



# PROCESSES AND PROCEDURES EXPANDED FAQ

November 28, 2018

## SUMMARY

The Processes and Procedures Ordinance has been developed as part of the Planning Department's larger comprehensive revision to the City of Los Angeles' Zoning Code, also known as **re:code LA**. The Processes and Procedures Ordinance comprehensively reorganizes the administrative provisions of the Zoning Code into a more user-friendly listing of the way the Department processes applications and requests, creating the new Administration article of Chapter 1A of the Los Angeles Municipal Code.

The intent of the Processes and Procedures Ordinance is to:

- Outline the existing authorities of the decision makers who can act on specified requests;
- Standardize the procedures for the different types of project review;
- Establish a standard organization and visual format of procedures with flowcharts; and
- Relocate all of the processes throughout the current Zoning Code into one central location.

The existing processes and procedures for reviewing and acting upon planning applications and requests are scattered through over 200 separate sections of the Code. The proposed ordinance relocates the existing workflows into a consolidated section, and standardizes some of the procedural elements to create unified processes.

To be clear, there are specific modifications to procedures proposed as part of the Processes and Procedures Ordinance. These are proposed to create a more uniform set of processes where the existing Zoning Code has many variants. For example, the existing code requires anywhere from 10 to 24 days of notice for a public hearing, and the new draft standardizes this at 21 days. As another example, the existing currently requires anywhere from 10 to 15 days for filing of an appeal, and the new draft standardizes this at 15 days for all appeals.

For more information on the proposed ordinance, please see the expanded Frequently Asked Questions (FAQs) below, and please also refer to the Planning Department's report on the matter that was prepared in September 2018. A [copy of this report](#) and other related documents can be found in our Department's [Proposed Ordinances webpage](#).

The proposed Processes and Procedures Ordinance was approved by the City Planning Commission at its meeting on October 11, 2018, and will be considered by the City Council at a future date.

**FREQUENTLY ASKED QUESTIONS**

**Does the proposed ordinance increase the authority of the Director of Planning, or shift who acts on reviews that currently require City Council approval?**

No. The Department has received correspondence expressing concern that this ordinance will modify the decision-making authority from the City Council or Mayor to the Director of Planning. The draft ordinance makes no such changes. Some readers of the draft ordinance have become alarmed seeing the track-changes version of the ordinance, when in actuality this shows proposed new text (underlined) or proposed deleted text (strikeout). The vast majority of these “changes” or edits to the existing Code reflect any text that is moving from an existing section to a new section. It is important to review the language of the draft in its entirety, and to recognize that this draft is based on the Zoning Code that is currently in effect. For example, as part of the reorganization, the draft ordinance shows text that may be proposed to be moved from one section to another as strike-out text (deleted) in one section and added (underlined) in another. This ordinance cannot and does not propose any amendments to the City Charter. All provisions of the City Charter, including any City Council or Mayor authorities, may only be amended by a vote of the people.

**Does the proposed ordinance shift decision-making authority away from the City Council?**

No. All processes where the City Council is the decision-maker in the current Zoning Code will continue to be decided by the City Council in the proposed ordinance. The proposed ordinance includes a list of the decision makers and their various authorities as they exist in the current Zoning Code. Any proposed changes or new additions to these decision-making authorities are outlined in the staff report. There is no intent to remove decision-making authority from the City Council. Furthermore, the Department will prepare a letter to the City Council identifying any technical corrections that may be necessary.

**Does the proposed ordinance change the type of cases that can be appealed to the City Council?**

No. All processes where the City Council is an appellate body in the current Zoning Code will continue to be decided on appeal by the City Council in the proposed ordinance. Furthermore, as stated in Section 13.2.5.E.2. on page 13-29 of the proposed ordinance, any decision of the City Planning Commission or Area Planning Commission is still subject to the City Council’s authority to act pursuant to Charter Section 245.

### **Does the Administrative Review process replace other processes that allow public appeals?**

No. The Administrative Review is an existing ministerial process (currently called “Administrative Clearance”) for projects that adhere to certain design standards. It is already in use and is limited to particular overlay districts or specific plans, as outlined in the current Zoning Code. Under these requirements, projects subject to certain overlay districts or zoning regulations that are compliant with a more detailed set of defined standards may use the Administrative Review process; this authority is not being changed by this ordinance. Existing overlay districts or specific plans that did not include Administrative Review procedures previously will not change. All existing discretionary (i.e. appealable) review processes will remain discretionary and appealable.

### **Does this ordinance reduce the need for Variances or Zone Changes, and does it create an easier pathway for developers?**

No, this ordinance does not change the zoning on any parcel of land in the City. The ordinance does not change the decision maker for any existing process in the City beyond those outlined in the Staff Report. As stated in the Staff Report, changes in decision maker are limited to the following: Conditional Use Permit for Mixed Use changed from the Area Planning Commission to the City Planning Commission, Adjustment changed from the Zoning Administrator to the Director, and Nuisance Abatement/Revocation changed from the Director to the Zoning Administrator. The ordinance does not change the thresholds in the current Zoning Code of what would require a Variance or a Zone Change.

### **Does the proposed ordinance make it easier to approve projects?**

No. There is no intent to favor approval or denial of projects. Instead, the proposed ordinance aims to improve transparency and accessibility to the Zoning Code by clearly stating the steps in how the Department evaluates development proposals. The intent is to allow for all stakeholders to understand the rules for project review and to be made aware of existing opportunities for public participation.

### **Does the proposed ordinance eliminate public hearings and remove requirements for notification of public hearings?**

No. All public hearings that are required by the current Zoning Code will continue to be required by the proposed ordinance. Any changes to the specific requirements for the notification of public hearing (i.e. minimum amount of days, method, and size of notification radius) were made for the purpose of standardization, so as to minimize unnecessary variation in notice requirements. For example, the existing Code requires anywhere from 10 to 24 days of notice for a public hearing, and the proposed ordinance standardizes this at 21 days. As another example, the existing Code currently requires anywhere from 10 to 15 days for filing of an appeal, and the proposed ordinance standardizes this at 15 days for all appeals. These changes are outlined by section in the staff report, and are also summarized in a comparison table on pages 6 and 7 of Appendix D of the Staff Report.

### **Does the proposed ordinance remove notifications to Neighborhood Councils?**

No. The ordinance does not change notification to Neighborhood Councils. There are currently three categories of notification to Neighborhood Councils:

- Early Notification. Neighborhood Councils currently receive early notification of all applications that are filed for a project within the Neighborhood Council area. Email notification is sent and a hard copy of the project application is mailed to the Neighborhood Council for its review prior to any public hearing or action by a decision maker. Early notification is not a Zoning Code requirement, but is provided according to Department policy. There is no change to this policy of early notification.
- Notification of Public Hearing. Notification of a public hearing is provided once a public hearing has been scheduled. There is no intent to remove any public hearing notification to the Neighborhood Councils. All notifications of public hearing to the Neighborhood Councils that are required by the current Zoning Code will continue to be required in the proposed ordinance.
- Notification of Decision. Notification of a decision is provided after the decision maker takes action on a project and a letter of determination is issued. There is no intent to remove any notification of decision to the Neighborhood Councils. All notifications of decision to the Neighborhood Councils that are required by the current Zoning Code will continue to be required in the proposed ordinance.

The Department also provides access to [Case Reports](#) through our website offering information case filings by Certified Neighborhood Council, City Council District, Community Plan Area, as well as any proposed condominium conversions.

### **Does the proposed ordinance change what are currently discretionary (appealable) cases into ministerial cases?**

No. All existing discretionary entitlements have remained and all current appealable rights have not been proposed for change. The only ministerial process in the proposed ordinance is Administrative Review, which is a process that exists in the current Zoning Code.

### **Was there an opportunity for public input as this proposed ordinance was developed, and will there be an opportunity for the public to participate in future review?**

Yes. The Department conducted two years of outreach and held a total of five public hearings prior to the City Planning Commission hearing on October 11, 2018.

After over a year of development in consultation with the Zoning Advisory Committee (the citizen oversight committee of the **re:code LA** project), a draft ordinance was first released to the public for review on September 8, 2017. The Department of City Planning held 4 public

hearings (listed below) and attended numerous public meetings with various stakeholder groups.

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<b>Public Hearings</b>		
Public Hearing #1	9/19/17 (morning)	City Hall, Room 1050 200 N. Spring Street, Los Angeles, CA 90012
Public Hearing #2	9/19/17 (evening)	Felicia Mahood Multipurpose Center, Community Room, 11338 Santa Monica Blvd., Los Angeles, CA 90025
Public Hearing #3	9/20/17	Marvin Braude Constituent Service Center, Community Rooms 1a and 1b, 6262 Van Nuys Blvd., Los Angeles, CA 91401
Public Hearing #4	9/21/17	Constituent Service Center, Community Conference Room, 8475 S. Vermont Ave., Los Angeles, CA 90044

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Revisions were made to the draft ordinance in response to feedback, and a second draft of the ordinance was released on June 1, 2018. The Department conducted another round of public outreach meetings and held a 5<sup>th</sup> public hearing on June 26, 2018 in the Ronald F. Deaton Civic Auditorium at 100 W. 1st Street, Los Angeles, CA 90012.

Additional revisions were made in response to feedback, and a third version of the ordinance became the staff's recommendation to the City Planning Commission. The proposed ordinance, as well as the accompanying staff recommendation report, were released on September 12, 2018. While staff reports are typically released 10 days before consideration by the City Planning Commission, the proposed ordinance and staff report were instead released four weeks ahead of the City Planning Commission meeting to allow additional time for public review. The City Planning Commission recommended adoption of the proposed ordinance at its meeting on October 11, 2018, and encouraged Department staff to consider additional requests for technical correction which do not result in new policy changes.

The proposed ordinance – as approved by the City Planning Commission – was subsequently transmitted to the Office of the City Clerk, and has not been revised since the City Planning Commission’s action. The next steps of the adoption process include consideration by the Planning and Land Use Management Committee (a sub-committee of the City Council), followed by final review by the Office of the City Attorney, and consideration by the full City Council and Mayor.

### **Has the Council File number and name of the ordinance changed since the City Planning Commission acted on the matter?**

The City Planning case number for the ordinance is CPC-2016-3182-CA. After the City Planning Commission’s action, the file was transmitted to the Office of the City Clerk, who maintains the Council File Management System for the City Council. The ordinance was assigned Council File number 12-0460-S4, which indicates that it is a sub-file to the larger re:code LA file. The Council File number for the entire re:code LA project is 12-0460. It is common for the City Clerk to assign sub-file numbers in order to help them organize information related to a particular project or topic.

The Department’s working name for this ordinance continues to be “Processes and Procedures Ordinance”. The City Clerk maintains its own system for naming Council files. As a courtesy, the City Clerk recently added the “Processes and Procedures” name to the Council file.

### **NEXT STEPS**

The date of the Planning and Land Use Management Committee hearing has not been set at this time. Opportunities for public input will continue to be available throughout the adoption process. As encouraged by the City Planning Commission, the Department is preparing a letter to Council that will identify any necessary corrections to ensure that the ordinance is limited to the policy changes outlined in the staff report and consistent with adopted policy goals. Planning staff is available to answer any additional questions that may arise.

If you have more questions related to the Processes and Procedures Ordinance or would like to be added to the email notification list, please contact:

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## ADDITIONAL RESOURCES

We also invite you to review the following list of resources regarding the proposed ordinance.

Ordinance as approved by CPC

[http://clkrep.lacity.org/onlinedocs/2012/12-0460-S4\\_misc\\_10-26-2018.pdf](http://clkrep.lacity.org/onlinedocs/2012/12-0460-S4_misc_10-26-2018.pdf)

Staff Report with Appendices

[http://clkrep.lacity.org/onlinedocs/2012/12-0460-S4\\_misc\\_2\\_10-26-2018.pdf](http://clkrep.lacity.org/onlinedocs/2012/12-0460-S4_misc_2_10-26-2018.pdf)

Presentation to CPC

[https://recode.la/sites/default/files/project\\_files/P%26P%20CPC%20presentation%20October%202018.pdf](https://recode.la/sites/default/files/project_files/P%26P%20CPC%20presentation%20October%202018.pdf)

Article from **re:code LA** Website

<https://recode.la/updates/news/proposed-process-overhaul-%E2%80%93-staff-report-and-recommended-ordinance-released>

Case Reports

<https://planning.lacity.org/caseintro.html?v=3>