever a complaint is received by the Department concerning a violation of this Code or as needed to verify continued compliance with applicable Code requirements. Accessory storage only yards, where no business is conducted, which are nearby but not contiguous with a main yard may be approved and inspected with an additional fee of one half of the annual inspection fee for each yard.

2. Order to Comply

- (a) If a recycling center or yard that is inspected is found to be in violation of any provision of this Code, the Superintendent shall send an Order to Comply ("Order") to the owner of the property and the operator of the recycling center or yard. The Order shall clearly state the following:
- (1) The violation must be corrected by a compliance date specified in the Order, which date shall be no more than 30 days from the date the Order is mailed;
 - (2) The compliance date as specified in the Order may be extended for an additional period not to exceed 45 days if the owner or operator of the recycling center or yard presents satisfactory evidence to the Superintendent that unusual difficulties prevent substantial compliance without an extension;
 - (3) Failure to correct the violation on or before the compliance date or any authorized extension will lead to commencement of certificate of occupancy revocation proceedings. Such proceedings will terminate with a revocation hearing, which hearing may only be avoided if the violation is corrected and a fine paid according to the fine schedule in Subsection I below.
3. **Re-inspection.** The Superintendent shall re-inspect a recycling center or yard for which an Order was issued pursuant to this Subsection subsequent to the compliance date or any authorized extension thereof.
4. **Citation Authority Prior to Revocation Notice.** An arrest may be made or citation issued pursuant to Sec. 98.0408 of this Code if the violations noted in an Order are not corrected on

or before the due date noted upon such notice. This action does not preclude the commencement of certificate of occupancy revocation proceedings.

C. Notice of Intent to Revoke and Revocation Hearing

1. If any violation specified in an Order or citation is not corrected prior to the compliance date or any extension thereof, or if the annual inspection fee has not been paid within 60 days of assessment, then certificate of occupancy revocation proceedings shall be commenced by issuance of a Notice of Intent to Revoke ("Notice"), which shall be sent to the owner of the property and the operator of the recycling center or yard subsequent to any re-inspection pursuant to Subsection A.
2. The Notice shall state the following:
 - (a) The date and place of the revocation hearing, which shall be scheduled at least 15 days and not more than 90 days from the date of issuance of the Notice.
 - (b) A list of all violations uncorrected as of the compliance date.
 - (c) Copies of all inspection reports related to these violations, unless the copies were previously furnished to the owner or operator.
 - (d) Termination of revocation proceedings may only be obtained if each violation noted in the Notice is corrected before the date of the revocation hearing and if a specified fine is paid, which fine shall be fixed in accordance with the fine schedule in Subsection I below.
 - (e) The owner or operator is entitled to be represented by legal counsel at any revocation hearing.
 - (f) Each violation of the Code and each day of operation without a certificate of occupancy is a misdemeanor.
3. **Revocation Hearing.** On the date specified in the Notice, a certificate of occupancy revocation hearing shall be held. The Board may appoint a hearing examiner to conduct the hearing, which examiner shall not be any individual who participated in the issuance of any of the Notices required by this subsection. Subpoenas may be issued pursuant to Section 98.0307 of this Code. The hearing shall be conducted pursuant to the provisions of Sections 98.0308 and 98.0309 of this Code.

D. Decision

1. **Hearing Examiner's Report.** Within 30 days of the last day of the revocation hearing, the hearing examiner shall report its findings and recommendations in writing to the Board.
2. **Board Determination**

- (a) Within 30 days of receipt of the Hearing Examiner's report, the Board shall determine whether the certificate of occupancy shall be revoked.
- (b) Revocation shall be ordered by the Board if it finds that any required fees, fines, penalties, costs or other assessments have not been paid or any of the violations specified in the Order have not been corrected, except for the circumstances stated in Subsection E below.
- (c) In making its determination, the Board may hear from the owner, operator, or other interested party.
- (d) The determination of the Board is final.

E. Standards for Review and Required Findings

- 1. The Board may, in its discretion, determine that a certificate of occupancy should not be revoked if it makes both of the following findings:
 - (a) Taken together, the remaining uncorrected violations specified in the Order, do not have an adverse effect on neighboring properties or on the general public; and
 - (b) The owner or operator of the yard has paid the fine specified in Subsection I below with respect to all violations listed in the Notice of Revocation.

F. Scope of Decision

- 1. **Termination of Revocation Proceedings.** The Superintendent shall terminate certificate of occupancy revocation proceedings upon a finding that each violation of this Code specified in the Notice has been corrected and the fine specified in such Notice has been paid. Termination may only occur on or before the date of the revocation hearing.
- 2. **Loss of Non-Conforming Rights.** Notwithstanding any provision of this Code to the contrary, where a certificate of occupancy is revoked pursuant to this subsection, a new certificate of occupancy for the property may only be issued if all requirements of the Code in effect at the time of issuance of the new certificate are satisfied. In the case of a site which has no valid certificate of occupancy any and all rights which may be granted by Sec. 12.23 of this Code are revoked.

G. Appeals

There is no appeal.

H. Further Action

- 1. **Repeat Violations.** Notwithstanding any provision of this Subsection to the contrary, if an Order is issued for violation of a provision of the Code, and after compliance with it, a

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Sec. 13.13.03 Annual Inspection Monitoring of Auto Dismantling Yards, Junk Yards, Scrap Metal or Recycling Materials Processing Yards, Recycling Collection and/or Buyback Centers, Recycling Materials Sorting Facilities and Cargo Container Storage Yards

subsequent Order is issued for a violation of the same provision occurring within 1 year of the date of the initial notice:

- (a) Each violation cited in a subsequent Order shall carry a fine as specified in Section [98.0402](#)(f)1. of the Code and shall be paid within 15 days of the compliance date of any subsequent order.
- (b) The compliance date for any such notice to comply shall be no more than 10 days from the date of mailing of such notice.
- (c) No extension of the compliance date may be granted.
- (d) The amounts set forth in the fine schedule in Subsection I below shall be doubled if revocation proceedings were started for any previous Order.

I. Additional Standards and Provisions

1. **Fine Schedule.** The fine for each violation listed in the Notice shall be as specified in Section [98.0402](#)(f)2. of the Code.
2. **Parking of Vehicles in Custody of Any Yard.** No vehicle or any part of any vehicle in the custody or possession, for any reason, of a yard, as defined in this Subsection, shall be parked, left standing, placed, or stored outside of the approved enclosure on the lot on which the yard is located, except that vehicles and parts may be stored within an approved auxiliary storage yard. In addition, all parking spaces on the lot and any access driveways leading to the parking spaces, which are required by this code, must be maintained clear and available only for parking of operative vehicles.

**Sec. 13.13.04 Annual Inspection Monitoring of Automotive Repair
Garage and Used Vehicle Sales Areas**

A. Applicability

1. The provisions of this subsection shall apply to every automotive repair garage use in the City of Los Angeles, including those in existence prior to May 27, 1990, the effective date of Ordinance No. 165,798.
2. The provisions of this Subsection shall also apply to every used vehicle sales area in the City of Los Angeles, including those in existence prior to the effective date of this Subsection.
3. **Exception.** Used car sales areas operated in conjunction with and on the same lot or on contiguous lots with a new car dealer are exempted from yearly inspections.
4. **Definitions.** For the purpose of this Section the following words and phrases are defined:

Board	The Board of Building and Safety Commissioners
Department	In accordance with Public Resources Code Section 30603(a), any development that constitutes a major public works project or a major energy facility, or any development located in the Appealable Area.
Used Vehicle Sales Area	An area or lot where any type of used motor vehicle or trailer is displayed for sale.
Automotive Repair Garage	All retail or wholesale uses which are enumerated in the definition for "Automotive Repair" in Section 12.03 of this Code, and, in addition, includes all testing, installation of vehicle equipment or accessories, and the application of paint, sprayed coloring, or other types of covering or the recovering of any part of a vehicle interior or exterior. Included in this definition are smog testing shops whether for test only or for repairs, window tinting or replacement shops, application of vinyl or similar covering materials, installation of parts or accessories on the site of a parts store, and all other similar uses.

B. Initiation

1. Annual Inspections

- (a) The Department shall inspect the physical facilities of each automotive repair garage or used vehicle sales area at least once a year.
- (b) An annual inspection fee as specified in Section 98.0402(e) of the Code shall be paid by each business operator or property owner to the Department. The business operator and the property owner of every site under the jurisdiction of this section shall be notified of all fees, fines, penalties, costs, or other assessments resulting from enforcement of this section and are jointly and severally responsible to ensure that code compliance is

maintained, at all times, and that payment of all fees, fines, penalties, costs, or other assessments due for each qualifying business as specified by this section, is made to the Department. If all fees, fines, penalties, costs or other assessments due pursuant to this section are not paid, a lien may be placed upon the property as provided for in Section 98.0402(g) of the Code and Los Angeles Administrative Code section 7.35.1et seq. In addition, failure to pay all fees, fines, penalties, costs or other assessments is sufficient cause to institute a certificate of occupancy revocation hearing.

- (c) An inspection may also be made whenever a complaint is received by the Department concerning a violation of this Code by an automotive repair garage or used vehicle sales area or as needed to verify continued compliance with applicable Code requirements. Accessory storage only yards, where no business is conducted, which are nearby but not contiguous with a main automotive repair garage may be approved and inspected with an additional fee of one half of the annual inspection fee for the yard or building.

2. Order to Comply

- (a) If the physical facilities of an automotive repair garage or used vehicle sales area are found to be in violation of any provision of this Code, the Department shall send an Order to Comply ("Order") to the owner of the property and the operator of the automotive repair garage or used vehicle sales area. The Order shall clearly state the following:

- (1) The nature of the violation and the code section violated;
- (2) That the violation must be corrected by a compliance date specified in the order or any extension authorized pursuant to Subsection I below;
- (3) That failure to correct the violation on or before the compliance date or any authorized extension may result in commencement of proceedings to revoke the certificate of occupancy. These proceedings may involve a revocation hearing. A personal appearance at the hearing may only be avoided if the violation is corrected and a fine paid according to the fine schedule in Subdivision 16. of this subsection; and
- (4) That an appeal may be filed from the order in the manner provided by Subsection G below.

- 3. **Re-inspection.** The Department shall re-inspect an automotive repair garage or used vehicle sales area for which an Order was issued pursuant to this Subsection subsequent to the compliance date or any authorized extension.
- 4. **Citation Authority Prior to Revocation Notice.** An arrest may be made or citation issued pursuant to Sec. 98.0408 of this Code if the violations noted in an Order are not corrected on or before the due date noted upon such notice. This action does not preclude the commencement of certificate of occupancy revocation proceedings.

C. Notice of Intent to Revoke and Revocation Hearing

1. If any violation specified in the Order is not corrected prior to the compliance date or any extensions, or if the annual inspection fee has not been paid within 60 days of assessment, pursuant to Section [98.0402](#)(e) of the Code, then the Department shall commence certificate of occupancy revocation proceedings by issuance of a Notice of Intent to Revoke ("Notice"). This Notice shall be sent to the owner of the property and the operator of the automotive repair garage or used vehicle sales area.
2. The Notice shall state the following:
 - (a) The date and place of the revocation hearing, which shall be scheduled at least 15 days and not more than 90 days from the date of issuance of the Notice.
 - (b) A list of all violations uncorrected as of the compliance date.
 - (c) That copies of all inspection reports related to such violations are available for inspection by the owner or operator.
 - (d) That termination of revocation proceedings may only be obtained if each violation noted in the Notice is corrected before the date of the revocation hearing and if a specified fine is paid, which fine shall be fixed in accordance with the fine schedule in Subsection I below.
 - (e) That the owner or operator is entitled to be represented by legal counsel at any revocation hearing.
 - (f) That the proceedings may result in the revocation of the certificate of occupancy.
 - (g) That each violation of the Code and each day of operation without a certificate of occupancy is a misdemeanor.
3. **Revocation Hearing.** On the date specified in the Notice, a certificate of occupancy revocation hearing shall be held. The Board may appoint a hearing examiner to conduct the hearing, which examiner shall not be any individual who participated in the issuance of any of the Notices required by this subsection. Subpoenas may be issued pursuant to Section 98.0307 of this Code. The hearing shall be conducted pursuant to the provisions of Sections 98.0308 and 98.0309 of this Code.

D. Decision

1. **Hearing Examiner's Report.** Within 30 days of the last day of the revocation hearing, the hearing examiner shall report its findings and recommendations in writing to the Board.
2. **Board Determination**
 - (a) Within 30 days of receipt of the Hearing Examiner's report, the Board shall determine whether the certificate of occupancy shall be revoked.

(b) In making its determination, the Board may hear from the owner, operator, or other interested party.

(c) The determination of the Board is final.

E. Standards for Review and Required Findings

1. Revocation shall be ordered by the Board if it finds that:

(a) Any of the violations specified in the Order have not been corrected, or that the fines specified in Subdivision 16. of this subsection have not been paid; and

(b) That, taken together, the remaining uncorrected violations have significant adverse effects on surrounding properties or the health, peace, or safety of persons residing or working in the surrounding area; and

(c) The owner or operator of the automotive repair garage or used vehicle sales area has failed to demonstrate to the satisfaction of the Board the ability or willingness to eliminate problems associated with the automotive repair garage or used vehicle sales area operation.

2. The Board may determine that a certificate of occupancy should not be revoked if it makes the following findings:

(a) The remaining uncorrected violations specified in the Order do not have an adverse effect on neighboring properties or on the general public; and

(b) The owner or operator of the automotive repair garage or used vehicle sales area has paid the fine specified in Subsection I below with respect to violations stipulated in the Notice.

F. Scope of Decision

1. **Loss of Non-Conforming Rights.** Notwithstanding any provision of this Code to the contrary, if a Certificate of Occupancy is revoked pursuant to this subsection, then a new Certificate of Occupancy for the property may only be issued if all requirements of the Code in effect at the time of application for such new Certificate are satisfied.

G. Appeals

1. Except for extensions of time granted by the Department as authorized in Subsection I and notwithstanding any provisions of this Code to the contrary, there shall be no appeal to the Board from any notice issued or determination made by the Department pursuant to this Subsection.

2. Appeals may be made from Department determinations of violations of Subdivisions 3. and 4. of Subsection I.

H. Further Action

1. **Repeat Violations.** Notwithstanding any provision of this Subsection to the contrary, if an Order is issued for violation of a provision of the Code, and after compliance with it, a subsequent Order is issued for a violation of the same provision occurring within 1 year of the date of the initial notice:
 - (a) Each violation cited in a subsequent Order shall carry a fine as specified in Section [98.0402](#)(f)1. of the Code and shall be paid within 15 days of the compliance date of any subsequent order.
 - (b) The compliance date for any such notice to comply shall be no more than 10 days from the date of mailing of such notice.
 - (c) No extension of the compliance date may be granted.
 - (d) The amounts set forth in the fine schedule in Subsection I below shall be doubled if revocation proceedings were started for any previous Order.

I. Additional Standards and Provisions

1. Fine Schedule

- (a) The fine for each violation listed in the Notice shall be as specified in Section [98.0402](#)(f)2. of the Code.
- (b) **Fines Distinct from Other Penalties and Fees.** The above fines are separate and distinct from both the general misdemeanor penalties provided in the Code and the noncompliance fees authorized in Section 98.0411 of the Code.

2. Time Limits for Compliance with Order

- (a) The automotive repair garage or used vehicle sales area shall comply with the Order described in Subdivision 6. of this subsection on or before the compliance date specified in the order, or any authorized extension. The compliance date shall be not more than 30 days from the date of the order.
- (b) The Department may grant an extension of the compliance date specified in the order for an additional period not to exceed 45 days if the owner or operator of the automotive repair garage or used vehicle sales area presents satisfactory evidence to the Department that unusual difficulties would prevent substantial compliance without such extension.
- (c) Upon an appeal, the Board may grant an extension of the compliance date for an additional period not to exceed 180 days if it finds that the correction of major code violations requiring extensive building alterations would create a hardship without such extension.

3. Parking of Cars in Custody of Automotive Repair Garage or Used Vehicle Sales Area. No vehicle left in the custody or possession, for any reason, of an automotive repair garage or used vehicle sales area shall be parked, left standing or stored outside the lot on which the automotive repair garage or used vehicle sales area is located, except that such vehicles may be stored within an approved storage yard. A responsible person shall be on the premises of each automotive repair garage or used vehicle sales lot during the hours in which the garage or lot is in operation. This person shall maintain current records, in a manner that can be immediately supplied to any enforcement agency upon request, stating the license plate number, vehicle identification number and registered owner of each vehicle currently in the custody or possession of the automotive repair garage or used vehicle sales lot for purposes of repair, sales, trade, shipment or other disposition. This Subdivision shall not apply to employees' vehicles used daily for commuting.

4. Minimum Standards

(a) All Automotive Repair Garages shall comply with the following minimum standards:

- (1) All body and fender repairing when conducted within 300 feet of an A or R Zone shall be done within a completely enclosed building or room. The doors of such building or room may be open during the following hours:
 - (i) From 7 a.m. until 8 p.m. on Mondays through Fridays;
 - (ii) From 9 a.m. until 8 p.m. on Saturdays; and
 - (iii) From 11 a.m. until 8 p.m. on Sundays.
- (2) At all other times, the doors of such building or room shall be closed, except at intervals necessary for ingress and egress.
- (3) All body and fender repairing when conducted within 150 feet of an A or R Zone shall be done within a completely enclosed building or room with stationary windows. The doors of such building or room may be opened only at intervals necessary for ingress and egress, except that garage bay doors may be open during the hours of operation set forth in Subparagraph (1) of this Subdivision, provided:
 - (i) A minimum 10-foot-high solid masonry fence or a minimum 10-foot-high intervening commercial or industrial building enclosed on at least three sides is maintained at the property line adjacent to the A or R Zone, or;
 - (ii) Doors facing a public street shall be closer to the property line adjacent to the public street than the required yard setback of any adjacent A or R Zone.
- (4) All automotive spray painting shall be done in full compliance with the provisions of [Article 7 of Chapter 5](#) of the Code regulating these installations; provided further, that no spray painting may be done except in an approved spray booth or room approved for this use that is located within a wholly enclosed building. In the M2 or

M3 Zone a spray booth approved for use outside of a building may be utilized if allowed by all other jurisdictions having authority over spray painting.

- (5) Except for allowable outside uses when conducted in the M2 or M3 Zones, all other operations shall be conducted within a building enclosed on at least three sides, except for the following, which may be conducted within the first 18 feet in depth measured perpendicular to the entire length of the building wall containing a garage bay door; said area shall not displace any required parking:

(i) electrical diagnostics;

(ii) battery charging and changing;

(iii) tire removal and replacement, provided the vehicle is not elevated more than 12-inches off the ground measured to the bottom of the tire. A portable hoist only, may be used for this purpose.

- (6) If the building is located within 50 feet of a lot in an A or R Zone with no intervening street, the wall of the building nearest such Zone shall have no openings other than doors or stationary windows. Such doors shall be permitted only if the building is adjacent to an alley and may be opened only at intervals necessary for ingress or egress.

- (7) Automotive hoists, of any type or size, except as provided in Subparagraph (3)(iii) above or allowed and operated in an M2 or M3 Zone, shall be located or operated only inside a fully enclosed building.

- (b) All Used Vehicle Sales Areas shall comply with the following:

- (1) All used vehicle sales areas established after January 1, 2005, shall provide supplemental customer parking, on site, of at least one space for every 2,000 square feet of vehicle sales area. This parking is in addition to all other parking required for the lot and shall be conspicuously posted and used for customer parking only. There shall be a minimum of two customer parking spaces provided for any used vehicle sales area.

- (2) All repair work done on site must comply with the provisions of this subsection whether or not the repairs are done on customer or dealer owned vehicles.

- (3) All other provisions of the Code which apply to used vehicle sales must be complied with at all times.

- (4) **Exception.** Display of not more than 3 vehicles for purposes of sale or trade, at any one time, which is accessory to an approved use on the same lot and not occupying any required parking spaces, does not require a separate certificate of occupancy, additional parking, or annual inspection.

- (c)** Nothing in this section shall relieve any person from complying with any applicable requirements contained in Sections 12.14, 80.73.1, 80.73.2 or any other provision of the Code

Division 13.14. California Environmental Quality Act (CEQA) Provisions

Sec. 13.14.01 Environmental Review Procedures

A. Applicability of CEQA

1. This purpose of this Section is to comply with the requirements of the *California Environmental Quality Act* (CEQA) and the *Guidelines for Implementation of the California Environmental Quality Act* to adopt local procedures that implement CEQA.
2. This Section applies to CEQA compliance for all Projects subject to approval under the authority of Article 13.
3. This Section supersedes any contradicting provisions in this Code or any other City ordinance, regulation, guideline, or policy.
4. CEQA and the CEQA Guidelines, as applicable, are incorporated and made a part of this Section as though fully set forth herein. In the review and approval of Projects under Article 13, all officers and employees of the City shall enforce and comply with each and every applicable provision of CEQA and the CEQA Guidelines.

B. CEQA Review Responsibility

1. **Director of Planning Responsibilities.** The Director of Planning shall prepare all environmental documents necessary to comply with CEQA and the CEQA Guidelines, and assist the decision maker in approving CEQA Clearances.
2. **Director of Planning Authority.** The Director of Planning may:
 - (a) Issue administrative guidelines to implement CEQA and this Section, consistent with CEQA, the CEQA Guidelines, this Section, and any City Council policy; and
 - (b) Determine environmental significance based on applicable administrative guidelines, CEQA and the CEQA Guidelines.

C. Notice Rules for CEQA

1. All notice is provided pursuant to the requirements of CEQA and the CEQA Guidelines.
2. For appeal hearings under Subsection F, the following notice of the public hearing is required:

Notice	When	Where / To Whom / Additional Requirements
Mail	21 days	<ul style="list-style-type: none">• the Project applicant,• the owner of the property subject to the CEQA Clearance,• appellant, and• any interested party who has made a written request to receive notices related to the CEQA Clearance or any action on the Project.

D. CEQA Decisions

1. **Lead Agency.** The City of Los Angeles is the lead agency for all Projects reviewed and approved under Article 13, except where the City of Los Angeles is a responsible agency under CEQA and the CEQA Guidelines.
2. **Decision maker.** Any entity authorized to decide an entitlement under Article 13 is the decision maker for purposes of compliance with CEQA.
3. **Hearings and Appeals on Sustainable Community Strategy CEQA Clearances.** The City Planning Commission is delegated the authority to conduct the hearing required in Public Resources Code Section 21155.2(b)(6). Any CEQA Clearance approved by a decision maker under the authority of Public Resources Code Sections 21155.2 may be appealed under Subsection F below. Any appeal fee charged by the City shall not exceed five hundred dollars (\$500).
4. **Finality of Project Approvals**
 - (a) For purposes of filing a Notice of Determination or a Notice of Exemption, the tolling of any applicable statute of limitations to challenge the CEQA Clearance on a Project or the filing of a CEQA appeal to the City Council pursuant to Subsection F below, the date a Project is approved and final is:
 - (1) the date a Project is approved at a public meeting, or
 - (2) if the Project approval decision is not made at a public meeting, the date when the letter of determination on the Project approval is mailed.
 - (b) If a Project is appealed after the date described above, the date a Project is approved and final is:
 - (1) the date the appeal of the Project is decided at a public meeting, or
 - (2) if the appeal of the Project is not decided at a public meeting, the date when the letter of determination on the appeal is mailed.

E. Standards for CEQA Review and Required Findings

1. **CEQA Clearances.** In approving Projects, decision makers may rely on any CEQA Clearance supported by CEQA or the CEQA Guidelines.
2. **Appeals.** A City Council decision on an appeal filed under Subsection F shall be based on the requirements of CEQA and the CEQA Guidelines.

F. Appeals of CEQA Decisions

1. **Appeal of CEQA Clearances.** The following CEQA Clearances may be appealed by any interested party to the City Council, when the decision maker is any decision-making body or entity other than the City Council:
 - (a) Certification of an Environmental Impact Report (EIR).
 - (b) Adoption of a Negative Declaration or a Mitigated Negative Declaration.
 - (c) A determination that an approval under this Article 13 is not subject to CEQA either because it is not a Project or because it is exempt, in whole or in part.
2. **Appeal Filing Requirements.** No appeal of the CEQA Clearance shall be considered by the City Council unless the applicant does all of the following:
 - (a) Files an Appeal within 15 days of the date the Project is approved and final.
 - (b) Pays the applicable fee, if any.
 - (c) Fills out the application form required by the City Clerk and provides the following information:
 - (1) The name, address, and telephone number of the Appellant and the person filing the appeal if different from the Appellant;
 - (2) A statement that the appeal is made pursuant to this Section.
 - (3) The decision maker of the CEQA Clearance subject to the appeal;
 - (4) The CEQA Clearance to which the appeal is filed, including applicable case number(s), and the date of the certification, adoption or determination of the CEQA Clearance; and
 - (5) A written statement setting forth all of the reasons for the appeal, and specifying in detail why the Appellant believes the CEQA Clearance fails to comply with CEQA.
 - (6) Any other information required by the Office of the City Clerk or the Director of Planning.
 - (d) The City may reject any appeal that does not comply with all the above requirements.
3. **Effect of Filing an Appeal of the CEQA**
 - (a) The filing of an appeal of the CEQA Clearance stays:
 - (1) The CEQA Clearance;
 - (2) Any entitlements that relied upon the CEQA Clearance;

- (3) Any actions or approvals by other City departments in reliance upon the entitlement that relied upon the CEQA Clearance (e.g., Department of Building and Safety cannot issue a building permit for a project that requires a conditional use permit and the CEQA Clearance for the conditional use permit is on appeal); and
 - (4) The running of any applicable statute of limitations to challenge the CEQA Clearance.
- (b) The stay in Paragraph (a) above remains in effect until:
 - (1) the appellant withdraws the appeal by filing a written notice of withdrawal with the City Clerk; or
 - (2) the City Council decides the appeal.
- (c) The filing of an appeal does not stay other Project-related entitlement approvals or appeals authorized by this Chapter, or prevent any decision maker considering other Project-related entitlements from approving the same CEQA Clearance subject to the appeal while the appeal is pending.
- (d) Except as otherwise provided by law or court order, filing an appeal does not stay the running of the statute of limitations on any cause of action on Project-related approvals, other than the CEQA Clearance.

4. Hearing on Appeal

- (a) **Timeline for City Council Hearing.** The City Council shall hold a public hearing before deciding the appeal. The appeal shall be decided by the City Council within 45 days of the appeal being filed. The timeline to decide the appeal may be extended by the mutual consent of the Project applicant and the City Council.
- (b) **Extension for Appeals on Project-Related Entitlements.** The time for the City Council to decide the appeal on the CEQA Clearance shall be extended for any appeal of a Project-related entitlement to a lower decision-making body to be decided and the decision to become final. This extension is for 15 days or as soon as thereafter as the matter may be heard by the City Council.
- (c) **Joint Hearings on the CEQA Clearance and Project Related Entitlements**
 - (1) **Applicability.** If there are Project-related entitlement approvals or appeals for which the City Council is the decision maker or appellate body pending at any time before the CEQA Clearance is to be heard, the City Council shall hold a joint hearing on the CEQA Clearance appeal and the Project-related entitlement approvals or appeals.
 - (2) **Time Limits Extended.** Any Code required time limits to hear or act on any appeal of the CEQA Clearance or the approval or appeal of any Project-related entitlements shall be extended as necessary to comply with this subsection.

- (3) **CEQA Clearance is Considered Before Project Entitlements.** After the joint hearing concludes, the City Council shall decide the appeal on the CEQA Clearance before taking action on the entitlements.
5. **Time to File Documents for the Hearing.** All appeal-related documents filed by the Appellant or other parties supporting the appeal must be filed with the City Clerk no later than 5 business days prior to the date set for the hearing. Appeal-related documents filed by any other party, must be filed with the City Clerk no later than 2 business days prior to the date of the hearing. Documents submitted after these deadlines shall be accepted for filing, but shall not be considered by the City Council in its review and decision on the appeal. The City Clerk shall mark late-filed documents to indicate that they were filed after the deadline provided in this Section.
6. **Council Authority on Appeal**
- (a) The City Council shall conduct a de novo review of the CEQA Clearance and shall consider the whole of the administrative record, including any documents timely filed on the appeal, and affirm or reverse the decision maker's approval of the CEQA Clearance.
- (b) After conducting a public hearing, the City Council shall do one of the following:
- (1) Affirm the decision maker's approval of the CEQA Clearance.
- (2) Reverse the decision maker's approval of the CEQA Clearance and remand the environmental review of the Project to the decision maker with direction to correct the substantive or procedural error.
- (3) Reverse the decision maker's approval of the CEQA Clearance without remand.
7. **Findings.** The City Council shall adopt findings based upon substantial evidence to support its decision as to why the CEQA Clearance does or does not comply with CEQA, including adopting the decision maker's findings or findings recommended by the Director of Planning, the Appellant, the Applicant, or any other interested party.

G. Scope of CEQA Appeal Action

1. **Affirmed.** If the City Council affirms the CEQA Clearance, the stay in Subsection F.3 is lifted.
2. **Reversed without Remand.** If the City Council determines the CEQA Clearance should be reversed without remand, the Project approvals subject to the CEQA Clearance are void.
3. **Reversed with Remand.** If the City Council reverses and remands the CEQA Clearance to the decision maker for further action:
- (a) **Project Approvals Void.** All Project approvals requiring the CEQA Clearance are void.

- (b) **Decision maker Responsibility on Remand.** The decision maker shall comply with the City Council direction and act to approve a CEQA Clearance on the Project and reconsider the Project entitlements.
 - (c) **Planning Director Responsibility on Remand.** The Director of Planning shall prepare all necessary analysis, reports, studies, findings, and notices to assist the decision maker in its compliance with Council direction on remand.
 - (d) **Applicant Fees.** Applicants shall pay applicable fees, if any, for additional environmental review on remand.
 - (e) **Project Timelines.** All Code required timelines to act on the Project approvals are stayed for the decision maker to complete the necessary environmental review on remand.
 - (f) **Applicable Project and CEQA Requirements.** On remand, the review and approval of the Project entitlements shall comply with the Code requirements and all review and approval of the CEQA Clearance shall comply with CEQA and the CEQA Guidelines.
 - (g) **Appeal of CEQA Clearance on Remand.** An action to approve a CEQA Clearance on remand may be appealed to the City Council under this Subsection F, provided the City Council's review is limited to only modifications to the original CEQA Clearance.
4. **City Council Action on Joint Hearings on CEQA Appeals and Project Entitlements.** In addition to the provisions in Subsection F.6 and G for City Council actions on appeals from a CEQA Clearance and actions by Decision-makers on remand, the following rules apply when the City Council is required to hold a joint hearing under Subsection F.4(c):
- (a) **City Council Decision to Affirm the CEQA Clearance.** If the City Council affirms the CEQA Clearance, the stay in Subsection F.3 is lifted and the City Council shall review the Project-related entitlements as subsequent approvals of the affirmed CEQA Clearance.
 - (b) **City Council Decision to Reverse the CEQA Clearance.** If the City Council determines the CEQA Clearance should be reversed, the Project approvals subject to the CEQA Clearance are void. The City Council shall approve or remand the decision on a new CEQA Clearance and the Project-related entitlements pursuant to the following provisions:
 - (1) **Remand to the Lower Decision-maker.** If any Project-related entitlements approved by a lower decision maker are voided by the City Council's reversal of the CEQA Clearance, the City Council shall use one of the following procedures.
 - (i) **Remand the CEQA Clearance.** The City Council may continue its decision on the Project-related entitlement(s) subject to City Council review and approval and remand the CEQA Clearance to the lower Decision-maker for further action under the procedures in Subsection G.3. The action on the Project-related entitlement subject to City Council review

and approval shall be continued until the lower decision maker adopts a new CEQA Clearance and a new hearing before the City Council is scheduled.

- (ii) **Approve a New CEQA Clearance and Remand Project Approvals.** The City Council may adopt a new CEQA Clearance for the Project, approve the Project-related entitlement subject to City Council action, and remand action on any Project-related entitlement(s) subject to lower decision-making body review and approval to the lower decision-making body for the sole purpose of reviewing the Project entitlements considering the CEQA Clearance approved by the City Council.
- (2) **Approve a New CEQA Clearance and Decide Project Approvals.** If there are no Project-related entitlements approved by a lower decision-making body voided by the City Council's reversal of the CEQA Clearance, the City Council may adopt a new CEQA Clearance on the Project and review and consider all Project-related entitlements.
- (3) **Project Approval and Finality.** If the City Council approves the CEQA Clearance on the Project under the procedures in this Subsection G.4, the date the Project is approved and final for purposes of filing a Notice of Determination or a Notice of Exemption, or the running of the applicable statute of limitations to challenge the CEQA Clearance, is the day the City Council approves the CEQA Clearance and approves any Project entitlement(s).
- (4) **Time Limits.** All Code required time limits to act or hold hearings on Project-related approvals or appeals are stayed to comply with this Section.

H. Modification of Project or CEQA Clearance

The applicant may modify the permit or action under the applicable provisions of Article 13, provided all requirements of CEQA and the CEQA Guidelines are met. A CEQA Clearance may be modified before or after Project approval pursuant to the requirements of CEQA and the CEQA Guidelines.

Division 13.15. Administration Definitions

Advisory Agency	The Director of Planning, which is designated as the Advisory Agency for the City pursuant to the Subdivision Map Act (see Sec. 13.1.09).
Agency	An entity, authority, or other body created by the City Charter or by ordinance of the City Council.
Aggrieved Person	Any person or entity with standing to appeal an action on an application filed under this Code under California law, or as provided in the provisions of this Code relating to a particular appeal.
Appeal Board <i>(Subdivision approval)</i>	<p>For purposes of subdivision appeals, the Appeal Board is:</p> <ul style="list-style-type: none"> • The Area Planning Commission where the map is located for any parcel map or tentative map that: (a) creates or results in less than 50,000 gross square feet of nonresidential floor area; or (b) creates or results in fewer than 50 dwelling units, guest rooms, or combination of dwelling units and guest rooms; or (c) involves a lot with fewer than 65,000 square feet of lot area; or (d) where specifically provided by this Code. • Otherwise, the City Planning Commission.
Applicant	The person or entity who files an application. If the application is approved, the “applicant” includes any successor or assignee of the original applicant.
Application	An application for any approval described in Article 13 of this Code.
CEQA	The California Environmental Quality Act, California Public Resources Code, Division 13, Sec. 21000 et seq., including as it may be amended from time to time.
CEQA Clearance	A CEQA Clearance is any determination, finding or certification authorized or required under CEQA to approve a Project in compliance with CEQA. CEQA Clearances include, but are not limited to, (i) a determination that an approval does not require CEQA review, in whole or in part, either due to the applicability of an exemption or because the City action is not a Project, (ii) a finding that the City may adopt a negative declaration or a mitigated negative declaration, (iii) the certification of an environmental impact report, or (iv) a finding that a Project was adequately assessed in a prior adopted negative declaration or certified environmental impact report, including through the use of an addendum.
CEQA Guidelines	The California Code of Regulations, title 14, chapter 3, Sections 15000, et seq., including as they may be amended from time to time.
City	The City of Los Angeles, California.
Department	The Department of City Planning, unless otherwise indicated. <i>Reference: City Charter, Sec. 550.</i>

Decision maker	The agency or official charged with rendering a formal recommendation or decision on an application subject to Article 13 of this Code. For purposes of Sec. 13.14.01, the “decision maker” is the Decision making body, as defined by the CEQA Guidelines.
Development Project	The construction of, addition to, or alteration of, any building or structure, or a change of use of an existing building or structure that requires a building permit and that results in an increase in floor area, or a net increase in average daily vehicle trips as determined by using trip generation factors promulgated by the Department of Transportation for the purpose of effectuating this Section.
Director	The Director of the Department of City Planning, or the Director’s designee. <i>Reference: City Charter, Sec. 553.</i>
Discretionary Decision	A decision initiated by application filed by a property owner or applicant related to the use or development of land, where the City retains the ability to require changes or attached conditions in response to concerns identified at a public hearing, in an environmental impact report, or in other studies or documentation relating to the project.
Final Map	A map prepared in accordance with the provisions of Division 13.10 of Chapter IA of this Code and with any applicable provisions of the Subdivision Map Act, designed to be recorded in the Office of the County Recorder of Los Angeles.
General Plan	A General Plan is a comprehensive declaration of purposes, policies and programs for the development of the city, which includes, where applicable, diagrams, maps and text setting forth objections, principles, standards and other features, and which has been adopted by the City Council.
Hearing Officer	Any Department of City Planning planner conducting a public hearing on behalf of the Director.
Land Use Ordinance	The enactment, amendment or repeal of any part of this Chapter, Chapter I, or a specific plan, or any change to the Zoning Map.
Legislative decision	See Sec. 13.2.01C.
Majority	The majority of the members of the respective body, not the majority of members present.
Ministerial decision	See Sec. 13.2.01C.
Online Permit Tracking System	An electronic system used by the department to maintain records of applications and zoning information for use by the public and city permitting departments and officials.
Parcel Map	A map showing a division of land other than those divisions which require a Final Map as defined by the Subdivision Map Act.

Planning Commission	The Area Planning Commission or City Planning Commission, whichever has jurisdiction over the application that the text refers to.
Private Road Easement	A parcel of land not dedicated as a public street, over which a private easement for road purposes is proposed to be or has been granted to the owners of property contiguous or adjacent thereto which intersects or connects with a public street, or a private street; in each instance the instrument creating such easement shall be or shall have been duly recorded or filed in the Office of the County Recorder of Los Angeles.
Private Street	A private road easement as defined herein which has been determined by the Advisory Agency or the Director of Planning to be adequate for access and for the purposes set forth in this article or in Article 8 of this Chapter.
Project	See “Development Project.” For purposes of Sec. 13.14.01, “Project” means a “Project” as defined in CEQA and the CEQA Guidelines.
Project Permit Adjustment	A decision on a project by the Director granting a minor adjustment from certain Specific Plan regulations, subject to the limitations specified by this Section.
Project Permit	A decision by the Director that a project complies with the regulations of the applicable Specific Plan. <i>Reference: Sec. 13.1.01 (Project Permit) or Sec. 13.6.03 (Project Permit).</i>
Prepare	Whenever this code directs an agency or official to prepare a document, this means that the agency or official may actually prepare the document or cause the document to be prepared by its staff, consultants, or other authorized third parties.
Property Owner	For purposes of Article 13, the legal or equitable owner of a property that is subject to an application.
Quasi-Judicial Decision	See Sec. 13.2.01C.
Reviewing Agency	The agency or official charged with reviewing an application for completeness or submitting a staff report. This is typically the Zoning Administrator or Department.
Revised Tentative Map	A map involving a revised arrangement of the streets, alleys, easements or lots within property for which a tentative map has been previously approved or a modification of the boundary of the property.
Specific Plan	A specific plan is a regulatory land use ordinance specifically designated in the ordinance as a specific plan.
Subdivider	A person, firm, corporation, Partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others. The term “subdivider” includes any assignee or designee of the subdivider.

Subdivision	The same as defined in Section 66424 of the Government Code. Subdivision includes a stock cooperative project as defined in Section 12.03 of the Municipal Code.
Subdivision Map Act	The California Subdivision Map Act, California Government Code Title 7, Division 2.
Tentative Map	Refers to a map made for the purpose of showing the design of a proposed subdivision creating five or more parcels, five or more condominiums, or five or more units in a community apartment project or stock cooperative, and showing the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.
Tract Map	Tract map refers to either a tentative map or final map.
Transmit or Transmitted	Notification of a decision in writing, by mail or electronically. The date of transmittal is the date the decision is mailed (as shown by the date stamp), unless otherwise provided.
Vesting Tentative Map	A tentative map for any land division that has printed conspicuously on its face the words “Vesting Tentative Map” and is characterized by certain rights to proceed with development when filed and processed in accordance with Section 13.10.02 of this Code.
Zoning Administrator	An official authorized by the City Council to perform the duties of the Office of Zoning Administration. <i>Reference: Charter, Sec. 561.</i>