

ARTICLE 13. **ADMINISTRATION**

Part 13A. **General Provisions**

Part 13B. **Processes & Procedures**

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DIV. 13A.1. **AUTHORITIES**

This *Division (Authorities)* recognizes or identifies the agencies involved in administering the Zoning Code, this Chapter and *Chapter I. (General Provisions and Zoning)* of this Code. This *Division (Authorities)* also describes how the agencies are composed, and their powers and duties. If the agency is established by another body of law, such as the *City Charter*, cross-references to those laws are provided. All *City Charter* provisions still apply.

SEC. 13A.1.1. **MAYOR**

A. **Establishment**

See *Sec. 200 (City Officers)* of the *City Charter*.

B. **Composition**

See *Sec. 201 (City Offices)* of the *City Charter*.

C. **General Authority**

See *Sec. 230 (Mayor)* and *231 (Powers and Duties)* of the *City Charter*.

D. **Specific Authority**

Consistent with the duties set forth in the *City Charter*, 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. A Zoning Code Amendment; and
 - c. A Zone Change (including Supplemental Use Districts).
3. Exercise any other authority delegated by this Code or the *City Charter*.

SEC. 13A.1.2. **CITY COUNCIL**

A. **Establishment**

See *Sec. 200 (City officers)* of the *City Charter*.

B. **Composition**

See *Sec. 204 (Election and City Council Members; Redistricting)*, *205 (Term of office)*, *206 (Term Limits)*, and *241 (Council Size)* of the *City Charter*.

C. General Authority

See Sec. 240 – 254 (*Legislative Branch*) of the *City Charter*.

D. Specific Authority

Consistent with the duties set forth in the *City Charter*, 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, this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code;
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 project 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 (Demolition, Removal, or Relocation) on appeal from an Area Planning Commission; and
12. Exercise any other authority delegated by the Zoning Code, this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code, or the *City Charter*.

SEC. 13A.1.3. CITY PLANNING COMMISSION

A. Establishment

See Sec. 551 (*City Planning Commission*) of the *City Charter*.

B. Composition

See Sec. 551 (*City Planning Commission*) of the *City Charter*.

C. General Authority

See Sec. 551 (*City Planning Commission*) and 559 (*Delegation of Authority*) of the *City Charter*.

D. Specific Authority

Consistent with the duties set forth in the *City Charter*, 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, this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code;
 - d. Any Zone Change (including Supplemental Use Districts); and
 - 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. Guidelines or Standards Adoption / Amendment.
3. To approve or deny, on appeal, any:
 - a. Project 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 (which have a Citywide impact);
 - d. Subdivision Approval, as provided in *Div. 13B.7. (Division of Land)*; and
 - e. Zoning Administrator interpretation.
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 or *Chapter I. (General Provisions and Zoning)* of this Code 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 City 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 *Sec. 555 (General Plan – Purpose and Contents)* or *558 (Procedure for Adoption, Amendment or Repeal of Certain ordinances, orders and Resolutions)* of the *City Charter* shall be adopted by the City 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, any plans being prepared by the Department of City Planning, and any other applicable requirement set forth in those *City Charter* Sections.
7. Exercise any other authority delegated by the Zoning Code, this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code, or the *City Charter*.

SEC. 13A.1.4. AREA PLANNING COMMISSION

A. Establishment

1. Creation of Area Planning Commissions

In accordance with *Sec. 552 (Area Planning Commissions)* of the *City Charter*, there are established seven Area Planning Commissions as set out in *Subsection A.2 (Boundaries)* below.

2. Boundaries

The Area Planning Commissions and their boundaries are as follows:

Area Planning Commission	Boundaries (as set out in the designated community plans)
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. • 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 <i>Subsection</i>.

Area Planning Commission	Boundaries (as set out in the designated community plans)
West Los Angeles Area Planning Commission	<ul style="list-style-type: none"> • 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 <i>Paragraph 2.</i> of this <i>Subsection.</i> • 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 <i>Paragraph 2.</i> of this <i>Subsection.</i> • 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 <i>Paragraph 2.</i> of this <i>Subsection.</i> • 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. • 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.

Area Planning Commission	Boundaries (as set out in the designated community plans)
South Los Angeles Area Planning Commission	<ul style="list-style-type: none"> • 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 A.2 (Boundaries)* 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 a specific amendment or repeal of this *Section*.

B. Composition

See *Sec. 552 (Area Planning Commissions)* of the *City Charter*.

C. General Authority

See *Sec. 552 (Area Planning Commissions)* of the *City Charter*.

D. Specific Authority

Consistent with the duties set forth in the *City Charter*, 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. Project exception; and
 - b. Certificate of Appropriateness (Demolition, Removal, or Relocation).

3. To approve or deny, on appeal, any:
 - a. Class 2 Conditional Use Permit;
 - b. Project Review;
 - c. Project compliance;
 - d. Project compliance (Design Review Board);
 - e. Project adjustment;
 - f. Specific Plan interpretation (which is applicable only on a site specific basis);
 - g. Alternative Compliance;
 - h. Adjustment;
 - i. Variance;
 - j. Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction);
 - k. Certificate of Compatibility for non-contributing elements;
 - l. Appeals of Department of City Planning action on LADBS Appeal (which do not have a Citywide impact);
 - m. Subdivision Approval, as provided in *Div. 13B.7. (Division of Land)*;
 - n. Coastal Development Permit; and
 - o. Zoning Administrator interpretation on a site specific issue.
4. Despite the above provisions, 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.
5. Exercise any other authority delegated by the Zoning Code, this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code, or the City Charter.

SEC. 13A.1.5. CULTURAL HERITAGE COMMISSION

See Sec. 22.171 (*Purpose of the Commission*) of the LAAC.

SEC. 13A.1.6. DIRECTOR OF PLANNING

A. Establishment

See Sec. 553 (*Director of Planning*) of the City Charter.

B. Composition

See Sec. 508 (*Appointment and Removal of Chief Administrative officers*) of the *City Charter*.

C. General Authority

See Sec. 553 (*Director of Planning*) of the *City Charter*.

D. Specific Authority

Consistent with the duties set forth in the *City Charter*, the Director 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. A Zoning Code Amendment;
 - 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. Project Review;
 - b. Director Determination;
 - c. Administrative Review;
 - d. Project compliance;
 - e. Project compliance (Design Review Board);
 - f. Project adjustment;
 - g. Specific Plan interpretation;
 - h. Alternative Compliance;
 - i. Adjustment;
 - j. Reasonable Accommodation - Fair Housing Protections for individuals with Disabilities;
 - k. Private street map;

- l. Review of Conforming Work in an Historic Preservation Overlay Zone, where delegated by a Preservation Plan;
 - m. Certificate of Appropriateness (Construction, Addition, Alteration, Reconstruction) in an Historic Preservation Overlay Zone;
 - n. Certificate of Compatibility for Non-Contributing Elements in an Historic Preservation Overlay Zone;
 - o. Appeals from LADBS Determinations; and
 - p. Coastal Development Permit.
- 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.
- 5. Require the modification, discontinuance, or revocation of any conditional use or other similar quasi-judicial approval granted in accordance with the procedures in *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, *Sec. 13B.2.2. (Class 2 Conditional Use Permit)*, or *Sec. 13B.2.3. (Class 3 Conditional Use Permit)* in the manner prescribed in *Sec. 13B.6.2. (Nuisance Abatement/Revocation)*. In the event of a revocation, the property affected by the revocation shall be subject to all the regulations of the zone in which the property is located.
- 6. Exercise any other authority delegated by the Zoning Code, this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code, or the *City Charter*.

SEC. 13A.1.7. ZONING ADMINISTRATOR

A. Establishment

See *Sec. 561 (Office of Zoning Administration)* of the *City Charter*.

B. Composition

See *Sec. 561 (Office of Zoning Administration)* of the *City Charter*.

C. General Authority

See *Sec. 561 (Office of Zoning Administration)* of the *City Charter*.

D. Specific Authority

Consistent with the duties set forth in the *City Charter*, 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. Evaluation of Non-Compliance; and
- e. Nuisance Abatement/Revocation.

2. Zoning Administrator Interpretation

- a. The Zoning Administrator has the authority to determine the appropriate use definition and interpret specific uses for each lot subject to this Chapter, in accordance with this Paragraph (*Zoning Administrator Interpretation*).
 - b. The Zoning Administrator shall also have authority to interpret zoning regulations when the meaning of the regulation is not clear, either in general or as it applies to a specific property or situation.
 - c. The Zoning Administrator shall also have authority to adopt general interpretations determining the proper application of the yard regulations to groups of lots located in hillside districts or affected by common problems. The Zoning Administrator shall also have authority to interpret zoning regulations when the meaning of the regulation is not clear, either in general or as it applies to a specific property or situation.
 - d. Anyone aggrieved by the Zoning Administrator's determination may file an appeal within 15 days of the issuance of the written decision.
 - e. The City Planning Commission shall hear appeals on Zoning Administrator interpretations where there is no site specific issue. The Area Planning Commission shall hear appeals on site specific Zoning Administrator interpretations.
 - f. For lots subject to Chapter I. (*General Provisions and Zoning*), the Zoning Administrator shall have authority to determine other uses, in addition to those listed in Chapter I. (*General Provisions and Zoning*), which may be permitted in each of the various zones, when in the Zoning Administrator's judgment, the other uses are similar to and no more objectionable to the public welfare than those listed.
 - g. For lots subject to Chapter I. (*General Provisions and Zoning*), in no instance shall the Zoning Administrator determine, nor shall these regulations be so interpreted, that a use may be permitted in a zone when that use is specifically listed as first permissible in a less restrictive zone.
3. Exercise any other authority delegated by the Zoning Code, this Chapter or Chapter I. (*General Provisions and Zoning*) of this Code, or the City Charter.

SEC. 13A.1.8. DEPARTMENT OF BUILDING AND SAFETY

A. Establishment

See Sec. 22.12 (*Creation of the Department*) of the LAAC.

B. Specific Authority

Consistent with the powers established in *Chapter II. (Department of Building and Safety) of Div. 22 (Departments, Bureaus and Agencies Under the Control of the Mayor and Council)* of the LAAC, and *Chapter IX. (Building Regulations)* of this Code, the Department of Building and Safety has the powers listed below of its authority and jurisdiction for purposes of the Zoning Code, this Chapter and *Chapter I. (General Provisions and Zoning)* of this Code.

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 *Chapter I. (General Provisions and Zoning), Sec. 12.23. (Nonconforming Building and Uses)* of this Code or *Article 12. (Nonconformities)* of this Chapter 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 *Subdivision* shall 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 shall 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 *Chapter IX. (Building Regulations), Sec. 98.0408. (Issuance of Citations by Designated Employees)* of this Code shall have the powers, duties, and immunities as set forth in said Section.

SEC. 13A.1.9. **ADVISORY AGENCY**

See Div. 13B.7. (Division of Land).

SEC. 13A.1.10. **SUBDIVISION COMMITTEE**

See Div. 13B.7. (Division of Land).

SEC. 13A.1.11. **DESIGN REVIEW BOARD**

A. **Establishment**

1. **Formation**

Certain Specific Plans call for design review boards. A design review board shall only be established for Specific Plans that 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 by 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 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 two consecutive four-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 two 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 and accompanying materials in relation to compliance with the design components and criteria set forth in Sec. 13B.4.3. (Project Compliance

(*Design Review Board*)), any applicable Specific Plan, and adopted design guidelines, and provide their recommendations to the Director.

D. Conflict of interest

No design review board member shall discuss with anyone the merits of any matter either pending or likely to be 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.

SEC. 13A.1.12. HISTORIC PRESERVATION OVERLAY ZONE (HPOZ) BOARD

See *Div. 13B.8. (Historic Preservation)*.

DIV. 13A.2. GENERAL PROCEDURAL ELEMENTS

SEC. 13A.2.1. APPLICABILITY

A. General

This *Article (Administration)* applies to any application for:

1. An amendment to any part of the Zoning Code (Chapters I. and 1A of the LAMC), including the text or Zoning Map;
2. Any other activity that is subject to the provisions of this *Article (Administration)*.
3. Projects shall not be subject to the provisions of this ordinance if a complete application for an entitlement was filed and fees were paid prior to the date on which this ordinance becomes operative. Any such project shall be subject to the administrative regulations in *Chapter I. (General Provisions and Zoning)* of this Code that were in effect on the date on which the application was filed. Projects for which a complete application for an entitlement has been filed and for which fees were paid prior to this ordinance's operative date may opt to proceed under the provisions of this ordinance if a required public hearing has not yet been held for the project. Notwithstanding the forgoing, any appeal filed on or after the operative date of this ordinance shall be subject to the appellate procedures established in this ordinance.

B. Procedural Categories

This *Article (Administration)* establishes procedures for land development decisions made under this *Article (Administration)*. These include:

1. Legislative Decisions

Examples of legislative decisions include Zone Changes, and amendments to the General Plan, a Specific Plan, and other ordinances. These may involve a new policy or rule, or a change in land use regulation and development regulation.

2. Quasi-Judicial Decisions

Examples of quasi-judicial decisions include Director Determinations, Conditional Use 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

Examples of ministerial decisions include clearances or reviews of projects for compliance with provisions of the Code or any applicable conditions of approval. Because these involve the application of non-discretionary rules to projects, these applications are reviewed by City staff without a public hearing.

SEC. 13A.2.2. PROCESS ELEMENTS

A. Overview

This *Article* establishes rules for procedures, such as applications, notices, appeals, and public hearings. It then describes the processes 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 <u>application</u> process begins, where the <u>application</u> 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 the <u>application</u> and the type of proceeding that leads to the decision.
Review Criteria	These are any particular standards or findings that determine whether the <u>application</u> is approved. All <u>applications</u> are subject to this Chapter or <i>Chapter I. (General Provisions and Zoning)</i> and the applicable zoning regulations.
Appeals	This provides a way to review an <u>application</u> that is approved, denied, or that has conditions disputed by the applicant or a party with standing to appeal.
Scope of Decision	This refers to the activities that the <u>application</u> 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.
Modification	This describes how the decision can be revised, changed, amended, or modified after final approval or conditional approval.
<i>Note: Flowcharts illustrating the general steps for each procedure are included in this Article. In the case of a conflict between the text of the Article and any illustration or flowchart, the text controls.</i>	

The processes established in this Chapter are summarized below.

Table 2 - Process Summary

Entitlement Review	Ministerial	Director	Zoning Administrator	Subdivision Committee	City Engineer	Hearing Officer	Area Planning Commission	City Planning Commission	City Council	Mayor	Design Review Board	HPOZ Board	Cultural Heritage Commission
Legislative Action													
General Plan Adoption / Amendment		R †						[R] †	[D] †	R/SV †			
Specific Plan Adoption / Amendment		R						[R] †	[D] †	SV †			
Zoning Code Amendment		R						[R] †	D †	SV †			
Zone Change		R					[R]	[R]* †	[D] †	SV †			
Guidelines or Standards Adoption / Amendment		R						[D]					
Land for Public Use								R	D				
Quasi-Judicial Review													
Class 1 Conditional Use Permit			<D>				[A]						
Class 2 Conditional Use Permit			[D] †				[A] †						
Class 3 Conditional Use Permit		[R] †						[D] †	[A]				
Project Review		<D>					[A]						
Director Determination		D					[A]	[A]					
Ministerial Action													
Administrative Review		D											
Specific Plan Implementation													
Project Compliance		<D>					[A]						
Project Compliance (Design Review Board)		D					[A]				[R]		
Project Adjustment		<D>					[A]						
Project Exception							[D]		[A]				
Specific Plan Interpretation		<D>					[A]	[A]					
Quasi-Judicial Relief													

Entitlement Review	Ministerial	Director	Zoning Administrator	Subdivision Committee	City Engineer	Hearing Officer	Area Planning Commission	City Planning Commission	City Council	Mayor	Design Review Board	HPOZ Board	Cultural Heritage Commission
Alternative Compliance		D					[A]						
Adjustment		<D>					[A]						
Variance			[D] †				[A] †		[A]				
Modification of Entitlement			↔				↔				↔		
Reasonable Accommodation		D							[A]				
Non-Compliance													
Evaluation of Non-Compliance			[D]				[A]	[D]	[A]				
Nuisance Abatement/Revocation			[D]						[A] †				
Division of Land													
Parcel Map Exemption/ Lot Line Adjustment		D					[A]	[A]					
Tentative Tract Map		[D]		R			[A]	[A]					
Final Tract Map					C				D				
Preliminary Parcel Map		[D]		R			[A]	[A]					
Final Parcel Map					C				D				
Private Street Map		<D>		R			[A]	[A]					
Subdivision Appeal							[D]	[D]					
Historic Preservation													
Historic Preservation Overlay Zone Designation								[R]	[D]				C
Preservation Plan Adoption / Amendment		R				[R] †		[D]					[R]
Review of Conforming Work	D											D	
Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)		D					[A]					[R]	
Certificate of Appropriateness (Demolition, Removal, or Relocation)							D		[A]			[R]	
Certificate of Compatibility for Non-Contributing Elements		D					[A]					[R]	

Entitlement Review	Ministerial	Director	Zoning Administrator	Subdivision Committee	City Engineer	Hearing Officer	Area Planning Commission	City Planning Commission	City Council	Mayor	Design Review Board	HPOZ Board	Cultural Heritage Commission
Coastal Development													
Coastal Development Permit (Pre-Certification)			↔				↔				↔		
Coastal Development Permit (Post-Certification)		<D>			<D>		[A]						
Department of Building and Safety													
Appeals from LADBS Determination		<D>					[A]	[A]					
California Environmental Quality Act (CEQA) Provisions													
CEQA Appeal									D				

Key

C Certification	‡ Optional or where directed by decision maker
R Review & Recommendation	Blank Cell Not required
D Decision or Acceptance	† Required by City Charter
SV Signature / Veto	Italics Action only under certain conditions (such as project size, type, or transfer from another agency, etc.)
A Appeal	↔ Varies with underlying process
[] Public Hearing	* 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 *Div. 13B.1.* through *Div. 13B.11.* for the specific procedure. If there is any conflict between this table and the text in *Div. 13B.1.* through *Div. 13B.11.* relating to the procedure, the text in the applicable Division prevails.

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. 13A.2.3. APPLICATIONS

A. General Requirements

1. Applications filed under this *Article* must include all of the information required by the Department, including any information required by the instructions on an application form and any applicable adopted guidelines. 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 *Chapter I. (General Provisions and Zoning), Article 9 (Fees) or Article 15. (Fees)* of this Zoning Code (Chapter 1A).
3. Whenever the provisions of this Chapter or *Chapter I. (General Provisions and Zoning)* provide that applications, requests, or appeals be filed with the City Planning Commission, in the public office of the Department of City Planning, those applications, requests or appeals may be filed in any of the branch offices of the Department when designated for this purpose by the City Planning Commission; that decision to be based upon considerations of need and available facilities.

B. Application Completeness

1. An application or appeal shall be considered as filed whenever it has been completed in accordance with the applicable rules and regulations, has been submitted to the Department of City Planning together with the required filing fees, and a receipt for the filing fees has been issued.
2. If at any time during the processing of an application it is discovered that an application has been improperly prepared, or required pertinent information has not been submitted in accordance with the previously established rules and regulations, upon notification to the applicant by the appropriate officer or employee the time limits specified within this *Article* shall be suspended and not continue to run until the application has been rectified or the omitted information furnished in a proper manner.
3. The City will not process incomplete applications. Applications are reviewed for completeness in accordance with the Permit Streamlining Act, *California Government Code, Chapter 4.5 (Review and Approval of Development Projects) Sec 65940-65945.7*.

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. 13A.2.10. (Multiple Approvals)*.

D. Withdrawal of Application

1. At any time before the initial decision maker or appellate body on appeal makes a final decision on an application, the applicant may withdraw the application.

2. The withdrawal of the application must be in writing and does not require the decision maker to concur. The withdrawal of the application shall be permanent and any associated authorization shall be void.

SEC. 13A.2.4. NOTICE OF PUBLIC HEARING

A. Public Hearing Purpose

A public hearing gives interested parties an opportunity to be heard. The specific procedures for providing testimony and conducting the public hearing are established by the agency that conducts the public hearing.

B. General Procedures for Notice of Public Hearing

1. Unless otherwise provided by a specific process, the notice established in this *Article* is as provided in Table 3 (Notice of Public Hearing) below. Where notice is not specified, notice shall be given pursuant to *California Government Code Sections 54950 et seq., 65090, and 65091*, as applicable.
2. The time period required for a notice of public hearing is the minimum number of days preceding commencement of the applicable public hearing.
3. If a Hearing Officer conducts a public hearing on behalf of the Area or City Planning Commission, the notice requirements apply to only the Hearing Officer 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. At the noticed hearing, the agency may continue the hearing to another date if the matter is publicly continued to a date certain, no additional notice of the continued hearing is required.
6. Whenever the provisions of this Chapter provide that an applicant shall post notice of a public hearing or meeting, the applicant shall file a declaration in the appropriate public office prior to the date of the noticed public hearing or meeting. In this declaration, the applicant shall declare, under penalty of perjury, that notice has been posted in accordance with the applicable provisions of this Chapter.
7. The Director shall have the authority to adopt guidelines consistent with this *Article* for the posting of notices if the Director determines that guidelines are necessary and appropriate.

Table 3 - Notice of Public Hearing

Type of Notice	Description
Publication	This requirement is satisfied when the public hearing notice is published in a newspaper of general circulation in the City designated for this purpose by the City Clerk.
Mail	This requirement is satisfied when the public hearing notice 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 mail.
Posting	This requirement is satisfied when public hearing notice is posted in a conspicuous place on the property. The Department may 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 the public hearing notice via an email to: <ul style="list-style-type: none"> • The Applicant; and, • Parties who request email notification.
Online	The City may provide information about the permit or proceeding available on its website.

C. Information included in Notice

Unless the specific process includes a different requirement, notice shall include the following information: time, place, and purpose of the public hearing.

D. Calculating Required Time Period for Notice

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

E. Additional Notice Beyond Legal Requirements

The City may provide additional notice not required by this *Article* at its discretion.

F. Notice Requirements of Each Process

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

Table 4 - Summary of Notice Requirements

Action	Reference	Publication	Mail	Posting
Legislative Action		<i>Div. 13B.1.</i>		
General Plan Adoption / Amendment	<i>Sec. 13B.1.1.</i>	■	■	●
Specific Plan Adoption / Amendment	<i>Sec. 13B.1.2.</i>	■	●	●
Zoning Code Amendment	<i>Sec. 13B.1.3.</i>	■		
Zone Change	<i>Sec. 13B.1.4.</i>	■	●	●
Guidelines or Standards Adoption / Amendment	<i>Sec. 13B.1.5.</i>	■		
Land for Public Use	<i>Sec. 13B.1.6.</i>			
Quasi-Judicial Review		<i>Div. 13B.2.</i>		
Class 1 Conditional Use Permit	<i>Sec. 13B.2.1.</i>		■	■
Class 2 Conditional Use Permit	<i>Sec. 13B.2.2.</i>	■	■	■
Class 3 Conditional Use Permit	<i>Sec. 13B.2.3.</i>	■	■	■
Project Review	<i>Sec. 13B.2.4.</i>		■	■
Director Determination	<i>Sec. 13B.2.5.</i>		○	○
Ministerial Action		<i>Div. 13B.3.</i>		
Administrative Review	<i>Sec. 13B.3.1.</i>			
Specific Plan Implementation		<i>Div. 13B.4.</i>		
Project Compliance	<i>Sec. 13B.4.2.</i>		○	
Project Compliance (Design Review Board)	<i>Sec. 13B.4.3.</i>		■	■
Project Adjustment	<i>Sec. 13B.4.4.</i>		○	
Project Exception	<i>Sec. 13B.4.5.</i>	■	■	■
Specific Plan Interpretation	<i>Sec. 13B.4.6.</i>		○	
Quasi-Judicial Relief		<i>Div. 13B.5.</i>		
Alternative Compliance	<i>Sec. 13B.5.1.</i>		○	
Adjustment	<i>Sec. 13B.5.2.</i>		■	■
Variance	<i>Sec. 13B.5.3.</i>		■	■
Modification of Entitlement	<i>Sec. 13B.5.4.</i>		◈	◈
Reasonable Accommodation	<i>Sec. 13B.5.5.</i>	○	○	○
Non-Compliance		<i>Div. 13B.6.</i>		
Evaluation of Non-Compliance	<i>Sec. 13B.6.1.</i>		■	■
Nuisance Abatement/Revocation	<i>Sec. 13B.6.2.</i>		■	■
Division of Land		<i>Div. 13B.7.</i>		

Action	Reference	Publication	Mail	Posting
Parcel Map Exemption/ Lot Line Adjustment	Div. 13B.7.2.			
Tentative Tract Map	Div. 13B.7.3.	■	■	■
Final Tract Map	Div. 13B.7.4.			
Preliminary Parcel Map	Div. 13B.7.5.	■	■	■
Final Parcel Map	Div. 13B.7.6.			
Private Street Map	Div. 13B.7.7.	■	■	■
Subdivision Appeal	Div. 13B.7.8.		■	
Historic Preservation	Div. 13B.8.			
Historic Preservation Overlay Zone Designation	Sec. 13B.8.2.	■	■	●
Preservation Plan Adoption / Amendment	Sec. 13B.8.3.		■	
Review of Conforming Work	Sec. 13B.8.4.			
Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)	Sec. 13B.8.5.		■	■
Certificate of Appropriateness (Demolition, Removal, or Relocation)	Sec. 13B.8.6.		■	■
Certificate of Compatibility for Non-Contributing Elements	Sec. 13B.8.7.		■	■
Coastal Development	Div. 13B.9.			
Coastal Development Permit (Pre-Certification)	Div. 13B.9.1.		■	◊
Coastal Development Permit (Post-Certification)	Div. 13B.9.2.		■	◊
Department of Building and Safety	Div. 13B.10.			
Appeals from LADBS Determination	Div. 13B.10.2.		■	
California Environmental Quality Act (CEQA) Provisions	Div. 13B.11.			
CEQA Appeal	Div. 13B.11.1.		■	

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

SEC. 13A.2.5. DECISIONS

A. Decision Time Period

1. Decisions must be made within the time period specified in this *Article*, or as otherwise required by law. Unless otherwise provided in the regulations governing the particular application, 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. 13A.2.10. (Multiple Approvals)*.
2. Where extensions on the City Council's time to act on a matter may be granted by mutual consent of an application and the City Council, the Council President or the Council President's councilmember designee may consent to a time extension on behalf of the City Council.

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 *Part 13B. (Processes & Procedures)* of this *Article* includes standards and/or findings for approval. In approving an application, the decision maker must find that the project substantially conforms to the standards and/or findings for approval.
3. For a Quasi-judicial action, the decision maker shall adopt written findings of fact supporting the decision based upon evidence in the record. This evidence may include, but is not limited to, 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 applicable standards or findings for approval.

D. Transmittal

1. 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.
2. The date of transmittal is the date the decision is mailed (as shown by the date stamp), unless otherwise provided.

E. Effective Date

1. Initial Decision or Commission Decisions That Are Appealable to City Council

The decision is final and effective upon the close of the appeal period if no appeal is filed.

2. Appellate Decision or Commission Decisions That Are Not Appealable to City Council

The decision is final and effective as provided in *Charter Section 245*.

3. Legislative Actions

A legislative action is final pursuant to *Charter Section 252*.

SEC. 13A.2.6. TRANSFER OF JURISDICTION

A. Applicability

When specifically authorized by this *Article*, 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 a filed application has been deemed complete, 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 *Div. 13B.2. (Quasi-Judicial Review)*. The Director 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 once the request is properly filed with the Department of City Planning. 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. 13A.2.7. SCOPE OF DECISION

A. Discretionary Project Approvals Time Limits

1. Unless otherwise provided in this Chapter, *Chapter I. (General Provisions and Zoning)*, or in a project's conditions of approval, any approval by the Zoning Administrator, Director, an Area Planning Commission, or the City Planning Commission as initial decision makers that is not effectuated within three years of its effective date becomes null and void.
2. When approvals are granted as part of a project requiring multiple approvals pursuant to Sec. 13A.2.10. (*Multiple Approvals*) 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 six years unless the initial decision maker extends the time period (see <i>Subsection C.1. of this Section</i>).
Quasi-judicial Approvals	Subdivision Approval	Expires with the Subdivision Approval pursuant to Div. 13B.7 (Division of Land) of this Article. If the expiration date on a Subdivision Approval is extended pursuant to Div. 13B.7 (Division of Land) 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 Div. 13B.7 (Division of Land), as needed to record an approved map.

B. Effectuation of Approvals

A discretionary project approval is considered effectuated by the Department of City Planning when the conditions of approval of the grant are satisfied. This must be done before the privileges of the grant may be utilized. Effectuation is accomplished upon procedural steps being followed and completed by the applicant to demonstrate compliance with all conditions of approval. The Department of City Planning shall verify such compliance and assess appropriate fees. Effectuation is achieved when fees are paid, plans are verified and stamped as approved, and authorization is obtained to utilize grant. Authorization is typically demonstrated by a clearance on a building permit. However, if a project site includes a use that is existing, and there is no physical work and/or change of use involved and the description of work in any previously issued permits do not specifically exclude or prohibit the entitled operation, then a permit from Department of Building and Safety may not be necessary. Thus, a project not requiring permits for construction or alteration from the Department of Building and Safety achieves effectuation when the Department of City Planning verifies compliance with all conditions of the grant, including payment of all fees, and stamping of plans.

C. Utilizing the Grant

1. A discretionary project approval is considered utilized after it has been effectuated by the Department of City Planning and a building permit has been issued by the Department of Building and Safety. Utilization of a grant must occur no later than three years from the last date an action can be effectuated. An approval not requiring building permits from the Department of Building and Safety is considered utilized when compliance with all conditions of approval have been demonstrated, appropriate fees paid, plans stamped and authorization has been obtained from the Department of City Planning.

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:

- i. 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.
- ii. 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.
- iii. The sign is maintained on the property and in good condition until the conditional use privileges are utilized.

b. Affordable Housing Projects

A six-year time limit to utilize the privileges shall apply where a lot or lots have been approved for housing that includes 100 percent restricted affordable units, exclusive of a manager's unit or units, as defined in Chapter I. (General Provisions and Zoning), Sec. 12.22 A.25(b) (Exceptions; Affordable Housing incentives – Density Bonus; Definitions) for lots subject to Chapter 1, or Div 14.3. (Glossary) of this Zoning Code (Chapter 1A) for lots subject to this chapter.

D. Abandonment of Approval

1. Unless otherwise stated in a specific process in this Code, for a Quasi-judicial approval, the owner (and applicant if different) shall file the appropriate form with the Department requesting the abandonment of their approval. If it is determined by the Department that the abandonment is in conformity with public necessity, convenience, general welfare, and good zoning practice, the request to abandon an approval shall be approved. A written response shall be issued by the Department.

2. Unless otherwise stated in a specific process in this Code, for a legislative approval, any change shall be processed pursuant to the same legislative process that was used for the original approval.

E. Planning and Zoning Matters in Litigation

The time limits set forth in *Subsection A. (Discretionary Project Approvals Time Limits)* and *Subsection B. (Effectuation of Approvals)* of this Section shall not include any time period during which the approval or the environmental clearance for the approval is challenged in court. Notwithstanding any contrary language in the Zoning Code, this Chapter and *Chapter I. (General Provisions and Zoning)* of this Code, the time limits in *Subsection A. (Discretionary Project Approvals Time Limits)* and *Subsection B. (Effectuation of Approvals)* of this Section shall be tolled until litigation is concluded.

F. California Coastal Commission Approvals

The time limits set forth in *Subsection A. (Discretionary Project Approvals Time Limits)*, *Subsection B. (Effectuation of Approvals)*, and *Subsection C. (Utilizing the Grant)* of this Section shall not include any time period during which the subdivider or applicant is awaiting a California Coastal Commission decision on a Coastal Development Permit appeal or application, including the California Coastal Commission's final action on an appeal of a Coastal Development Permit issued by the Department of City Planning. 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. In cases where the California Coastal Commission's final action on an appeal of a Coastal Development Permit issued by the Department of City Planning is a finding of "no substantial issue", the initial decision stands.

G. Violation of Conditions – Penalty

A Quasi-judicial action or any conditional approval granted by the Director, pursuant to the authority of this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission, or City Council in connection with the granting of any action taken pursuant to the authority of this Chapter or *Chapter I. (General Provisions and Zoning)*, shall constitute a violation of this Chapter or *Chapter I. (General Provisions and Zoning)* and shall be subject to the same penalties as any other violation of this Code.

SEC. 13A.2.8. 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 overturned.
3. An appeal not properly or timely filed shall not be accepted, and will not be considered by the appellate body.

B. Time Limits for Appeal

1. Unless otherwise required by a specific process, appeals must be filed within 15 days after the date on the letter of determination to the applicant.
2. Despite any provisions of this Chapter, whenever the final day for filing an appeal from any action, decision or determination of the Director, Zoning Administrator, Area Planning Commission, or City Planning Commission falls on a Saturday, Sunday or legal holiday, the time for filing an appeal shall be extended to the close of business on the next succeeding working day, and the effective or final date of any action, decision, or determination shall be extended to the close of that appeal period.
3. If in any individual case involving a 15-day appeal period, that appeal period fails to include at least 10 working days, then the appeal period shall be extended as many days as the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council determines are necessary to include 10 working days.

C. Appeal Procedures

1. An appeal stays the processing of the application and entitlement, and any development of the project at issue until the appellate body makes a decision.
2. After an appeal is filed, the initial decision maker shall 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 shall 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 with the applicant to another date. No additional notice of continuance need be given if the continuance to a date certain is announced at the time of the original hearing. If no date for the continued hearing is provided publicly at the original hearing, then notice of the continued hearing shall be provided in the same manner as the original notice for the appellate hearing.

5. The appellate body shall conduct a public hearing. After the public hearing, the appellate body shall 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 impose conditions that it determines are needed to ensure substantial compliance with the standards or findings for approval.

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

- i. 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.
- ii. The reopened appeal period shall run for 10 days from the date the notice of withdrawal of the appeal is mailed.
- iii. If more than one appeal was filed, the appeal period is only reopened if the withdrawal of the appeal would result in no other appeal going forward.
- iv. 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:

- i. The withdrawal of the appeal is permanent; and
 - ii. The decision from which the appeal was taken automatically becomes final at the end of the appeal period or reopened appeal period.
- f. Appeals challenging Variance decisions cannot be withdrawn.

E. Standards for Review and Required Findings

1. Standard of Review

Unless otherwise required by a specific process, the appellate body shall hear the matter de novo, considering the whole of the project with no deference given to the decision of the initial decision maker. 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 otherwise required by this Chapter or *Chapter I. (General Provisions and Zoning)*, in making a decision to grant a project approval, the appellate body shall make the same findings as required to be made by the initial decision maker, supported by substantial evidence.

F. Lack of Timely Decision on Appeal

1. Unless otherwise required by a specific process, 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.
2. Failure of the appellate body to render a timely decision shall result in the denial of the appeal.

SEC. 13A.2.9. PERMITS ISSUED IN ERROR

A. Void Permits

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. 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.

B. Building Permits for a Zone Change

Upon publication of a Zone Change, height district, or building line ordinance, 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, height district, or building line. No such permit shall be issued unless the applicant has first executed and filed 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, height district, or building line ordinance becomes effective.

SEC. 13A.2.10. MULTIPLE APPROVALS

A. Applicability

1. General

This *Section* applies to applications for projects that require multiple Legislative and/or Quasi-judicial Approvals.

2. Terms

The following terms apply to this *Article*. Table 5 (Classification of Actions for Multiple Approvals) below classifies actions for the 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 *Div. 13B.1 (Legislative Action)* 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 *Div. 13B.2. (Quasi-Judicial Review)*, *13B.4. (Specific Plan Implementation)*, and *13B.5. (Quasi-Judicial Relief)* of this *Article*.

c. Subdivision Approval

Any approval under the Division of Land regulations set forth in *Div. 13B.7. (Division of Land)* of this *Article*.

d. Ministerial Action

Any action involving only the nondiscretionary application of objective standards, including the processes described in *Div. 13B.3 (Ministerial Action)* of this *Article*. Ministerial actions are not subject to the multiple approvals processes established below.

Table 5 - Classification of Actions for Multiple Approvals

Action	Reference	Legislative	Quasi-judicial	Subdivision	Ministerial
Legislative Action		<i>Div. 13B.1.</i>			
General Plan Adoption / Amendment	Sec. 13B.1.1.	■			
Specific Plan Adoption / Amendment	Sec. 13B.1.2.	■			
Zoning Code Amendment	Sec. 13B.1.3.	■			
Zone Change	Sec. 13B.1.4.	■			
Guidelines or Standards Adoption/Amendment	Sec. 13B.1.5.	■			
Land for Public Use	Sec. 13B.1.6.	■			
Quasi-Judicial Review		<i>Div. 13B.2.</i>			
Class 1 Conditional Use Permit	Sec. 13B.2.1.		■		
Class 2 Conditional Use Permit	Sec. 13B.2.2.		■		
Class 3 Conditional Use Permit	Sec. 13B.2.3.		■		
Project Review	Sec. 13B.2.4.		■		
Director Determination	Sec. 13B.2.5.		■		
Ministerial Action		<i>Div. 13B.3.</i>			
Administrative Review	Sec. 13B.3.1.				◊
Specific Plan Implementation		<i>Div. 13B.4.</i>			
Project Compliance	Sec. 13B.4.2.		■		
Project Compliance (Design Review Board)	Sec. 13B.4.3.		■		
Project Adjustment	Sec. 13B.4.4.		■		
Project Exception	Sec. 13B.4.5.		■		
Specific Plan Interpretation	Sec. 13B.4.6.		◊		
Quasi-Judicial Relief		<i>Div. 13B.5.</i>			
Alternative Compliance	Sec. 13B.5.1.		■		
Adjustment	Sec. 13B.5.2.		■		
Variance	Sec. 13B.5.3.		■		
Modification of Entitlement	Sec. 13B.5.4.		■		
Reasonable Accommodation	Sec. 13B.5.5.		◊		
Non-Compliance		<i>Div. 13B.6.</i>			
Evaluation of Non-Compliance	Sec. 13B.6.1.		◊		
Nuisance Abatement/Revocation	Sec. 13B.6.2.		◊		
Division of Land		<i>Div. 13B.7.</i>			
Parcel Map Exemption/ Lot Line Adjustment	Sec. 13B.7.2.			◊	
Tentative Tract Map	Sec. 13B.7.3.			■	
Final Tract Map	Sec. 13B.7.4.			◊	
Preliminary Parcel Map	Sec. 13B.7.5.			■	
Final Parcel Map	Sec. 13B.7.6.			◊	

Action	Reference	Legislative	Quasi-judicial	Subdivision	Ministerial
Private Street Map	Sec. 13B.7.7.			■	
Subdivision Appeal	Sec. 13B.7.8.			◊	
Historic Preservation		<i>Div. 13B.8.</i>			
Historic Preservation Overlay Zone Designation	Sec. 13B.8.2.	◊			
Preservation Plan Adoption / Amendment	Sec. 13B.8.3.	■			
Review of Conforming Work	Sec. 13B.8.4.				◊
Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)	Sec. 13B.8.5.		■		
Certificate of Appropriateness (Demolition, Removal, or Relocation)	Sec. 13B.8.6.		■		
Certificate of Compatibility for Non-Contributing Elements	Sec. 13B.8.7.		■		
Coastal Development		<i>Div. 13B.9.</i>			
Coastal Development Permit (Pre-Certification)	Sec. 13B.9.1.		■		
Coastal Development Permit (Post-Certification)	Sec. 13B.9.2.		■		
Department of Building and Safety		<i>Div. 13B.10.</i>			
Appeals from LADBS Determination	Sec. 13B.10.2.		◊		
Annual inspection Monitoring (Recycling)	Sec. 13B.10.3.		◊		
Annual inspection Monitoring (Automotive)	Sec. 13B.10.4.		◊		
California Environmental Quality Act (CEQA) Provisions		<i>Div. 13B.11.</i>			
CEQA Appeal	Sec. 13B.11.1.		◊		

Key		
■	=	qualifies for multiple approval
◊	=	varies with underlying application

B. Initiation

1. Applicants shall file applications at the same time for all approvals reasonably related and necessary to complete the project.
2. 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

Despite any provision of this Code to the contrary, the following procedures apply to projects requiring multiple approvals.

1. Legislative Decisions

- a. 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 approvals of legislative decisions.
- b. **Procedures**
 - i. To the extent permitted by California law and the *City Charter*, the procedures for consideration of all decision are those set forth in:
 - a) *Sec. 13B.1.1. (General Plan Adoption/Amendment)* if a General Plan Amendment is involved;
 - b) *Sec. 13B.1.2. (Specific Plan Adoption/Amendment)* if a Specific Plan Amendment, but no General Plan Amendment, is involved; or
 - c) *Sec. 13B.1.4. (Zone Change)* if a Zone Change is combined with a Zoning Code Amendment.
 - ii. 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 this Chapter 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:
 - i. A separate approval or recommendation by an Area Planning Commission, the Zoning Administrator, and/or the Director, as the initial decision maker; and
 - ii. An approval or recommendation by the City Planning Commission as the initial decision maker.
- b. **Procedures**
 - i. 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. 13B.2.3. (Class 3 Conditional Use Permit)* of this Code.
 - ii. If any Legislative Approval is included, the procedures for consideration and appeal of all the applications are those set forth in *Sec. 13B.1.4. (Zone Change)* of this Code.

- iii. 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 *Subdivision*.

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

- i. 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. 13B.2.3. (*Class 3 Conditional Use Permit*) of this Code.
- ii. If a Legislative Approval is included, then the procedures for consideration and appeal of all the approvals shall be those set forth in Sec. 13B.1.4. (*Zone Change*) of this Code.

b. Appellate Body

The City Council shall decide all appeals of the Area Planning Commission's decisions or recommendations under this *Subdivision*.

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. 13B.2.2. (*Class 2 Conditional Use Permit*) 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. 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. 13B.2.4. (Project Review) 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 Determination is rendered, including all appeals.

6. 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 Div. 13B.8. (Division of Land) of this Code.

b. Appeals

- i. When a Subdivision Approval is appealed, it shall follow the procedures set forth in Div. 13B.8. (Division of Land), except when other approvals are also appealed.
- ii. 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 Div. 13B.8. (Division of Land) 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.

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DIV. 13B.1. LEGISLATIVE ACTION

SEC. 13B.1.1. 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 of the City shall be initiated, prepared and acted upon in accordance with the procedures set forth in *Sec. 555 (General Plan – Procedures for Adoption) of the City Charter* and this Section.
3. Nothing in this Section shall restrict the adoption of a General Plan Amendment which permits the development of a project if the General Plan Amendment meets the criteria described in *Sec. 11.5.6 A. (Initiation of Plan Amendment) of Chapter I. (General Provisions and Zoning)* of this Code.

B. Initiation

1. As provided in *Sec. 555 (General Plan – Procedures for Adoption) of the City Charter*, only the City Council, the City Planning Commission or the Director 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. The report shall contain an explanation of the reasons for the action recommended.

4. Batching

- a. In order to comprehensively consider applications for amendments to any community plan, the intake of applications by private parties to request amendments to any of the community plan areas may be batched into geographically based groups.
- b. The Director shall establish the boundaries of the groups and a schedule for review, and may modify them as necessary in order to more effectively carry out the purpose and intent of this Section.

Sec. 13B.1.1. General Plan Adoption / Amendment

1 Initiation

COUNCIL, CITY
PLANNING COMMISSION,
OR PLANNING DIRECTOR

NOTICE

2 Review

CITY PLANNING
COMMISSION HEARING

CITY PLANNING
COMMISSION REPORT
& RECOMMENDATION

MAYOR'S REPORT &
RECOMMENDATION

NOTICE

3 Decision

CITY COUNCIL
HEARING

APPROVE
OR
DENY

C. Notice

1. Notice of Public Hearing

The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 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	24 days	<ul style="list-style-type: none"> The Certified Neighborhood Council representing the area in which the property is located; and Interested parties who have requested in writing to be notified
Posting (site specific amendments only)	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property
Publication (City-initiated only)	10 days	<ul style="list-style-type: none"> Where the City initiates changes to one or more specific plans to 1,000 lots or more, publication in two newspapers of general circulations in the area involved, designated for that purpose by the City Clerk, is required. Mailing of individual notices shall not be required.

D. Decision

1. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Public Hearing

- a. The City Planning Commission shall set the matter for a public hearing, giving notice in the manner specified in *Subsection C. (Notice)* of this *Section*.
- b. The City Planning Commission may hold the hearing itself, or may direct the Director to hold the hearing. At the time of the hearing, the City Planning Commission or the Director shall hear public testimony from anyone wishing to be heard on the matter. The City Planning Commission or the Director may continue the hearing to another date announced publicly at the hearing being continued; no additional notice of the continued hearing need be given.
- c. If the hearing is conducted by the Director:
 - i. After the close of the hearing, the Director shall submit a report to the City Planning Commission summarizing the information received.
 - ii. The report may also contain a recommendation to the City Planning Commission regarding its action on the proposed amendment.

3. Action of the City Planning Commission

- a. 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 City Council that the proposed amendment be approved or disapproved in whole or in part.
 - i. If the City Planning Commission recommends approval of any proposed General Plan Amendment or disapproval of either a General Plan Amendment initiated by the Director or the City Council, the City Planning Commission shall transmit as soon as possible those actions to the Mayor for consideration and report to the Council.
 - ii. If the City Planning Commission recommends disapproval of a General Plan Amendment initiated by it, the City Planning Commission shall report its decision to the Council and Mayor.
- b. The City Planning Commission's report to the Mayor and the City Council shall set forth the City Planning Commission's findings for its recommendation.
- c. **Time to Act**
 - i. The City Planning Commission shall act within 90 days after receiving the report of the Director.
 - ii. 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.

4. Action of the Mayor

- a. Within 30 days after receipt of the City Planning Commission's recommendation, the Mayor shall make a recommendation to the City Council on the proposed General 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 City Council shall set forth the Mayor's reasons for his or her recommendation.

5. Action of the City Council

- 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 City Council shall hold a public hearing on the proposed General Plan Amendment.
- b. After the close of the public hearing, the City Council may do either of the following:
 - i. Approve or disapprove the General Plan Amendment in accordance with Sec. 555(e) (*General Plan – Procedures for Adoption*) of the City Charter; or

- ii. Propose changes to the General Plan Amendment.
- c. The City 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. If the City Council fails to do so, the City Council's failure to act is deemed a disapproval of the General Plan Amendment.
- d. **Required Vote**

In accordance with Sec. 555 (*General Plan – Procedures for Adoption*) of the *City Charter*, the votes necessary for adoption of a General Plan Amendment are as follows:

Recommendation	Required Council Vote
Both the CPC and the Mayor recommend approval	Majority
Either the CPC or the Mayor recommends disapproval	2/3 Vote
Both the CPC and the Mayor recommend disapproval	3/4 Vote

6. Proposed Changes by the City Council

- a. If the City Council proposes changes to the General 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 City 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 City Planning 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 City Planning Commission and the Mayor shall consider only those changes made by the City Council.
- g. The City Council shall act to approve or disapprove, in whole or in part, the General Plan Amendment, including the City Council's changes, within 120 days after receiving both the City Planning Commission's and the Mayor's recommendations on the City Council's proposed changes, or the expiration of its 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. General Plan Review

See Chapter I. (General Provisions and Zoning), Sec. 11.5.8 (General Plan Review).

2. Affordable Housing

See Chapter I. (General Provisions and Zoning), Sec. 11.5.11 (a).

3. Alternative Compliance Options

See Chapter I. (General Provisions and Zoning), Sec. 11.5.11 (b).

4. Use of Funds

See Chapter I. (General Provisions and Zoning), Sec. 11.5.11 (c).

5. Continuing Affordability / Standards for Affordable Units

See Chapter I. (General Provisions and Zoning), Sec. 11.5.11 (d).

6. Developer Incentives

See Chapter I. (General Provisions and Zoning), Sec. 11.5.11 (e).

7. Processing

See Chapter I. (General Provisions and Zoning), Sec. 11.5.11 (f).

8. City Council Approved Adjustments to Affordable Housing Set-Asides Contained Herein

See Chapter I. (General Provisions and Zoning), Sec. 11.5.11 (g).

9. Waiver/Adjustment

See Chapter I. (General Provisions and Zoning), Sec. 11.5.11 (h).

10. Job Standards

See Chapter I. (General Provisions and Zoning), Sec. 11.5.11 (i).

11. Definitions

See Chapter I. (General Provisions and Zoning), Sec. 11.5.11 (j).

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

There is no appeal.

H. Modification of General Plan Action

A General Plan Adoption or Amendment may be modified by following the same procedures established above for the original action.

SEC. 13B.1.2. 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 Specific Plan Amendment is required whenever the policies or standards of plan need to be changed or updated, including but not limited to the following:

- a. To permit a new principal use or a change of use that the Specific Plan specifically prohibits, except where an applicant seeks to alter or enlarge an existing legal nonconforming, in which case a project exception is required;
- 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 specifically prohibited by the Specific Plan;
- d. To deviate from a Specific Plan map footnote;
- e. To make significant changes to environmental mitigation measures that were adopted as part of the environmental clearance for the Specific Plan if required by CEQA;
- 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 project 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.

Sec. 13B.1.2. Specific Plan Adoption / Amendment

1 Initiation

COUNCIL, CITY PLANNING COMMISSION, OR PLANNING DIRECTOR

NOTICE

2 Review

HEARING OFFICER HEARING OPTIONAL

PLANNING DIRECTOR'S REPORT & RECOMMENDATION

NOTICE

CITY PLANNING COMMISSION HEARING

CITY PLANNING COMMISSION REPORT & RECOMMENDATION

3 Decision

CITY COUNCIL MEETING

APPROVE OR DENY

B. Initiation

Only the City Council, the City Planning Commission, or the Director may initiate a Specific Plan Adoption or Amendment. An action to initiate a Specific Plan Adoption or Amendment by the City Council or the City Planning Commission requires a majority vote.

C. Notice

1. Notice of Public Hearing

- a. The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 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)	24 days	<ul style="list-style-type: none"> The applicant; The owner(s) 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 (or the expanded area described below); 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); and The Certified Neighborhood Council representing the area in which the property is located.
Posting (site specific amendments only)	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property If a <u>Hearing Officer</u> 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

- b. 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.
- c. Where a public hearing before a Hearing Officer was held pursuant to *Sec. 13B.1.2.D.2.c. (Public Hearing)* below, then notice for the Planning Commission hearing shall be given in the manner specified in *Sec. 13B.1.3.C. (Zoning Code Amendment; Notice)* of this Chapter.
- d. Where the City initiates changes to one or more Specific Plans pursuant to *Sec. 65455 (Zoning, tentative map, parcel map, and public works project consistency with specific plan)* of the California Government Code to 1,000 lots or more, publication in two newspapers of general circulation designated by the City Clerk for official advertising in the

area involved, not less than 10 days prior to the date of the public hearing, giving notice of its time, place and purpose shall be sufficient notice of the hearing, and the mailing of individual notices shall not be required.

D. Decision

1. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Public Hearing

- a. The Council or the City Planning Commission shall forward the proposed ordinance to the Director for a report and recommendation.
- b. The Director shall make a recommendation for action on the matter; that recommendation shall then be heard by the City Planning Commission.
- c. Before making a recommendation, the Director may direct a Hearing Officer to hold a public hearing, giving notice in the manner specified in *Subsection C. (Notice)* of this Section, and make a report and recommendation.

3. City Planning Commission Action

- a. After receipt of the Director's recommendation, the City Planning Commission shall hold a public hearing.
- b. The hearing proceedings shall be recorded or summarized as directed by the Commission. When proceedings are recorded and not summarized, they shall be transcribed at the request of any party or interested person upon payment of the fee, as required by ordinance. One copy of the transcript shall be furnished to the Commission to be filed.
- c. The City Planning Commission shall consider the matter and make a report and recommendation to the City Council.
- d. 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.

e. Time to Act

- i. The City Planning Commission shall act within 75 days of receipt of the Director's report and recommendation.
- ii. If the City Planning Commission does not act by that deadline, or any extension, the City Council may then, by resolution, request the City Planning Commission to forward the matter to it for the City Council's action.

- iii. If the City Council does not do so, the time for the City Planning Commission to act shall automatically be extended for an additional 75 days. The City Council may request the City Planning Commission to forward the matter at any time within the 75-day continuance period.
- iv. If the Planning Commission fails to act on an initiation within the time allowed by this *Subdivision*, the Planning Commission shall be deemed to have approved the ordinance.

4. City Council Action

- a. After the City Planning Commission has made its report and recommendation, or after the time for it to act has expired, the City Council shall consider the matter.
- b. The City Council may approve or disapprove the proposed Specific Plan Adoption or Amendment.
- c. If the City Planning Commission recommends approval of an application, then the City Council shall act within 90 days of receipt of the City Planning Commission recommendation. This time limit may be extended by mutual consent of the initiating body and the City Council.

d. Required Vote

The votes necessary for adoption of a Specific Plan Adoption or Amendment are as follows:

Recommendation	Required Council Vote
The CPC recommends approval	Majority
The CPC recommends disapproval (on a Specific Plan Adoption/Amendment initiated by the City Council)	2/3 Vote
Failure of the CPC to act	Majority

E. Standards for Review and Required Findings

- 1. In approving a Specific Plan Adoption or 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 City Council does not adopt the City Planning Commission's findings and recommendations, the City Council shall make its own findings.

F. Scope of Decision

See *Sec. 13A.2.7. (Scope of Decision)*.

G. Appeals

There is no appeal.

H. Modification of Specific Plan Action

A Specific Plan Adoption or Amendment may be modified by following the same procedures established above for the original action.

SEC. 13B.1.3. ZONING CODE AMENDMENT

A. Applicability

This Section applies to the adoption, amendment, or repeal of any text in this Chapter or Chapter I. (General Provisions and Zoning), including but not limited to:

- 1. The creation or change of any zones or districts for the purpose of regulating the use of land (including area-wide or comprehensive zone changes that the City initiates to implement a land use policy);
- 2. 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;
- 3. Private street regulations;
- 4. Public projects; and
- 5. 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.

B. Initiation

Only the City Council, the City Planning Commission, or the Director may initiate a Zoning Code Amendment. An action to initiate a Zoning Code Amendment by the City Council or City Planning Commission requires a majority vote.

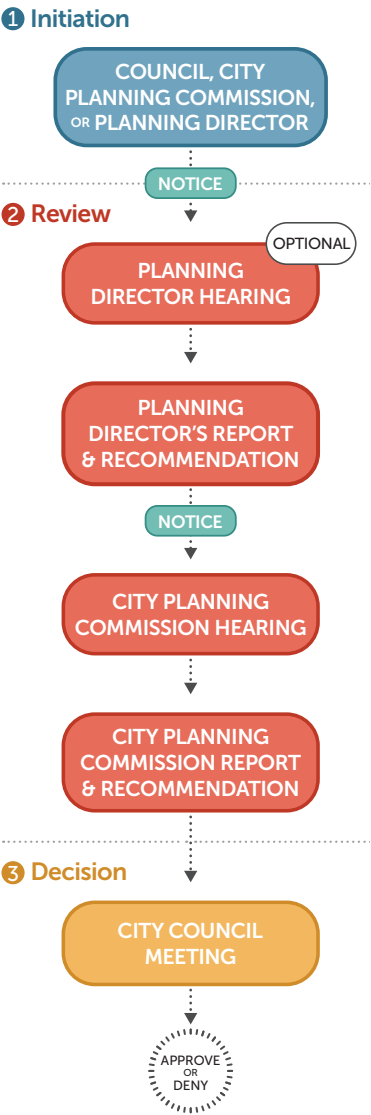
C. Notice

1. Notice of Public Hearing

The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	<ul style="list-style-type: none">In a newspaper of general circulation in the City, designated for that purpose by the City Clerk

Sec. 13B.1.3. Zoning Code Amendment



D. Decision

1. General Procedures

See Sec. 13A.2.5. (*Decisions*).

2. Public Hearing

- a. The City Council or the City Planning Commission shall forward the proposed Zoning Code Amendment to the Director for a report and recommendation.
- b. The Director shall make a recommendation for action on the matter, which recommendation shall then be heard by the City Planning Commission.
- c. Before making a recommendation, the Director may direct a Hearing Officer to hold a public hearing, giving notice in the manner specified in *Subsection C. (Notice)* of this Section, and make a report and recommendation.

3. City Planning Commission Action

- a. After receipt of the Director's recommendation, the City Planning Commission shall consider the matter and make a report and recommendation to the City 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. Time to Act

- i. The City Planning Commission shall act within 75 days of receipt of the Director's report and recommendation.
- ii. If the City Planning Commission does not act by that deadline, or any extension, the City Council may then, by resolution, request the Planning Commission to forward the matter to it for the City Council's action.
- iii. If the City Council does not do so, the time for the Planning Commission to act shall automatically be extended for an additional 75 days. The City Council may request the Planning Commission forward the matter at any time within any 75-day continuance period.
- iv. If the Planning Commission fails to act on an initiation within the time allowed by this *Subdivision*, the Planning Commission shall be deemed to have approved the ordinance.

4. City Council Action

- a. After the City Planning Commission has made its report and recommendation, or after the time for it to act has expired, the City Council may consider the matter.

- b. The City Council may approve or disapprove the proposed Zoning Code Amendment.
- c. If the City Planning Commission recommends approval of the proposed Zoning Code Amendment, the City Council shall act within 90 days of receipt of the City Planning Commission recommendation.

d. Required Vote

The votes necessary for adoption of a Zoning Code Amendment are as follows:

Recommendation	Required Council Vote
The CPC recommends approval	Majority
The CPC recommends disapproval (on a Zoning Code Amendment initiated by the City Council)	2/3 Vote
Failure of the CPC 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. Proposed ordinance is in conformity with public necessity, convenience, general welfare and good zoning practice; and
 - c. Other findings required by law.
2. If the City Council does not adopt the City Planning Commission's findings and recommendations, the City Council shall make its own findings.

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

There is no appeal.

H. Modification of Zoning Code Amendment

A Zoning Code Amendment may be modified by following the same procedures established above for the original action.

SEC. 13B.1.4. ZONE CHANGE

A. Applicability

1. This *Section* applies to any amendment to the zoning map through a legislative land use ordinance.
2. The City Planning Commission may recommend approval or disapproval in whole or in part of an application or initiation of a proposed land use ordinance. The Area Planning Commission may recommend approval or disapproval in whole or in part of an application for a land use ordinance where permitted in this *Section*. These recommendations shall be made to the City Council for its action pursuant to the procedures set forth in this *Section*.
3. Pursuant to *Sec. 565. (Delegation of Legislative Authority to Area Planning Commissions) of the City Charter*, the City Planning Commission may delegate classes or categories of Zone Changes for consideration by an Area Planning Commission.
4. 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 non-residential 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
 - c. Any application involving a lot with fewer than 65,000 square feet of lot area.
5. Notwithstanding the foregoing, the City Planning Commission, rather than the Area Planning Commission, shall have the authority to make recommendations on any application for or initiation of a proposed Zone Change when it is being considered in conjunction with an initiated General Plan Amendment.
6. 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.

Sec. 13B.1.4. Zone Change

1 Initiation

COUNCIL, CITY
PLANNING COMMISSION,
PLANNING DIRECTOR
OR APPLICANT

2 Submittal

COMPLETENESS
REVIEW

NOTICE

2 Review

OPTIONAL

HEARING
OFFICER HEARING

PLANNING
DIRECTOR'S REPORT
& RECOMMENDATION

NOTICE

CITY PLANNING
COMMISSION HEARING

CITY PLANNING
COMMISSION REPORT
& RECOMMENDATION

APPEAL AVAILABLE IF DENIED

3 Decision

CITY COUNCIL
MEETING

APPROVE
OR
DENY

7. 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 10 or more residential dwelling units must comply with the provisions in Sec. 13B.1.1.E. (*General Plan Adoption/Amendment; Standards for Review and Required Findings*).

B. Initiation

1. City initiated

The City Council, the City Planning Commission, or the Director may initiate a Zone Change. Any initiation by the City Council or the City Planning Commission shall be by majority vote.

2. Applicant initiated

An applicant may apply for a Zone Change. An application for a Zone Change shall be filed with the Department.

3. Establishment of Supplemental Use Districts or Overlays

The following provisions apply to the establishment of Supplemental Use Districts pursuant to Chapter I. (*General Provisions and Zoning*), Article 3 (*Specific Plan – Zoning Supplemental Use Districts*) or Overlays pursuant to Article 8. (*Supplemental & Special Zoning*) of this Chapter:

- a. One or more of the owners or lessees of property within the boundaries of the proposed district may submit a verified application for the establishment of a supplemental use district or overlay. The application shall contain the signatures of at least 75 percent of the owners or lessees of property within the proposed boundaries.
- b. An application for the establishment of a Fence Height District shall contain the signatures of at least 50 percent of the owners or lessees of property within the proposed district.
- c. A Community Plan Implementation Ordinance (CPIO) District may not be established through the application procedure.
- d. Only the City Planning Commission is authorized to make recommendations regarding approval or disapproval in whole or in part on an application for or the initiation of the establishment of a supplemental use district to the City Council.

C. Notice

1. Notice of Public Hearing

- a. The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	<ul style="list-style-type: none"> In a newspaper of general circulation in the City, designated for that purpose by the City Clerk

Type of Notice	When	Where / To Whom / Additional Requirements
Mail (if the amendment affects the permitted uses or intensity of uses of real property)	24 days	<ul style="list-style-type: none"> The applicant; The owner(s) 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 (or the expanded area described below); 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); and The Certified Neighborhood Council representing the area in which the property is located.
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 <u>Hearing Officer</u> 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
Publication (City-initiated only)	10 days	<ul style="list-style-type: none"> Where the <u>City</u> initiates changes of zone or height districts to 1,000 lots or more, publication in two newspapers of general circulations in the area involved, designated for that purpose by the City Clerk, is required. Mailing of individual notices shall not be required.

- b. If the mailed notice within the required radius does not result in notice to 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.
- c. Where a public hearing before a Hearing Officer was held for a City-initiated matter pursuant to *Sec. 13B.1.4.D.2.a.ii. (Public Hearing)* below, then notice for the Planning Commission hearing shall be given in the manner specified in *Sec. 13B.1.3.C. (Zoning Code Amendment; Notice)* of this Chapter.
- d. Where the City initiates changes of zone or height districts pursuant to *California Government Code Sec. 65860(d) (Adoption of Regulations)* to 1,000 lots or more, publication in two newspapers of general circulation designated by the City Clerk for official advertising in the area involved, not less than 10 days prior to the date of the public hearing, giving notice of its time, place and purpose shall be sufficient notice of the hearing, and the mailing of individual notices shall not be required.
- e. Notice of the public hearing shall also be given to the Bureau of Engineering and Department of Transportation for an application or initiation to establish a supplemental use district.

2. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail (if the amendment affects the permitted uses or intensity of uses of real property)	24 days	<ul style="list-style-type: none">• The applicant;• The owner(s) of the property involved;• The Certified Neighborhood Council representing the area in which the property is located.• Any interested party who has requested in writing to be so notified

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. City initiated

a. Public Hearing

- i. The Director shall make a recommendation for action on the matter, which recommendation shall then be heard by the Planning Commission.
- ii. Before making a recommendation, the Director may direct a Hearing Officer to hold a public hearing, giving notice in the manner specified in *Subsection C. (Notice)* of this Section, and make a report and recommendation.

b. Planning Commission Action

- i. After receipt of the Director's recommendation, the Planning Commission shall hold a public hearing.
- ii. The hearing proceedings shall be recorded or summarized as directed by the Commission. When proceedings are recorded and not summarized, they shall be transcribed at the request of any party or interested person upon payment of the fee, as required by ordinance. One copy of the transcript shall be furnished to the Commission to be filed.
- iii. The Planning Commission shall consider the matter, and make a report and recommendation to the City Council.
- iv. 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. Time to Act

- i. The Planning Commission shall act within 75 days of receipt of the Director's report and recommendation.
- ii. If the Planning Commission does not act by that deadline, or any extension, the City Council may then, by resolution, request the Planning Commission to forward the matter to it for the City Council's action.
- iii. If the City Council does not do so, the time for the Planning Commission to act shall automatically be extended for an additional 75 days. The City Council may request that the Planning Commission forward the matter at any time within the 75-day continuance period.
- iv. If the Planning Commission fails to act on an initiation within the time allowed by this *Subdivision*, the Planning Commission shall be deemed to have approved the ordinance.

3. Applicant Initiated

a. Public Hearing

- i. Once a complete application is received, as determined by the Director, the Commission shall hold a public hearing or direct a Hearing Officer to hold the hearing, giving notice in the manner specified in *Subsection C. (Notice)* of this *Section*.
- ii. If a Hearing Officer holds the public hearing, he or she shall make a recommendation for action on the application.

b. Planning Commission Action

- i. The Hearing Officer's recommendation shall be heard by the Planning Commission, which may hold a public hearing, and shall make a report and recommendation to the City Council.
- ii. The hearing proceedings shall be recorded or summarized as directed by the Commission. When proceedings are recorded and not summarized, they shall be transcribed at the request of any party or interested person upon payment of the fee, as required by ordinance. One copy of the transcript shall be furnished to the Commission to be filed.
- iii. If the Planning Commission recommends disapproval, that action is final unless the applicant timely files an appeal pursuant to *Subsection G. (Appeals)* of this *Section*.

c. Time to Act

- i. 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 *Subsection*. This time limit may be extended by mutual consent of the applicant and the Planning Commission.
- ii. 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.
- iii. 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 two additional 3-month periods by mutual consent of the applicant and the Planning Commission.
- iv. If the Planning Commission fails to act on an initiation within the time allowed by this *Subdivision*, the Planning Commission shall be deemed to have approved the ordinance.

4. City Council Action (On Both City and Applicant initiated Zone Changes)

- 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. 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.
- c. The Council may approve or disapprove the proposed Zone Change.
- d. As part of any proposed Zone Change, the City Council may:
 - i. Impose a Special Zoning Classification pursuant to *Chapter I. (General Provisions and Zoning) Sec. 12.32 G. (Special Zoning Classifications)* if the parcel is zoned with a Chapter I. zone per *Sec. 12.04. (Zones-Districts-Symbols)*, or
 - ii. Approve changes to the parking requirements not to exceed 20 percent of the requirements otherwise required by this Code.

e. Required Vote

The votes necessary for adoption of a proposed Zone Change are as follows:

Recommendation	Required Council Vote
The CPC recommends approval	<u>Majority</u>
The CPC recommends disapproval (on a Zone Change initiated by the City Council)	2/3 Vote
The CPC recommends disapproval (on a Zone Change initiated by an applicant, and an appeal was filed)	2/3 Vote
Failure of the CPC to act	<u>Majority</u>

5. Area Affected by Zone Change

- a. In the consideration of an application for a proposed Zone Change, the Planning Commission may approve or disapprove a change upon all or only a part of the subject area.
- b. The Planning Commission may recommend, without additional notice or hearing:
 - i. A change to any zone between that existing on the property and that requested in the application;
 - ii. That all or a portion of the property be changed to a P or PB Zone;
 - iii. That an M Zone be changed to an MR Zone; or
 - iv. 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.

6. Changes incident to Division of Land

- a. In the subdivision of an area, it may be determined by the Planning Commission that the zones or height districts, as shown on the zoning map, do not conform to the best subdivision and use of the land. In such cases, the following shall apply:
 - i. For lots subject to *Chapter I. (General Provisions and Zoning)*, the City Council may, upon the recommendation of the Planning Commission, approve within the boundaries of the area being subdivided the appropriate adjustment of zone or height district boundaries or the reclassification of the area into a more restrictive zone or height district where the zone or height district is consistent with the General Plan. The City Council shall have the authority to make changes without the Planning Commission holding a public hearing on the adjustment.
 - ii. For lots subject to Chapter 1A (City of Los Angeles Zoning Code), the City Council may, upon the recommendation of the Planning Commission, approve within the boundaries of the area being subdivided the appropriate adjustment of zone boundaries or the reclassification of the area into a zone, consistent with the General Plan, with 1) a Form District that reduced allowable floor area, based on its maximum

bonus floor area ratio or the maximum base floor area ratio if the Form District does not establish a bonus floor area ratio, or 2) a Density District which results in a reduced number of household dwelling units. The City Council shall have the authority to make changes without the Planning Commission holding a public hearing on the adjustment.

- b. The Planning Commission shall make no recommendation to the City Council, except upon written application made by the owner of the land being subdivided.
- c. Notice of a public hearing on any Zone Change incident to division of land to a less restrictive zone for lots subject to *Chapter I. (General Provisions and Zoning)*, or to a Form District or Density District that allow additional floor area or density, respectively, for lots subject to Chapter 1A (Los Angeles Zoning Code) per *Sec. 13B.14.D.6.a. (Changes incident to Division of Land)* above shall be included in the notice for the division. The notice shall conform to the procedures for Zone Change notification, and the subdivision and Zone Change hearings shall be held concurrently. Appeal procedures shall conform to those required for Zone Changes as set forth in this *Section*.

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

F. Scope of Decision

- 1. See *Sec. 13A.2.7. (Scope of Decision)*.
- 2. An applicant-initiated Zone Change that is not effectuated within six years of its effective date becomes null and void.

G. Appeals

1. General Procedures

- a. See *Sec. 13A.2.8. (Appeals)*.
- b. Only applicant-initiated zone changes are appealable.

2. Decision Maker

The City Council is the appellate decision maker.

3. Filing

- a. If the Planning Commission recommends disapproval of an application, in whole or in part, the applicant may appeal that decision to the City Council.
- b. If the Planning Commission recommends disapproval of an application to establish a supplemental use district, in whole or in part, any owner or lessee of property included in a proposed district may appeal that decision to the City Council.
- c. At any time prior to the action of the City Council on the appeal, the Department shall submit any supplemental, pertinent information as the City Council or its Committee may request.

4. Appellate Decision

- a. Before acting on any appeal, the City Council shall set the matter for hearing, giving notice in the manner specified in *Subsection C. (Notice)* above, of this *Section*.
- 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 City Council.
- c. If the City 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.

H. Modification of the Zone Change

1. A Zone Change may be modified by following the same procedures established above for the original action.
2. **Special Zoning Classifications**

A request for an amendment of any Special Zoning Classification may be filed and processed pursuant to *Chapter I. (General Provisions and Zoning) Sec. 12.32.H. (Amendments of the T Classification and Clarifications of the Q Classification or D Limitation)* where applicable.

I. 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:
 - i. Other applications or approvals necessary to entitle a project to proceed (i.e., subdivision, parcel map, zone variance, design review, etc.);
 - ii. Subsequent changes in the Building and Safety and Fire regulations contained in Chapters V. (*Public Safety and Protection*) and IX. (*Building Regulations*) of this 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
 - iii. 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. (Development Rights)* above are changed subsequent to the approval or conditional approval of a vesting application, the applicant, at any time prior to the expiration of the vesting application case, may apply for an amendment to the vesting application case to secure a vested right to proceed with the changed ordinances, policies, or standards. The application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.
- d. Prior to final sign off on a building permit filed pursuant to a vesting application, the Department of City Planning 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. 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.
- b. 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 right-of-ways and any other information deemed necessary by the Director.

4. Conditional Approval or Denial

Notwithstanding the provisions of *Subparagraph a. of Paragraph 2. (Development Rights)* above, of this Section, a Vesting Zone Change may be:

- a. Conditioned if the City Planning Commission or the City Council determines that:
 - i. The condition is necessary to protect the best interest of and assure a development more compatible with the surrounding property or neighborhood;
 - ii. The condition is necessary to secure an appropriate development in harmony with the objectives of the General Plan;
 - iii. The condition is necessary to prevent or mitigate potential adverse environmental effects of the Zone Change; or
 - iv. 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.
- 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.
- c. If the City Council does not adopt the Planning Commission's findings and recommendations, the City Council shall make its own findings.

5. Expiration

- a. The approval or conditional approval of a Vesting Zone Change expires six 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 percent 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. Any 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 *Subparagraph a. of Paragraph 2. (Development Rights)* above, of this Section vested by a Zone Change issued pursuant to this Section.
- b. The City Council, after receiving a report and recommendation on the amendment from the Director within 40 days of the date of the request or within any additional time mutually agreed upon by the Director and the applicant, may amend the vested building or site plans or add to the set of City regulations to which the applicant's project has vested. 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 Subdivision, shall hold a public hearing, giving notice pursuant to Subsection C. (Notice) above, of this Section.

SEC. 13B.1.5. GUIDELINES OR STANDARDS ADOPTION/AMENDMENT

A. Applicability

This Section only applies where any provision of this Code specifically authorizes or requires a policy action the City Planning Commission to adopt or amend certain guidelines or standards.

B. Initiation

The enactment of an ordinance authorizing the City Planning Commission to adopt or amend guidelines or standards initiates this process.

C. Notice

1. Notice of Public Hearing

The following notice is required for the public hearing on the initial decision:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	<ul style="list-style-type: none"> In a newspaper of general circulation in the City, designated for that purpose by the City Clerk

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

Sec. 13B.1.5. Guidelines or Standards Adoption/Amendment

1 Initiation

COUNCIL, CITY PLANNING COMMISSION, OR PLANNING DIRECTOR

NOTICE

2 Decision

CITY PLANNING COMMISSION HEARING

APPROVE OR DENY

2. Decision Maker

The City Planning Commission is the initial decision maker.

3. Public Hearing

Prior to any action on the Guidelines or Standards Adoption/Amendment, the City Planning Commission shall conduct a public hearing, giving notice in the manner specified in Subsection C. (Notice) above, of this Section.

4. Recommending Body

If a recommendation by another body is required, the City Planning Commission may consider the matter after receipt of the recommendation.

5. City Planning Commission Action

The City Planning Commission may approve or disapprove the proposed Guidelines or Standards Adoption/Amendment.

E. Standards for Review and Required Findings

In approving a Guidelines or Standards Adoption/Amendment, the City Planning Commission shall find that the action substantially conforms to the purposes, intent, and provisions of the General Plan and any other applicable adopted plans.

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

There is no appeal.

H. Modification of Guidelines or Standards Adoption/Amendment

A Guidelines or Standards Adoption/Amendment may be modified by following the same procedures established above for the original action. However, any subsequent amendment to guidelines or standards already adopted by the City Planning Commission pursuant to this Section may be presented to the City Planning Commission for approval by the Director.

SEC. 13B.1.6. LAND FOR PUBLIC USE

A. Applicability

This *Section* applies to any ordinance, order, or resolution ordering or involving the acquisition, establishing, opening, widening, narrowing, straightening, abandoning, or vacating of any public street, road, highway, alley, square, park, playground, airport, public building site or any other public way, ground or open space, or the location, appearance, and width of any bridge, viaduct, subway, tunnel, or elevated roadway for the use of pedestrians or vehicular traffic, or the location and appearance of any public building.

B. Initiation

A petition may be received by the City Clerk and presented to the City Council or a resolution may be introduced in the City Council for the purpose of adoption of an ordinance, order, or resolution involving land for public use.

C. Notice

1. Notice of Public Hearing

There is no public hearing required for a consideration of Land for Public Use, and therefore no notice of a public hearing is required.

D. Decision

1. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Referral

- a. A petition or resolution regarding land for public use shall be referred to such City Department or Bureau as is determined by the City Council to have jurisdiction over the matter involved in such petition or proposed ordinance, order or resolution, for report and recommendation thereon to the City Council or to a Committee of the Council designated by the City Council, before the City Council shall grant such petition or adopt or enact any such ordinance, order or resolution.
- b. The said Department or Bureau to which any such petition or resolution is referred by the City Council shall, before reporting to the City Council upon the particular subject matter, refer the matter to the Department of City Planning for report and recommendation thereon by the Commission concerning the relation of the matter to and its effect upon the General Plan, any applicable Specific Plans and any plans being prepared by the Department of City Planning.
- c. However, easements for local sanitary sewers, storm drains or slopes need not be referred to the Department of City Planning.

- d. Such Bureau or Department shall transmit its report to the City Council on the subject matter of the petition or resolution or accompanying ordinance or order, together with an original copy of said report of the City Planning Commission relating thereto.

3. Report and Recommendation

- a. Before any ordinance, order, or resolution relating to any of the matters referred to in *Subsection A. (Applicability)* above, of this *Section*, except easements for local sanitary sewers, storm drains or slopes is presented to the Council by the City Attorney for consideration, said ordinance, order or resolution shall be first submitted by the City Attorney to the City Planning Department for report and recommendation thereon by the City Planning Commission.
- b. Such ordinance, order, or resolution shall be returned by the Director to the City Attorney for transmittal to the City Council or its Committee, together with the report and recommendation relating thereto.

4. City Planning Commission Action

- a. The City Planning Commission shall make and file its report and recommendations on any petition, ordinance, order, or resolution within 30 days of receipt of same.
- b. If the same be disapproved, the Director shall advise the Bureau or Department submitting the matter of its disapproval and reasons therefor within such 30-day period.

5. Council Action

- a. If the City Planning Commission recommends against the approval of an ordinance, order or resolution, the Council may adopt the same only upon a 2/3 vote of the whole Council.
- b. If the City Planning Commission recommends approval, or fails to make any recommendation within the specified time limit, the Council may adopt such ordinance, order, or resolution by a majority vote of the whole Council.

E. Standards for Review and Required Findings

- 1. In acting upon a consideration of Land for Public Use, the City Planning Commission and City Council shall find that the action substantially conforms to the purposes, intent, and provisions of the General Plan and any other applicable adopted plans, or state the reasons that no such finding can be made.
- 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. 13A.2.7. (Scope of Decision).*

G. Appeals

There is no appeal.

H. Modification of the Action

An ordinance, order, or resolution regarding land for public use may be amended by following the same procedures established above for the original action.

DIV. 13B.2. **QUASI-JUDICIAL REVIEW**

SEC. 13B.2.1. **CLASS 1 CONDITIONAL USE PERMIT**

Sec. 13B.2.1. Conditional Use Permit, Class 1

A. **Applicability**

- 1. This Section applies where any provision of this Code requires a Class 1 Conditional Use Permit.
- 2. This Section also applies to conditional uses and deviations designated in Chapter I. (General Provisions and Zoning) Sec. 12.24 X. (Further Authority of the Zoning Administrator for Other Similar Quasi-Judicial Approvals).

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 Zone, exception or Variance which authorized the use shall also continue in effect.

B. **Initiation**

An application for a Class 1 Conditional Use Permit is filed with the Department.

C. **Notice**

1. **Notice of Public Hearing**

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

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none">• The applicant;• The owner(s) 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; and• The Certified Neighborhood Council representing the area in which the property is located

1 Initiation



2 Submittal



NOTICE

3 Review



4 Decision



APPEAL AVAILABLE

Type of Notice	When	Where / To Whom / Additional Requirements
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

2. Notice of Public Hearing on Appeal

The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> The applicant; The owner(s) 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; and The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property

D. Decision

1. General Procedures

See *Sec. 13A.2.5. (Decisions)*

2. Decision Maker

The Zoning Administrator is the initial decision maker.

3. Public Hearing

- The Zoning Administrator shall set the matter for public hearing, giving notice in the manner specified in *Subsection C. (Notice)* of this *Section*.
- The Zoning Administrator may conduct the hearing or designate a Hearing Officer to conduct the hearing.

4. Decision

- The Zoning Administrator shall render the initial decision within 75 days of the date the application is deemed complete.
- 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. 13A.2.6. (Transfer of Jurisdiction)*.

5. 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. (Standards for Review and Required Findings)* of this Section.
- b. For lots subject to *Chapter I. (General Provisions and Zoning)*, the decision may state that the height and area regulations required by other provisions of *Chapter I. (General Provisions and Zoning)* shall not apply to the conditional use approved. If the Density Bonus is increased beyond the maximum allowed as defined in *Chapter I. (General Provisions and Zoning), Sec. 12.22 A.25 (Affordable Housing Incentives – Density Bonus)*, the development project must also contain the requisite number of restricted affordable units as set forth in *Chapter I. (General Provisions and Zoning), Sec. 12.24 U.26(a)(1)-(5) (Density Bonus for a Housing Development Project in Which the Density Increase is Greater than the Maximum Permitted in Sec. 12.22 A.25)*.
- c. For lots subject to this Zoning Code (Chapter 1A) the decision may state that the height and area regulations required by other provisions of Chapter 1A shall not apply to the conditional use approved. If the Density Bonus is increased beyond the maximum allowed as defined in *Sec. 9.2.1. (Density Bonus)* the project must also contain the requisite number of restricted affordable units as set forth in *Sec. 9.2.1.F.4. (Projects Exceeding a 35% Density Bonus)*.
- d. 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 *Chapter I. (General Provisions and Zoning), Article 9. (Fees)* for lots subject to Chapter I. or, for lots subject to this Chapter, in accordance with *Article 15. (Fees)* of this Zoning Code (Chapter 1A).
- e. 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. 13B.6.1. (Evaluation of Non-Compliance)* or *Sec. 13B.6.2. (Nuisance Abatement/Revocation)* may commence.

6. 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. In approving a Class 1 Conditional Use Permit, the Zoning Administrator or Area Planning Commission (on appeal) shall find 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.
2. The decision maker shall also make any additional findings required by this Chapter or *Chapter I. (General Provisions and Zoning)*, and shall determine that the project satisfies all applicable requirements in these Chapters.

F. Scope of Decision

See *Sec. 13A.2.7. (Scope of Decision)*.

G. Appeals

1. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

2. 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, and its decision shall be subject to *Charter Section 563(b)(2)*.

3. Filing

An applicant or any other person aggrieved by the Zoning Administrator's decision may appeal the decision to the Area Planning Commission.

4. 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. (Notice)* of this Section.
- b. The Area Planning Commission shall act within 75 days after the expiration of the appeal period.

- c. When a conditional use decision of the Zoning Administrator is appealed to an Area Planning Commission, the appellate decision of the Area Planning Commission shall be final and effective as provided in *Sec. 245 (City Council Veto of Board Actions)*.

H. Modification of Entitlement

1. Development of Site

- 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, provided that plans are submitted to and approved by the Zoning Administrator, and, where applicable, the use is consistent with the provisions of *Chapter I. (General Provisions and Zoning)*, *Sec. 12.24 C (Existing Uses)* for lots subject to *Chapter I.*, or, for lots subject to this Chapter, consistent with the provisions of *Sec. 12.5.1.E. (Use Not allowed Exceptions)* or *Sec. 12.5.1.F. (Use Not allowed Exceptions)*.
- 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. An applicant submitting development plans or any other person aggrieved by the decision of the Zoning Administrator made relative to the approval or disapproval of a development plan may appeal the decision to the Area Planning Commission pursuant to this *Section*.

d. Exceptions

For lots subject to *Chapter I.*, plan approval shall not be required in the instances listed as exceptions in *Chapter I. (General Provisions and Zoning)*, *Sec. 12.24 D. (Development of Uses)*.

2. 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. The initial decision of the Zoning Administrator on a proposed reduction of the area of an approved site shall be subject to the same appeal procedures as is provided for an application to establish the conditional use.

3. Findings and Conditions of Approval

In approving any conditional use plans, the Zoning Administrator 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 Zoning Administrator shall adopt written

findings of fact supporting the decision based upon evidence in the record, including any investigations.

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.

SEC. 13B.2.2. CLASS 2 CONDITIONAL USE PERMIT

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 *Chapter I. (General Provisions and Zoning), Sec. 12.24 W. (Authority of the Zoning Administrator for Conditional Uses/ Initial Decision)*.

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 Zone, exception or Variance which authorized the use shall also continue in effect.

B. Initiation

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

C. Notice

1. Notice of Public Hearing

- a. The following notice is required for the public hearing on the initial decision:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 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	24 days	<ul style="list-style-type: none"> • The applicant; • The owner(s) 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 <u>application</u> (or the expanded area described below); and • The Certified Neighborhood Council representing the area in which the property is located

Sec. 13B.2.2. Conditional Use Permit, Class 2

1 Initiation

APPLICANT

2 Submittal

COMPLETENESS REVIEW

NOTICE

3 Review

ZONING ADMINISTRATOR HEARING

4 Decision

ZONING ADMINISTRATOR

APPROVE OR DENY

APEAL AVAILABLE

Type of Notice	When	Where / To Whom / Additional Requirements
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property If a <u>Hearing Officer</u> 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

- b. 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.
- c. If the mailed notice within the required radius does not result in notice to 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.

2. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 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	24 days	<ul style="list-style-type: none"> The applicant; The owner(s) 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 <u>application</u> (or the expanded area described below); and The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property

- b. 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.
- c. If the mailed notice within the required radius does not result in notice to 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. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Decision Maker

The Zoning Administrator is the initial decision maker.

3. Public Hearing

- a. Upon receipt of a complete application, the Zoning Administrator shall set the matter for public hearing, giving notice in the manner specified in *Subsection C. (Notice)* of this *Section*.
- b. The Zoning Administrator may conduct the hearing or designate a Hearing Officer to conduct the hearing.

4. 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. 13A.2.6. (Transfer of Jurisdiction)*.

5. 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. (Standards for Review and Required Findings)* below, of this *Section*.
- b. For lots subject to *Chapter I. (General Provisions and Zoning)*, the decision may state that the height and area regulations required by other provisions of *Chapter I. (General Provisions and Zoning)* shall not apply to the conditional use approved. If the Density Bonus is increased beyond the maximum allowed as defined in *Chapter I. (General Provisions and Zoning), Sec. 12.22 A.25 (Affordable Housing Incentives – Density Bonus)*, the development project must also contain the requisite number of restricted affordable units as set forth in *Chapter I. (General Provisions and Zoning), Sec. 12.24 U.26(a)(1)-(5) (Density Bonus for a Housing Development Project in Which the Density Increase is Greater than the Maximum Permitted in Sec. 12.22 A.25)*.
- c. For lots subject to this Zoning Code (Chapter 1A) the decision may state that the height and area regulations required by other provisions of Chapter 1A shall not apply to the conditional use approved. If the Density Bonus is increased beyond the maximum allowed

as defined in *Sec. 9.2.1. (Density Bonus)* the project must also contain the requisite number of restricted affordable units as set forth in *Sec. 9.2.1.F.4. (Projects Exceeding a 35% Density Bonus)*.

- d. 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 Chapter I. (General Provisions and Zoning), Article 9 (Fees) for lots subject to Chapter I. or Article 15. (Fees) of this Zoning Code (Chapter 1A) for lots subject to this Chapter.
- e. 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. 13B.6.1. (Evaluation of Non-Compliance)* or *Sec. 13B.6.2. (Nuisance Abatement/Revocation)* may commence.

6. 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. In approving a Class 2 Conditional Use Permit, the Zoning Administrator or Area Planning Commission (on appeal) shall find 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.
2. The decision maker shall also make any additional findings required by this Chapter or Chapter I. (General Provisions and Zoning), and shall determine that the project satisfies all applicable requirements in these Chapters.

F. Scope of Decision

1. See *Sec. 13A.2.7. (Scope of Decision)*.
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 percent of the requirements otherwise required by this Chapter or Chapter I.(General Provisions and Zoning).

G. Appeals

1. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

2. 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, and its decision shall be subject to *Charter Section 563(b)(2)*.

3. Filing

An applicant or any other person aggrieved by the Zoning Administrator's decision may appeal the decision to the Area Planning Commission.

4. 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. (Notice)* of this *Section*.
- b. The Area Planning Commission shall act within 75 days after the expiration of the appeal period.
- c. When a conditional use decision of the Zoning Administrator is appealed to an Area Planning Commission, the appellate decision of the Area Planning Commission shall be final and effective as provided in *Sec. 245 (City Council Veto of Board Actions) of the City Charter*.

H. Modification of Entitlement

1. Development of Site

- 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, provided that plans are submitted to and approved by the Zoning Administrator, and, where applicable, the use is consistent with the provisions of *Chapter I. (General Provisions and Zoning)*, *Sec. 12.24 C (Existing Uses)* for lots subject to Chapter 1, or *Sec. 12.5.1.E. (Use Not allowed Exceptions)* or *Sec. 12.5.1.F. (Use Not allowed Exceptions)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter.

- 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. An applicant submitting development plans or any other person aggrieved by the decision of the Zoning Administrator made relative to the approval or disapproval of a development plan may appeal the decision to the Area Planning Commission pursuant to this *Section*.

d. **Exceptions**

A plan approval shall not be required in the instances listed as exceptions in *Chapter I. (General Provisions and Zoning) Sec. 12.24 D. (Development of Uses)* for lots subject to Chapter 1.

2. **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. The initial decision of the Zoning Administrator on a proposed reduction of the area of an approved site shall be subject to the same appeal procedures as is provided for an application to establish the conditional use.

3. **Findings and Conditions of Approval**

In approving any conditional use plans, the Zoning Administrator 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 Zoning Administrator shall adopt written findings of fact supporting the decision based upon evidence in the record, including any investigations.

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 this Code requires the filing of an application for a Conditional Use Permit, a Vesting Conditional Use Permit may be filed instead, in accordance with and subject to the limitations of 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 only be filed for the conditional uses listed in *Chapter I. (General Provisions and Zoning), Sec. 12.24 T. (Vesting Conditional Use Applications)* of this Code.

2. Filing an Application

- a. A Vesting Conditional Use Permit application 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 *Section* for a conditional use permit except as provided below. The application shall specify that the case is for a Vesting Conditional Use Permit. 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. 13A.2.10. (Multiple Approvals)*.
- 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.

3. Transmittal

Prior to final approval or sign off 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.

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:
 - i. Other applications or approvals necessary to entitle a project to proceed (i.e., subdivision, parcel map, zone variance, design review, etc.);
 - ii. Subsequent changes in the Building and Safety and Fire regulations contained in Chapters V. (*Public Safety and Protection*) and IX. (*Building Regulations*) of this Code that apply on a citywide basis, and that the City Council finds are necessary to protect the public health and safety; or
 - iii. Policies and standards relating to those regulations or from citywide programs to implement State or Federal mandates.
- c. If the ordinances, policies, or standards described in the preceding Paragraphs are changed subsequent to the approval or conditional approval of a vesting application case, the applicant, or his or her successor or assignee, at any time prior to the expiration of the vesting application case, may apply, pursuant to *Subdivision 5. (Amendment of Vested Project Plans or Amendment of Vested City Regulations to Comply With Subsequent Regulation Changes)* below, for an amendment to the vesting application case to secure a vested right to proceed with the changed ordinances, policies, or standards. An application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.
- d. A Vesting Conditional Use Permit may be conditioned or denied if the decision maker determines:
 - i. That the condition is necessary in order to make all of the findings in *Subsection E. (Standards for Review and Required Findings)* of this Section; or
 - ii. That one or more of the findings in *Subsection E. (Standards for Review and Required Findings)* above, of this Section; 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 4. (Development Rights)* above vested by a Conditional Use Permit issued pursuant to this *Subsection*.
- 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 *Subdivision*, shall hold a public hearing. Notice shall be given in the manner specified in *Subsection C. (Notice)* of this *Section*.

SEC. 13B.2.3. CLASS 3 CONDITIONAL USE PERMIT

Sec. 13B.2.3. Conditional Use Permit, Class 3

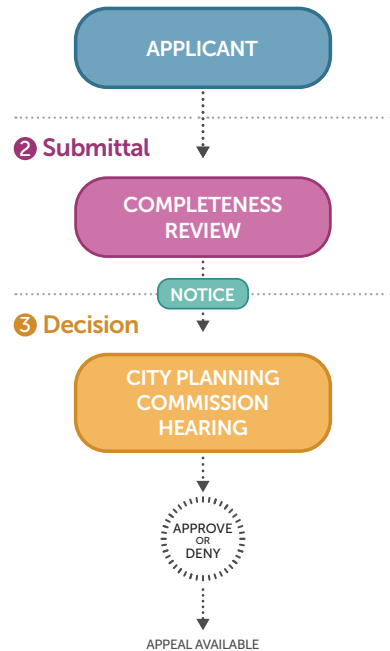
A. Applicability

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. (Conditional Use Permits - City Planning Commission With Appeals to City Council) of Chapter I. (General Provisions and Zoning).

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 Zone, exception or Variance which authorized the use shall also continue in effect.

1 Initiation



B. Initiation

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

C. Notice

1. Notice of Public Hearing

- a. The following notice is required for the public hearing on the initial decision:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 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	24 days	<ul style="list-style-type: none"> The applicant; The owner(s) 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 The Certified Neighborhood Council representing the area in which the property is located

Type of Notice	When	Where / To Whom / Additional Requirements
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property If a <u>Hearing Officer</u> 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

- b. 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.
- c. If the mailed notice within the required radius does not result in notice to 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.

2. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 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	24 days	<ul style="list-style-type: none"> The applicant; The owner(s) 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 <u>application</u> (or the expanded area described below); and The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property

- b. 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.
- c. If the mailed notice within the required radius does not result in notice to 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. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Decision Maker

The City Planning Commission is the initial decision maker.

3. Public Hearing

- a. Upon receipt of a complete application, the City Planning Commission shall set the matter for public hearing, giving notice in the manner specified in *Subsection C. (Notice)* of this *Section*.
- b. The City Planning Commission may conduct the hearing itself or designate the Director to conduct the hearing.

4. 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.
- d. 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. 13A.2.6. (Transfer of Jurisdiction)*.

5. 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. (Standards for Review and Required Findings)* of this *Section*.
- b. For lots subject to *Chapter I. (General Provisions and Zoning)*, the decision may state that the height and area regulations required by other provisions of *Chapter I. (General Provisions and Zoning)* shall not apply to the conditional use approved. If the Density Bonus is increased beyond the maximum allowed as defined in *Chapter I. (General Provisions and Zoning)*, *Sec. 12.22 A.25 (Affordable Housing Incentives – Density Bonus)*, the development project must also contain the requisite number of restricted affordable units as set forth in *Chapter I. (General Provisions and Zoning)*, *Sec. 12.24 U.26(a)(1)-(5) (Density Bonus for a Housing Development Project in Which the Density Increase is Greater than the Maximum Permitted in Sec. 12.22 A.25)*.

- c. For lots subject to this Zoning Code (Chapter 1A) the decision may state that the height and area regulations required by other provisions of Chapter 1A shall not apply to the conditional use approved. If the Density Bonus is increased beyond the maximum allowed as defined in *Sec. 9.2.1. (Density Bonus)* the project must also contain the requisite number of restricted affordable units as set forth in *Sec. 9.2.1.F.4. (Projects Exceeding a 35% Density Bonus)*.
- d. 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 *Chapter I. (General Provisions and Zoning), Article 9 (Fees)* for lots subject to Chapter I. or, for lots subject to this Chapter, *Article 15. (Fees)* of this Zoning Code (Chapter 1A).
- e. 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. 13B.6.1. (Evaluation of Non-Compliance)* or *Sec. 13B.6.2. (Nuisance Abatement/Revocation)* may commence.

6. Transmittal

The City Planning Commission 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.

E. Standards for Review and Required Findings

- 1. In approving a Class 3 Conditional Use Permit, the City Planning Commission or City Council (on appeal) shall find 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;

2. The decision maker shall also make any additional findings required by this Chapter or *Chapter I. (General Provisions and Zoning)*, and shall determine that the project satisfies all applicable requirements in these Chapters.

F. Scope of Decision

1. See *Sec. 13A.2.7. (Scope of Decision)*.
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 percent of the requirements otherwise required by this Chapter or *Chapter I. (General Provisions and Zoning)*.

G. Appeals

1. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

2. Decision Maker

The City Council is the appellate decision maker.

3. Filing

An applicant or any other person aggrieved by the City Planning Commission's decision may appeal the decision to the City Council.

4. Appellate Decision

- a. Before acting on any appeal, the City Council shall set the matter for hearing, giving notice in the manner specified in *Subsection C. (Notice)* above, of this *Section*.
- 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 (2/3) vote of the whole City Council.
- d. 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.
- e. 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.

- f. The Council within 60 days after the matter has been returned to it may override the disapproval:
 - i. By a 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
 - ii. By a 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.
- g. 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. Development of Site

- 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, provided that plans are submitted to and approved by the City Planning Commission, and, where applicable, the use is consistent with the provisions of *Chapter I. (General Provisions and Zoning), Sec. 12.24 C (Existing Uses)* for lots subject to Chapter I, or, for lots subject to this Chapter, consistent with the provisions of *Sec. 12.5.1.E. (Use Not allowed Exceptions)* or *Sec. 12.5.1.F. (Use Not allowed Exceptions)* of this Zoning Code (Chapter 1A)..
- 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. An applicant submitting development plans or any other person aggrieved by the decision of the City Planning Commission made relative to the approval or disapproval of a development plan may appeal the decision to the City Council pursuant to this *Section*.

e. Exceptions

For lots subject to *Chapter I.*, plan approval shall not be required in the instances listed as exceptions in *Chapter I. (General Provisions and Zoning), Sec. 12.24 D. (Development of Uses).*

2. 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 City Planning Commission. The initial decision of the Zoning Administrator on a proposed reduction of the area of an approved site shall be subject to the same appeal procedures as is provided for an application to establish the conditional use.

3. Findings and Conditions of Approval

In approving any conditional use plans, the City Planning Commission 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 City Planning Commission shall adopt written findings of fact supporting the decision based upon evidence in the record, including any investigations.

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 this Code requires the filing of an application for a Conditional Use Permit, a Vesting Conditional Use Permit may be filed instead, in accordance with and subject to the limitations of 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 only be filed for the conditional uses listed in *Chapter I. (General Provisions and Zoning), Sec. 12.24 T. (Vesting Conditional Use Applications)*.

2. Filing an Application

- a. A Vesting Conditional Use Permit application 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 *Section* for a conditional use permit except as provided below. The application shall specify that the case is for a Vesting Conditional Use Permit. 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. (Multiple Approvals)*.
- 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.

3. Transmittal

Prior to final approval or sign off 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.

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:
 - i. Other applications or approvals necessary to entitle a project to proceed (i.e., subdivision, parcel map, zone variance, design review, etc.);
 - ii. Subsequent changes in the Building and Safety and Fire Regulations contained in Chapters V. (*Public Safety and Protection*) and IX. (*Building Regulations*) of this Code that apply on a citywide basis, and that the City Council finds are necessary to protect the public health and safety; or
 - iii. Policies and standards relating to those regulations or from citywide programs to implement State or Federal mandates.

- c. If the ordinances, policies, or standards described in the preceding Paragraphs are changed subsequent to the approval or conditional approval of a vesting application case, the applicant, or his or her successor or assignee, at any time prior to the expiration of the vesting application case, may apply, pursuant to *Subdivision 5* of this *Subsection*, for an amendment to the vesting application case to secure a vested right to proceed with the changed ordinances, policies, or standards. An application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.
- d. A Vesting Conditional Use Permit may be conditioned or denied if the decision maker determines:
 - i. That the condition is necessary in order to make all of the findings in *Subsection E. (Standards for Review and Required Findings)* above of this *Section*; or
 - ii. That one or more of the findings in *Subsection E. (Standards for Review and Required Findings)* above, of this *Section*; 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 4. (Development Rights)* above vested by a Conditional Use Permit issued pursuant to this *Subsection*.
- 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 *Subdivision*, shall hold a public hearing. Notice shall be given in the manner specified in *Subsection C. (Notice)* above, of this *Section*.

SEC. 13B.2.4. PROJECT REVIEW

Purpose. The Project Review 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, transportation network, 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 or on surrounding properties by reason of inadequate site planning or improvements.

A. Applicability

1. The Project Review process applies where any provision of this Code requires a Project Review, including but not limited to those described in *Chapter I. (General Provisions and Zoning)*, *Sec. 16.05 C. (Project Review Requirements)* for lots subject to Chapter I., or *Div. 4C.14. (Development Review Threshold)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter. Additionally, the exemptions listed in *Chapter I. (General Provisions and Zoning)*, *Sec. 16.05 D. (Exemptions)*, or the exemptions listed in *Sec. 4C.14.1.E. (Exceptions)*, shall also apply as appropriate.
2. The Director shall establish administrative methods, guidelines, procedures, and forms as may be necessary to conduct the review and render a decision expeditiously, prior to processing any Project Review application.

B. Initiation

1. Application

- a. An application for a Project Review is filed with the Department.
- b. The application shall be filed in any public office of the Department of City Planning, upon such forms and accompanied by applicable fees, a site plan drawn to scale, and other information prescribed by the Director for that purpose. The application shall be verified by either the property owner, lessee, owner in escrow, or a legally authorized agent.

2. Environmental Review

- a. As part of the application for a Project Review, the applicant shall file necessary forms and information for environmental review as prescribed by the Director.

Sec. 13B.2.4. Project Review

1 Initiation



2 Submittal



NOTICE

3 Review



4 Decision



APPEAL AVAILABLE

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

C. Notice

1. Notice of Public Hearing

- a. The following notice is required for the public hearing on the initial decision, if held:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> The applicant; The owner(s) and tenant(s) of the property involved; The owners and tenants of all property within 300 feet of the boundary of the subject site; City Councilmember(s) representing the area in which the property is located; The Certified Neighborhood Council representing the area in which the property is located; and Any organization representing property owners or the community in the project vicinity if they request in writing to be notified
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property

2. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> The applicant; The owner(s) and tenant(s) of the property involved; The owners and tenants of all property within 300 feet of the boundary of the subject site; City Councilmember(s) representing the area in which the property is located; The Certified Neighborhood Council representing the area in which the property is located; and Any organization representing property owners or the community in the project vicinity if they request in writing to be notified
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

3. Referral

- a. If applicable, the Director shall refer all completed applications for the Project Review to the appropriate City departments for their review and report.
- b. If applicable, responses shall be returned within 15 days after receipt, or another period agreed to by the Director and the appropriate agency or department.

4. Public Hearing

If the Director finds that the matter may have a significant effect on neighboring properties, the Director shall set the matter for public hearing, giving notice in the manner specified in *Subsection C. (Notice)* above.

5. Decision

- a. The Director shall approve, conditionally approve or deny the Project Review within 75 days after the date an application is deemed complete, or where any necessary environmental review is approved or completed.
- b. 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.
- c. 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. 13.2.6. (Transfer of Jurisdiction)*.

6. Conditions

- a. The Director may condition and/or modify the project, or select an alternative project, as necessary to:
 - i. Implement the General Plan or a Specific Plan; and
 - ii. Address potential effects of the development project on the environment and surrounding areas, including the mitigation of significant adverse impacts when identified.
- b. The Director shall not approve or conditionally approve a Project Review without appropriate environmental review prepared in accordance with the requirements of CEQA.

7. Transmittal

- a. The Director shall send notice of the determination to the applicant and all other parties listed in *Subsection C. (Notice)* above.

- 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 Project Review.

E. Standards for Review and Required Findings

In approving a Project Review, 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 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. Scope of Decision

- 1. See *Sec. 13A.2.7. (Scope of Decision)*.
- 2. **Enforcement**
 - a. No grading permit foundation permit, building permit, or Certificate of Occupancy shall be issued for any development project approved under this *Section* unless the project meets all requirements and conditions of the Project Review. Permits issued in error shall be treated as specified in *Chapter I. (General Provisions and Zoning), Sec. 11.02 (Inconsistent Permits and Licenses)*.
 - b. If the development project approval authorized by this *Section* is utilized, the conditions of that approval become effective immediately. The violation of any such condition shall constitute a violation of this Chapter and shall be subject to the same penalties as any other violation of this Code.

G. Appeals

1. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

2. Decision Maker

The Area Planning Commission of the area in which the property is located is the appellate decision maker.

3. 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.

4. 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. (Notice)* above.
- 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. (Standards for Review and Required Findings)* above.
- e. The decision shall be in writing and based upon evidence in the record, including but not limited to testimony and documents produced at the hearing before the Area Planning Commission, and supported by any additional findings required by *Subsection E. (Standards for Review and Required Findings)* above.

H. Modification of Entitlement

See *Sec. 13B.5.4. (Modification of Entitlement)*.

SEC. 13B.2.5. 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

1. Notice of Public Hearing

There is no public hearing required for the initial decision on a Director Determination, and therefore no notice of a public hearing is required.

2. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> The applicant; Owner(s) of the subject property involved; The Certified Neighborhood Council representing the area in which the property is located; and Interested parties who have requested in writing to be notified
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property

D. Decision

1. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Decision Maker

The Director is the initial decision maker.

3. Decision

The Director shall render the initial decision within 75 days of the date the application is deemed complete.

Sec. 13B.2.5. Director Determination

1 Initiation



2 Submittal



3 Decision



APPEAL AVAILABLE

4. Transmittal

The Director 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 to the local Certified Neighborhood Council.

E. Standards for Review and Required Findings

In approving a Director Determination, the Director and Area Planning Commission or City Planning Commission (on appeal) shall find that the project substantially complies with any applicable regulations, guidelines, findings, standards and provisions of this Chapter and *Chapter I. (General Provisions and Zoning)*, including any other ordinances.

F. Scope of Decision

1. See *Sec. 13A.2.7. (Scope of Decision)*.

2. Limitations

The granting of a Director Determination shall not imply compliance with any other applicable provisions of this Code.

G. Appeals

1. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

2. Decision Maker

a. The Area Planning Commission is the appellate decision maker.

b. On-Menu Density Bonus

The City Planning Commission is the appellate decision maker for projects seeking approval pursuant to *Chapter I. (General Provisions and Zoning) Sec. 12.22 A.25. (Affordable Housing incentives – Density Bonus)* for lots subject to Chapter I., or *Sec. 9.2.1. (Density Bonus)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter.

3. Filing

a. An applicant or any other person aggrieved by the Director's decision may file an appeal.

b. On-Menu Density Bonus

An applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property aggrieved by the Director's decision may file an appeal on projects seeking approval pursuant to *Chapter I. (General Provisions and Zoning), Sec. 12.22 A.25. (Affordable Housing incentives – Density Bonus)* for lots

subject to Chapter I., or Sec. 9.2.1. (*Density Bonus*) of this Zoning Code (Chapter 1A) for lots subject to this Chapter.

Appellate Decision

- c. Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in *Subsection C. (Notice)* above.
- d. The Area Planning Commission shall act within 75 days after the expiration of the appeal period.

4. Exception

- a. When the application is filed as part of a project requiring multiple approvals, the appeals procedures set forth in Sec. 13A.2.10. (*Multiple Approvals*) of this Code shall govern.
- b. When the application is filed in conjunction with a Parcel Map and no other approval, the appeals procedures set forth in Sec. 13B.7.8. (*Subdivision Appeal*) of this Code shall govern.
- c. When the application is filed in conjunction with a tentative tract map and no other approval, the appeals procedures set forth in Sec. 13B.7.3.G. (*Tentative Tract Map; Appeals*) of this Code shall govern, provided that such applications shall only be appealable to the Appeal Board, as defined in Div. 14.3. (*Glossary*) of this Code, and shall not be subject to further appeal to the City's legislative body.

H. Modification of Entitlement

See Sec. 13B.5.4. (*Modification of Entitlement*).

DIV. 13B.3. MINISTERIAL ACTION

SEC. 13B.3.1. ADMINISTRATIVE REVIEW

A. Applicability

1. An Administrative Review is a ministerial approval for applications that comply with all applicable regulations and standards of this Code.
2. This *Section* applies where any provision of this Code requires an Administrative Review.

B. Initiation

1. An application for an Administrative Review is filed with the Department.
2. An Administrative Review is initiated as required in order to obtain a building permit.

C. Notice

1. Notice of Public Hearing

There is no public hearing required for an Administrative Review, and therefore no notice of a public hearing is required.

D. Review

1. Review

The Department shall determine compliance with the applicable regulations and 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 regulations and 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 in compliance with the applicable regulations and standards, the following actions must comply with the approved plans:

1. The erection, enlargement or maintenance of buildings;
2. Any development or construction work; or
3. Issuance of a grading, building, demolition, or change of use permit.

G. Appeals

There is no appeal.

H. Modification of Action

No modification is available.

DIV. 13B.4. **SPECIFIC PLAN IMPLEMENTATION**

SEC. 13B.4.1. **GENERAL PROVISIONS**

A. **Purpose**

1. A Specific Plan is a regulatory land use ordinance specifically designated in the ordinance as a Specific Plan. A Specific Plan shall provide by ordinance regulatory controls or incentives for the systematic execution of the General Plan and shall provide for public needs, convenience and general welfare.
2. This Division:
 - a. 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
 - b. Establishes uniform citywide standards and criteria for processing applications for exceptions from and interpretations of Specific Plans.

B. **Relationship to Provisions of Specific Plans**

1. If any procedure established in a Specific Plan conflicts with any procedure set forth in this Division, the provisions of the Specific Plan shall prevail.
2. If a Specific Plan establishes a ministerial process and specifically references the Administrative Review process described in *Sec. 13B.3.1. (Administrative Review)* of this Chapter, the provisions of *Sec. 13B.3.1. (Administrative Review)* apply.
3. If a Specific Plan refers to a "Project Permit Compliance," it shall mean project compliance.
4. If a Specific Plan refers to a "Project Permit Adjustment," it shall mean project adjustment.
5. If a Specific Plan refers to a "Specific Plan Exception," it shall mean project exception.

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

1. The individual Sections in this *Division* assign initial decision-making authority for a project compliance, project adjustment, project exception, and Specific Plan interpretation. For Specific Plan provisions that are not addressed in this Division, the initial decision maker and appellate bodies responsible for implementing those provisions are the Area Planning Commission and City Council, respectively, unless otherwise stated in a Specific Plan.
2. Despite any Specific Plan provision to the contrary and notwithstanding the language in *Sec. 13B.4.1.B. (Relationship to Provisions of Specific Plans)* above, there is only one level of appeal from any initial decision.

D. 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;
 - 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 24 days prior to the meeting date to: the applicant; owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property; 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; the Certified Neighborhood Council having jurisdiction over the Specific Plan area in which the property is located; and interested parties who have requested notice in writing.

E. 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. 13B.4.2. PROJECT COMPLIANCE

A. Applicability

- 1. This Section (Project Compliance) 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

An application for a project compliance is filed with the Department.

C. Notice

1. Notice of Public Hearing

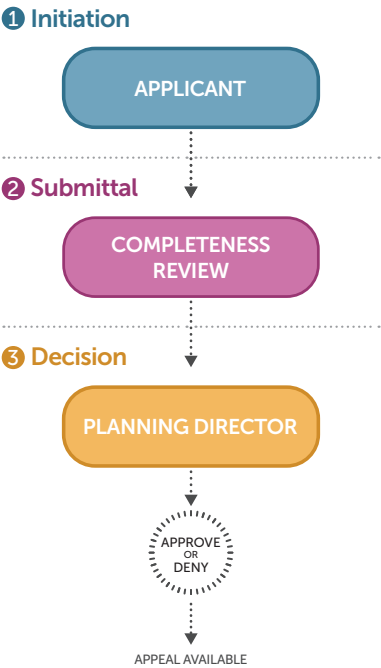
- a. There is no public hearing required for the initial decision on a project compliance, and therefore no notice of a public hearing is required.
- b. However, a public information meeting may be held and notice given pursuant to Sec. 13B.4.1.D. (General Provisions; Public Information Meetings).

2. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none">• The applicant;• The owner(s) of the property involved;• The owners of all properties abutting, across the street or alley from, or having a common corner with the subject property;• The Councilmember(s) having jurisdiction over the Specific Plan area in which the property is located;• 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;• The Certified Neighborhood Council representing the area in which the property is located; and• Interested parties who have requested in writing to be notified

Sec. 13B.4.2. Project Compliance



D. Decision

1. General Procedures

See Sec. 13A.2.5. (*Decisions*).

2. Decision Maker

The Director is the initial decision maker.

3. Decision

- a. The Director shall render the initial decision within 75 days of the date the application is deemed complete or when an environmental impact report (EIR) is required, the date preparation of the EIR is complete consistent with State law.
- 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. 13A.2.6. (*Transfer of Jurisdiction*).

4. Transmittal

The Director shall transmit a copy of the decision 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; 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

In approving a project compliance, the Director or Area Planning Commission (on appeal) shall find that the project:

1. Substantially complies with the applicable regulations, findings, standards, and provisions of the Specific Plan; and
2. Complies with CEQA.

F. Scope of Decision

1. See Sec. 13A.2.7. (*Scope of Decision*).
2. Limitations

The granting of a project compliance shall not imply compliance with any other applicable provisions of this Code. Any corrections and/or modifications to project plans made

subsequent to a project compliance 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 ingress, egress, circulation, project floor area or parking) for additional review and sign-off prior to the issuance of any permit in connection with those plans.

3. Applicant's Compliance With Project Compliance Terms and Conditions

Once a project compliance is utilized, the applicant shall comply with the terms and conditions of the project compliance that affect the construction and/or operational phases of the project. For purposes of this *Subsection*, utilization of a project compliance shall mean that a building permit has been issued and construction work has begun and been carried on diligently.

G. Appeals

1. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

2. Decision Maker

The Area Planning Commission is the appellate decision maker.

3. Filing

An applicant or any other person aggrieved by the Director's decision may file an appeal.

4. 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. (Notice)* above.
- b. The Area Planning Commission shall act within 75 days after the expiration of the appeal period.

H. Modification of Entitlement

See *Sec. 13B.5.4. (Modification of Entitlement)*.

SEC. 13B.4.3. PROJECT COMPLIANCE (DESIGN REVIEW BOARD)

Purpose and Objectives. The role of a design review board 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 two steps:
 - i. An optional preliminary review; and
 - ii. Mandatory final review.
- c. An applicant may request a technical review by the Land Development Counseling Center (LDCC) or its equivalent, for clarification of requirements of this Code or applicable Specific Plan.

Sec. 13B.4.3. Project Compliance (Design Review Board)

1 Initiation

APPLICANT

2 Submittal

COMPLETENESS REVIEW

3 Review

DESIGN REVIEW BOARD PRELIMINARY REVIEW

OPTIONAL

NOTICE

DESIGN REVIEW BOARD HEARING

DESIGN REVIEW BOARD REPORT & RECOMMENDATION

4 Decision

PLANNING DIRECTOR

APPROVE OR DENY

APPEAL AVAILABLE

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

- a. This *Section* does not convey any rights not otherwise granted under a Specific Plan, except as specifically provided. If any procedure established in a Specific Plan governing a design review board created by or authorized to act pursuant to the Specific Plan differs from any procedures set forth in this *Section*, the provisions of this *Section* shall prevail.
- b. Despite any provisions of a Specific Plan to the contrary and notwithstanding the language in 13B.4.1.B. above, no design review required by a Specific Plan shall be recommended for approval by a design review board or approved by the Director except as provided in this *Section*.

B. Initiation

1. All applications for project compliance (Design Review Board) are submitted to the Department of City Planning on a form supplied by the Department. Additional information and materials may be required for optional preliminary design review and mandatory final review, as described in *Chapter I. (General Provisions and Zoning), Sec. 16.50 C. (Design Review Procedure)* for lots subject to Chapter I.
2. Before the acceptance of the completed application for a mandatory final review, the Department of City Planning 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, or if it is conditioned for approval.
3. In addition, prior to submitting a complete application, the applicant may request a technical review by the LDCC. If this review is requested, the LDCC may require further materials and plans to be submitted to facilitate that review.

C. Notice

1. Notice of Public Hearing

- a. The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	10 days	<ul style="list-style-type: none"> The applicant; Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property; and The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	10 days	<ul style="list-style-type: none"> The appellant; The design review board; Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property; and The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

- a. Design review boards review applications and provide their recommendations to the Director.
- b. If no design review board is appointed, the Department of City Planning staff reviews the application and makes a recommendation to the Director.

3. Optional Preliminary Design Review

a. Option

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

- ii. 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

i. Agenda

Optional preliminary applications are referred to the design review board for placement on its agenda within five calendar days after they are deemed complete.

ii. 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 along with all of the required materials.

iii. 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.

4. 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 for its recommendation within five calendar days after they are deemed complete.

c. Final Review and Recommendation of the Design Review Board

- i. The design review board shall hold a public hearing, giving notice in the manner specified in *Subsection C. (Notice)* of this *Section*.
- ii. 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.
- iii. The design review board shall submit its recommendation to the Director within five calendar days after it acts on the application or within any additional time as is mutually agreed upon in writing between the applicant and the Department of City Planning.

- iv. 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. Recommendations and summaries of discussions shall be transmitted to the Director.
- v. 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 *Chapter I. (General Provisions and Zoning), Sec. 11 (Design Review Process) of the Mulholland Scenic Parkway Specific Plan*.
- vi. 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 *Paragraph d. below*.

d. 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. For sign approvals, the Director may grant minor adjustments to permitted signs in accordance with the adjustment criteria and findings set forth in *Sec. 13B.4.4. (Project Adjustment)*. Any requests for minor adjustments to permitted signs shall be filed in accordance with the application procedures set forth in *Chapter I. (General Provisions and Zoning) Sec. 16.50 C. (Design Review Procedure)*.
- d. In addition, 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

In making a determination on a project compliance (Design Review Board), the Director or Area Planning Commission (on appeal) shall make findings consistent with the Specific Plan criteria for any approval or disapproval.

F. Scope of Decision

1. See *Sec. 13A.2.7. (Scope of Decision)*.
2. A design review board's advice on an optional preliminary application is valid for 24 months.
3. No building permit shall be issued until a copy of the plans for the proposed project, stamped by the Department of City Planning as approved by the Director, is made available to the Department of Building and Safety to be included with the field set of approved plans.

G. Appeals

1. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

2. Decision Maker

The Area Planning Commission is the appellate decision maker.

3. Filing

- a. An applicant or any other person aggrieved by the Director's decision may file an appeal.
- b. A board member may not appeal any design review determination of the Director unless they are the applicant.

4. 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. (Notice) of this Section*.
- b. The Area Planning Commission shall act on the appeal within 75 days after the expiration of the appeal period.

H. Modification of Approved Plans or Materials Before Issuance of Building Permit or Certificate of Occupancy

1. The Director or Area Planning Commission on appeal may, prior to the issuance of a building permit or Certificate of Occupancy, approve exterior changes to a proposed project from that which was approved in the design review board only if these changes were required by a public agency.
2. Unless otherwise specifically required in a Specific Plan, 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 provided that the appropriate materials were received 14 days prior to that meeting.
3. An applicant requesting approval of a proposed modification to a project shall do so in writing. The request shall include an illustrated description of the proposed modification and a narrative justification. Written proof that a modification is required by a public agency shall be submitted with the request. Copies of all materials submitted in connection with the request shall be transmitted to the design review board for its information at the time the request is submitted to the Planning Department. There shall be no fee for a review of a modification required by a public agency. An applicant may also request a minor modification which is not required by a public agency. In that case, a fee shall be paid pursuant to *Chapter I. (General Provisions and Zoning), Sec. 16.50 C. (Design Review Procedures)*.
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. 13B.4.4. PROJECT ADJUSTMENT

Sec. 13B.4.4. Project Adjustment

A. Applicability

1. This *Section* applies to requests for minor adjustments from certain *Specific Plan* regulations.
2. Project adjustments are limited to the list described in *Chapter I. (General Provisions and Zoning), Sec. 11.5.7 E. (Specific Plan Procedures; Project Adjustments)*.
3. If an application requests more than one project adjustment, the *Director* may determine that the request be filed and processed as a *project exception* (see *Sec. 13B.4.5.*). The *Director* shall advise the applicant of this determination before the application is deemed complete.

1 Initiation

APPLICANT

2 Submittal

COMPLETENESS
REVIEW

3 Decision

PLANNING DIRECTOR

APPROVE
OR
DENY

APPEAL AVAILABLE

B. Initiation

An application for a project adjustment is filed with the Department.

C. Notice

1. Notice of Public Hearing

- a. There is no public hearing required for the initial decision on a project adjustment, and therefore no notice of a public hearing is required.
- b. However, a public information meeting may be held and notice given pursuant to *Sec. 13B.4.1.D. (General Provisions; Public information Meeting)*.

2. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> • The applicant; • The owner(s) of the property involved; • The owners of all properties abutting, across the street or alley from, or having a common corner with the subject property; • The Councilmember(s) having jurisdiction over the <u>Specific Plan</u> area in which the property is located; • The Department of Neighborhood Empowerment; • The chairperson of any design review or plan review board having jurisdiction over the <u>Specific Plan</u> area in which the property is located; • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified

D. Decision

1. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Decision Maker

The Director is the initial decision maker.

3. Decision

- a. The Director shall render the initial decision within 75 days of the date the application is deemed complete.
- b. In granting a project adjustment, the Director may impose project conditions as the Director deems necessary in order to achieve substantial conformance with the Specific Plan regulations.
- c. The remainder of the Specific Plan provisions for which the project does not need a project adjustment shall be reviewed concurrently with a project compliance.
- d. 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. 13A.2.6. (Transfer of Jurisdiction)*.

4. 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

1. In approving a project adjustment, the Director or Area Planning Commission (on appeal) shall find that:
 - a. There are special circumstances applicable to the project or project site which make the strict application of the Specific Plan regulation(s) impractical;
 - b. That in granting the project adjustment, the Director has imposed project requirements and/or determined that the proposed project will substantially comply with all applicable Specific Plan regulations;
 - c. The project adjustment, if granted, will not have detrimental effects on surrounding properties and public right-of-ways;
 - d. The project complies with CEQA; and
2. The decision maker shall also find that the project adjustment complies with any other required Specific Plan findings that may pertain to the project compliance.

F. Scope of Decision

1. See *Sec. 13A.2.7. (Scope of Decision)*.
2. **Limitations**

The granting of a project adjustment shall not imply compliance with any other applicable provisions of this Code. Any corrections and/or modifications to project plans made subsequent to a project adjustment 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 ingress, egress, circulation, 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. **General Procedures**

See *Sec. 13A.2.8. (Appeals)*.

2. **Decision Maker**

The Area Planning Commission is the appellate decision maker.

3. Filing

An applicant or any other person aggrieved by the Director's decision may file an appeal.

4. 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. (Notice)* above.
- b. The Area Planning Commission shall act within 75 days after the expiration of the appeal period.

H. Modification of Entitlement

No modification is available.

SEC. 13B.4.5. PROJECT EXCEPTION

A. Applicability

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

1. Description

A *project exception* grants relief from a *Specific Plan*'s regulations on the basis of particular standards or criteria established in this *Section*, or in a particular section of a *Specific Plan*. Like a *variance*, a *project exception* application must show a hardship. However, a *project exception* typically includes relief from additional standards that relate to the purposes of the *Specific Plan*.

2. Project Exception Relationship to Other Entitlements

a. Exception for Relief from a Specific Plan Regulation and the Same Type of Regulation With the Same Standard in Chapter I. of this Code

If a *Specific Plan* contains a regulation that is the same type of regulation with the same standard as one contained in an applicable provision of *Chapter I. (General Provisions and Zoning)* of this Code, an applicant seeking relief from those regulations need only apply for and receive a *project exception*. In this situation, the *Specific Plan* regulation is considered to supersede the Code provision and thus a *variance* is not required.

b. Exception for Relief from Specific Plan Regulation and the Same Type of Regulation With a Different Standard in Chapter I. of this Code Where Specific Plan Supersedes the Code

If a *Specific Plan* contains a regulation that conflicts with the same type of regulation but with a different standard contained in an applicable provision of *Chapter I. (General Provisions and Zoning)* of this Code and the *Specific Plan* supersedes the Code by its terms, then an applicant seeking relief from that *Specific Plan* regulation need only apply for and receive a *project exception*. In this situation, a *variance* is not also required.

Sec. 13B.4.5. Project Exception

1 Initiation



2 Submittal



3 Review



4 Decision



APPEAL AVAILABLE

c. Exception for Relief from Specific Plan Regulation and the Same Type of Regulation With a Different Standard in Chapter I. of this Code Where Specific Plan Does Not Supersede the Code

If a Specific Plan contains a regulation that conflicts with the same type of regulation but with a different standard contained in an applicable provision of *Chapter I. (General Provisions and Zoning)* of this Code and the Specific Plan does not supersede the Code by its terms, then an applicant seeking relief from those regulations must apply for and receive both a project exception and a variance for relief from those Code provisions.

d. Additional Exceptions

The exceptions described in *Chapter I. (General Provisions and Zoning), Sec. 11.5.7 F (1) (Exception for Wireless Telecommunications Facilities)* and *Sec. 11.5.7 F(2) (Eldercare Facilities)* of this Code apply as appropriate.

B. Initiation

1. An application for a project exception is filed with the Department.
2. If an application for a project 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 a project exception. This shall occur before the application is deemed complete.

C. Notice of Public Hearing

1. Notice of Public Hearing

- a. The following notice is required for the public hearing on the initial decision:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 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	24 days	<ul style="list-style-type: none"> The applicant; The owner(s) of the property involved; The owners and occupants of all property within and outside the City within 500 feet of the exterior boundaries of the area subject to the <u>application</u> (or the expanded area described below); and The Certified Neighborhood Council representing the area in which the property is located

Type of Notice	When	Where / To Whom / Additional Requirements
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property If a <u>Hearing Officer</u> 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

- b. Where all property within the 500 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.
- c. If the mailed notice within the required radius does not result in notice to 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. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 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	24 days	<ul style="list-style-type: none"> The applicant; The owner(s) of the property involved; The owners and occupants of all property within and outside the City within 500 feet of the exterior boundaries of the area subject to the <u>application</u> (or the expanded area described below); and The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property

- b. Where all property within the 500 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.
- c. If the mailed notice within the required radius does not result in notice to 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. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Decision Maker

The Area Planning Commission is the initial decision maker.

3. Public Hearing

- a. Upon receipt of a complete application, the Area Planning Commission shall set the matter for public hearing, giving notice in the manner specified in *Subsection C. (Notice)* above.
- b. The Area Planning Commission may conduct the hearing itself or designate the Director to conduct the hearing.

4. Decision

- a. If the Director conducts the public hearing, the Director shall transmit their findings and recommendation to the Area Planning Commission.
- b. After the Director or Area Planning Commission's hearing is closed, the Area Planning Commission shall render the initial decision at a public meeting.
- c. The Area Planning Commission shall render the initial decision within 75 days of the date the application is deemed complete.
- d. 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. 13A.2.6. (Transfer of Jurisdiction)*.

5. Conditions

In granting a project 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. A project exception shall not be used to grant a special privilege, nor to grant relief from self-imposed hardships.

6. 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

In approving a project exception, the Area Planning Commission or City Council (on appeal) shall find that:

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 granting of 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 granting of an 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

See *Sec. 13A.2.7. (Scope of Decision)*.

G. Appeals

1. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

2. Decision Maker

The City Council is the appellate decision maker.

3. Filing

- a. Any person aggrieved by an initial decision of the Area Planning Commission concerning a project 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 points made in the appeal.

4. Appellate Decision

- a. Before acting on any appeal, the City Council shall set the matter for hearing, giving notice in the manner specified in *Subsection C. (Notice of Public Hearing)* above.
- 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 vote of the whole City Council. The decision must contain a finding of fact showing why the proposed exception to a Specific Plan complies or fails to comply with the requirements of this *Section*. Any vote of the City Council in which less than two-thirds of the whole City 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 City 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 City Council, shall be deemed a denial of the appeal.

H. Modification of Entitlement

No modification is available.

SEC. 13B.4.6. SPECIFIC PLAN INTERPRETATION

A. Applicability

The Director shall have authority to 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. To request a Specific Plan interpretation, an applicant shall file an application with 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

1. Notice of Public Hearing

- a. There is no public hearing required for the initial decision on a Specific Plan interpretation, and therefore no notice of a public hearing is required.
- b. The Director may hold a public information meeting, if the Director decides that the proposed project may have a potentially significant effect on adjoining properties or on the immediate neighborhood, or that it is likely to evoke public controversy, or that it would be in the public interest to conduct the meeting. Notice for the public information meeting shall be given pursuant to *Sec. 13B.4.1.D. (General Provisions; Public information Meetings)*.

2. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal:

Sec. 13B.4.6. Specific Plan Interpretation

1 Initiation



2 Submittal



3 Decision



APPEAL AVAILABLE

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> • The applicant (when initiated by applicant); • The owner(s) of the property involved (when initiated by applicant); • The owners of all properties abutting, across the street or alley from, or having a common corner with the subject property (when initiated by applicant); • The Councilmember(s) having jurisdiction over the <u>Specific Plan</u> area in which the property is located; • The Department of Neighborhood Empowerment; • The chairperson of any design review or plan review board having jurisdiction over the <u>Specific Plan</u> area in which the property is located; • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

3. 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.

4. Transmittal

The Director shall transmit a copy of the decision 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; 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 Department of City Planning.

E. Standards for Review

In rendering a Specific Plan interpretation, the Director or City or Area Planning Commission (on appeal) shall consider:

1. Any General Plan, community plan, or Specific Plan policies that relate to the regulation subject to interpretation;
2. The purpose statements or other official city policies relating to the regulation; and
3. The context of the regulation and its relationship to similar regulations.

F. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

- a. The City Planning Commission is the appellate decision maker for interpretations which affect an entire Specific Plan area or any of its subareas.
- b. The Area Planning Commission is the appellate decision maker for interpretations that apply only to a specific site.

3. Filing

An applicant or any other interested person aggrieved by the decision may file an appeal.

4. Appellate Decision

- a. Before acting on any appeal, the City or Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) above.
- b. The City or Area Planning Commission shall render its decision within 75 days from the last day of the appeal period.
- c. 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.
- d. Failure to timely act is deemed a denial of the appeal, and the initial decision becomes final.

DIV. 13B.5. QUASI-JUDICIAL RELIEF

SEC. 13B.5.1. ALTERNATIVE COMPLIANCE

A. Applicability

1. General

This Section applies to the following situations where this Code expressly allows Alternative Compliance:

- a. The proposed development does not comply with a design, development, or performance standard required by this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code, and the applicant proposes an alternative standard or condition consistent with *Paragraph b.* below.
- b. The applicant proposed deviations from regulations which do not substantially alter the execution or intent of the regulations that apply to a proposed development.
- c. For purposes of Chapter 1A, alternative compliance must be expressly allowed in the relief allowances of this Chapter.

2. Specific Plan Excluded

This Section does not apply to Specific Plans.

B. Initiation

An application for an Alternative Compliance is filed with the Department.

C. Notice

1. Notice of Public Hearing

- a. There is no public hearing required for the initial decision on an Alternative Compliance, and therefore no notice of a public hearing is required.

2. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on an appeal:

Sec. 13B.5.1. Alternative Compliance

1 Initiation



2 Submittal



3 Decision



APPEAL AVAILABLE

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 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; • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

3. Decision

The Director shall render an initial decision within 75 days after the date the application is deemed complete.

4. Conditions

The Director shall impose conditions binding on the applicant to secure substantial compliance with the goals and purposes of the design, development, or performance standards from which alternative compliance is requested.

5. Transmittal

The Director shall transmit a copy of the decision by mail to the applicant, owners of all 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 notice with the Department of City Planning.

E. Standards for Review and Required Findings

In approving an Alternative Compliance, the Director or Area Planning Commission (on appeal) shall find that:

1. The proposed alternative is consistent with the purpose and intent of the applicable standards;
2. The proposed alternative is equivalent to or exceeds the effectiveness of meeting the intent of the applicable standards;

3. The proposed alternative will result in a project that is compatible with and does not adversely affect or further degrade the adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and
4. The project substantially conforms to the purpose, intent, and provisions of the General Plan and the applicable community plan.

F. Scope of Decision

See Sec. 13A.2.7. (*Scope of Decision*).

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (*Appeals*).

2. Decision Maker

The Area Planning Commission is the appellate decision maker.

3. Filing

- a. An appeal may be filed to the Area Planning Commission by an applicant or any other person aggrieved by the Director's decision.
- 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.

4. Appellate Decision

- a. The Area Planning Commission shall conduct a public hearing, giving notice in the manner specified in *Subsection C. (Notice)* above.
- b. The Area Planning Commission shall make its decision within 75 days after the expiration of the appeal period.

H. Modification of Entitlement

No modification is available.

SEC. 13B.5.2. ADJUSTMENT

A. Applicability

1.

This *Section* applies to the following situations where this Code expressly allows an Adjustment:
- a.

Adjustments and modifications from zoning regulations if expressly allowed in the relief allowances of this Chapter;
- b.

Adjustments and modifications from zoning regulations as described in *Chapter I. (General Provisions and Zoning) Sec. 12.28 A. and B.* or in any subsection of this Zoning Code (Chapter 1A) that provides Relief from the Section standards;
- c.

Any zone boundary or height district adjustments as described in *Chapter I. (General Provisions and Zoning) Sec. 12.30 H., J., or K.* or in any subsection of this Zoning Code (Chapter 1A) that provides Relief from the Section standards.
2.

An Adjustment cannot be requested for increases in Floor Area Ratio.

B. Initiation

An application for an Adjustment is filed with the Department.

C. Notice

1. Notice of Public Hearing

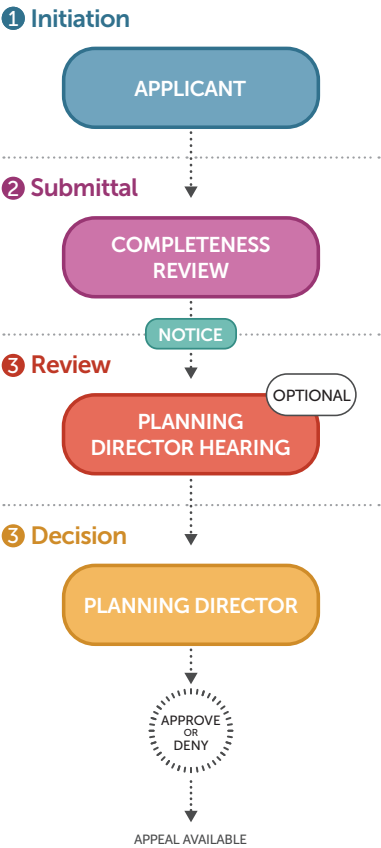
- a. The following notice is required for the public hearing on the initial decision, if held:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<div><div>• The applicant;</div><div>• Owners of all properties abutting, across the street or alley from or having a common corner with the subject property;</div><div>• The Certified Neighborhood Council representing the area in which the property is located; and</div><div>• Interested parties who have requested notice in writing</div></div>
Posting	10 days	<div><div>• The applicant will post notice in a conspicuous place on the property</div></div>

2. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal:

Sec. 13B.5.2. Adjustment



Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> The applicant; The appellant(s); The owner(s) of the property involved; Owners of all properties abutting, across the street or alley from or having a common corner with the subject property; and The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property

D. Decision

1. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Decision Maker

The Director is the initial decision maker.

3. Public Hearing and Decision

- a. An application for an Adjustment shall be set for public hearing unless the Director makes written findings in the record that the requested Adjustment:
 - i. Will not have a significant effect on adjoining properties or on the immediate neighborhood; or
 - ii. Is not likely to evoke public controversy.
- b. If a public hearing is held, notice shall be given in the manner specified in *Subsection C. (Notice)* of this Section.
- c. The Director shall render an initial decision within 75 days after the application is deemed complete.

4. Conditions for Approval

In granting an Adjustment, 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 zoning.

5. Transmittal

The Director shall transmit a copy of the decision by mail to the applicant, owners of all 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

In approving an Adjustment, the Director or Area Planning Commission (on appeal) shall find:

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 with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable Specific Plan.

F. Scope of Decision

See *Sec. 13A.2.7. (Scope of Decision)*.

G. Appeals

1. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

2. Decision Maker

The Area Planning Commission is the appellate decision maker.

3. Filing

An applicant or any other person aggrieved by the Director's decision may appeal the decision to the Area Planning Commission.

4. 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. (Notice)* above.
- b. The Area Planning Commission shall act within 75 days after the expiration of the appeal period.

H. Modification of Entitlement

The plan approval procedures that apply to Variances in *Sec. 13B.5.3.H. (Variance; Modification of Entitlement)* shall also apply to Adjustments.

I. Discontinuance of Adjustment – Revocation

The revocation procedures that apply to Variances in Sec. 13B.5.3.I. (*Variance; Revocation and Repeal*) shall also apply to Adjustments.

SEC. 13B.5.3. VARIANCE

A. Applicability

1. This Section applies to Variances that grant relief from a standard or regulation in this Chapter or Chapter I. (General Provisions and Zoning) on the basis of hardship or difficulties.
2. Continuation of Variance or Exception
 - a. Except as provided in Subsection I. (Revocation and Repeal) of this Section, 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:
 - i. Ordinance pursuant to the provisions of ordinances Nos. 42,666 (N.S.), 66,750, 74,140 or Chapter I. (General Provisions and Zoning), or this Zoning Code (Chapter 1A);
 - ii. Decision of the Zoning Administrator or the former Board of Zoning Appeals pursuant to the provisions of Chapter I. (General Provisions and Zoning), or this Zoning Code (Chapter 1A); or
 - iii. Former decision of the Board of City Planning Commissioners pursuant to the provisions of ordinance No. 74,145, Chapter I. (General Provisions and Zoning) or this Zoning Code (Chapter 1A).
 - 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 uses of land is extended.

Sec. 13B.5.3. Variance

1 Initiation



2 Submittal



NOTICE

3 Review



4 Decision



APPROVE
OR
DENY

APPEAL AVAILABLE

B. Initiation

An application for a Variance is filed with the Department.

C. Notice

1. Notice of Public Hearing

- a. The following notice is required for the public hearing on the initial decision, if held:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> The applicant; The owner(s) of the property involved; The owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved (or the expanded area described below); The residential, commercial, and industrial occupants of all property within 500 feet of the exterior boundaries of the property involved (or the expanded area described below); The Certified Neighborhood Council representing the area in which the property is located; and Interested parties who have requested in writing to be notified
Posting	10 days	<ul style="list-style-type: none"> Applicant must post in a conspicuous place on the property involved

- b. If the mailed notice within the required radius does not result in notice to 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.
- c. An application requesting relief from density or height requirements shall follow the procedures for public hearing and notice as set forth in *Sec. 13B.5.2. (Adjustment)*.

2. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal to the Area Planning Commission or the City Council:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> • The applicant; • The appellant; • The owner(s) of the property involved; • The owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved (or the expanded area described below); • The residential, commercial, and industrial occupants of all property within 500 feet of the exterior boundaries of the property involved (or the expanded area described below); • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified
Posting	10 days	<ul style="list-style-type: none"> • Applicant must post in a conspicuous place on the property involved

- b. If the mailed notice within the required radius does not result in notice to 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.
- c. An application requesting relief from density or height requirements shall follow the procedures for public hearing and notice as set forth in *Sec. 13B.5.2. (Adjustment)*.

D. Decision

1. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Decision Maker

The Zoning Administrator is the initial decision maker.

3. Public Hearing

- a. The Zoning Administrator shall set the matter for public hearing, giving notice in the manner specified in *Subsection C. (Notice)* above.
- b. An application for a Variance shall be set for public hearing unless the Chief Zoning Administrator or, in their absence, an Associate Zoning Administrator performing their functions, makes written findings, a copy of which shall be attached to the file, that the requested Variance:
 - i. Will not have a significant effect on adjoining properties or on the immediate neighborhood; or

- ii. Is not likely to evoke public controversy.

4. 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. 13A.2.6. (*Transfer of Jurisdiction*).

5. Conditions of Approval

In granting a Variance, the Zoning Administrator may impose conditions to remedy a disparity of privileges and that are necessary 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 zoning ordinance.

6. Transmittal

Upon making a decision, the Zoning Administrator shall transmit a copy of the written findings and decision to the applicant, the Director, 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 have filed written requests for this notice with the office of Zoning Administration. The Zoning Administrator shall also place a copy of the findings and decision in the file.

E. Standards for Review and Required Findings

1. The standards in *City Charter, Sec. 562 (Variances)* apply to Variances. In granting a Variance, the Zoning Administrator or Area Planning Commission (on appeal) or City Council (on appeal) shall find:
 - a. 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;
 - b. 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;
 - c. 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. A Variance shall not be used to grant a special privilege or to permit a use substantially inconsistent with the limitations upon other properties in the same zone and vicinity. The Zoning Administrator may deny a Variance if the conditions creating the need for the Variance were self-imposed.

F. Scope of Decision

See Sec. 13A.2.7. (*Scope of Decision*).

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (*Appeals*).

2. Decision Maker

The Area Planning Commission and the City Council are the appellate decision makers.

3. Filing

Any person aggrieved by an initial decision of the Zoning Administrator concerning a Variance may appeal the decision to the Area Planning Commission.

4. Appellate Decision

- a. The Area Planning Commission will set the matter for a public hearing, giving notice in the manner specified in Subsection C. (*Notice*) above.
- b. The Area Planning Commission shall act within 75 days after the expiration of the appeal period. If the Area Planning Commission fails to render a timely decision, the action of the Zoning Administrator on the matter shall be final, unless the appellant files a request for a transfer of jurisdiction to the City Council for decision pursuant to Sec. 13A.2.6. (*Transfer of Jurisdiction*).
- c. The Area Planning Commission may affirm, reverse, or modify the Zoning Administrator's decision.
- d. In considering appeals, the Area Planning Commission shall be subject to the same limitations regarding findings and conditions as are applicable to the Zoning Administrator on the initial decision.
- e. Upon making a decision, a copy of the findings and decision shall forthwith be placed on file in the City Planning Department, and copies of the decision shall be sent to the applicant, the appellant, the Department of Building and Safety, the Director, and the office of Zoning Administration.

f. Date of Final Decision

A denial of a Variance by an Area Planning Commission on appeal shall become final upon the date it was mailed to the applicant. However, a decision by the Area Planning Commission granting or confirming the grant of a Variance shall become final after 15 days from the date it was mailed to the applicant, unless an appeal is filed with the City Council within that period. The filing of an appeal stays proceedings in the matter until the Council makes a decision on the matter. The Council shall not consider any appeal not filed within the 15-day period.

5. 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. There shall be no further appeal from the decision of the Area Planning Commission to deny a Variance.

b. Action by City Council and Mayor

- i.** The City Council will set the matter for a public hearing, giving notice in the manner specified in *Subsection C. (Notice)* above.
- ii.** When considering an appeal from an Area Planning Commission decision granting or affirming the grant of a Variance, the City Council shall be subject to the same limitations regarding findings and conditions as are placed on the Area Planning Commission by this *Section*.
- iii.** The City 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 City 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 City Council shall be deemed to be a denial of the appeal.
- iv.** When a Variance decision is appealed to the City Council and the City 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*.
- v.** If the Mayor disapproves the Variance, he or she shall return the matter to the City Clerk for presentation to the City 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 vote.

- vi. 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. Development of Site

- a. On any lot or portion of a lot on which a use is permitted pursuant to a variance, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended if plans for those changes are submitted and approved by a Zoning Administrator. A Zoning Administrator shall not approve any use, single deviation, or combination or series of deviations from the zoning regulations which was not approved as part of the original variance, or which would result in an increase in size or bulk of buildings exceeding 20 percent.
- b. Any person submitting development plans or any other aggrieved person by the decision of a Zoning Administrator made relative to the approval or disapproval of a development plan may appeal the decision to the Area Planning Commission. No fee shall be required for the filing of appeals by other aggrieved persons.

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. The decision of a Zoning Administrator on a proposed reduction of the area of an approved site shall be subject to the same appeal as is provided in *Subsection G.4.* above for an application to establish the use by variance.

3. Conditions of Approval

In connection with the approval of such plans, a Zoning Administrator may impose conditions on the same basis as provided for in this *Section* in connection with the original variance.

4. 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. Discontinuance of Variance or Exception - Revocation

- a. If the use authorized by any Variance granted by ordinance, or by decision of the Zoning Administrator, the Area Planning Commission, City Planning Commission or the City Council is or has been abandoned or discontinued for a period of six months, or the conditions of the Variance have not been complied with, the Director, 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 Director and show cause why the ordinance or decision granting the Variance should not be repealed or rescinded, as the case may be.
- b. After the hearing, the Director may revoke the Variance, or if an ordinance is involved, recommend to the City Council that the ordinance be repealed. The decision of the Director shall become final after 15 days from the date of mailing of the decision to the owner or lessees of the real property affected, unless an appeal to the Council is filed within that 15-day period. An appeal may be taken to Council in the same manner as described in *Subsection G. (Appeals)* above. After revocation or repeal, the property affected shall be subject to all the regulations of the zone in which the property is located.

2. Failure to Utilize Variance or Exception - Repeal

- a. The procedure for repeal of Variances that have been abandoned or discontinued as set forth in *Subdivision 1. (Discontinuance of Variance or Exception – Revocation)* above shall not apply to those exceptions or conditional Variances granted by ordinance and which were once utilized, but the authorized use or development had been discontinued or removed from the site for at least one year and the ordinance has been repealed.
- b. If the rights established by any ordinance previously adopted authorizing an exception or conditional Variance from the provisions of this Chapter, *Chapter I. (General Provisions and Zoning)*, or ordinances No. 42,666 (N.S.), 66,750 and 74,140, have never been executed or utilized, or, if once utilized, the use or development authorized has been discontinued or removed from the site for a period of least one year, that exception or conditional Variance shall no longer be of any force or effect and the respective ordinance granting the exception or conditional Variance is hereby repealed.

SEC. 13B.5.4. MODIFICATION OF ENTITLEMENT

Purpose. The Modification of Entitlement is a discretionary process intended to be used for situations where the Code expressly provides for a possible modification of the original entitlement pursuant to this process and it is deemed necessary to modify conditions of approval for the original grant on an approved project prior to the issuance of the Certificate of Occupancy.

A. Applicability

1. Original Action

This *Section* applies to modification of an approved entitlement, referred to in this *Section* as the “original action,” only if the Code expressly provides for a modification of that entitlement pursuant to this process.

2. Modification

- a. For purposes of this *Section*, a “modification” means any changes in the proposed physical development or related conditions of approval that were approved in the original action.
- b. A modification is limited to an alteration of the physical development or conditions of approval on the original action by no more than 20 percent, and the modification will not result in a new, significant unavoidable environmental impact.
- c. If multiple modifications are requested on the same original action, the modifications shall not cumulatively exceed the 20 percent limitation described above in *Paragraph b.*
- d. A modification does not include the granting of any new rights, nor does it include the granting of any deviation from zoning regulations in this Chapter or *Chapter I. (General Provisions and Zoning)*.
- e. Nothing in this *Section* is intended to limit the authority of the Director to find that a project is in substantial conformance with its approved entitlements, consistent with state law.

3. New Application

Any request for a modification that exceeds the 20 percent limitation described above in *Subdivision 2.b.* or *Subdivision 2.c.* will not be processed as a modification of the original action but will instead require a new application.

B. Initiation

1. An application for a Modification of Entitlement is filed with the Department.

Sec. 13B.5.4. Modification of Entitlement

1 Initiation

APPLICANT

2 Submittal

COMPLETENESS
REVIEW

NOTICE

3 Decision

ORIGINAL
DECISION-MAKER

APPROVE
OR
DENY

APPEAL AVAILABLE

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

1. Notice of Public Hearing

Notice of the public hearing on the initial decision of a Modification of Entitlement is provided in the same manner as required on the initial decision of the original action.

2. Notice of Public Hearing on Appeal

Notice of the public hearing on the appeal of a Modification of Entitlement is provided in the same manner as required on the appeal of the original action.

D. Decision

1. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Decision Maker

- a. The initial decision maker on a Modification of Entitlement is the initial decision maker on the original action.
- b. If the project was subject to multiple approvals, the initial decision maker is the initial decision maker assigned pursuant to *Sec. 13A.2.10. (Multiple Approvals)*, unless otherwise delegated.
- c. If the project was subject to an appeal, the decision maker on the Modification of Entitlement is the appellate body on the original action, unless otherwise delegated.

3. Public Hearing

The public hearing requirements that applied to the original action also apply to the Modification of Entitlement, with notice given in the manner specified in *Subsection C. (Notice)* above.

4. Decision

The initial decision maker shall approve, conditionally approve, or deny the request within 75 days after the application is deemed complete.

5. Conditions

The initial decision maker may impose conditions on the modification on the same basis as in the original action.

6. 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. In approving a Modification of Entitlement, the decision maker shall find that the modification complies with all of the findings that apply to the original action.

F. Scope of Decision

1. See *Sec. 13A.2.7. (Scope of Decision)*.
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.

G. Appeals

1. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

2. Appealable in Same Manner as original Action

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

3. Scope of Appeal

An appeal of a Modification of Entitlement is an appeal of the requested modification; it is not an appeal of the entire project or grant as approved in the original action.

H. Modification of Entitlement

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

SEC. 13B.5.5. REASONABLE ACCOMMODATION

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.

Sec. 13B.5.5. Reasonable Accommodation

1 Initiation



2 Submittal



3 Decision



APPEAL AVAILABLE

C. Notice

1. Notice of Public Hearing

- a. There is no public hearing required on the initial decision of a Reasonable Accommodation, and therefore no notice of a public hearing is required.

2. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 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	24 days	<ul style="list-style-type: none">• The applicant;• The appellant;• The owner(s) of the property involved;• Owners of all properties abutting, across the street or alley from or having a common corner with the subject property; and• The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none">• The applicant will post notice in a conspicuous place on the property

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

3. Decision

The Director 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.

4. 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.

5. 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 Los Angeles 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.

6. 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. (Appeals)* of this Section.

E. Standards for Review and Required Findings

1. General

In approving a request for a Reasonable Accommodation, the Director or City Council (on appeal) shall find:

- 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 (Coastal Resources Planning and Management Policies)* of the *California Coastal Act of 1976*, and with the interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 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:
 - i. That the requested Reasonable Accommodation is consistent, to the maximum extent feasible, with the regulations identified in this *Subsection*; and

- ii. 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. Scope of Decision

1. See *Sec. 13A.2.7. (Scope of Decision)*.
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 this Code; or
 - b. The accommodation is to be used by another individual with a disability.

G. Appeals

1. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

2. Decision Maker

The City Council is the appellate decision maker.

3. Filing

Only the aggrieved applicant and abutting owners who received notice of the Reasonable Accommodation determination have a right to appeal the decision.

4. Appellate Decision

- a. Before acting on any appeal, the City Council shall set the matter for hearing, giving notice in the manner specified in *Subsection C. (Notice)* above.
- b. The City Council 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 City Council.
- 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 vote of the whole Council.

H. Modification of Entitlement

A Reasonable Accommodation may be modified by following the same procedures established above for the original action.

DIV. 13B.6. **NON-COMPLIANCE**

SEC. 13B.6.1. **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 Director, 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**

1. **Notice of Public Hearing**

- a. The following notice is required for the public hearing on the initial decision:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none">• Operator; and• Owner and lessee(s) of the property involved.

2. **Notice of Public Hearing on Appeal**

- a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none">• Operator;• Owner and lessee(s) of the property involved;• Owners of all property within and outside of the City that is within 300 feet of the exterior boundaries of the property involved;• Residential, commercial and industrial occupants of the property involved, and all property within 300 feet of the exterior boundaries of the property involved; and• The Certified Neighborhood Council representing the area in which the property is located

Sec. 13B.6.1. Evaluation of Non-Compliance

1 Initiation



NOTICE

2 Review



3 Decision



REVOKE
OR
SUSPEND

APPEAL AVAILABLE

Type of Notice	When	Where / To Whom / Additional Requirements
Posting	10 days	<ul style="list-style-type: none"> The owner, lessee, or operator will post notice in a conspicuous place on the property

- b. 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.
- c. If the mailed notice within the required radius does not result in notice to 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. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Decision Maker

The Zoning Administrator or the City Planning Commission, whichever was the initial decision maker on the original action, is the initial decision maker on an Evaluation of Non-Compliance. The City Planning Commission may delegate its authority in this matter to the Director.

3. Notice to Appear

- a. The Zoning Administrator or City Planning Commission may notify the record owner or lessee of the real property involved 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.
- b. The Zoning Administrator or City Planning Commission shall set the matter for public hearing, giving notice in the manner specified in *Subsection C. (Notice)* of this *Section*.

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 *Chapter I. (General Provisions and Zoning), Article 9 (Fees)* for lots subject to Chapter I., or *Article 15. (Fees)* for lots subject to this Zoning Code (Chapter 1A), 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 Chapter I. (General Provisions and Zoning) Article 9 (Fees) for lots subject to Chapter I., or Article 15. (Fees) for lots subject to this Zoning Code (Chapter 1A) shall be required.

E. Standards for Review and Required Findings

The Zoning Administrator or City Planning Commission, or the Area Planning Commission (on appeal) or City Council (on appeal) 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, and make the required findings for any action taken.

F. Scope of Decision

1. After corrective modification or imposition of new conditions, the property involved is allowed continuance of operation subject to compliance with all conditions.
2. After revocation, the property involved 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. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

- a. If the initial decision maker is the Zoning Administrator, the Area Planning Commission is the appellate decision maker.
- b. If the City Planning Commission is the initial decision maker, the City Council is the appellate decision maker.
- c. 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.

3. Filing

- a. Any person aggrieved by the Zoning Administrator's decision may appeal the decision to the Area Planning Commission.
- b. Any person aggrieved by the City Planning Commission's decision may appeal the decision to the City Council.

4. Appellate Decision

- a. Before acting on any appeal, the appellate body shall set the matter for hearing, giving notice in the manner specified in *Subsection C. (Notice)* above.
- b. The appellate body shall act within 75 days after the expiration of the appeal period. Failure to timely act is deemed a denial of the appeal, and is not further appealable.
- c. 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 (2/3) vote of the whole Council.
- d. 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. 13B.2.3.G. (Class 3 Conditional Use Permit; Appeals)*.

H. Modification of Action

No modification is available.

SEC. 13B.6.2. NUISANCE ABATEMENT/REVOCATION

Purpose. It is the intent of this *Section* to consolidate a number of existing Code provisions relating to the administrative abatement of public nuisances, and revocations, rescissions, discontinuances or modifications of discretionary zoning approvals. In addition, this *Section* also sets forth procedures allowing the Zoning Administrator to modify or remove conditions imposed as a result of nuisance abatement proceedings; to enforce conditions imposed as part of any discretionary zoning approval; and to require that the cost of a proceeding instituted pursuant to this *Section* be paid by those responsible for the maintenance and operation of the subject use.

These provisions allow the City's zoning authorities to protect the public peace, health and safety from any land use which becomes a nuisance; adversely affects the health, peace or safety of persons residing or working in the surrounding area; or violates any land use related condition imposed pursuant to this Code or other provision of law, while protecting the constitutional rights of the parties involved.

A. Applicability

1. Zoning Administrator Authority

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;
- b. Constitutes a public nuisance;
- 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;
- d. Adversely impacts nearby uses;
- e. Violates any provision of this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code, or any other city, state, or federal regulation, ordinance, or statute;
- f. Violates any condition imposed by a prior Legislative or discretionary land use approval; or

Sec. 13B.6.2. Nuisance Abatement/Revocation

1 Initiation

ZONING ADMINISTRATOR

NOTICE

2 Review

ZONING ADMINISTRATOR HEARING

3 Decision

ZONING ADMINISTRATOR

MODIFY,
DISCONTINUE
OR RESCIND

APPEAL AVAILABLE

- g. Violates an approval initiated by application of a property owner or owner's representative related to the land use (including but not limited to a Parcel Map, Tentative Tract Map, or Coastal Development Permit).

2. Relationship to Other Code Provisions

The Zoning Administrator's authority in *Subdivision 1. (Zoning Administrator Authority)* above supersedes any provision of this Code to the contrary.

3. 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 City Council.
- c. Violation or failure to comply violates this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code and is subject to the same penalties as any other violation of this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code.
- 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 *Chapter I. (General Provisions and Zoning), Sec. 91.9003 (Abatement Procedures)*. The Department of Building and Safety shall institute enforcement as provided in *Chapter I. (General Provisions and Zoning), Sec. 91.9003.4. (Enforcement)*.

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

1. Notice of Public Hearing

- a. The following notice is required for the public hearing on the initial decision:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> • Operator; • Owner(s) and lessee(s) of the property involved; • Owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved; • Residential, commercial, and industrial occupants of the property involved, and all property within 500 feet of the exterior boundaries of the property involved; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none"> • Operator must post in a conspicuous place on the property involved

- b. If all property within the 500 foot radius is under the same ownership as the property involved in the proceeding, then the owners of all property that adjoins that ownership are included in the notification area.
- c. 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. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> • Operator; • Owner(s) and lessee(s) of the property involved; • Owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved; • Residential, commercial and industrial occupants of the property involved, and all property within 500 feet of the exterior boundaries of the property involved; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none"> • Operator must post in a conspicuous place on the property involved

- b. If all property within the 500 foot radius is under the same ownership as the property involved in the proceeding, then the owners of all property that adjoins that ownership are included in the notification area.
- c. 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. General Procedures

See Sec. 13A.2.5. (*Decisions*).

2. Decision Maker

The Zoning Administrator is the initial decision maker.

3. Filing

There is no filing, as this process can only be initiated by the Zoning Administrator.

4. Public Hearing and Decision

- a. The Zoning Administrator shall set the matter for public hearing, giving notice in the manner specified in *Subsection C. (Notice)* above. At this hearing the business operator, property, owner, or lessee(s) of the subject property shall be given an opportunity to show cause as to why the land use or discretionary zoning approval should not be modified, discontinued, or revoked.
- b. After the public hearing concludes, the Zoning Administrator may require the modification, discontinuance, or revocation of the land use or discretionary zoning approval.
- c. 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:
 - i. Protect the best interests of the surrounding property or neighborhood;
 - ii. Eliminate, lessen, or prevent any detrimental effect on the surrounding property or neighborhood; or
 - iii. Assure compliance with other applicable provisions of law or conditions of an earlier discretionary approval.
- b. Conditions imposed may include, but are not limited to:
 - i. The establishment of amortization schedules;
 - ii. The closure or removal of buildings or structures; or
 - iii. The establishment, maintenance, or operation of the subject use and related land uses, buildings, or structures.

c. Fee Condition

- i. Whenever the Zoning Administrator initiates an action pursuant to this *Section*, they shall impose a condition requiring payment of the fee (fee condition) set forth in *Chapter I. (General Provisions and Zoning), Article 9 (Fees)* for lots subject to Chapter I., or *Article 15. (Fees)* for lots subject to this Zoning Code (Chapter 1A) to cover the City's costs in processing the matter. A fee is not required if the Zoning Administrator finds that the operation of the land use does not create a nuisance or that the property owner, business operator or person in control, is in substantial compliance with the conditions of operation.
- ii. The fee condition shall further provide that if the decision is not appealed, then the fee shall be paid in full to the City with confirmation of the payment being provided to the Zoning Administrator within 30 days of the decision date. If an appeal is filed and the decision of the Zoning Administrator is upheld on appeal, then the fee shall be paid in full with confirmation made to the Zoning Administrator within 30 days of the effective date of the decision. If the Council reverses in total the decision of the Zoning Administrator, then no payment of fees other than the appeal fee specified in *Chapter I. (General Provisions and Zoning), Article 9 (Fees)* for lots subject to Chapter I., or *Article 15. (Fees)* for lots subject to this Zoning Code (Chapter 1A) shall be required.

d. Compliance Review

- i. 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 two years of the effective date, or the City may file an application on their behalf and a fee will be charged.
- ii. At the Zoning Administrator's discretion, the due date for the Compliance Review application can be set for 90 days, 180 days, one year, 18 months, or two years from the effective date of the Zoning Administrator's determination or the Council action on appeal.

6. Cost of Abatement

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 *Sec. 7.35.3. (Procedures to Confirm a Proposed Lien for Nuisance Abatement Costs and Code Enforcement Costs)* of the LAAC.

E. Standards for Review and Required Findings

In requiring the discontinuance or revocation of a land use or discretionary zoning approval, the Zoning Administrator or City Council (on appeal) shall find that:

1. The determination does not impair the constitutional rights of any person;
2. 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
3. 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 violates this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code and is subject to the same penalties as any other violation of this Chapter or *Chapter I. (General Provisions and Zoning)* 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 *Chapter I. (General Provisions and Zoning)*, *Sec. 91.9003 (Abatement Procedures)*. The Department of Building and Safety shall institute enforcement as provided in *Chapter I. (General Provisions and Zoning)*, *Sec. 91.9003.4. (Enforcement)*. The Zoning Administrator shall cause the determination or revocation to be recorded.

G. Appeals

1. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

2. Decision Maker

The City Council is the appellate decision maker.

3. Filing

Any person aggrieved by the Zoning Administrator's decision may appeal the decision to the City Council.

4. Decision

- a. Before acting on any appeal, the City Council shall set the matter for hearing, giving notice in the manner specified in *Subsection C. (Notice)* above.
- 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 vote of the whole City Council.
- d. 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 or *Chapter I. (General Provisions and Zoning)*, 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 add, modify, or eliminate the conditions of a prior decision.
3. An application may be considered if:
 - a. A time period of at least one year has passed from the effective 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 makes the following findings:
 - 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 City Council in the same manner as prescribed in *Subsection G. (Appeals)* 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 consideration may be filed in accordance with this *Subsection*. If the application is denied with prejudice, a subsequent application for consideration shall not be filed within one year from the date the application was considered, 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 it was last considered.

I. Revocations of Residential Uses

1. Applicability

This *Subsection* applies to all single-family and multi-family residential uses, including residential hotels as defined in *Chapter I. (General Provisions and Zoning), Sec. 47.73 T. (Definitions)*. This *Subsection* does not apply to hotels or motels that are not residential hotels. Nothing in this *Section* or *Chapter I. (General Provisions and Zoning), Sec. 91.9001 et seq. (General)* 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.

2. Process

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

- a. 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, Los Angeles Housing Department, a Zoning Administrator, the City Planning Commission, or any other governmental agency); and

- b. 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.

3. 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:

- a. The Los Angeles Housing 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 *Chapter I. (General Provisions and Zoning), Sec. 151.09 G. (Evictions)*.
- b. If the owner fails to pay relocation benefits to an eligible tenant as required by this Subsection:
 - i. The Los Angeles Housing Department may advance relocation benefits to the tenant in the amount set forth in *Chapter I. (General Provisions and Zoning), Sec. 151.09 G. (Evictions)*; and
 - ii. The owner is liable to the City for any relocation payments advanced, and the Los Angeles Housing Department may obtain a lien upon the property pursuant to *Sec. 7.35.3 (Procedures to Confirm a Proposed Lien for Nuisance Abatement Costs and Code Enforcement Costs)* of the LAAC to recover the amount advanced and associated costs.
- c. 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 *Chapter I. (General Provisions and Zoning), Sec. 91.9003 (Abatement Procedures)*. The Zoning Administrator shall determine whether a tenant has caused or substantially contributed to the condition giving rise to the order to vacate.
- d. The Housing 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 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.
- e. 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 *Chapter I. (General Provisions and Zoning), Sec. 151.06. (Automatic Adjustments)*.

- f. The Zoning Administrator's determination or the City Council's action shall include the provisions of this *Subsection* and shall be recorded as a covenant with the Los Angeles County Recorder.

SEC. 13B.6.3. BUILDING PERMIT REVOCATION

A. Applicability

This *Section (Building Permit Revocation)* applies where this Code expressly authorizes building permit revocation, including when a use or structure with a valid Certificate of Occupancy and/or a valid permit that violates any applicable LAMC standards for an outdoor dining area, including but not limited to *Sec. 4C.4.1.E.12. (Outdoor Dining Area Parking Exception)*, *Sec. 5C.2.4.B (Eating & Drinking)*, *Sec. 5C.1.10. (Amplified Sound Restrictions)*, *Sec. 5C.3.3.G.6. (Outdoor Dining Area Administrative Alcohol Authorization)*, or *Chapter XI. (Noise Regulation)* of this Code.

B. Initiation

1. Revocation Proceedings Resulting from Citations and Other Enforcement Mechanisms

- a. Regardless of any previous corrective actions or payments of fines and fees, any combination of four or more Notice to Appear Citations, Orders to Comply, Notices of Violation, or Administrative Citations issued by Los Angeles Police Department, Department of Building and Safety or other City departments for any violation under the provisions noted above in *Subsection A. (Applicability)* may result in revocation proceedings for any issued Certificate of Occupancy or permits, or both.
- b. The revocation proceedings shall commence by issuance of a Notice of Intent to Revoke ("Notice"), which shall be sent to the owner of the property and the restaurant operator of the outdoor dining area. The Notice shall state the following:
 - i. 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.
 - ii. A list of all violations under the LAMC provisions noted above in *Subsection A. (Applicability)* for which a Notice to Appear Citation, Order to Comply, Notice of Violation, or Administrative Citation was issued by Los Angeles Police Department, Department of Building and Safety, or other City department.
 - iii. Copies of all Notice to Appear Citations, Order to Comply, Notices of Violation, and Administrative Citations related to these violations, unless the copies were previously furnished to the owner or operator.
 - iv. The owner or operator is entitled to be represented by legal counsel at any revocation hearing.

C. Notice of Public Hearing

The following notice is required for the public hearing held by the Board of Building and Safety Commissioners.

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	5 days	<ul style="list-style-type: none"> • Operator; • Owner(s) and lessee(s) of the property involved; • Complainant; • All interested parties

D. Decision

1. General Procedures

- a. See *Sec. 13A.2.5. (Decisions)*.
- b. See *Chapter IX. (Building Regulations), Sec. 98.0601. (Purpose)* of this Code.

2. Decision Maker

The Board of Building and Safety Commissioners is the initial decision maker.

3. Filing

There is no filing as this process can only be initiated by the Department of Building and Safety.

4. Public Hearing & Decision

- a. On the date specified in the Notice, a revocation hearing shall be held before the Board of Building and Safety Commissioners. The Board of Building and Safety Commissioners shall determine whether the Certificate of Occupancy or permit, or both, shall be revoked. Revocation shall be ordered by the Board of Building and Safety Commissioners for multiple violations of the applicable LAMC regulations, four or more Notice to Appear Citations, Orders to Comply, Notice of Violation, or Administrative Citations issued to the property owner of record or restaurant operator by the Los Angeles Police Department, the Department of Building and Safety, or any other City department.
- b. In making its determination, the Board of Building and Safety Commissioners may hear from the owner, restaurant operator, or other interested party.
- c. The determination of the Board of Building and Safety Commissioners is final.

5. Reversion of Uses

- a. Upon the Board of Building and Safety Commissioners' determination to revoke any Certificate of Occupancy or permits issued to authorize an outdoor dining area, the Board of Building and Safety Commissioners may order the owner or restaurant operator to obtain all necessary permits to remove all improvements in the outdoor dining area.

- b. The Board of Building and Safety Commissioners may order the restaurant operator to obtain all necessary permits to restore the use and condition that existed prior to the development of the outdoor dining area or convert the outdoor dining area to a conforming use.

E. Scope of Decision

1. Permit Suspension Period

- a. The Board of Building and Safety Commissioners may determine that no new Certificate of Occupancy or permits authorizing an outdoor dining area shall be issued for a period of up to 12 consecutive months, as counted from the date the revocation determination is made by the Board of Building and Safety Commissioners.
- b. Each violation of the Code and each day of operation without a Certificate of Occupancy or a building permit is a misdemeanor.

F. Appeals

There is no appeal.

DIV. 13B.7. **DIVISION OF LAND**

SEC. 13B.7.1. **GENERAL PROVISIONS**

A. **Purpose**

1. The purpose of this *Division (Division of Land)* 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 tract 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 *Div. 13B.7. (Division of Land)*, in a manner that is consistent with the applicable General Plan and Specific Plans as well as state law and the public health, safety and welfare.
3. It is also the intention of this *Division (Division of Land)* 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 *Chapter IX. (Building Regulations), Article 1. (Buildings [Building 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.
4. Time limits expressed in this *Division (Division of Land)* shall be consistent with the state Subdivision Map Act where applicable and as the Subdivision Map Act may amended from time to time.

B. **Applicability**

1. For lots subject to *Chapter I. (General Provisions and Zoning)* the processes in this *Division (Division of Land)* are established by the regulations in *Chapter I. (General Provisions and Zoning), Article 7. (Division of Land Regulations)* of this Code. For lots subject to this Chapter the processes in this *Division (Division of Land)* are established by the regulations in *Article 11. (Division of Land)*.

2. **Interpretation**

This *Division, Article 11. (Division of Land)* of this Zoning Code (Chapter 1A), and *Chapter I. (General Provisions and Zoning), Article 7 (Division of Land Regulations)* 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.

3. Subdivision Violation

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

C. Advisory Agency

1. Establishment

The Director acts in the capacity of the Advisory Agency for the City pursuant to *Subdivision Map Act, Sec. 66415 (Definitions)* and the *City Charter, Sec. 553 (Director of Planning)*.

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.

2. Authorities and Duties

- a. The Advisory Agency is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions, of requiring 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, and is hereby authorized to approve, conditionally approve, or disapprove tentative tract maps of proposed subdivisions, private streets and such maps as are provided for herein, to prescribe the design, kinds, nature and extent of improvements required to be installed in connection therewith and to report directly to the subdivider the action taken on the tentative tract map.
- b. 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.

D. Subdivision Committee

1. Establishment

There is hereby created a Subdivision Committee.

2. Composition

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

- i. The City Engineer;
 - ii. The Superintendent of Building;
 - iii. The Chief Engineer of the Department of Fire;
 - iv. The Chief Engineer and General Manager of the Department of Water and Power;
 - v. The General Manager of the Department of General Services;
 - vi. The General Manager of the Department of Recreation and Parks;
 - vii. The General Manager of the Department of Transportation; and
 - viii. The Director of the Bureau of Street Lighting of the Department of Public Works.
- b. For purposes of reviewing and submitting recommendations to the Advisory Agency on mobile home park closure impact reports pursuant to *Chapter IV. (Public Welfare), Sec. 47.09 (Mobile home Park Closure Report)* of this Code only, the Subdivision Committee shall also include a representative of the Rent Stabilization Division of the Los Angeles Housing Department, in addition to the above listed representatives.

3. Authorities and Duties

- a. It shall be the duty of the Subdivision Committee to meet with the Advisory Agency and make recommendations upon all tentative tract maps, private street maps, and other matters that are presented to it by the Advisory Agency. The Committee shall hold regular meetings for this purpose. All such meetings shall be open to the public and any persons having an interest in pending maps may be heard.
- b. 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 *Chapter I. (General Provisions and Zoning), Section 17.12 (Park and Recreation Site Acquisition and Development Provisions)* for lots subject to Chapter I., or *Article 11.1.3.N. (Park and Recreation Sites)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter. To the extent possible, the report shall also specify when the development of the park or recreational facilities will be commenced.

SEC. 13B.7.2. PARCEL MAP EXEMPTION/LOT LINE ADJUSTMENT

Reference: *California Government Code, Sec. 66412.*

Sec. 13B.7.2. Parcel Map
Exemption/Lot Line Adjustment

A. Applicability

This *Section* establishes a process to exempt parcel map regulations in two situations:

1. Land divisions that are exempt from parcel map review by state law; and
2. Lot Line Adjustments.

B. Initiation

An application for a Parcel Map Exemption/Lot Line Adjustment is filed with the Department.

C. Notice

1. Notice of Public Hearing

There is no public hearing required for the initial decision on a Parcel Map Exemption/ Lot Line Adjustment, and therefore no notice of a public hearing is required.

D. Decision

1. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Decision Maker

- a. The Advisory Agency shall review the application and approve or deny or Lot Line Adjustment.
- b. 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

A Lot Line Adjustment is exempt from the parcel map regulations if the Advisory Agency or the Appeal Board determines that all the following conditions exist:

1. A Lot Line Adjustment is made between four or fewer existing adjoining lots or parcels and the land taken from one lot or parcel is added to an adjoining lot or parcel;
2. The resulting number of lots or parcels remains the same or decreases; and

① Initiation



② Submittal



③ Decision



3. The parcels or lots resulting from the Lot Line Adjustment will conform to the local General Plan, any applicable coastal, specific, and community plans, 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**

1. **General Procedures**

See *Sec. 13A.2.8. (Appeals)*.

2. **Subdivision Appeal**

The action of the Advisory Agency may be appealed in accordance with *Sec. 13B.7.8. (Subdivision Appeal)*.

H. **Modification of Entitlement**

No modification is available.

SEC. 13B.7.3. TENTATIVE TRACT MAP

Sec. 13B.7.3. Tentative Tract Map

A. Applicability

This *Section* applies to tentative tract maps. A “tentative tract map” is a map made to show 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.

B. Initiation

An application for a tentative tract map, including all required materials, is filed with the Department.

C. Notice

1. Notice of Public Hearing

- a. The following notice is required for the public hearing on the initial decision by the Advisory Agency:



Type of Notice	When	Where / To Whom / Additional Requirements
Publication	10 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	10 days	<ul style="list-style-type: none">• Owners of all property located within 500 feet of the proposed subdivision;• All residential, commercial, and industrial occupants of all property located within 500 feet of the proposed subdivision; and• The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none">• The applicant will post notice in a conspicuous place on the property

2. Notice of Public Hearing — 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 of the public hearing shall also be given to tenants as provided in this *Subdivision*.

- b. The following notice is required for the public hearing on the initial decision by the Advisory Agency:

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

- c. In addition to the notice provisions for the public hearing, additional notice requirements may apply pursuant to: *Chapter I. (General Provisions and Zoning), Sec. 12.95.2 (Conversion Projects: Residential)* and *Sec. 12.95.3 (Conversion Projects: Commercial/ Industrial)*; or *Div. 11.5. (Condominiums, Community Apartments, & Stock Cooperatives)* of this Zoning Code (Chapter 1A), as applicable.

d. Notice of Subdivision Approval

- i. 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.
- ii. 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.
- iii. This *Subdivision* may be enforced through a tentative tract map condition or a covenant running with the land.

3. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal by the Appeal Board or City Council:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	As required by state law	<ul style="list-style-type: none"> <u>Subdivider</u>; <u>Appellant</u>; <u>Advisory Agency</u>; <u>Appeal Board</u> (only on appeal to the City Council); and The Certified Neighborhood Council representing the area in which the property is located

D. Decision

1. General Procedures

See Sec. 13A.2.5. (*Decisions*).

2. Decision Maker

The Advisory Agency is the initial decision maker.

3. Recommendation of Subdivision Committee

- a. Upon receipt of a complete application, the Department shall forthwith furnish a copy of the certified list of names and addresses and a copy of the area map to the Bureau of Engineering and copies of the tentative tract map to each member of the Subdivision Committee and to any other departments or public agencies which the Advisory Agency had determined may have an interest in the proposed subdivision.
- b. The Subdivision Committee shall examine the map and property, and submit their reports and recommendations to the Advisory Agency, as follows:
 - i. The reports must be submitted in writing.
 - ii. The reports shall be made within 39 calendar days after the map is filed. The Advisory Agency may extend this time period.
- c. The Subdivision Committee shall submit copies of their reports to the subdivider when they are submitted to the Advisory Agency. 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 tract map.

4. Action of Advisory Agency

- a. The Advisory Agency shall not act upon any tentative tract map until 39 days' time has elapsed from the filing of the map, unless reports have been received from each member of the Subdivision Committee. Where said reports have been mailed to the subdivider within the 39-day period, the Advisory Agency shall not act until five days' time has elapsed from the date of mailing of a copy of all such reports to the subdivider. Every Tentative Tract Map shall be considered by the Advisory Agency at a public meeting.
- b. The Advisory Agency shall conduct a public hearing, giving notice in the manner specified in *Subsection C. (Notice)* of this *Section*, and approve, conditionally approve, or disapprove the tentative tract map within 50 calendar days after the map is filed with the City.
- c. 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 tract 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.

5. 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 Tentative Tract Map conditions consistent with the final decision maker's action.

E. Standards for Review and Required Findings

In approving a Tentative Tract Map, the Advisory Agency shall find that:

1. The proposed map will be/is consistent with applicable General and Specific Plans;
2. The design and improvement of the proposed subdivision are consistent with applicable General and Specific Plans;
3. The site is physically suitable for the proposed type of development;
4. The site is physically suitable for the proposed density of development;
5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
6. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems;
7. The design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision; and
8. The design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

F. Scope of Decision

1. General

See *Sec. 13A.2.7. (Scope of Decision)*.

2. Time Limit for Final Map Filing

- a. Within 36 months after the approval or conditional approval of the Tentative Tract 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 Clerk within the specified time limit shall automatically terminate and void the proceedings unless the time is extended by the Advisory Agency or the Appeal Board, upon appeal from a denial of the extension by the Advisory Agency.
- b. 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.

c. Exception

The term of a tentative tract map approval shall be automatically extended pursuant to the provisions of California Government Code, Sec. 66452.21, Sec. 66452.22, and Sec. 66452.23.

3. Disapproval and Subsequent Approval

When the Advisory Agency has disapproved a tentative tract map of a proposed subdivision, it may subsequently approve a new tentative tract 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 *Subdivision 2. (Time Limit for Final Map Filing)* above.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (*Appeals*).

2. Decision Maker

The Appeal Board and the City Council are the appellate decision makers.

3. Appeal Board

a. Filing

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 10 days of the date of mailing of the written decision of the Advisory Agency and shall be accompanied by the fee required in Chapter I. (*General Provisions and Zoning*), Article 9 (*Fees*) for lots subject to Chapter I., or Article 15. (*Fees*) of this Zoning Code (Chapter 1A) for lots subject to this Chapter. 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 tract map or the kind, nature or extent of the improvement required to the Appeal Board.

c. Hearing and Notice

- i. The Appeal Board, upon notice to the subdivider, the appellant, the Advisory Agency, and any other parties required to be noticed by *Subsection C.3. (Notice; Notice of Public Hearing on Appeal)* above, shall hear the appeal within 30 days after it is filed, unless the time to act is extended by mutual agreement.
- ii. 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.

d. Decision

- i. 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.
- ii. 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 Section and the Subdivision Map Act.
- iii. 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.

4. City Council

a. 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.

b. Filing

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 *Chapter I. (General Provisions and Zoning), Article 9 (Fees)* for lots subject to Chapter I., or *Article 15. (Fees)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter. 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.

c. Hearing and Notice

- i. The City Council shall hear the appeal within 30 days after it is filed, unless the time to act is extended by mutual agreement. The Council shall give notice of the hearing to the subdivider, the appellant, the Appeal Board, the Advisory Agency, and any other parties required to be noticed by *Subsection C.3 (Notice; Notice of Public Hearing on Appeal)* above.
- ii. 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.

d. Decision

- i. 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.
- ii. 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 *Section* and the Subdivision Map Act.
- iii. 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 *California Government Code, Sec. 66452.5*.

H. Modification of Entitlement

1. The Advisory Agency may grant modifications to any of the provisions of *Chapter I. (General Provisions and Zoning), Article 7 (Division of Land Regulations), or Article 11 (Division of Land)* of this Zoning Code (Chapter 1A) 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 *Chapter I. (General Provisions and Zoning), Article 1. (General Provisions)* that it is impractical to conform to the strict application of the requirements of *Chapter I. (General Provisions and Zoning), Article 7 (Division of Land Regulations)* to lots subject to this Chapter, or *Article 11 (Division of Land)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter.

2. Such modification may be made by the Advisory Agency prior to its action on the tentative tract map without specific or written application therefore by the subdivider.
3. After the tentative tract 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 *Chapter I. (General Provisions and Zoning), Article 7 (Division of Land Regulations)* for lots subject to Chapter I., or *Article 11 (Division of Land)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter, and the Subdivision Map Act.
4. The actions of the Advisory Agency on a request for a modification after approval of the tentative tract 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 tract maps. However, in no event shall such appeals be construed as extending the time limit within which to record a Final Map.

5. **Modification of Conditions**

The Advisory Agency is authorized to approve or disapprove requests by a subdivider for minor modifications in the Conditions of Approval for a tentative tract map, but such action shall not extend the time for filing of a final map with the City Engineer. Such decisions shall be made in accordance with the provisions of this *Section* and shall be subject to the same appeal as is provided for appeals from the decisions of the Advisory Agency on tentative tract maps.

I. **Vesting Tentative Map**

1. **Applicability**

Whenever the Subdivision Map Act requires a tentative tract map to be filed, the applicant may choose to file a vesting tentative tract map instead. The City shall not require the filing of a vesting tentative tract 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 tract 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 *Section* for a tentative tract map except as hereinafter provided. At the time a vesting tentative tract 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 tract map.
- b. At the time a vesting tentative tract map is filed, a subdivider shall provide all information required in connection with the filing of a tentative tract map by this Code, including the information required by *Chapter I. (General Provisions and Zoning), Sec. 17.06 B. and C. (Tentative Map and Appeals)*.
- 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 *Chapter I. (General Provisions and Zoning), Sec. 17.05 L. (Design Standards; Grading Plans)* for lots subject to Chapter I., or *Section 11.1.3.J. (Subdivision Design Standards; Grading Plans)* for lots subject to this Zoning Code (Chapter 1A), and may not waive the requirement to file preliminary soils report pursuant to *Chapter I. (General Provisions and Zoning), Sec. 17.05 U. (Design Standards; Preliminary Soils Report)* for lots subject to Chapter I., or *Sec. 11.1.3.Q. (Subdivision Design Standards; Preliminary Soils Report)* for lots subject to this Zoning Code (Chapter 1A).
- d. 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 tract map expires at the end of the same time period, and is subject to the same extensions established by *Subsection F. (Scope of Decision)* of this *Section* for the expiration and extension of the approval or conditional approval of a tentative tract map.

4. Development Rights

- a. The approval or conditional approval of a vesting tentative tract map shall confer:

- i. 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
 - ii. 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 (*Chapter V.* and *Chapter IX.* of this Code) and policies and related standards.
- c. A permit, approval, extension, or entitlement of a vesting tentative tract map may be conditioned or denied if the Advisory Agency, or the Appeal Board or the City Council on appeal, determines:
 - i. 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
 - ii. 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 tract map as provided in *Subdivision 3. (Expiration)* above. If the final map is recorded, the rights conferred by this *Section* are effective for the following time period:
 - i. An initial time period of two 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 tract map, this initial time period begins for each phase when the final map for the phase is recorded. Note: See *California Government Code, Sec. 66498.5*.
 - ii. The initial time period set forth in *Subparagraph i.* 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.
 - iii. 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 i.* above. Denial of the time extension may be appealed to the City Council within 15 days by the subdivider.
 - iv. If the subdivider submits a complete application for a building permit during the periods of time specified in *Subparagraphs i. - iii.* above, the rights conferred by this *Section* continue until that permit expires.

- e. Consistent with *Paragraph a.* and *Paragraph b.* above, an approved or conditionally approved vesting tentative tract 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 *Paragraph a.* and *Paragraph b.* above.
- f. If the ordinances, policies, or standards described in *Paragraph a.* and *Paragraph b.* above are changed subsequent to the approval or conditional approval of a vesting tentative tract map:
 - i. The subdivider, or his or her assignee, at any time prior to the expiration of the vesting tentative tract map, may apply for an amendment to the vesting tentative tract map to secure a vested right to proceed with the changed ordinances, policies, or standards.
 - ii. An application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought. In addition, such application shall conform to the provisions relating to modifications of tentative tract maps set forth in *Subsection H. (Modification of Entitlement)* above.

5. Development inconsistent With Zoning – Conditional Approval

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

SEC. 13B.7.4. FINAL TRACT MAP

Sec. 13B.7.4. Final Tract Map

A. Applicability

This *Section* applies to the approval of a final map after a tentative tract map is approved.

B. Initiation

1. A final map is filed with the City Engineer in compliance with the provisions of *Chapter I. (General Provisions and Zoning), Article 7 (Division of Land Regulations)* for lots subject to Chapter I., or *Article 11 (Division of Land)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter. Final maps shall conform substantially to the approved tentative tract map.
2. When a final map covers only a portion of the property shown on the tentative tract map, it shall be submitted to the Advisory Agency for its approval prior to submission to the City Engineer.

C. Notice

1. Notice of Public Hearing

There is no public hearing required for a final map, and therefore no notice of a public hearing is required.

D. Decision

1. Decision Maker

The City Council is the decision maker.

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 tract 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 *Chapter IX. (Building Regulations), Article 1. (Buildings [Building Code])* of this Code, and that the applicant has entered into an agreement to provide the necessary grading.

1 Initiation



2 Submittal



3 Review



4 Decision



3. 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 *California Government Code, Sec. 66458*.

E. Standards for Review and Required Findings

1. The final map shall be accepted by the City Council provided:
 - a. The necessary improvements as set forth in the approval of the tentative tract map have been installed and approved by the City, or provided the subdivider submits satisfactory improvement plans together with the necessary guarantee that the improvements will be installed.
 - b. The required map checking fees have been paid by the subdivider.
 - c. All checking has been completed by the various departments and public agencies.
 - d. Taxes, liens and special assessments have been paid, or such payment guaranteed.

2. Park and Recreation Site Acquisition and Development Provisions

No final subdivision 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 *Chapter I. (General Provisions and Zoning), Sec. 12.33 (Park Fees and Land Dedication)* for lots subject to Chapter I., or *Div. 10.4. (Parks Fees & Dedications)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter.

F. Scope of Decision

1. The Advisory Agency may refuse to approve the recording of any such map that does not by itself provide adequate or satisfactory access, design, or improvements.
2. The City Engineer may refuse to approve the recording of a final map covering only a portion of a tentative tract map, when in the process of checking the final map, he determines that it will not be feasible from an engineering standpoint to construct satisfactory improvements in the reduced area, unless additional street or easement dedications and improvements beyond the boundaries of the final map are provided.
3. No final map shall be recorded until the required improvements are installed or suitably guaranteed to be installed.

G. Appeals

There is no appeal.

H. Modification of Recorded Final Tract Map

1. In addition to amendments to final maps authorized by *California Government Code, Sec. 66469 (Correction and Amendment of Maps)*, after a final map is filed with the Los Angeles 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 *California Government Code, Sec. 66469 (Correction and Amendment of Maps)*.
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. 13B.7.3. (Tentative Tract Map)* relating to the filing and processing of modifications of tentative tract 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 *California Government Code, Sec. 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 *California Government Code, Sec. 66474* and this Code; and
 - 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. Modifications involving increases in density over that originally approved by the Advisory Agency in approving the tentative tract 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 lots or dwelling units, any increase shall be limited to not more than 10 percent of that originally approved.
 - c. 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;
 - ii. An increase in the elevation of building pads of not more than five feet above the approved elevation of such pads; or
 - 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.
 - d. 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 Los Angeles County Recorder in the manner specified in *California Government Code, Sec. 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. 13B.7.5. PRELIMINARY PARCEL MAP

A. Applicability

1. This *Section* applies to parcel maps. No land shall be separated in ownership or otherwise divided into two, three, or four parcels or condominiums, and no such divided parcel or condominium shall be separately maintained unless the division conforms to that shown on a parcel map which has been approved by the Advisory Agency and recorded with the Los Angeles County Recorder.
2. This *Section* does not apply to divisions of land that are exempt from the Subdivision Map Act. Reference: See *California Government Code, Sec. 66412*.

3. 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 (*California Government Code, Sec. 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 *Sec. 13B.7.8. (Subdivision Appeal)*. 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 *Subdivision 3.a. (Waiver)* above.

B. Initiation

An application for a preliminary parcel map, including all required materials, is filed with the Department.

Sec. 13B.7.5. Preliminary Parcel Map

1 Initiation

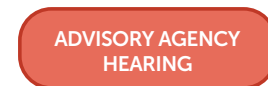


2 Submittal



NOTICE

3 Review



4 Decision



APPROVE
OR
DENY

APPEAL AVAILABLE

C. Notice

1. Notice of Public Hearing

- a. The following notice is required for the public hearing on the initial decision by the Advisory Agency:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	10 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	10 days	<ul style="list-style-type: none"> Owners of all property located within 500 feet of the proposed <u>subdivision</u>; All residential, commercial, and industrial occupants of all property located within 500 feet of the proposed <u>subdivision</u>; and The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property

2. Notice of Public Hearing — 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 of the public hearing shall also be given to tenants as provided in this *Subdivision*.
- b. The following notice is required for the public hearing on the initial decision by the Advisory Agency:

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

- c. In addition to the notice provisions for the public hearing, additional notice requirements may apply pursuant to: *Chapter I. (General Provisions and Zoning), Sec. 12.95.2 (Conversion Projects: Residential)* and *Sec. 12.95.3 (Conversion Projects: Commercial/Industrial)* of this Code; or *Div. 11.5. (Condominiums, Community Apartments, & Stock Cooperatives)* of this Chapter, as applicable.

d. Notice of Subdivision Approval

- i. 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.

- ii. 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.
- iii. This *Subdivision* may be enforced through a preliminary parcel map condition or a covenant running with the land.

3. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal by the Appeal Board:

Type of 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); and • The Certified Neighborhood Council representing the area in which the property is located

D. Decision

1. General Procedures

See Sec. 13A.2.5. (*Decisions*).

2. Decision Maker

The Advisory Agency is the initial decision maker.

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, giving notice in the manner specified in *Subsection C. (Notice)* above.
- b. The Advisory Agency may waive the public hearing required in this *Section* 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.

4. Recommendation of Other Agencies

- 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 for lots subject to Chapter I. and as specified in *Chapter I. (General Provisions*

- and Zoning), Sec. 17.51 C. (Additional Reports), they shall make their reports within 35 days after the subject geologic and soils report is received. Sec. 11.4.4. (Preliminary Parcel Map Review Considerations) of this Zoning Code (Chapter 1A) applies to lots subject to this Chapter.
- c. The Advisory Agency shall not take final action on any Preliminary Parcel Map until:
 - i. 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 Grading Area; or
 - ii. 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 seven 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.

5. Action of 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.
- b. If geology and soils reports are required as specified in *Chapter I. (General Provisions and Zoning), Sec. 17.51 C. (Filing of Preliminary Parcel Maps; Additional Reports)* on lots subject to Chapter I., 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. Sec. 11.4.4. (Preliminary Parcel Map Review Considerations) of this Zoning Code (Chapter 1A) applies to lots subject to this Chapter.
- c. If the Advisory Agency refers a matter back to an agency as provided for in *Subdivision 6.c. (Modification of Requirements)* below, the time limits for action by the Advisory Agency are automatically extended for seven days.
- d. **Dedication**
 - i. When the Advisory Agency determines that the proposed Parcel Map complies with all the provisions of the parcel map regulations of *Chapter I. (General Provisions and Zoning), Article 7 (Division of Land Regulations)* for lots subject to Chapter I., or *Article 11 (Division of Land)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter, and no dedication or improvement is required, it shall approve the map.

- ii. When a dedication or improvement is required, the Advisory Agency may approve the proposed Parcel Map subject to the conditions for dedications as described in Chapter I. (General Provisions and Zoning), Sec. 17.53 C. (Approval of Preliminary Parcel Map Standards of Review; Conditions of Approval) for lots subject to Chapter I., or Sec. 11.4.4. (Preliminary Parcel Map Review Considerations) of this Zoning Code (Chapter 1A) for lots subject to this Chapter, being complied with to the satisfaction of the City Engineer.

e. **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.

6. **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 Chapter I. (General Provisions and Zoning), Sec. 17.05 (Design Standards) for lots subject to Chapter I., or Sec. 11.1.3. (Subdivision Design Standards) of this Zoning Code (Chapter 1A) for lots subject to this Chapter, 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 Subdivision 5. (Action of Advisory Agency) above. The modification or waiver shall be consistent with the intent of these parcel map regulations.

7. **Condition Consistency**

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.

8. Transmittal

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.

E. Standards for Review and Required Findings

In approving a Preliminary Parcel Map, the Advisory Agency shall find that:

1. The proposed map will be/is consistent with applicable General and Specific Plans;
2. The design and improvement of the proposed subdivision are consistent with applicable General and Specific Plans;
3. The site is physically suitable for the proposed type of development;
4. The site is physically suitable for the proposed density of development;
5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
6. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems;
7. The design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision; and
8. The design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

F. Scope of Decision

1. General

- a. See *Sec. 13A.2.7 (Scope of Decision)*.
- b. 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 two to four parcels in violation of the provisions of this *Section*, unless a parcel map is recorded with the Los Angeles County Recorder. All conditions of approval shall be completed prior to recording the Parcel Map.
- c. Neither the approval or conditional approval of any parcel map shall constitute or waive compliance with any other applicable provision of this Code, nor shall any such approval authorize or be deemed to authorize a violation or failure to comply with other applicable provisions of this Code.

2. Time Limit for Final Map Filing

- a. Within 36 months after the approval or conditional approval of the Preliminary Parcel 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 Clerk within the specified time limit shall automatically terminate and void the proceedings unless the time is extended by the Advisory Agency or the Appeal Board, upon appeal from a denial of the extension by the Advisory Agency.
- b. The time limit for the 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.

c. Exception

The term of a Preliminary Parcel Map approval shall be automatically extended pursuant to the provisions of California Government Code, Sec. 66452.21, 66452.22, and 66452.23.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Subdivision Appeal

The action of the Advisory Agency may be appealed in accordance with Sec. 13B.7.8. (Subdivision Appeal).

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 Chapter I. (General Provisions and Zoning), Article 1. (General Provisions) for lots subject to Chapter I., or the application of this Zoning Code (Chapter 1A) for lots subject to this Chapter.

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. 13B.7.8. (Subdivision Appeal)*.
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 Los Angeles County Recorder.

I. **Vesting Parcel Map**

A vesting preliminary parcel map may be filed pursuant to the provisions of *Sec. 13B.7.3.I. (Tentative Tract Map; Vesting Tentative Map)*.

SEC. 13B.7.6. FINAL PARCEL MAP

A. Applicability

This *Section* applies to the approval of a final map after a preliminary parcel map is approved.

B. Initiation

A final map shall be prepared and filed with the City Engineer in compliance with the provisions of *Chapter I. (General Provisions and Zoning)*, *Article 7 (Division of Land Regulations)* for lots subject to Chapter I., or *Article 11 (Division of Land)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter. Said map shall conform substantially to the approved preliminary parcel map, or the approved tentative map, which was filed pursuant to the requirements contained in *Chapter I. (General Provisions and Zoning)*, *Sec. 17.50 (Parcel Maps - General Provisions)* for lots subject to Chapter I., or *Div. 11.4 (Parcel Maps)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter.

C. Notice

1. Notice of Public Hearing

There is no public hearing required for a final map, and therefore no notice of a public hearing is required.

D. Decision

1. Decision Maker

The City Council is the decision maker.

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 map in accordance with *California Government Code, Sec. 66458 (Final Maps)*.

E. Standards for Review and Required Findings

1. The final map shall be accepted by the City Council provided that:

Sec. 13B.7.6. Final Parcel Map

1 Initiation



2 Submittal



3 Review



4 Decision



- a. The necessary improvements and grading or retaining structure construction, as set forth in the approval of the preliminary parcel map, have been installed and approved by the City, or provided the subdivider executes an Improvement Agreement and submits or agrees to submit:
 - i. Improvement plans;
 - 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 *Chapter I. (General Provisions and Zoning), Sec. 17.08 G. (Improvements)* for lots subject to Chapter I., or *Sec. 11.3.3. (Subdivision Improvements)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter.
- b. All approvals have been obtained from City departments and other public agencies; and
- c. Any special assessment or bond required to be paid or guaranteed pursuant to *Subdivision Map Act, Sec. 66493(c)* has been paid in full, or such payment has been guaranteed.

2. Park and Recreation Site Acquisition and Development Provisions

No final subdivision map shall be approved, nor shall it be recorded, unless land within the subdivision has been dedicated to the City for park or recreational purposes or the park and recreation impact fee has been paid pursuant to *Chapter I. (General Provisions and Zoning) Sec. 12.33 (Park Fees and Land Dedication)* for lots subject to Chapter I., or *Div. 10.4 (Parks Fees and Dedications)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter.

F. Scope of Decision

Each approved parcel map recorded with the Los Angeles 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."

G. Appeals

There is no appeal.

H. Modification of Recorded Final Parcel Map

1. In addition to amendments to parcel maps authorized by *California Government Code, Sec. 66469 (Correction and Amendment of Maps)*, after a parcel map is filed with the Los Angeles 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 *California Government Code, Sec. 66469 (Correction and Amendment of Maps)*.

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. 13B.7.5. (Preliminary Parcel Maps)* 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. 13B.7.3. (Tentative Tract Maps)*. The decision of the *Advisory Agency* may be appealed in accordance with the applicable provisions of *Sec. 13B.7.8 (Subdivision Appeal)* 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 *California Government Code, Sec. 66474* and of this Code; and
 - 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. Modifications involving increases in density shall not exceed the following:
 - 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.

- c. 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;
 - ii. An increase in the elevation of building pads of not more than five feet above the approved elevation of such pads; or
 - 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.
 - d. 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 Los Angeles County Recorder in the manner specified in *California Government Code, Sec. 66472 (Correction and Amendment of Maps)*. 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. 13B.7.7. 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.* above, a Private Street Map must be approved before 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

An application for a Private Street Map is filed with the Department.

C. Notice

The Director shall give notice consistent with the provisions of Sec. 13B.7.3.C. (*Tentative Tract Map; Notice*).

D. Decision

1. General Procedures

See Sec. 13A.2.5. (*Decisions*).

2. Decision Maker

- a. The Director is the initial decision maker.
- b. All private street maps and all prints or copies of maps as required in this *Section* shall be submitted to the Director for approval.

3. Referral

- a. The Director 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. Reports from the Departments shall be submitted to the Director within 30 days of the date they receive a request for the reports.

Sec. 13B.7.7. Private Street Map

1 Initiation



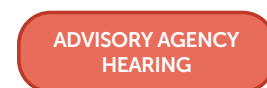
2 Submittal



3 Review



NOTICE



4 Decision



APPROVE
OR
DENY

APPEAL AVAILABLE

4. Public Hearing

- a. Upon receipt of a complete application, the Director shall set the matter for public hearing at which evidence shall be taken, giving notice in the manner specified in *Subsection C. (Notice)* of this *Section*.
- b. The Director 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.
- c. 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.

5. Decision

- a. Within 40 days after the application is deemed complete, the Director shall approve, conditionally approve, or disapprove the map.
- b. The Director shall transmit its decision on the private street to the applicant in writing.
- c. Any of the time limits specified in this *Section* may be extended by mutual consent of the applicant and the Director or the Appeal Board, as the case may be.

E. Standards for Review and Required Findings

1. General

The following standards apply to approval of a Private Street Map:

- a. The private streets comply with *Chapter I. (General Provisions and Zoning), Article 8 (Private Street Regulations)* for lots subject to Chapter I., or *Div. 10.3. (Private Street Regulations)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter;
- 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;
- c. An adequate water supply is available for domestic and firefighting purposes;
- d. An approved method of sewage disposal is available;
- e. The lot or building site is graded and engineered in accordance with the grading regulations of the City as set forth in *Chapter IX. (Building Regulations), Article 1. (Buildings [Building Code])* of this Code; 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 Director may require an offer to dedicate easement.
- 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;
 - ii. Binding on the owner and its heirs, assigns or successors in interest;
 - iii. Continue until the City Council accepts or rejects it;
 - 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 with the Los Angeles County Recorder upon its approval by the Director; and
 - 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, the Bureau of Right of Way and Land shall issue a release from such offer which shall be recorded with the Los Angeles County Recorder. When said Bureau approves the offer to dedicate, it shall notify the City Engineer.

F. Scope of Decision

1. No building permits shall be issued for the erection of buildings on lots or building sites which are contiguous or adjacent to private streets or private road easements unless the following requirements have been met:
 - a. That the Private Street Map shall have been duly approved and written findings made as to the conditions of approval thereof.
 - b. That the Director shall certify to the Department of Building and Safety that the conditions, if any, required by said written findings have been fulfilled in a satisfactory manner and that a permit may be issued.

2. The private street approval shall be void unless all conditions of approval are completed or fulfilled within six years from the date of approval, except that 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. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The Appeal Board is the appellate decision maker.

3. Filing

- a. An applicant or any other person aggrieved by the Director's initial decision may file an appeal to the Appeal Board.
- b. The appeal shall be filed within 15 days after Director's decision is mailed.

4. Decision

- a. The Appeal Board shall consider the appeal within 30 days after the 15-day appeal period expires.
- b. Within 14 days after the appeal is considered, the Appeal Board shall affirm, modify, or reverse the action or determination. The action of the Appeal Board shall be final.

H. Modification of Entitlement

The Director or the Board on appeal from a determination of the Advisory Agency, after a recommendation from the Board of Public Works, or the Department of Water and Power, or in the exercise of sound, reasonable judgment, may grant modifications from the requirements of Chapter I. (General Provisions and Zoning), Article 8 (Private Street Regulations) for lots subject to Chapter I., or Div. 10.3. (Private Street Regulations) of this Zoning Code (Chapter 1A) for lots subject to this Chapter, only if the modifications are necessary because of the size, use, physical or other conditions or private road easement or the property contiguous or adjacent thereto.

SEC. 13B.7.8. SUBDIVISION APPEAL

A. Applicability

1. Each *Section* of this *Division* either establishes an 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, Sec. 66499.35 (Remedies)* or an exemption from the Parcel Map regulations pursuant to *Sec. 13B.7.2 (Parcel Map Exemption/Lot Line Adjustment)* may appeal to the Appeal Board for a public hearing.

B. Initiation

1. An application for a Subdivision appeal is filed 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

1. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal to the Appeal Board:

Type of 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; • The <u>Advisory Agency</u>; and • The Certified Neighborhood Council representing the area in which the property is located

D. Decision

1. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

Sec. 13B.7.8. Subdivision Appeal

1 Initiation

AGGRIEVED PERSON

2 Submittal

COMPLETENESS REVIEW

3 Review

APPEAL BOARD SECRETARY

NOTICE

4 Decision

APPEAL BOARD HEARING

APPROVE OR DENY

2. Appellate Decision

- a. The complete appeal form and file shall be immediately transmitted to the Appeal Board Secretary for hearing before the Appeal Board.
- b. 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.
- c. 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 Advisory Agency 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.
- d. Upon conclusion of the hearing, the Appeal Board shall within 14 days declare findings based upon the testimony and documents produced before it.
- e. 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 Division.
- f. Failure to timely act is deemed a denial of the appeal and the decision from which the appeal was taken shall be deemed affirmed.
- g. Any of the time limits specified in this Division may be extended by mutual consent of the applicant and the Advisory Agency or the Appeal Board.

DIV. 13B.8. HISTORIC PRESERVATION

SEC. 13B.8.1. GENERAL PROVISIONS

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 (Historic Preservation)* is designed to:

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 (Historic Preservation)* applies to any project within a Historic Preservation Overlay Zone (HPOZ).

2. Exemptions

This *Division (Historic Preservation)* does not apply to the following:

- a. The correction of Emergency or Hazardous Conditions where the Department of Building and Safety, the Los Angeles Housing 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, Los Angeles Housing

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 (Historic Preservation)*.

- b. Department of Public Works improvements located, in whole or in part, within an HPOZ:
 - i. Where the Director finds:
 - a) 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
 - b) 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.
 - ii. The relevant Historic Preservation 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.
- d. 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 (Historic Preservation)*.
- e. Where work consists of repair to existing structural elements and foundations with no physical change to the exterior of a building.
- f. Where work consists of interior alterations that do not result in a change to an exterior feature.
- g. 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 (Historic Preservation)* supersedes or overrides the Cultural Heritage Commission's authority as provided in Sec. 22.171, et seq. of the LAAC.

4. Publicly Owned Property

The provisions of this *Division (Historic Preservation)* 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 (Historic Preservation)*:

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.

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, and any detached or 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 outlined in *Sec. 13B.8.4.*, 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 percent of the perimeter wall framing, the removal of more than 50 percent 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 Division.

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, *Sec. 50281* and *50282* and *Sec. 19.140 et seq.* of the LAAC.

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 & 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 Historic 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 *Division*, "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. (Applicability; Exemptions)* of this *Section*. 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 *Division*, 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 Historic Preservation Board may serve two or more HPOZs in joint name and administration. HPOZs may have separate individual Preservation Plans administered under one Historic Preservation Board. Each Historic Preservation 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 Historic Preservation Board shall be comprised of five members. Where a Historic Preservation Board serves two or more HPOZs, the Historic Preservation 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 Historic Preservation Board. If an HPOZ is established for an area insufficient in size to provide for a Historic Preservation 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 Historic Preservation Board still cannot be comprised of members who meet the requirements of this *Subsection*, the Director shall assume all the powers and duties otherwise assigned to the Historic Preservation Board for the HPOZ(s), until a Historic Preservation Board can be established.

3. Term of Membership

Members of the Historic Preservation Board serve for a term of four years. Members of the Historic Preservation Board whose terms have expired may continue to serve on the Historic Preservation 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	<ul style="list-style-type: none"> 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 <u>HPOZ(s)</u> shall be appointed by the Councilmember of the district in which the <u>HPOZ</u> is located Where a Historic Preservation Board serves two or more <u>HPOZs</u>, two 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 One member who is a Renter or Owner of property in the <u>HPOZ(s)</u> Where a Historic Preservation Board serves two or more <u>HPOZs</u>, two Renters or Owners of property shall be appointed
Historic Preservation Board	<ul style="list-style-type: none"> One member who is a Renter or Owner of property in the <u>HPOZ(s)</u>, pursuant to the criteria set forth in <i>Paragraph d.</i> below

- b. If a Historic Preservation Board serves two or more HPOZs in joint name and administration, a Renter or property Owner representative shall be appointed for each HPOZ the Historic Preservation 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 Historic Preservation 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 Historic Preservation Board may make its appointment without delay.

5. Vacancies

In the event of a vacancy occurring during the term of a member of the Historic Preservation 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 or for a period of no more than one year.

6. Expiration of Term

Upon expiration of a term for any member of the Historic Preservation 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 Historic Preservation Board shall serve more than two consecutive 4-year terms.

7. Historic Preservation Board Member Performance

Historic Preservation Board members are expected to regularly attend scheduled Historic Preservation Board meetings and fully participate in the powers and duties of the Historic Preservation 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 three consecutive unexcused absences or eight unexcused absences in a year period from regularly scheduled meetings may be removed by the appointing authority. Excused absences may be granted by the Historic Preservation Board chair. If a board member accrues unexcused absences, the Historic Preservation Board shall notify the appointing authority.

8. Organization and Administration.

- a. Each Historic Preservation 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 one meeting a year.
- c. The Historic Preservation Board shall establish rules, procedures and guidelines as it may deem necessary to properly exercise its function.

- d. The Historic Preservation Board shall elect a Chairperson and Vice-Chairperson who shall serve for a 1-year period. The Historic Preservation Board shall designate a Secretary who shall serve at the Historic Preservation Board's pleasure.
- e. For a 5-member Historic Preservation Board, three members is a quorum. For a Seven-member Historic Preservation Board, four members is a quorum. Decisions shall be determined by majority vote of the Historic Preservation 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 staff of the Department of City Planning may assist the Historic Preservation Board in performing its duties and functions.

9. Power and Duties

When considering any matter under its jurisdiction, the Historic Preservation 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 Historic Preservation 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 Division, 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 *Division* 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. 13B.8.2.B.3 (Historic Preservation Overlay Zone Designation; initiation; Historic Resources Survey)*.
- i. To make recommendations to decision makers concerning facade 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. 13B.8.3.B.2. (Preservation Plan Adoption/Amendment; initiation; Elements)*.

10. Conflict of Interest

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

E. Enforcement

1. Inspections and Violations

- a. The Department of Building and Safety, the Housing Department, or any successor agencies, whichever has jurisdiction, shall make all inspections of properties which are in violation of this *Division* 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 Los Angeles Housing 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 Los Angeles Housing 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 *Sec. 11.00 (m) (Provisions Applicable to Code)* of this Code. The Owner of the property in violation shall be assessed a minimum inspection fee, as specified in *Sec. 98.0412 (Inspection Fees)* 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

If a Contributing Element 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. 13B.8.6.E. (Certificate of Appropriateness (Demolition, Removal, or Relocation); Standards for Review and Required Findings) and Sec. 13B.8.7.D.4. (Certificate of Compatibility for Non-Contributing Elements; Decision), the matter shall be reviewed by the Director as provided in Subdivision 3.c. (Preliminary Evaluation of Demolition or Relocation Without Permit; Procedures) below.

3. Preliminary Evaluation of Demolition or Relocation Without Permit

a. Purpose

The purpose of this Subdivision 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.

b. Prohibition

Where all or portions of a Contributing Element or Non-Contributing Element have been Demolished or relocated without the necessary approvals, the provisions of Sec. 13B.8.6.E. (Certificate of Appropriateness (Demolition, Removal, or Relocation); Standards for Review and Required Findings) or Sec. 13B.8.7.D.4. (Certificate of Compatibility for Non-Contributing Elements; Decision), shall not apply. Upon completion of a Preliminary Evaluation of Demolition or Relocation without Permit, and Sec. 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. 13B.8.5. (Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)), Sec. 13B.8.6. (Certificate of Appropriateness (Demolition, Removal, or Relocation)), and Sec. 13B.8.7. (Certificate of Compatibility for Non-Contributing Elements), whichever is applicable.

c. Procedures

i. Evaluation

The Director 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 Subsection E.1 (Enforcement; inspections and Violations) of this Section. 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.

ii. **Evaluation Fees**

Fees for the preliminary evaluation will be assessed pursuant to *Chapter I. (General Provisions and Zoning)*, *Article 9 (Fees)* for lots subject to Chapter I., or *Article 15. (Fees)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter.

d. **Notice**

A copy of the evaluation shall be mailed to the Department of Building and Safety, the applicant, the Historic Preservation Board, Council office, and any other interested parties.

e. **Proceedings per LAMC Section 91.106.4.1(10)**

- i. Upon completion of the evaluation, the matter shall be referred to the Department of Building and Safety for investigation and enforcement pursuant to *Sec. 91.106.4.1(10)* of this Code. 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 *Sec. 91.106.4.1(10)* of this Code. Any person who has failed to comply with the provisions of *Sec. 13B.8.6.E. (Certificate of Appropriateness (Demolition, Removal, or Relocation); Standards of Review and Required Findings)* or *Sec. 13B.8.7.D.6. (Certificate of Compatibility for Non-Contributing Elements; Decision; Certificates of Compatibility for the Demolition of Non-Contributing Elements)* is subject to the provisions of *Sec. 11.00 (I) (Provisions Applicable to Code)* of this Code.
- ii. During the *Sec. 91.106.4.1(10)* of this Code proceedings and the five 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.

4. **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 Division, 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 *Chapter I. (General Provisions and Zoning)*, *Sec. 12.37 A.-C. (Highway and Collector Street Dedication and Improvement)* and *Chapter I. (General Provisions and Zoning) Sec. 17.05 (Design Standards)* for lots subject to Chapter I., or *Div. 10.1. (Street Dedication and Improvement)* and *Sec. 11.1.3. (Subdivision Design Standards)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter, unless requested by the Director.

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 Americans with Disabilities Act. When it appears that there is a conflict, the most restrictive requirements of this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code apply, except for a requirement in this *Division* that would compromise public safety if enforced.

SEC. 13B.8.2. HISTORIC PRESERVATION OVERLAY ZONE DESIGNATION

Sec. 13B.8.2. 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 establish, change the boundaries of or repeal an HPOZ shall conform to all the requirements of *Sec. 13B.1.4. (Zone Change)* and the following additional requirements.

B. Initiation

1. By City Council, City Planning Commission, Director of Planning, or Cultural Heritage Commission

In addition to the provisions of *Sec. 13B.1.4. (Zone Change)*, 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, or the Cultural Heritage Commission, a Historic Resources Survey shall be prepared, pursuant to *Subdivision 3. (Historic Resources Survey)* 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 *Paragraph b.* above are met and the Cultural Heritage Commission certifies a Historic Resources Survey for the proposed HPOZ pursuant to *Subsection D. (Decision)* of this *Section*.

1 Initiation

COUNCIL, CITY
PLANNING COMMISSION,
PLANNING DIRECTOR
OR APPLICANT

2 Submittal

HISTORIC RESOURCES
SURVEY

3 Review

CULTURAL HERITAGE
COMMISSION REPORT
& RECOMMENDATION

NOTICE

PLANNING
DIRECTOR HEARING

OPTIONAL

PLANNING
DIRECTOR REPORT
& RECOMMENDATION

NOTICE

CITY PLANNING
COMMISSION HEARING

CITY PLANNING
COMMISSION REPORT
& RECOMMENDATION

4 Decision

CITY COUNCIL
MEETING

APPROVE
OR
DENY

3. Historic Resources Survey

a. Purpose

Each HPOZ shall have a Historic Resources Survey, which identifies all Contributing Elements 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:

- i. 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;
- ii. Owing to its unique location or singular physical characteristics, represents an established feature of the neighborhood, community or city; or
- iii. 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:

- i. 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.
 - ii. 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.
 - iii. 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 Historic Preservation 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)**

i. **Application form and Contents**

To apply for a technical correction to a previously certified Historic Resources Survey pursuant to *Paragraph d.iii.* 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.

ii. **Application Fees**

The application fees for a Property Survey Redesignation are set forth in *Chapter I. (General Provisions and Zoning), Article 9 (Fees)* for lots subject to Chapter I., or *Article 15. (Fees)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter.

C. Notice

1. **Notice of Public Hearing**

- a. The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 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 two newspapers of general circulation in the city, designated for that purpose by the City Clerk

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> The applicant; The owner(s) 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; 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); and The Certified Neighborhood Council representing the area in which the property is located
Posting (applicant initiated Zone Changes only)	10 days	<ul style="list-style-type: none"> If an applicant initiates the establishment of a new <u>HPOZ</u>, notice will be posted at key entry points to the proposed <u>HPOZ</u> with no less than three postings If a <u>Hearing Officer</u> 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 City Planning Commission on the matter

- b. 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.

D. Decision

1. General Procedures

See Sec. 13A.2.5. (*Decisions*).

2. 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:
- A majority vote; and
 - A written finding that structures, landscaping, and natural features within the HPOZ meet one or more of criteria in *Subsection B.3.c. (Initiation; Historic Resources Survey)* of this Section.
- 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 transmitted their determination, comments, and any related files to the City Planning Commission for recommendation.

3. City Planning Commission Approval

- a. 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. 13B.1.4.D. (Zone Change; Decision)*.
- b. However, notice of a public hearing will be given in the manner specified in *Subsection C. (Notice)* of this Section.
- c. 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.

4. 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 approving a Historic Preservation Overlay Zone designation, the City Planning Commission and City Council shall find that the proposed boundaries are appropriate and make the findings of contribution required in *Subsection B.3.c. (Initiation; Historic Resources Survey)* of this Section.
2. The City Planning Commission shall also carefully consider the Historic Resources Survey and the determination of the Cultural Heritage Commission.

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 HPOZs, except as exempted in *Sec. 13B.8.1.B.2. (General Provisions; Applicability; Exemptions)*, 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. 13B.8.5.* and *Sec. 13B.8.6.;*
 - b. A Certificate of Compatibility, pursuant to *Sec. 13B.8.7.;*

- c. Is eligible for review under Conforming Work on Contributing Elements, pursuant to Sec. 13B.8.4.; or
 - d. Conforming Work on Non-Contributing Elements, pursuant to Sec. 13B.8.4.
- 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 to a Structure or feature in the Street Visible Area, a Certificate of Appropriateness or Certificate of Compatibility may be required for additional work.

G. Appeals

There is no appeal.

H. Modification of HPOZ Designation

The establishment or boundary change of an HPOZ may be modified or repealed by following the same procedures established above for the original action.

SEC. 13B.8.3. PRESERVATION PLAN ADOPTION/AMENDMENT

A. Applicability

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, property Owners and residents in the application of preservation principles within an HPOZ.

B. Initiation

1. Preparation

The Historic Preservation Board shall make a draft Preservation Plan available for review and comment to property Owners and Renters within the HPOZ.

- a. If a Historic Preservation 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 Historic Preservation 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 Historic Preservation 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 for Rehabilitation;

Sec. 13B.8.3. Preservation Plan Adoption/ Amendment

1 Initiation

HISTORIC
PRESERVATION BOARD
OR PLANNING DIRECTOR

2 Review

CULTURAL HERITAGE
COMMISSION REPORT &
RECOMMENDATION

NOTICE

CITY PLANNING
COMMISSION HEARING

3 Decision

CITY PLANNING
COMMISSION

APPROVE
OR
DENY

- 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 Chapter I. (General Provisions and Zoning), Sec. 12.24 X.12 for lots subject to Chapter I.).

C. Notice

1. Notice of Public Hearing

- a. The following notice is required for the public hearing on the initial decision:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> The applicant (if initiated by property owners or residents); The owner(s) and occupants of the property involved; The owners of all property within and outside the City within 500 feet of the exterior boundaries of the area subject to the application (or the expanded area described below); Residential, commercial and industrial occupants of all property within 500 feet of the application area; and The Certified Neighborhood Council representing the area in which the property is located

- b. 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. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The City Planning Commission is the initial decision maker.

3. Public Hearing

- a. A draft Preservation Plan shall be set for a public hearing before the City Planning Commission or a Hearing Officer designated by the City Planning Commission, with notice given in the manner specified in Subsection C. (Notice) of this Section.

- b. If a Hearing Officer is designated, the Hearing Officer 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.

4. 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. Upon action, or failure to act, the Cultural Heritage Commission shall transmit its recommendation, if any, comments, and any related files to the City Planning Commission.

5. Decision

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

E. Standards for Review

In approving a Preservation Plan Adoption or Amendment, the City Planning Commission shall 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;
2. Whether the document is internally consistent;
3. Whether the document is consistent with sound planning principles;
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 this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code, and any other relevant ordinances and do not convey any rights not otherwise granted under the provisions and procedures contained in those Chapters 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 Historic Preservation Board shall review a Preservation Plan at least every five years, or as needed.

2. Modifications

Any modifications to a Preservation Plan resulting from the review shall be processed pursuant to the provisions of *Subsections B. (Initiation) - F. (Scope of Decision)* of this *Section*.

SEC. 13B.8.4. REVIEW OF CONFORMING WORK

A. Applicability

1. General

- a. This *Section* applies to the review of Conforming Work on contributing elements 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 significant trees (for contributing elements), removal of trees (for non-contributing elements), removal of 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* does not require Certificates of Appropriateness set forth in Sec. 13B.8.5. (*Construction, Addition, Alteration, or Reconstruction*) and Sec. 13B.8.6. (*Demolition, Removal, or Relocation*)).
- 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:
 - i. 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:
 - a) 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.
 - b) The demolition of the structure will not degrade the status of the lot as a contributing element in the Historic Preservation Overlay Zone.
 - c) The demolition will not affect the integrity and development pattern of the district as a whole.

Sec. 13B.8.4. Review of Conforming Work

1 Initiation



2 Submittal



3 Review



4 Decision



- ii. 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 pursuant to Certificate of Appropriateness provisions (see *Sec. 13B.8.5. (Construction, Addition, Alteration, or Reconstruction)* and *Sec. 13B.8.6. (Demolition, Removal, or Relocation)*).

3. Conforming Work on Non-Contributing Elements

Conforming Work meeting the criteria and thresholds set forth in this *Subsection* does not require Certificates of Compatibility set forth in *Sec. 13B.8.7. (Certificate of Compatibility for Non-Contributing Elements)*.

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. 13B.8.5. (Construction, Addition, Alteration, or Reconstruction)* and *Sec. 13B.8.6. (Demolition, Removal, or Relocation)*.
- 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. 13B.8.7. (Certificate of Compatibility for Non-Contributing Elements)*.

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 *Chapter I. (General Provisions and Zoning), Article 9 (Fees)* for lots subject to Chapter I., or *Article 15. (Fees)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter. Minor Conforming Work does not require an application fee.

C. Notice

1. Notice of Public Hearing

There is no public hearing required for a Review of Conforming Work, and therefore no notice of a public hearing is required.

D. Decision

1. General Procedures

See Sec. 13A.2.5. (*Decisions*).

2. Decision Maker

Pursuant to Sec. 13B.8.2.F.3. (*Historic Preservation Overlay Zone Designation; Scope of Decision*), the Director shall forward applications for Conforming Work to the Historic Preservation Board for conformance review and sign off. The Historic Preservation Board may delegate its review authority to the Director as specified in the Preservation Plan approved for the HPOZ.

3. Meeting and Decision

a. Time to Act

The Historic Preservation Board shall act on a request for Conforming Work at its next agendaized Historic Preservation 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. Applications reviewed under Conforming Work shall be agendaized by the Historic Preservation Board.

b. Certification

The Historic Preservation 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 A.2.b. (Applicability; Conforming Work on Contributing Elements)* of this Section and *Subsection E. (Standards for Review and Required Findings)* of this Section. The Historic Preservation Board does not have the authority to impose conditions on Conforming Work. If the Historic Preservation Board finds that the work does not meet the criteria, it shall specify in writing as to why.

c. Failure to Act

The applicant may request a transfer of jurisdiction to the Director if the Historic Preservation Board fails to act within 21 days.

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		
a. 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 Sec. 91.106.2 of this Code
b. Major Conforming Work		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 20 percent of the Building Coverage legally existing on the effective date of the HPOZ; The Addition(s) or new Building(s) is/are located outside of a Street Visible Area; No increase in height is proposed; and 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 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. (Applicability; Conforming Work on Contributing Elements) of this Section
	iv.	Demolition and Reconstruction taken in response to natural disaster or to correct a hazardous condition (subject to the provisions of Sec. 5028 of the California Public Resources Code, 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 Contributing Elements		
Project Scope		
a. 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 <u>HPOZ's</u> Period of Significance onto a lot designated as a Non-Contributing element in an <u>HPOZ</u>
	iii.	Projects that do not require the issuance of a building permit but affect the building or site, pursuant to Sec. 91.106.2 of this Code

Review Criteria for Contributing Elements		
Project Scope		
b. 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 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

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

There is no appeal.

H. Modification of Entitlement

No modification is available.

SEC. 13B.8.5. CERTIFICATE OF APPROPRIATENESS (CONSTRUCTION, ADDITION, ALTERATION, OR RECONSTRUCTION)

A. Applicability

1. General

This Section requires the issuance of a Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction) for:

- a. Any project affecting a contributing element, except as set forth in Paragraph 3. (Conforming Work) below.
- b. A Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction) 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. 13B.8.4. (Review of Conforming Work) may elect to file for a Certificate of Appropriateness.

2. Prohibition

- a. 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 (Construction, Addition, Alteration, or Reconstruction) 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. In the event that demolition, removal, or relocation has occurred without a Certificate of Appropriateness (Demolition, Removal, or Relocation) having been approved for such action pursuant to Sec. 13B.8.6., a Certificate of Appropriateness shall be based on the existing conditions of the Historic Resource prior to the demolition, removal, or relocation.
- c. No Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction) shall be approved unless the plans for the construction, alteration, addition, or reconstruction conform to the provisions of this Section.

Sec. 13B.8.5. Certificate of Appropriateness (Construction)

1 Initiation



2 Submittal



NOTICE

3 Review



4 Decision



APPEAL AVAILABLE

3. Conforming Work

- a. This Section does not require a Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction) for the ordinary Maintenance & 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 shall not require a Certificate of Appropriateness.

4. Other City Approvals

The activities listed in *Paragraph 1. (General)* above require a Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction) 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, or Reconstruction 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 (Construction, Addition, Alteration, or Reconstruction) shall be as set forth in *Chapter I. (General Provisions and Zoning), Article 9 (Fees)* for lots subject to Chapter I., or *Article 15. (Fees)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter.

C. Notice

1. Notice of Public Hearing

- a. The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
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; and The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property

2. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> • Applicant; • Appellant; • Cultural Heritage Commission; • The relevant Historic Preservation Board; • The Certified Neighborhood Council representing the area in which the property is located; and • Any other interested parties of record

D. Decision

1. General Procedures

See Sec. 13A.2.5. (*Decisions*).

2. Decision Maker

The Director is the initial decision maker.

3. Referral

Upon an application being deemed complete by the Director, one copy each of the application and relevant documents shall be mailed by the Department of City Planning to both the Cultural Heritage Commission and to each Historic Preservation Board Member of the HPOZ for evaluation.

4. Public Hearing

Before making its recommendation to approve, conditionally approve, or disapprove an application pursuant to this Section for a Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction), the Historic Preservation Board shall hold a public hearing on the matter, giving notice in the manner specified in Paragraph C. (*Notice*) above.

5. Cultural Heritage Commission & Historic Preservation Board Recommendations

- a. The Cultural Heritage Commission (or its designee) and the Historic Preservation Board shall submit their recommendation to the Director as to whether the Certificate should be approved, conditionally approved, or disapproved.
- b. In the event that the Cultural Heritage Commission or Historic Preservation Board does not submit their recommendations within 30 days of the postmarked date of the mailing from the City Planning Department, the Cultural Heritage Commission or Historic Preservation Board shall be deemed to have forfeited all jurisdiction in the matter and the

Certificate may be approved, conditionally approved, or disapproved as filed. The applicant and the Director may mutually agree in writing to a longer period of time for the Historic Preservation Board to act.

6. Decision

- a. The Director shall approve, conditionally approve, or disapprove a Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction).
- b. Any approval, conditional approval, or denial shall include written findings in support.

7. Time to Act

The Director shall render a determination on any Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction) within 75 days after the application is deemed complete, unless the applicant and the Director mutually consent in writing to a longer period.

8. Transmittal

A copy of the determination shall be mailed to the applicant, the Historic Preservation Board, the Cultural Heritage Commission, and any other interested parties. No Certificate of Appropriateness shall be deemed approved or issued until the appeal period has expired or until any appeal has been resolved.

E. Standards for Review and Required Findings

In making a determination on a Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction), the Director or Area Planning Commission (on appeal) shall consider 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;
 - m. Signs; and
 - n. Whether the project protects and preserves the historic and architectural qualities and the physical characteristics, which make the building, structure, landscaping, or natural feature a contributing element of the Preservation Zone.
2. If a Preservation Plan exists, whether the project complies with the approved Preservation Plan for the HPOZ.

F. Scope of Decision

See Sec. 13.2.7. (*Scope of Decision*).

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (*Appeals*).

2. Decision Maker

The Area Planning Commission is the appellate decision maker.

3. Filing

- a. An appeal may be filed by the applicant, any aggrieved party, the Mayor, or a member of the City Council. Unless a Historic Preservation Board member is an applicant, they may not appeal any initial decision of the Director as it pertains to this Section.
- b. An appeal shall be filed in triplicate, and the Planning Department shall forward a copy of the appeal to the Historic Preservation Board and the Cultural Heritage Commission.

4. Public Hearing

Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in Paragraph C. (*Notice*) above.

5. Appellate Decision

- a. The Area Planning Commission may grant, conditionally grant, or deny the appeal.
- b. The Area Planning Commission shall render its decision within 75 days after the expiration of the appeal period or within an additional period as may be agreed upon by the applicant and the appellate body.

- c. The failure of the Area Planning Commission to submit a timely decision shall be deemed a denial of the appeal, and the original action on the matter shall become 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 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 Appropriateness.

2. Modification Procedure

To modify an approved Certificate of Appropriateness, an applicant shall submit to the Department of City Planning plans, building elevations, or details of the proposed modification and any additional information determined necessary for conformance review. The Director may forward proposed modifications to the Historic Preservation Board and/or the Cultural Heritage Commission's designee for consultation.

SEC. 13B.8.6. 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 any contributing building, structure, Landscaping, or Natural Feature, except as set forth in Paragraph 3. (Conforming Work) 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 cause the Demolition, relocation or removal of 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 the event that Demolition, removal, or relocation occurs without a Certificate of Appropriateness (Demolition, Removal, or Relocation) having been approved for that action pursuant to this Section, a Certificate of Appropriateness 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

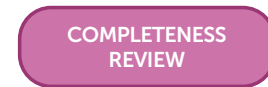
- a. This Section does not require a Certificate of Appropriateness (Demolition, Removal, or Relocation) for the ordinary Maintenance & Repair of any exterior architectural feature of a property within an HPOZ, which does not involve a change in design, material, color, or outward appearance.

Sec. 13B.8.6. Certificate of Appropriateness (Demolition)

1 Initiation



2 Submittal



NOTICE

3 Review



4 Decision



APPROVE OR DENY

APPEAL AVAILABLE

- b. Work meeting the criteria for Conforming Work on Contributing Elements does not require a Certificate of Appropriateness.

4. Other City Approvals

The activities listed in *Subdivision 1. (General)* above require a Certificate of Appropriateness (Demolition, Removal, or Relocation) 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 Demolition, removal, or relocation 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 (Demolition, Removal, or Relocation) shall be as set forth in *Chapter I. (General Provisions and Zoning), Article 9 (Fees)* for lots subject to Chapter I., or *Article 15. (Fees)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter.

C. Notice

1. Notice of Public Hearing

The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
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; and The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property

2. Notice of Public Hearing on Appeal

The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> • Applicant; • Appellant; • Cultural Heritage Commission; • The relevant Historic Preservation Board; • The Certified Neighborhood Council representing the area in which the property is located; and • Any other interested parties of record

D. Decision

1. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Decision Maker

The Area Planning Commission is the initial decision maker.

3. Referral

Upon an application being deemed complete by the Director, one copy each of the application and relevant documents shall be mailed by the Department of City Planning to both the Cultural Heritage Commission and to each Historic Preservation Board Member for the HPOZ for evaluation.

4. Public Hearing

Before making its recommendation to approve, conditionally approve, or disapprove an application pursuant to this *Section* for a Certificate of Appropriateness (Demolition, Removal, or Relocation), the Historic Preservation Board shall hold a public hearing on the matter, giving notice in the manner specified in *Subsection C. (Notice)* above.

5. Cultural Heritage Commission & Historic Preservation Board Recommendations

- a. The Cultural Heritage Commission (or its designee) and the Historic Preservation Board shall submit their recommendations to the Area Planning Commission as to whether the Certificate should be approved, conditionally approved, or disapproved.
- b. In the event that the Cultural Heritage Commission or Historic Preservation Board does not submit their recommendations within 30 days of the postmarked date of the mailing from the City Planning Department, the Cultural Heritage Commission or Historic Preservation Board shall be deemed to have forfeited all jurisdiction in the matter and the Certificate may be approved, conditionally approved, or disapproved as filed. The applicant and the Director may mutually agree in writing to a longer period of time for the Historic Preservation Board to act.

6. Decision

- a. The Area Planning Commission shall approve, conditionally approve, or disapprove a Certificate of Appropriateness (Demolition, Removal, or Reconstruction).
- b. Any approval, conditional approval, or denial shall include written findings in support.

7. Time to Act

The Area Planning Commission shall render a determination on any Certificate of Appropriateness (Demolition, Removal, or Relocation) within 75 days after the application is deemed complete, unless the applicant and the Director mutually consent in writing to a longer period.

8. Transmittal

A copy of the determination shall be mailed to the applicant, the Historic Preservation Board, the Cultural Heritage Commission, and any other interested parties. No Certificate of Appropriateness (Demolition, Removal, or relocation) shall be deemed approved or issued until the appeal period has expired 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 for Demolition, removal, or relocation of any contributing building, structure, Landscaping, Natural Feature or Lot within an HPOZ that is designated as a Contributing Element unless the Owner can demonstrate to the Area Planning Commission that the Owner would be deprived of all economically viable use of the property.
2. In making a determination on a Certificate of Appropriateness (Demolition, Removal, or Relocation), the Area Planning Commission or City Council (on appeal) 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 Historic Preservation 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 Historic Preservation Board for changes necessary to approve a Certificate of Appropriateness; and, in the case of a proposed Demolition, after renovation of the existing structure for continued use; and
 - d. In the case of 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.
- 3. In a case where Demolition, removal, or relocation of any Contributing Element, without a Certificate of Appropriateness (Demolition, Removal, or Relocation) has occurred, this *Subsection* does not apply. Procedures in *Sec. 13B.8.5. (Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction))* and/or *Sec. 13B.8.1.E. (General Provisions; Enforcement)* apply.

F. Scope of Decision

See *Sec. 13A.2.7. (Scope of Decisions)*.

G. Appeals

1. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

2. Decision Maker

The City Council is the appellate decision maker.

3. Filing

- a. An appeal may be filed by the applicant, any aggrieved party, the Mayor, or a member of the City Council. Unless a Historic Preservation Board member is an applicant, he or she may not appeal any initial decision of the Director as it pertains to this *Section*.
- b. An appeal shall be filed in triplicate, and the Planning Department shall forward a copy of the appeal to the Historic Preservation Board and the Cultural Heritage Commission.

4. Public Hearing

Before acting on any appeal, the City Council shall set the matter for hearing, giving notice in the manner specified in *Subsection C. (Notice)* above.

5. Appellate Decision

- a. The City Council may grant, conditionally grant, or deny the appeal.

- b. The City Council shall render its decision within 75 days after the expiration of the appeal period or within an additional period as may be agreed upon by the applicant and the appellate body.
- c. The failure of the City Council to submit a timely decision shall be deemed a denial of the appeal, and the original action on the matter shall become 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, building elevations, or details of the proposed modification and any additional information determined necessary for conformance review. The Director may forward proposed modifications to the Historic Preservation Board and/or the Cultural Heritage Commission's designee for consultation.

SEC. 13B.8.7. 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; or
- c. Where structures not dating from the HPOZ's period of significance are replaced or relocated onto a lot designated as a non-contributing element.

2. Prohibition

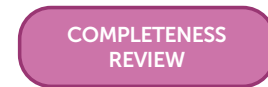
- a. No person shall construct, add to, alter, cause the demolition, relocation, or removal of any building, structure, landscaping, or natural feature designated as a non-contributing element or not listed in the Historic Resources Survey for an HPOZ unless a Certificate of Compatibility has been approved for that action pursuant to this Section.
- b. Additions and alterations may be exempt from this Section provided they meet the criteria in Sec. 13B.8.4. (*Review of Conforming Work*).
- c. 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. (*Standards for Issuance of a Certificate of Compatibility for New Building Construction or Replacement, and the Relocation of Buildings or Structures Not Dating from the Preservation Zone's Period of Significance Onto a Lot Designated as a Non-Contributing Element*) of this Section.

Sec. 13B.8.7. Certificate of Compatibility

1 Initiation



2 Submittal



NOTICE

3 Review



4 Decision



APPROVE
OR
DENY

APPEAL AVAILABLE

3. Conforming Work

- a. 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. 13B.8.4. (Review of Conforming Work)*.
- b. The Director shall review a request, pursuant to *Sec. 13B.8.2.F. (Historic Preservation Overlay Zone Designation; Scope of Decision)* and find whether the application is eligible for Conforming Work on Non-Contributors as outlined in *Sec. 13B.8.4. (Review of Conforming Work)* or requires a Certificate of Compatibility.
- c. An applicant not approved under *Sec. 13B.8.4. (Review of Conforming Work)* may elect to file for a Certificate of Compatibility.

4. 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, Sec. 5028*, which may be required. The time periods specified above may be extended, if necessary, with the written mutual consent of the applicant and the Director.

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. Upon an application being deemed complete by the Director, one copy of the application and relevant documents shall be mailed by the Department of City Planning to each Historic Preservation Board member of the HPOZ for evaluation.
3. The application fees for a Certificate of Compatibility are set forth in *Chapter I. (General Provisions and Zoning), Article 9 (Fees)* for lots subject to Chapter I., or *Article 15. (Fees)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter.

C. Notice

1. Notice of Public Hearing

The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
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; and• The Certified Neighborhood Council representing the area in which the property is located

Type of Notice	When	Where / To Whom / Additional Requirements
Posting	10 days	<ul style="list-style-type: none"> The applicant will post notice in a conspicuous place on the property

2. Notice of Public Hearing on Appeal

The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> Applicant; Appellant; Cultural Heritage Commission; The relevant Historic Preservation Board; The Certified Neighborhood Council representing the area in which the property is located; and Any other interested parties of record

D. Decision

1. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Decision Maker

The Director is the initial decision maker.

3. Referral

Upon an application being deemed complete by the Director, one copy each of the application and relevant documents shall be mailed by the Department of City Planning to both the Cultural Heritage Commission and to each Historic Preservation Board member of the HPOZ for evaluation.

4. Public Hearing

Before making its recommendation to approve, conditionally approve, or disapprove an application pursuant to this *Section* for a Certificate of Compatibility, the Historic Preservation Board shall hold a public hearing on the matter, giving notice in the manner specified in *Subsection C. (Notice)* above.

5. Cultural Heritage Commission & Historic Preservation Board Recommendations

- a. The Cultural Heritage Commission (or its designee) and the Historic Preservation Board shall submit their recommendation to the Director as to whether the Certificate of Compatibility should be approved, conditionally approved, or disapproved.

- b. In the event the Cultural Heritage Commission or the Historic Preservation Board does not submit its recommendations within 30 days of the postmarked date of mailing of the application from the City Planning Department, the Cultural Heritage Commission or the Historic Preservation Board shall forfeit all jurisdiction. The applicant and the Director may mutually agree in writing to a longer period of time for the Historic Preservation Board to act.

6. Certificates of Compatibility for the Demolition of Non-Contributing Elements

- a. After notice pursuant to *Subsection C. (Notice)* of this Section and a hearing, the Historic Preservation 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. In the event the Historic Preservation Board does not submit its comment within 30 days, the Historic Preservation Board shall forfeit all jurisdiction. The applicant and the Director may mutually agree in writing to a longer period of time for the Historic Preservation Board to comment.
- b. In a case where Demolition of any Non-Contributing Element, without a Certificate of Compatibility for the Demolition of Non-Contributing Elements or permit has occurred, *Paragraph 5.a. (Cultural Heritage Commission and Historic Preservation Board Recommendations)* above does not apply. Procedures in *Subsections A. (Applicability) - G. (Appeals)* of this Section and/or *Sec. 13B.8.1.E. (General Provisions; Enforcement)* apply.

7. 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.

8. Time to Act

The Director shall render a determination on any Certificate of Compatibility within 75 days after the application is deemed complete, unless the applicant and the Director mutually consent in writing to a longer period.

9. Transmittal

A copy of the determination shall be mailed to the applicant, the Historic Preservation Board, and any other interested parties. No Certificate of Compatibility shall be deemed approved or issued until the time period for appeal has expired.

E. Standards for Issuance of a Certificate of Compatibility for New Building Construction or Replacement, and the Relocation of Buildings or Structures

Not Dating from the Preservation Zone's Period of Significance Onto a Lot Designated as a Non-Contributing Element

In making a determination on a Certificate of Compatibility, the Director or Area Planning Commission (on appeal) shall consider 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; and
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

See Sec. 13A.2.7. (*Scope of Decision*).

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (*Appeals*).

2. Decision Maker

The Area Planning Commission is the appellate decision maker.

3. Filing

- a. An appeal may be filed by the applicant, any aggrieved party, the Mayor, or a member of the City Council. Unless a Historic Preservation Board member is an applicant, he or she may not appeal any initial decision of the Director as it pertains to this *Section*.
- b. An appeal shall be filed in triplicate, and the Planning Department shall forward a copy of the appeal to the Historic Preservation Board and the Cultural Heritage Commission.

4. Public Hearing

Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in *Subsection C. (Notice)* above.

5. Appellate Decision

- a. The Area Planning Commission may grant, conditionally grant, or deny the appeal.
- b. The Area Planning Commission shall render its decision within 75 days after the expiration of the appeal period or within an additional period as may be agreed upon by the applicant and the appellate body.
- c. Failure of the Area Planning Commission to submit a timely decision shall be deemed a denial of the appeal, and the original action on the matter shall become final.

H. Modification of Entitlement

1. Modification of an Approved Certificate of Compatibility

Once a Certificate of Compatibility becomes effective, any subsequent proposed modification to the project shall require review by the Director, who 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, building elevations, or details of the proposed modification

and any additional information determined necessary for conformance review. The Director may forward proposed modifications to the Historic Preservation Board and/or the Cultural Heritage Commission's designee for consultation.

DIV. 13B.9. COASTAL DEVELOPMENT

SEC. 13B.9.1. COASTAL DEVELOPMENT PERMIT (PRE-CERTIFICATION)

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

- 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.
- 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.
- 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. 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 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 *Sec. 66410 of the California Government Code*), and any other division of land, including, but not limited to, parcel maps and private street divisions, lot splits, lot

reconfigurations, and mergers, except where the 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 Sec. 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 governmental 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. (Definition Amended by Ord. No. 173,268, eff. 7/1/00, Oper. 7/1/00.)

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.

2. 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.

Exception

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 *Division 5.5 Title 14 California Coastal Commission Regulations, of the California Code of Regulations*. 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 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 *Sec. 30611 of the Public Resources Code*; any permits authorized to be issued by the Executive Director of the California Coastal Commission pursuant to *Sec. 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 Sec. 30600 of the Public Resources 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.

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

- b. 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.)
- c. 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.
- d. A statement of the status of the environmental documentation for the project and a copy of the required environmental documentation.
- e. Any additional information as may be required by the permit granting authority.

2. Filing Exception

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:

- a. 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*.
- b. 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 Sec. 65950, 65951, or 65952 of the California Government Code.

C. Notice

1. Notice of Application – 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 of Public Hearing – Mailing

a. Hearing on Coastal Development Permit Combined with Other Hearing

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 300 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 300 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, at least 24 days prior, shall also be sent to an occupant of all residences, including apartments within 300 feet of the boundary of the proposed development, all persons known, or thought to have a particular interest in the application, the Certified Neighborhood Council representing the area in which the property is located, and all other persons requesting notice.

b. Hearing on Coastal Development Permit Only

For those projects for which no hearing would otherwise be required by law, the appropriate City agency shall notify by mail, at least 24 days prior to the hearing, the following:

- i. Those persons whose names appear on the list of property owners within 300 feet of the boundary of the site of the proposed development;
- ii. An occupant of all residences, including apartments, within 300 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;
- iii. Those persons known or thought to have a particular interest in the application;
- iv. The Certified Neighborhood Council representing the area in which the property is located; and
- v. 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. 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.
- 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, including any appellate body, 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 Code of Regulations*.

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. (Standards for Review and Required Findings)* of this *Section*.

3. Notification of Determination

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 of Notice of Final Action to the Coastal Commission

- 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, including any appeal body whose action became final on the permit, shall transmitted a copy, by mail, with return receipt requested, of the notice of permit issuance or permit denial to the Executive Director of the 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 *Sec. 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 Coastal Commission.
- c. If a timely, valid appeal is taken to the Coastal Commission, the operation and effect of the Coastal Development Permit is stayed pending final action on the appeal by the Coastal Commission, and the City shall within five 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 party may appeal the approval, conditional approval, or disapproval of any permit to the Coastal Commission unless and until the City has completed its review of the permit application, has taken final action, and has formally notified the Coastal Commission that the Coastal Development Permit is final.

E. Standards for Review and Required Findings

The 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 Code of Regulations*. In making its determination under the provisions of this *Section*, the permit granting authority, including any appellate body, 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 *Sec. 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 *Sec. 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 – Extension of Permits

1. 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. (Notice) of this Section.
2. 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. (Standards for Review and Required Findings) of this Section.
3. 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. (Standards for Review and Required Findings) 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.
4. If no written objection to the determination is received within 10 working days of the posting and mailing, the extension shall be approved.
5. If the approving authority determines that, due to changed circumstances, the proposed development is no longer consistent with the findings required in Subsection E. (Standards for Review and Required Findings) 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 C. (Notice) of this Section. In addition, the approving authority shall notify any persons who objected to the approving authority's determination of consistency.

6. 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. (Standards for Review and Required Findings)* 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.
7. 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 (Decision; Notification of Determination)* of this *Section*.
8. 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 G. (Appeals)* of this *Section* in the same manner as an appeal of the original permit as set forth in *Subsection G. (Appeals)* of this *Section*.
9. The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in *Subsection C. (Notice)* of this *Section* are applicable to applications for extensions of permits.

G. Appeals

1. Appellate Procedures

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:

- a. 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 appellate body may be the Area Planning Commission, City Planning Commission, or City Council depending on the underlying project. 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.
- b. 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 15 calendar days (including at least 10 working days) of the mailing of the decision of the permit granting authority.

- c. 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 15 calendar days (including at least 10 working days) of the mailing of the decision of the permit-granting authority.
- d. Any appeal filed with either the City Engineer or the Area Planning Commission shall be heard and decided within 30 calendar days of the filing of the appeal. Notice shall be mailed to the required parties at least 10 calendar days prior to the hearing.
- e. Action on any appeal shall be in writing. If the action of any appeal body is further appealable within the City's appeal structure, notice of such intermediate appeal body's action approving, conditionally approving or disapproving any appeal of a Coastal Development Permit along with the findings and conditions imposed in connection therewith, as set forth in *Subsection E. (Standards for Review and Required Findings)* of this Section, shall be mailed to the applicant, the appellant, and to any person or persons who, in writing, request a copy of such action.
- f. No fee shall be charged for appeals of a Coastal Development Permit.

H. Amendments to Permits

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. (Notice)* 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. (Standards for Review and Required Findings)* 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;
- 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. (Standards for Review and Required Findings)* of this Section;
 - c. That all of the findings required by *Subsection E. (Standards for Review and Required Findings)* of this Section can still be made;
 - 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 *Sec. 30604 of the California Public Resources Code*, the approving authority shall set the matter for public hearing and shall give notice in accordance with the provisions of *Subsection C. (Notice)* 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.* above, 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 (Decision; Notice of Determination)* 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. (Appeals)* of this Section.
 6. The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in *Subsection D.4 (Decision; Transmittal)* 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.
- 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 300 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. (Notice)* of this *Section*.

SEC. 13B.9.2. COASTAL DEVELOPMENT PERMIT (POST-CERTIFICATION)

A. Applicability

1. Requirement of a Coastal Development Permit

A Coastal Development Permit issued by the City in conformance with the provisions of this Section is required for all Coastal Development located within an area of the City covered by a certified Local Coastal Program, unless:

- a. The Coastal Development is exempted under *Paragraph 4. (Exemptions)* below; or
- b. The proposed project site lies completely within the Coastal Commission Permit jurisdiction; or
- c. 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 *Sec. 12.03. (Definitions) of Chapter I. (General Provisions and Zoning)* of this Code or the California Coastal Commission Regulations, if defined there.

Appealable Area. The area identified in *Sec. 30603 of the Public Resources Code*. 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 *Sec. 13576 of Title 14 of the California Code of Regulations* and attached as an exhibit in each certified coastal Specific Plan.

Appealable Development. In accordance with *Sec. 30603(a) of the Public Resources Code*, 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, 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, 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. Any of the following on land, in or under water: 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 *California Government Code Sec. 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 *Sec. 4511 of the Public Resources Code*).

Coastal Zone. That land and water area specified on the maps cited in *Sec. 30103 of the Public Resources Code*, 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 *Sec. 30103.5 and 30166 of the Public Resources Code*.

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 *Sec. 30115 of the Public Resources Code*, 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 shall 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 governmental 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

- i. 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 percent or more of the existing exterior walls of the building or structure. In addition, the following shall be considered a part of an existing structure:
 - a) All fixtures and other structures directly attached to the existing structure and landscaping on the lot; and

- b) For single-family residences, in addition to *Sub-subparagraph a.* 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.
- ii. Despite the exemption provided in *Subparagraph i.* above, the following improvements require a Coastal Development Permit:
 - a) 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;
 - b) 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;
 - c) The expansion or construction of water wells or septic systems;
 - d) Improvements to any structure on property located in the Appealable Area that would result in:
 - 1) An increase of 10 percent or more of internal floor area of the existing structure; or
 - 2) An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to *Public Resources Code Sec. 30610(b)*; and/or
 - 3) An increase in height by more than 10 percent of an existing structure.
 - e) Improvements to any structure on property in the non-appealable area that would result in an increase of 10 percent or more of internal floor area of the existing structure;
 - f) 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:
 - 1) An increase of 10 percent or more of internal floor area of the existing structure; or

- 2) An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to *Public Resources Code Sec. 30610(b)*; and/or
 - 3) An increase in height by more than 10 percent of an existing structure.
- g) 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;
 - h) 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;
 - i) Any improvement to a structure that results in a Change in the intensity of Use of the structure; and
 - j) 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 *Sec. 13252 of Title 14 of the California Code of Regulations*, and any amendments subsequently adopted, except if the repairs or maintenance involve any of the following:

- i. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work that involves:
 - a) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
 - b) 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;

- c) The replacement of 20 percent or more of the materials in an existing structure with materials of a different kind; or
 - d) 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.
 - ii. Any method of maintenance dredging that involves:
 - a) The dredging of 100,000 cubic yards or more within a 12 month period;
 - b) 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
 - c) 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.
 - iii. 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:
 - a) 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
 - b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.
 - iv. Unless destroyed by Disaster, the replacement of 50 percent or more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership is not repair and maintenance under *Sec. 30610(d) of the Public Resources Code*, 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 percent and is sited in the same location on the affected property as the destroyed structure.

- i. As used in this *Subdivision*, “bulk” means total interior cubic volume as measured from the exterior surface of the structure.
- ii. 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

- i. A temporary event that meets all of the following criteria:
 - a) Does not involve a charge for general public admission or seating; and
 - b) Will not restrict public access or use of roadways, parking areas, or recreational areas; and
 - c) 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.
- ii. 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. General

An application for a Coastal Development Permit shall be filed with either the Department of City Planning or the City Engineer on a form provided by the Department and include all information required by the instructions on the application and any applicable adopted guidelines.

- 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 or City Engineer, whichever has jurisdiction, shall determine whether:
 - i. The development is within the Coastal Commission's jurisdiction or the City's jurisdiction; and
 - ii. The development is located within the appealable or non-appealable jurisdiction of the Coastal Zone; and
 - iii. 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 (SL Ocean - Submerged Land Zone) of Chapter I. (General Provisions and Zoning)* of this Code; and
 - iv. The development is exempt or categorically excluded according to the criteria of *Subsection A.4. (Applicability; Exemptions)* 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 *Sec. 13569 of Title 14 of the California Code of Regulations* shall apply.

4. Notice of Exemption

- a. After jurisdiction has been established and the Director or City Engineer has determined that the Coastal Development is exempt pursuant to *Subsection C. (Notice)* 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.
- b. The City shall maintain a record of all notices issued for exempt Coastal Developments, 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.

C. Notice

1. Notice of Coastal Development Permit Application

- a. The City, at the Applicant's expense, shall provide a Notice of Coastal Development Permit Application by first class mail, pursuant to the requirements of this *Subdivision*.

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days before the 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; and • The Coastal Commission
Posting	At the time the application is submitted for filing	<ul style="list-style-type: none"> • In a conspicuous place, and as close as possible to the proposed Coastal Development

- b. The notice shall contain the following information:
 - i. A statement that the Coastal Development is within the Coastal Zone;
 - ii. The date of filing of the application and the name of the Applicant;
 - iii. The case number assigned to the application; and
 - iv. 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. (Notice of Coastal Development Permit Application)* 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, at the Applicant's expense, shall provide a Notice of Public Hearing by first class mail pursuant to the requirements of this *Subdivision*. This notice may be combined with the Notice of Coastal Development Permit Application for applications that require a public hearing.

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days before the first public hearing	<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; and The Coastal Commission
Posting	At the time the application is submitted for filing	<ul style="list-style-type: none"> In a conspicuous place, and as close as possible to the proposed Coastal Development

- b. The notice shall contain the following information:
 - i. A statement that the Coastal Development is within the Coastal Zone;
 - ii. The date of filing of the application and the name of the Applicant;
 - iii. The case number assigned to the application;
 - iv. A description of the Coastal Development and its proposed location;

- v. The date, time, and place at which the public hearing on the application will be heard;
- vi. A brief description of the general procedure concerning the conduct of the public hearing and City actions;
- vii. The procedure for City and Coastal Commission appeals, if any, including any required fees;
- viii. If applicable, the criteria for eligibility to appeal to the Coastal Commission; and
- ix. 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 previously stated in the notice of public hearing provided pursuant to this *Subsection*, nor 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. Notice of Public Hearing on Appeal

The following notice is required for the public hearing on the appeal.

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> • Applicant; • Appellant(s); • 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 parcel on which the Coastal Development is proposed, exclusive of streets; and • The Coastal Commission

7. 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 *Sec. 65950 - 65957.1 of the California Government Code*, 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 pursuant to *Subsection C. (Notice)* of this *Section* 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 *Sec. 65950 - 65957.1 of the California Government Code* have expired, and that the notice required to all persons entitled to receive notice of an appeal pursuant to *Subsection C. (Notice)* of this *Section* has occurred, the Approving Authority shall, within seven calendar days of its determination, notify any person entitled to receive notice of an appeal pursuant to *Subsection C. (Notice)* of this *Section* that it has taken final action by operation of law pursuant to *Sec. 65950 - 65957.1 of the California Government Code*, and that the application, if it is for an Appealable Development, may be appealed to the Coastal Commission pursuant to *Sec. 13110, et seq. of Title 14 of the California Code of Regulations*.

D. Decision

1. General Procedures

- a. Decisions must be made within the time period specified in this *Article*, or as otherwise required by law. Unless otherwise provided in the regulations governing the particular application, 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. 13A.2.10. (Multiple Approvals)*.
- b. Where extensions on the City Council's time to act on a matter may be granted by mutual consent of an application and the City Council, the Council President or the Council President's councilmember designee may consent to a time extension on behalf of the City Council.
- c. Each decision is subject to all applicable standards of this Code, including the applicable zone.
- d. Each process described in *Part B. (Processes & Procedures)* of this *Article* includes standards and/or findings for approval. In approving an application, the decision maker must find that the project substantially conforms to the standards and/or findings for approval.

- e. The initial decision maker shall adopt written findings of fact supporting the decision based upon evidence in the record.
- f. Unless otherwise provided, an application may be approved or disapproved in whole or in part.
- g. 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.
- h. 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.
- i. An initial decision or decision of the City Planning Commission or Area Planning Commission that is appealable to the City Council is final and effective upon the close of the appeal period if no appeal is filed.
- j. An appellate agency's decision or decision of the City Planning Commission or Area Planning Commission that is not appealable to the City Council is final as provided in *Charter Section 245*.

2. Decision Maker

The initial decision maker on a Coastal Development Permit is the Director or the City Engineer, pursuant to *Subsections B.1. (Initiation; General)* and *2. (Initiation; Jurisdiction)* above.

3. Public Hearing

a. General

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 24 calendar days following the mailing of the notice required in *Subsection C. (Notice)* of this *Section* and shall consolidate the hearing with any other public hearing required for any other approvals required by this 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:

- i. The Coastal Development is consistent with the certified Local Coastal Program;
- ii. The Coastal Development requires no discretionary approvals other than a Coastal Development Permit; and

- iii. The Coastal Development has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

4. 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 ensure that the proposed use will be consistent with the findings in *Subsection E. (Standards for Review and Required Findings)* of this Section.
- 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. (Standards for Review and Required Findings)* of this Section to the satisfaction of the Approving Authority).

5. 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.

6. Time Limit for Initial Decision

- a. The initial Approving Authority shall make an initial decision within 75 days after:
 - i. The date the application is deemed complete; or
 - ii. When an environmental impact report (EIR) is required, the date preparation of the EIR is complete consistent with State law.
- b. The time limit may be extended by mutual consent of the Director and the Applicant.

7. Transmittal of Written Decision

Upon making a written decision, the Approving Authority shall transmitted 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 300 feet of the perimeter of the parcel on which the Coastal Development is proposed, exclusive of streets, and to the Coastal Commission.

8. 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:
 - i. Only 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
 - ii. 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.

9. 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.

10. Notice of Final City Action

Within seven 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.

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

- i. A permit, which is not used within the time, specified in the permit, or, if no time is specified, within two years after the permit is granted, becomes void.
- ii. 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. (Extensions of Time) below.
- iii. 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 six years.

c. Use of Permit

- i. 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.
- ii. 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 two 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. (Appeals)* 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. (Appeals)* of this *Section* below.

4. Extensions of Time

a. Application

- i. Prior to the expiration of a Coastal Development Permit, an Applicant may apply for a one-year extension of the permit. Prior to the expiration of any extension, the Applicant may apply for another one-year extension of the permit.
- ii. 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.
- iii. 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. (Initiation) - E. (Standards for Review and Required Findings)* 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. (Appeals)* of this *Section*. However, in addition to the notice provisions required for appeals in the table in *Subsection C. (Notice)* of this *Section*, the Approving Authority shall also notify any persons who objected to the Approving Authority's approval of an extension.

G. **Appeals**

1. **General Procedures**

- a. Appeals shall be in writing and filed on forms maintained by the Department.
- b. An appeal shall specifically state the points at issue and the reasons why the decision should be overturned.
- c. An appeal not properly or timely filed shall not be accepted, and will not be considered by the appellate body.
- d. Unless otherwise required by a specific process, appeals must be filed within 15 days after the date on the letter of determination to the applicant.
- e. Despite any provisions of this Chapter, whenever the final day for filing an appeal from any action, decision or determination of the Director, Zoning Administrator, Area Planning Commission, or City Planning Commission falls on a Saturday, Sunday or legal holiday, the time for filing an appeal shall be extended to the close of business on the next succeeding working day, and the effective or final date of any action, decision, or determination shall be extended to the close of that appeal period.
- f. If in any individual case involving a 15-day appeal period, that appeal period fails to include at least 10 working days, then the appeal period shall be extended as many days as the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council determines are necessary to include 10 working days.
- g. An appeal stays the processing of the application and entitlement, and any development of the project at issue until the appellate body makes a decision.
- h. After an appeal is filed, the initial decision maker will transmitted 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.
- i. When the appellate body receives the appeal, the initial decision maker loses jurisdiction.

- j. 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 additional notice of continuance need be given if the continuance to a date certain is announced at the time of the original hearing. If no date for the continued hearing is provided publicly at the original hearing, then notice of the continued hearing shall be provided in the same manner as the original notice for the appellate hearing.
- k. The appellate body will conduct a public hearing. After the public hearing, the appellate body will render a decision:
 - i. Affirming the initial decision in whole or in part; or
 - ii. 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.
- l. The appellate body may impose conditions that it determines are needed to ensure substantial compliance with the standards or findings for approval.
- m. 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.
- n. 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.
- o. 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. The reopened appeal period shall run for 10 days from the date the notice of withdrawal of the appeal is mailed. If more than one appeal was filed, the appeal period is only reopened if the withdrawal of the appeal would result in no other appeal going forward. The appeal period shall only be reopened once.
- p. 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.
- q. 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.
- r. If the withdrawal of the appeal, and the subsequent reopening of the appeal period, results in no appeal going forward:
 - i. The withdrawal of the appeal is permanent; and

- ii. The decision from which the appeal was taken automatically becomes final at the end of the appeal period or reopened appeal period.
- s. The appellate body shall hear the matter de novo, considering the whole of the project with no deference given to the decision of the initial decision maker. 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.
- t. Unless required otherwise by this Chapter or *Chapter I. (General Provisions and Zoning)*, in making a decision to grant a project approval, the appellate body shall make the same findings as required to be made by the initial decision maker, supported by substantial evidence.
- u. Unless otherwise required by a specific process, 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.
- v. Failure of the appellate body to render a timely decision shall result in the denial of the appeal.

2. 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. Any appeal not filed within the 15-day filing period shall not be considered by the Area Planning Commission or Board of Public Works. The filing of an appeal stays proceedings in the matter until the Commission or Board has made a decision. Once an appeal is filed, the initial decision maker shall transmitted the appeal and the file to the Commission or Board, together with any reports responding to the allegations made in the appeal.

3. Public Hearing on 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, giving notice in the manner specified in *Subsection C. (Notice)* of this *Section*.

4. 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.

5. 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.

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 shall automatically constitute an appeal of the decision on the application for the other discretionary permits and 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 *Sec. 563 (Conditional Use Permits and Other Approvals) of the City Charter*. 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. 13A.2.10. (Multiple Approvals)*. 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. (Notice) - E. (Standards for Review and Required Findings)* of this Section.

H. Amendments to Permits

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. (Initiation) - E. (Standards for Review and Required Findings)* of this Section.

c. Appeals

Decisions on amendment applications are appealable as provided in *Subsection G. (Appeals)* of this Section.

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 *Sec. 30519(b) and 30601 of the Public Resources Code*. 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.

DIV. 13B.10. DEPARTMENT OF BUILDING AND SAFETY

SEC. 13B.10.1. GENERAL PROVISIONS

A. Purpose

This *Division* describes the powers, duties, and processes of the Department of Building and Safety as they relate to this Chapter and *Chapter I. (General Provisions and Zoning)* of this Code.

B. Permits and Vesting of Development Plan

1. Permits

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 or *Chapter I. (General Provisions and Zoning)* of this Code. Any permit or Certificate of Occupancy issued in conflict with the provisions of this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code shall be null and void.

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 *Chapter V. (Public Safety and Protection)* and *Chapter IX. (Building Regulations)* 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:
 - i. 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 *Sec. 98.0602 (Expiration of Permits)* of this Code;
 - ii. When subsequent changes are made to those plans that increase by more than five percent or decrease by more than 10 percent the height, floor area, or occupant load of the proposed-structure;
 - iii. When the use of the property is changed;

- iv. When changes exceed or violate the regulations of this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code in force on the date the plan check fee was paid; or
 - v. When the discretionary land use approval for the project terminates under the provisions of this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code or any ordinance adopted pursuant to this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code.
- c. In the case that a discretionary land use approval is required, the vesting rights in plan check will be extended for the time period during which the discretionary land use approval is being processed. However, in no case will the extension of vesting rights exceed more than 18 months beyond the original vesting expiration timeline.

C. Yard Area Modifications

The Department of Building and Safety shall have the authority to hear and determine requests for yard area modifications pursuant to *Chapter IX. (Building Regulations), Sec. 98.0403.1(a)11. (Powers of the Department and the Board)* of this Code.

Parking Facility Modifications

1. The Superintendent of Building or the Superintendent's designee may grant slight modifications in the requirements of *Chapter I. (General Provisions and Zoning), Sec. 12.21 A.5. and Chapter I. (General Provisions and Zoning) Sec. 12.21 A.16. for lots* subject to Chapter I., or *4C.4.3. (Parking Area Design) and Div. 4C.3. (Bicycle Parking)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter, 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. The Superintendent of Building 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 ensured to his or 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.

D. 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.

SEC. 13B.10.2. APPEALS FROM LADBS DETERMINATIONS

A. Applicability

1. The Director may investigate and make a decision upon appeals from determinations of the Los Angeles Department of Building and Safety (LADBS) where it is alleged there is error or abuse of discretion in any order, interpretation, requirement, determination or action made by LADBS in the enforcement or administration of this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code and other land use ordinances in site specific cases.
2. This *Section* does not apply to requests for extensions of time to comply with any order issued by LADBS.
3. An appeal to the Director may only be made after the LADBS has rendered a decision in writing and provided written justification and findings on an appeal made pursuant to Sec. 98.0403.2(a) (*Procedures for Appeals to the Department and to the Board*) of this Code.

B. Initiation

1. Any aggrieved person may file an appeal at a public counter of the Department of City Planning. For the purposes of this process, the person filing an appeal on the LADBS determination will be considered the applicant.
2. The appeal shall be filed within 15 days after the LADBS renders a decision in writing with justification and findings on the issues set forth in the appeal made pursuant to Sec. 98.0403.2(a) (*Procedures for Appeals to the Department and to the Board*) of this Code.
3. The appeal to the Director must be accompanied by a written copy of the decision of LADBS, and any written copy of the underlying order, interpretation, requirement, determination or action taken on the matter by LADBS. The applicant shall set forth specifically how there was error or abuse of discretion in the action of LADBS. Each appeal shall be accompanied by a filing fee as specified in *Chapter I. (General Provisions and Zoning), Article 9 (Fees)* for lots subject to Chapter I., or *Article 15. (Fees)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter.
4. Filing an appeal stays, with respect to that site, all enforcement proceedings and actions pertaining to this Chapter or *Chapter I. (General Provisions and Zoning)* of this Code, and other land use ordinances pending the Director'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 LADBS, and only after consideration of the issues set forth in the appeal to the LADBS made pursuant to Sec.

Sec. 13B.10.2. Appeals from LADBS Determinations

1 Initiation

AGGRIEVED PERSON

2 Submittal

COMPLETENESS REVIEW

NOTICE

3 Review

PLANNING DIRECTOR HEARING

OPTIONAL

3 Decision

PLANNING DIRECTOR

APPROVE OR DENY

APPEAL AVAILABLE

98.0403.2(a) (Procedures for Appeals to the Department and to the Board) of this Code. Filing an appeal does not delay enforcement proceedings or actions related to the abatement of imminent life safety hazards.

C. Notice

1. Notice of Appeal Filing

Upon receipt of the Appeal from LADBS Determination, the Department of City Planning shall notify the owner of the subject property if an appeal is filed by a third party.

2. Notice of Public Hearing

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

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> • Appellee and property owner; • Applicant; • 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; • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified

3. Notice of Public Hearing on Appeal

The following notice is required for the public hearing on the appeal to the Area or City Planning Commission:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> • Appellee and property owner; • Applicant; • 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; • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

3. Public Hearing

The Director shall set the matter for hearing if it is likely to be controversial, giving notice in the manner specified in *Subsection C. (Notice)* above.

4. Decision

- a. The Director shall investigate the matter.
- b. The Director shall render a decision within 75 days after the appeal period expires. 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. 13A.2.6. (Transfer of Jurisdiction)*.

5. Transmittal

The Director 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 making a determination on an Appeal from LADBS Determination, the Director shall consider whether there was an error or abuse of discretion by LADBS.
2. The Director shall make a finding regarding whether the matter may have a citywide impact.
3. The Director 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 this Chapter and *Chapter I. (General Provisions and Zoning)* of this Code and other land use ordinances to other sites.
4. In making a determination on an appeal of the Director's initial decision on an Appeal from LADBS Determination, the Area Planning Commission or City Planning Commission shall consider whether there was an error or abuse of discretion by the Director.

F. Scope of Decision

See *Sec. 13A.2.7. (Scope of Decision)*.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (*Appeals*).

2. Decision Maker

The Area Planning Commission is the appellate decision maker on a matter that the Director found did not have a citywide impact. The City Planning Commission is the appellate decision maker on a matter that the Director found does have a citywide impact.

3. Filing

An applicant or any other person aggrieved by a decision of the Director may appeal that decision to the Area Planning Commission or City Planning Commission.

4. Appellate Decision

- a. Before acting on any appeal, the appellate body will set the matter for a public hearing, giving notice in the manner specified in *Subsection C. (Notice)* of this *Section*.
- b. The appellate body shall act within 75 days after the expiration of the appeal period.

H. Modification of the Action

No modification is available.

SEC. 13B.10.3. ANNUAL INSPECTION MONITORING (TYPE 1)

A. Applicability

1. The provisions of this *Section* shall apply to every recycling center or yard operating pursuant to a valid Certificate of Occupancy and to every collection bin operating pursuant to a valid building permit. In addition, these provisions shall be applicable to every recycling center or yard operating with nonconforming status pursuant to *Chapter I. (General Provisions and Zoning), Sec. 12.23 (Nonconforming Building and Uses)* for lots subject to Chapter I., or *Article 12. (Nonconformities)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter, and any rights otherwise granted by *Chapter I. (General Provisions and Zoning), Sec. 12.23 (Nonconforming Building and Uses)* or *Article 12. (Nonconformities)* of this Zoning Code (Chapter 1A), may be revoked pursuant to this *Section*.

2. Definitions

For the purpose of this *Section* the following words and phrases are defined:

Collection Bins. Any box, canister, receptacle, or other container that can be opened and closed, and is used for collecting salvageable personal property, including, but not limited to, clothing, shoes, books, and household items for periodic off-site processing and/or redistribution. For purposes of this definition, salvageable personal property shall not include recyclable materials not intended for re-use, including, but not limited to, newspapers, plastic, glass, aluminum, electronics, toxic or hazardous materials, and solid waste; nor any personal property that, because of its size, does not fit inside the collection bin.

Department. The Department of Building and Safety.

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. Inspections

- a. Each recycling center, yard, or collection bin shall be available for inspection by the Department to verify compliance with all applicable provisions of this Code.

- b. An inspection fee as specified in *Sec. 98.0402(e) (Annual inspection Fee)* of this 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 in *Sec. 98.0402(g)* of this Code and *Sec. 7.35.1 et seq.* of the LAAC. 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 and which are nearby but not contiguous with a main yard, may be subject to an inspection and an additional fee of one half of the annual inspection fee for each primary yard.

2. Order to Comply

- a. If a recycling center, yard, or collection bin 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, yard, or collection bin.
- b. The violation must be corrected by the compliance date specified in the Order, which shall be no more than 30 days from the date the Order is mailed.
- c. 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, yard, or collection bin presents evidence of unusual hardship to the satisfaction of the Superintendent.
- d. Failure to comply with the Order may result in a revocation of Certificate of Occupancy. A revocation hearing may be canceled upon correction of violation and payment of a fine based on the fine schedule in *Subsection H. (Additional Standards and Provisions)* of this *Section*. If a collection bin is found in violation of this *Section* after the Department has issued and resolved an order to comply for a previous collection bin violation on the same property, then revocation proceedings shall commence on the Certificate of Occupancy for the collection bin and the Department shall issue no further Certificate of Occupancy permits for collection bins on that property.

3. Re-Inspection

The Superintendent shall re-inspect a recycling center, yard, or collection bin for which an Order was issued pursuant to this Section subsequent to the compliance date or any authorized extension thereof.

4. Enforcement Authority Prior to Revocation Notice

The Superintendent may commence enforcement pursuant to Sec. 98.0408 (*Issuance of Citations by Designated Employees*) of this Code if the violations noted in an Order are not corrected on or before the due date noted upon such notice.

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 (*Applicability*) of this Section.
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 uncorrected violations as of the compliance date.
3. Owner and operator may obtain copies of all inspection reports related to these violations.

4. Revocation Hearing

- a. The Board of Building and Safety Commissioners may appoint a Hearing Officer to conduct the hearing, which Hearing Officer shall not be any individual who participated in the issuance of any of the Notices required by this Section. Subpoenas may be issued pursuant to Sec. 98.0307 (*Subpoenas*) of this Code. The hearing shall be conducted pursuant to the provisions of Sec. 98.0308 (*Evidence*) and 98.0309 (*Official Notices*) of this Code.
- b. Revocation proceedings may only be terminated 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. (*Additional Standards and Provisions*) of this Section.

D. Decision

1. Hearing Officer's Report

Within 30 days of the conclusion of the revocation hearing, the Hearing Officer shall report its findings and recommendations in writing to the Board of Building and Safety Commissioners.

2. Board of Building and Safety Commissioners Determination

- a. Revocation may be ordered by the Board of Building and Safety Commissioners 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. (Standards for Review and Required Findings)* of this Section.
- b. In making its determination, the Board of Building and Safety Commissioners may hear from the owner, operator, or other interested party.
- c. The determination of the Board of Building and Safety Commissioners is final.

E. Standards for Review and Required Findings

The Board of Building and Safety Commissioners may, in its discretion, determine that a Certificate of Occupancy should not be revoked if it makes both of the following findings:

1. 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
2. The owner or operator of the yard has paid the fine specified in *Subsection I. (Additional Standards and Provisions)* of this Section 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 Section, 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. A site which has no valid Certificate of Occupancy and seeks a Certificate of Occupancy shall retain no rights under *Chapter I. (General Provisions and*

Zoning), Sec. 12.23 (Nonconforming Building and Uses) nor under Article 12. (Nonconformities) of this Zoning Code (Chapter 1A).

G. Appeals

There is no appeal.

H. Additional Standards and Provisions

1. Fine Schedule

The fine for each violation listed in the Notice shall be as specified in *Sec. 98.0402(f)2. (Code Enforcement Costs incurred; investigation Costs, Fees and Fines)* of this 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 *Section*, shall be parked, left standing, placed, or stored outside of the approved enclosure on the lot where the yard is located, except that vehicles and parts may be stored within an approved auxiliary storage yard. In addition, all parking stalls on the lot and any access driveways leading to the parking spaces that are required by this Code must remain clear and available for parking of operative vehicles.

I. Further Action

1. Repeat Violations

Despite any provision of this *Section* to the contrary, if a business or property owner is issued a subsequent notice for a code violation within one year of the initial notice of an Order for the same code violation then all of the following apply:

- a. Each violation cited in a subsequent Order shall carry a fine as specified in *Sec. 98.0402(f)1. (Code Enforcement Costs incurred; investigation Costs, Fees and Fines)* of this Code and shall be paid within 15 days of the compliance date of any subsequent Order.
- b. The compliance date for any subsequent order to comply shall be no more than 10 days from the date of mailing of notice for repeat violations.
- c. No extension of the compliance date may be granted for repeat violations.

SEC. 13B.10.4. ANNUAL INSPECTION MONITORING (TYPE 2)

A. Applicability

1. The provisions of this *Section* shall apply to every automotive repair garage use in the City of Los Angeles, including those in existence prior to May 27, 1990 and every used vehicle sales area.

2. **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 the annual inspections required by this *Section*.

3. **Definitions**

For the purpose of this *Section* the following words and phrases are defined:

Department. The Department of Building and Safety.

Used Vehicle Sales Area. An area or lot where any type of used motor vehicle or trailer is displayed for sale.

Automotive Repair Garage. For lots subject to *Chapter I. (General Provisions and Zoning)* of this Code, this term means: All retail or wholesale uses which are enumerated in the definition for "Automotive Repair" in *Section 12.03 (Definitions)* of this Code, and 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.

For lots subject to this Chapter, this term means any use described by the definition of: 1) motor vehicle services: light 2) motor vehicle services: heavy 3) or motor vehicle services: large vehicle per *Part 5D. (Use Definitions)*.

B. Initiation

1. **Inspections**

- a. The physical facilities of each automotive repair garage or used vehicle sales area shall be open to the Department for inspections.
- b. An inspection fee as specified in *Sec. 98.0402(e) (Annual inspection Fee)* of this Code shall be paid by each business operator or property owner to the Department upon notice. 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 Sec. 98.0402(g) (*Code Enforcement Costs incurred: investigation Costs, Fees and Fines*) of this Code and Sec. 7.35.1 et seq. of the LAAC. 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 also be subject to inspection and 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 state the following:
 - i. The nature of the violation and the Code section violated;
 - ii. The compliance date by which the violation must be corrected.
- b. 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 Subsection H. (*Additional Standards and Provisions*) of this Section;
- c. An appeal may be filed from the Order in the manner provided by Subsection G. (*Appeals*) of this Section.

3. Re-Inspection

The Department may re-inspect an automotive repair garage or used vehicle sales area for which an Order was issued pursuant to this Section subsequent to the compliance date or any authorized extension.

4. Enforcement Authority Prior to Revocation Notice

The Superintendent may commence enforcement pursuant to Sec. 98.0408 (*Issuance of Citations by Designated Employees*) of this Code if the violations noted in an Order are not corrected on or before the due date noted upon such notice.

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 Sec. 98.0402(e) (*Annual inspection Fee*) of this Code, then the Department may 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.
3. Copies of all inspection reports related to such violations are available for inspection by the owner or operator.

4. Revocation Hearing

- a. The Board of Building and Safety Commissioners may appoint a Hearing Officer to conduct the hearing, which Hearing Officer shall not be any individual who participated in the issuance of any of the Notices required by this Section. Subpoenas may be issued pursuant to Sec. 98.0307 (*Subpoenas*) of this Code. The hearing shall be conducted pursuant to the provisions of Sec. 98.0308 (*Evidence*) and 98.0309 (*official Notices*) of this Code.
- b. Revocation proceedings may be terminated 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. (*Additional Standards and Provisions*) of this Section.

D. Decision

1. Hearing Officer's Report

Within 30 days of the last day of the revocation hearing, the Hearing Officer shall report its findings and recommendations in writing to the Board of Building and Safety Commissioners.

2. Board of Building and Safety Commissioners Determination

- a. Within 30 days of receipt of the Hearing Officer's report, the Board of Building and Safety Commissioners shall determine whether the Certificate of Occupancy shall be revoked.
- b. In making its determination, the Board of Building and Safety Commissioners may hear from the owner, operator, or other interested party.
- c. The determination of the Board of Building and Safety Commissioners is final.

E. Standards for Review and Required Findings

In ordering a revocation, the Board of Building and Safety Commissioners shall find that:

1. Any of the violations specified in the Order have not been corrected, or that the fines specified in *Subsection H. (Additional Standards and Provisions)* have not been paid;
2. 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
3. The owner or operator of the automotive repair garage or used vehicle sales area has failed to demonstrate to the satisfaction of the Board of Building and Safety Commissioners the ability or willingness to eliminate problems associated with the automotive repair garage or used vehicle sales area operation.

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. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

2. Appellate Decision

- a. Except for extensions of time granted by the Department as authorized in *Subsection H. (Additional Standards and Provisions)* and despite any provisions of this Code to the contrary, there shall be no appeal to the Board of Building and Safety Commissioners from any notice issued or determination made by the Department pursuant to this *Section*.
- b. Appeals may be made from Department determinations of violations of *Paragraph 3. (Parking of Cars in Custody of Automotive Repair Garage or Used Vehicle Sales Area)* and *Paragraph 4. (Minimum Standards)* of *Subsection H. (Additional Standards and Provisions)* of this *Section*.

H. Additional Standards and Provisions

1. Fine Schedule

- a. The fine for each violation listed in the Notice shall be as specified in *Sec. 98.0402(f)2. (Code Enforcement Costs incurred: investigation Costs, Fees and Fines)* of this Code.

b. Fines Distinct from Other Penalties and Fees

The above fines are separate and distinct from both misdemeanor or infraction fee penalties provided in the Code and the noncompliance fees authorized in *Sec. 98.0411 (Non-Compliance Fees)* of this 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 *Subsection B.2 (Initiation; order to comply)* of this *Section* 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 of Building and Safety Commissioners may grant an extension of the compliance date for an additional period not to exceed 180 days if it finds that the correction of 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 hours of operation. This person shall maintain current records, in a manner that can be immediately supplied to any enforcement agency upon request (subject to applicable state or federal laws), including 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 for commuting.

4. Minimum Standards

All automotive repair garages shall comply with the minimum standards described in *Chapter I. (General Provisions and Zoning), Sec. 12.26 F. (Automotive Repair Garage and Used Vehicle Sales Area; Minimum Standards)* for lots subject to Chapter I., or all Use Standards that pertain to the subject use per the lot's applied pursuant to *Part 5B. (Use Districts)* for lots subject to this Zoning Code (Chapter 1A).

I. Further Action

1. Repeat Violations

Notwithstanding any provision of this *Section* to the contrary, if a business or property owner is issued a subsequent notice for a code violation within one year of the initial notice of an Order for the same code violation then all of the following apply:

- a. Each violation cited in a subsequent Order shall carry a fine as specified in *Sec. 98.0402(f)1.* of this Code and shall be paid within 15 days of the compliance date of any subsequent Order.
- b. The compliance date for any subsequent order to comply shall be no more than 10 days from the date of mailing of notice for repeat violations..
- c. No extension of the compliance date may be granted for repeat violations.

DIV. 13B.11. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PROVISIONS

SEC. 13B.11.1. 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 (CEQA Guidelines) to adopt local procedures that implement CEQA.
2. This *Section (Environmental Review Procedures)* applies to CEQA compliance for all projects subject to approval under the authority of this *Article (Administration)*. Additionally, any CEQA appeal from an approval made pursuant to *Chapter IX. (Building Regulations)* of this Code shall be subject to and comply with *Subsection F. (Appeals of CEQA Decisions)* below.
3. This *Section (Environmental Review Procedures)* supersedes any contradicting provision in this Zoning Code (Chapter 1A) or any other City ordinance, regulation, guideline, or policy, including Sec. 197.01 (CEQA Appeals) of the LAAC.
4. CEQA and the CEQA Guidelines, as applicable, are incorporated and made a part of this Section (Environmental Review Procedures) as though fully set forth herein. In the review and approval of projects under this Article (Administration), all officers and employees of the City shall comply with each and every applicable provision of CEQA and the CEQA Guidelines.

5. Prohibition

No permit shall be issued or entitlement approved by the Department of City Planning or the Department of Building and Safety that would violate CEQA, including by approving a discretionary project without making the necessary findings under CEQA. Discretionary projects include projects that require only discretionary actions or both discretionary and ministerial actions.

B. CEQA Review Responsibility

1. Director of Planning Responsibilities

The Director 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 may:

- a. Issue administrative guidelines to implement CEQA and this *Section (Environmental Review Procedures)*, consistent with CEQA, the CEQA Guidelines, this *Section (Environmental Review Procedures)*, and any City Council policy; and

- b. Determine significance of environmental effects 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. If CEQA does not provide notice requirements, then notice shall be given pursuant to *California Government Code, Sec. 54950 et seq.*
3. **Notice of Public Hearing on CEQA Appeal**

The following notice is required for the CEQA appeal hearings held pursuant to *Subsection F. (Appeals of CEQA Decision)* of this *Section (Environmental Review Procedures)*:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> • The Project applicant; • The owner(s) of the property subject to the <u>CEQA Clearance</u>; • Appellant; • The Certified Neighborhood Council representing the area in which the property is located; and • Any interested parties who have requested in writing to receive notices related to the <u>CEQA Clearance</u> or any action on the Project.

4. **Notice of Hearing on Sustainable Communities Project**

The following minimum notice is required for a hearing held pursuant to *Paragraph a. of Subdivision D.3. (CEQA Decisions; Sustainable Communities Project Exemption)* of this *Section*, or a hearing by the City Council, the City Planning Commission, or an Area Planning Commission for a Sustainable Communities Environmental Assessment, pursuant to *Sec. 21155.2 (Transit Project Review) of the Public Resources Code*.

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	10 days	<ul style="list-style-type: none"> • The Project applicant; • The owner(s) of the property subject to the <u>CEQA Clearance</u>; • The owner(s) and occupant(s) of properties within 500 feet of the property subject to the <u>CEQA Clearance</u>; • The Certified Neighborhood Council representing the area in which the property is located; and • Any interested parties who have requested in writing to receive notices related to the <u>CEQA Clearance</u> 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 this Article, 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 a project approval or appeal of an approval under this Article is the decision maker for purposes of compliance with CEQA. When a project has more than one approval, the decision maker on the initial approval, or the appeal of the initial approval, determines the CEQA Clearance for the project, subject to any available CEQA appeal to the City Council under Subsection F. (Appeals of CEQA Decisions) of this Section and all other requirements of CEQA and the CEQA Guidelines.

3. Sustainable Communities Project Exemption

- a. The hearing and determination of the use of the Sustainable Communities Project Exemption (SCP Exemption) shall be determined by the City Council after it holds a public hearing and adopts findings consistent with *Public Resources Code, Sec. 21155.1. (Transit Project; applicability requirements)*. This hearing and the determination on the use of the SCP Exemption may be completed before or after the project approval.
- b. Where the only CEQA Clearance proposed for a project is a SCP Exemption, no project approval is final and effective until the City Council determines the project is exempt as a Sustainable Communities Project. No actions shall be taken and no permits issued in reliance on a project approval prior to the City Council's determination that the SCP Exemption applies, absent the approval of an alternative CEQA Clearance.
- c. If the City Council holds a hearing on the SCP Exemption and determines that it does not apply to the project, and no other CEQA Clearance is approved for the project, any prior project approval shall be void.
- d. If the only CEQA clearance proposed for a project is a SCP Exemption and there are no project related approvals or appeals subject to City Council action, and there are no further appeals available for the project approval, the City Council shall hold the public hearing on the SCP Exemption within 75 days of the issuance of the letter of determination.

4. Finality of Project Approvals

For purposes of filing a Notice of Determination or a Notice of Exemption or the filing of a CEQA appeal to the City Council pursuant to Subsection F. (Appeals of CEQA Decisions) of this Section, a project approval is final pursuant to the provisions of Subsection 13A.2.5.E. (Decisions; Effective Date), or if finality for the project approval is not provided for in Sec. 13A.2.5.E. (Decisions), approval is effective immediately unless otherwise provided by the City Charter, the Code, or CEQA and the CEQA Guidelines.

E. Standards for CEQA Review and Required Findings

1. CEQA Clearances

In approving projects, decision makers may rely on any CEQA Clearance consistent with CEQA and the CEQA Guidelines.

- a. Where an Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), Negative Declaration (ND), or Sustainable Communities Environmental Assessment (SCEA) has been adopted or certified for a project, no subsequent EIR, MND, ND, or SCEA shall be adopted or certified, except as required by CEQA, including *Public Resources Code, Sec. 21166. (Lead agency prohibition to require subsequent reports for a certified project unless specific events.)*.
- b. To the extent applicable and supported by substantial evidence, the City may rely on multiple CEQA Clearances, including CEQA Clearances approved in the alternative.
- c. This Section is not intended to expand the City's discretion to approve or condition projects. Subject to the requirements of CEQA, the environmental analysis of a project is limited to the extent the decision maker has discretion to mitigate or avoid environmental impacts in the approval of the project.

2. Appeals

A City Council decision on an appeal filed under *Subsection F. (Appeals of CEQA Decisions)* of this Section shall be based on the requirements of CEQA and the CEQA Guidelines.

F. Appeals of CEQA Decisions

1. General Procedures

See *Sec. 13A.2.8. (Appeals)*.

2. Appeal of CEQA Clearances

The following CEQA Clearances may be appealed to the City Council by any interested party, when the decision maker was not the City Council, and no further appeals on the project approval are available:

- a. Certification of an Environmental Impact Report.
- b. Adoption of a Negative Declaration or a Mitigated Negative Declaration.
- c. Adoption of a Sustainable Communities Environmental Assessment.
- d. A determination that an approval under this Article is not subject to CEQA either because it is not a project as defined by CEQA or the CEQA Guidelines or because it is exempt.

3. Exhaustion

No appeal of the CEQA Clearance shall be accepted by the City unless all project approval appeals were previously exhausted.

4. CEQA Appeal Filing Requirements

No appeal of the CEQA Clearance shall be considered by the City Council unless the appellant does all of the following:

- a. Files a CEQA appeal with the Department within 15 days of the date the project approval is final.
- b. Pays the applicable fee, if any.
- c. Fills out the application form required by the City and provides the following information:
 - i. The name, address, and telephone number of the appellant and the person filing the appeal if different from the appellant;
 - ii. A statement that the appeal is made pursuant to this *Section*;
 - iii. The decision maker of the CEQA Clearance subject to the appeal;
 - iv. 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;
 - v. 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; and
 - vi. Any other information required by the office of the City Clerk or the Director.
- d. At any time, the City may reject an appeal that does not comply with all the requirements of *Subdivisions 2, 3, or 4* of this *Subsection*.

5. Effect of Filing an Appeal of the CEQA Clearance

- a. The filing of an appeal of the CEQA Clearance stays:
 - i. The CEQA Clearance;
 - ii. Any project approvals that rely upon the CEQA Clearance;
 - iii. Any action or approval by the Department on related project approvals that will rely on the CEQA Clearance; and
 - iv. Any action or approvals by other City departments in reliance upon the project approval that relied upon the CEQA Clearance.
- b. Upon the filing of a CEQA appeal, the applicant's time to act under any project approval or permit shall be tolled until the appeal is decided.

- c. Upon the filing of a CEQA appeal, the City's time to act on any related project approval shall be tolled until the appeal is decided.
- d. Nothing in this *Subdivision F.5.*, is intended to affect the finality of project approvals for purposes of an applicable statutes of limitations.

6. **Withdrawal of Appeal**

- a. An appeal filed under this *Subsection F. (Appeals of CEQA Decisions)* may be withdrawn at any time by the Appellant prior to the date and time scheduled for the hearing. Upon withdrawal of the appeal, no further action on the appeal shall be taken by the City and the timeline to file an appeal under this *Subsection I.* shall not be extended or restarted.
- b. All stays and tolling under *Subdivision 5. (Effect of Filing an Appeal of the CEQA Clearance)* of this *Subsection F.* shall terminate upon the withdrawal of the appeal.

7. **Hearing on Appeal**

a. **Timeline for City Council Hearing**

The City Council shall hold a public hearing before deciding the appeal, giving notice in the manner specified in *Subsection C. (Notice Rules for CEQA)* of this *Section*. The appeal shall be decided by the City Council within 75 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. **Joint Hearings on the CEQA Clearance and Project Approvals**

i. **Applicability**

If there are related project approvals or appeals for which the City Council is the decision maker or appellate body and have been transmitted to City Council for its action at any time after the CEQA appeal is filed and before the hearing on the CEQA appeal, the City Council shall hold a joint hearing on the CEQA appeal and the related project approvals or appeals.

ii. **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 related project approvals shall automatically be extended as necessary to comply with this *Subsection*.

iii. **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 related project approvals.

8. Time to File Documents for the Hearing

All appeal-related documents filed by or on behalf of the appellant must be filed with the City Clerk no later than five 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 two 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 *Subdivision*.

9. 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, reverse, or modify the CEQA Clearance.
- b. After conducting a public hearing, the City Council shall do one of the following:
 - i. Affirm the decision maker's approval of the CEQA Clearance.
 - ii. Reverse the decision maker's approval of the CEQA Clearance and remand the environmental review of the project to the decision maker who last approved the CEQA Clearance with direction to correct the substantive or procedural error.
 - iii. Reverse the decision maker's approval of the CEQA Clearance without remand.
 - iv. Approve a modified or alternative CEQA Clearance provided no new mitigation or change to the project is required.

10. 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, the appellant, the applicant, or any other interested party. In affirming any decision maker's approval of the CEQA Clearance, the City Council shall make all necessary findings and take all necessary actions required by CEQA for the approval of that CEQA Clearance.

11. Exhaustion of Administrative Remedies

No person entitled to file a CEQA Appeal pursuant to this Section may initiate action in a court of law challenging the Environmental Determination unless and until such person files the CEQA Appeal and the City Council has taken final action on the CEQA Appeal.

G. Scope of CEQA Appeal Action

The following procedures apply to the City Council action on a CEQA Appeal under *Subsection F. (Appeals of the CEQA Decisions)* of this Section.

1. Affirmed

If the City Council affirms the CEQA Clearance, or any one CEQA Clearance when multiple CEQA Clearances are appealed, the stays in *Subdivision F.5. (Appeals of CEQA Decisions; Effect of Filing an Appeal of the CEQA Clearance)* above are lifted.

2. Reversed Without Remand

If the City Council determines the CEQA Clearance(s) should be reversed without remand, the project approval(s) subject to the CEQA Clearance(s), as well as any City action taken or approval granted in reliance upon the project approval(s), are void.

3. Reversed With Remand

If the City Council reverses and remands the CEQA Clearance(s) to the decision maker for further action:

a. Project Approvals Void

All project approvals subject to the CEQA Clearance, as well as any City actions taken or approvals granted in reliance upon the project approvals, are void. All stays on actions or approvals pursuant to *Subdivision F.5. (Appeals of CEQA Decisions; Effect of Filing an Appeal of the CEQA Clearance)* above, shall remain in place until the decision maker on remand under *Paragraph b. (Decision Maker Responsibility on Remand)* below, approves a CEQA Clearance on the project. All times to act on related project approvals shall be extended to comply with this *Subsection*.

b. Decision Maker Responsibility on Remand

After approving a CEQA Clearance consistent with Council direction, the decision maker shall reconsider the project approvals.

c. Planning Director Responsibility on Remand

The Director 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 in *Chapter I. (General Provisions and Zoning), Article 9 (Fees)* for lots subject to Chapter I., or *Article 15. (Fees)* of this Zoning Code (Chapter 1A) for lots subject to this Chapter, if any, for additional environmental review on remand.

e. Project Timelines

All Code required timelines to act on the project approvals shall automatically be extended to the extent reasonably necessary for the Director and 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 approvals 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 *Subsection F. (Appeals of CEQA Decisions)* of this *Section*, provided the City Council's review is limited to modifications to the original CEQA Clearance.

4. City Council Action on Joint Hearings on CEQA Appeals and Project Approvals

In addition to the above provisions in *Subsection F. (Appeals of CEQA Decisions)* of this *Section* and this *Subsection (Scope of CEQA Appeal Action)*, the following rules apply when the City Council is required to hold a joint hearing under *Paragraph F.7.b. (Appeals of CEQA Decisions; Joint Hearings on the CEQA Clearance and Project Approvals)* of this *Section*:

a. City Council Decision to Affirm the CEQA Clearance

If the City Council affirms the CEQA Clearance, the City Council shall comply with *Paragraph E.1.a (Standard for CEQA Review and Required Findings; CEQA Clearances)* of this *Section* and review the related project approval or appeal as a subsequent approval of the affirmed CEQA Clearance, if applicable.

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 decision on the related project approvals pursuant to the following provisions:

i. Remand to the Lower Decision Maker

If any project approval is voided or stayed by the City Council's reversal of the CEQA Clearance, the City Council shall use one of the following procedures.

a) Remand the CEQA Clearance

The City Council may continue its decision on the related project approval or appeal and remand the CEQA Clearance to the lower decision maker for further action under the procedures in *Paragraph G.3 (Reversed with Remand)* of this *Section*. The action on the related project approval subject to City Council approval shall be continued until the lower decision maker adopts a new CEQA Clearance and a new hearing before the City Council is scheduled.

b) Approve a New or Modified CEQA Clearance and Remand Project Approvals

The City Council may adopt a new CEQA Clearance for the project, decide the related project approval or appeal, and remand action on the project approval subject to the lower decision-making body for the sole purpose of taking an action on the project approval considering the CEQA Clearance approved by the City Council, including but not limited to, modifying the project approval to incorporate mitigation measures as conditions of approval. The lower decision-making body shall comply with *Paragraph E.1.a (Standard for CEQA Review and Required Findings; CEQA Clearances)* of this Section, if applicable, and review the remanded project approval as a subsequent approval of the CEQA Clearance approved by the City Council.

ii. Project Approval and Finality

If the City Council approves the CEQA Clearance on the project under the procedures in this Subdivision, the date the project is approved and final for purposes of CEQA and the CEQA Guidelines is the day the City Council approves the CEQA Clearance and acts on any project approval.

iii. 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.

5. Housing Projects

- a. Notwithstanding Subsection F. (*Appeals of CEQA Decisions*) and Subsection G. (*Scope of CEQA Appeal Action*) in this Section, if a project includes dwelling units, and the City Council reverses all CEQA Clearances for a project, the Council does not have the option to reverse the CEQA Clearance without Remand in Sub-subparagraph b.iii. (*Council Authority on Appeal*) of this Section.
- b. While the CEQA Clearance for a project that includes dwelling units is on remand to the decision maker all of the following requirements shall be met:
 - i. The Director, subject to the Applicant's payment of fees and cooperation, shall work diligently to complete all CEQA analysis in an expeditious manner.
 - ii. The decision maker shall act on the CEQA Clearance and the project approval within thirty (30) days of the revised or new CEQA Clearance being completed.
 - iii. The decision maker's discretion to modify the previously approved project shall be limited to the mitigation or avoidance of significant environmental impacts, and any necessary findings under *California Government Code, Sec. 65589.5 (Findings to assure the approval of adequate housing)* shall be made.

H. Modification of Project or Mitigation Measure

1. Modification of Project

The applicant may modify the approved project under the applicable provisions of this *Article*, provided all requirements of CEQA and the CEQA Guidelines are met.

2. Modification to Mitigation Measures after Project Approval

- a. The deletion of an adopted mitigation measure imposed as a condition of approval on an approved project, or the modification of such a condition where the Director cannot otherwise find substantial conformance, shall require the approval of a Modification to Mitigation Measure pursuant to the procedures in this *Subdivision*.
- b. A Modification to Mitigation Measure is approved upon the Director doing the following:
 - i. Complying with CEQA and the CEQA Guidelines; including if necessary preparing a new CEQA Clearance, such as an addendum or supplemental or subsequent EIR.
 - ii. Preparing written findings that support the need for the modification or deletion of the mitigation measure.
- c. Director approval of a Modification to Mitigation Measure is final and not appealable. A CEQA Clearance approved in support of the Modification to Mitigation Measure, may be appealed under *Subsection F. (Appeals of CEQA Decisions)* of this *Section*, if applicable.
- d. Modifying a condition of approval imposing an adopted mitigation measure does not require the approval of any other project approval or project modification in this *Article (Administration)*.

I. Prohibition and Enforcement of Improper Segmentation of Projects

1. Prohibition

No person or entity, including without limitation, the applicant, the property owner, or a representative of the applicant or the property owner, shall take any action to avoid CEQA review of the project, including through the misrepresentation of the whole of the project in any City application.

2. Loss of Historical Resources from Improper Segmentation

If the Zoning Administrator, or the Area Planning Commission on appeal, finds a violation of *Paragraph 1. (Prohibition)* of this *Subsection* under the process in *Paragraph 3. (Zoning Administrator Determination)* or *Paragraph 4. (Appeal)* of this *Subsection*, and finds the violation resulted in the material impairment in the significance of a historical resource, the Zoning Administrator or the Area Planning Commission shall issue the maximum penalties in *Paragraph 5.a. (Penalties)* of this *Subdivision*, unless the Zoning Administrator or the Area Planning Commission adopts written findings showing that the maximum penalty is excessive in light of the criteria in *Paragraph 5.b. (Penalties)* of this *Subdivision*.

For purposes of this *Subsection*, “historical resource” means those resources that meet the definition of a historical resource in *Public Resources Code, Sec. 21084.1 (Historical resources)* and *Sec. 15064.5(a) (Determining the Significance of Impacts to Archaeological and Historical Resources) of the CEQA Guidelines*. For purposes of meeting the definition above, the historical resource shall be presumed to retain its integrity unless proven otherwise by a preponderance of the evidence.

3. Zoning Administrator Determination

The following procedures shall be followed to enforce a violation of *Paragraph 1. (Prohibition)* of this *Subsection*:

- a. If the Director reasonably believes that there has been a violation of *Paragraph 1. (Prohibition)* of this *Subsection*, the Director may refer the matter to the Zoning Administrator for investigation pursuant to the procedures in this *Subdivision*. If the Director refers the matter for investigation to the Zoning Administrator, the Director shall request the Department of Building and Safety to issue a Notice of intent to Revoke Permits and a Stop Work order for the project site.
- b. Within 45 days of the issuance of a Notice of Intent to Revoke Permits or a Stop Work order, the Zoning Administrator shall either issue a letter of determination finding a violation of *Subdivision 1. (Prohibition)* of this *Subsection*, or request the Department of Building and Safety to rescind the Notice of intent to Revoke Permits and the Stop Work order.
- c. For the purpose of deciding the Zoning Administrator’s determination, the Zoning Administrator shall have the power of subpoena to obtain documents from the Applicant.
- d. If the Zoning Administrator finds a violation under *Subdivision 1. (Prohibition)* of this *Subsection*, the letter of determination shall include written findings supporting the determination and the penalty, if imposed and the letter of determination shall be forwarded to the Department of Building and Safety.
- e. The letter of determination shall be noticed to the applicant and the property owner by certified mail or personal service, and posted on the project site. If the Zoning Administrator finds a violation, the notice shall include the timeline and manner in which an appeal may be filed under this *Subsection*.

4. Appeal

- a. A Zoning Administrator determination of a violation under this *Subsection* is appealable by the applicant or the property owner to the Area Planning Commission within 15 days of the notice of the letter of determination being issued. If no appeal is filed, the determination is final.

- b. Any appeal filed to the Area Planning Commission shall be decided after a public hearing where the City and the appellant have an opportunity to present evidence in support of its case. Notice of the hearing shall be given at least 24 days before the hearing to the appellant and property owner (if the property owner is not the appellant) by mail.
- c. At the hearing, the City and the Appellant shall have the opportunity to testify, cross-examine witnesses, and present witnesses and evidence in support of its case. Written and oral evidence submitted at the hearing shall be submitted under penalty of perjury. Documentary and other tangible evidence must be authenticated to the satisfaction of the Area Planning Commission.
- d. The Area Planning Commission shall decide the appeal within 75 days of the appeal being filed. The time to act may be continued upon agreement of the appellant and the Area Planning Commission. No reasonable request of the appellant for additional time shall be denied.
- e. On appeal, the standard of review shall be de novo, the standard of proof shall be preponderance of the evidence, and except as otherwise provided in this *Subsection I. (Prohibition and Enforcement of Improper Segmentation of Projects)*, the City has the burden of proof.
- f. Within 15 days of the conclusion of the hearing, the Area Planning Commission shall render a written decision that shall include a determination of whether a violation occurred, a penalty, if any, written findings as well as a summary of the evidence supporting its decision and any penalty.
- g. The decision of the Area Planning Commission shall be issued in writing and transmitted by mail to the property owner and the applicant, and forwarded to the Department of Building and Safety.

5. Penalties

- a. The following penalties may be imposed for the violation of *Paragraph 1. (Prohibition)* of this *Subsection*:
 - i. No entitlements, permits, or approvals under this *Article* may be issued for the project site for up to five years from issuance of the Letter of Determination.
 - ii. No permits may be issued by the Department of Building and Safety for new development on the project site for up to five years from issuance of the Letter of Determination. The above notwithstanding, the Department of Building and Safety may issue any permits necessary to address a threat to the public health and safety. In imposing this penalty, the Zoning Administrator, or Area Planning Commission on appeal, may take into account any action taken by the Department of Building and Safety pursuant to *Section 91.106.4.1.10 (Permits Issuance; Issuance; Exceptions)*.
 - iii. An administrative penalty of up to \$100,000.

- b. In determining penalties, the Zoning Administrator, or the Area Planning Commission on appeal, shall consider any aggravating or mitigating factors, including the following:
 - i. the culpability of the violating party;
 - ii. efforts, if any, to correct the violation;
 - iii. the benefit to the violating party conferred by the violation;
 - iv. the seriousness of the violation, including any damage to the physical environment;
 - v. the financial status of the violating party; and
 - vi. any other factors that justice may require.
- c. If the Zoning Administrator or the Area Planning Commission finds a violation of *Paragraph 1. (Prohibition)* of this Subsection has occurred, the violator shall pay any cost recovery fee established in *Chapter I. (General Provisions and Zoning), Article 9 (Fees)* for lots subject to Chapter I., or *Article 15. (Fees)* for lots subject to this Zoning Code (Chapter 1A)..
- d. Administrative penalties collected under this Subsection (*Prohibition and Enforcement of Improper Segmentation of Projects*) shall be placed into a special fund for the purpose and promotion of historical resource preservation to be administered by the Department.
- e. If the City imposes a penalty under this Subsection I. (*Prohibition and Enforcement of Improper Segmentation of Projects*) staying the issuance of permits, the Director, as applicable, shall record an affidavit with the Los Angeles County Recorder providing notice that no permits for any new development shall be issued on the property for the period of time imposed. If penalties or costs are imposed, the City may record a lien against the property subject to the requirements of State law and the City Code and Charter.

6. CEQA Review of Improperly Segmented Projects

The City may use a project description that includes the whole of the project, including those activities that have already occurred on the project site, and analyze the project against a baseline of the physical conditions prior to an improper segmentation if the decision maker finds all of the following:

- a. Improper segmentation of the project occurred as a result of misrepresentations of the applicant or the property owner or a representative of the applicant or the property owner;
- b. Permitted or unpermitted activities occurred on the project site prior to completion of the City's review of the project under CEQA; and
- c. Such analysis is reasonably necessary to adequately analyze and mitigate all potential significant impacts to the environment from the project, such as, a circumstance where the loss of a historical resource or a protected tree through site clearance activities could be feasibly mitigated, even if not to a less than significant level, by site rehabilitation or reconstruction.

7. No New Rights

Nothing in this *Subsection I. (Prohibition and Enforcement of Improper Segmentation of Projects)* is intended to provide any right or remedy to any third party that does not already exist at law.