

ORDINANCE NO. 182106

An ordinance amending Sections 11.5.7, 12.20.3, 12.22, 12.24, 12.25, 12.26, 12.27, 12.32, 12.36, 14.00, 16.05, 16.50, 17.02, 17.07, 17.56 and 18.08 of the Los Angeles Municipal Code to create consistent procedures for review of projects requiring multiple approvals, synchronize the expiration periods of multiple approvals granted to a single project, clarify language regarding the utilization of approvals, eliminate the redundancy of time extensions for quasi-judicial land use approvals, extend the life of previously-granted approvals following the dates specified in SB-1185 (2008), AB-333 (2009), and AB-208 (2011) and make minor technical corrections.

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

Section 1. Paragraph (e) of Subdivision 4 of Subsection C of Section 11.5.7 of the Los Angeles Municipal Code is deleted.

Sec. 2. Subdivision 5 of Subsection F of Section 11.5.7 of the Los Angeles Municipal Code is deleted.

Sec. 3. Subsection S of Section 12.20.3 of the Los Angeles Municipal Code is deleted.

Sec. 4. Subparagraph b of Section 12.22.A.25 (g)(2)(i) of the Los Angeles Municipal Code is amended to read as follows:

b. **Authority.** The Director shall be the initial decision maker for applications seeking on Menu incentives.

EXCEPTION: When the application is filed as part of a project requiring multiple approvals, the initial decision maker shall be as set forth in Section 12.36 of this Code; and when the application is filed in conjunction with a subdivision and no other approval, the Advisory Agency shall be the initial decision-maker.

Sec. 5. Subparagraph f of Section 12.22.A.25 (g)(2)(i) is amended to read as follows:

f. **Appeals.** 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 appeal the decision to the City Planning Commission

pursuant to applicable procedures set forth in Section 11.5.7 C.6. of this Code that are not in conflict with the provisions of this paragraph (g)(2)(i). The appeal shall include a filing fee pursuant to Section 19.01 B. of this Code. Before acting on any appeal, the City Planning Commission shall set the matter for hearing, with written notice of the hearing sent by First Class Mail at least ten days prior to the meeting date to: the applicant; the owner(s) of the property involved; and the interested parties who have requested notice in writing. The appeal shall be placed on the agenda for the first available meeting date of the City Planning Commission and acted upon within 60 days from the last day of the appeal period. The City Planning Commission may reverse or modify, in whole or in part, a decision of the Director. The City Planning Commission shall make the same findings required to be made by the Director, supported by facts in the record, and indicate why the Director erred making the determination.

EXCEPTION: When the application is filed as part of a project requiring multiple approvals, the appeals procedures set forth in Section 12.36 of this Code shall govern. When the application is filed in conjunction with a Parcel Map and no other approval, the appeals procedures set forth in Section 17.54 of this Code shall govern. When the application is filed in conjunction with a tentative map and no other approval, the appeals procedures set forth in Section 17.06 A.3 of this Code shall govern, provided that such applications shall only be appealable to the Appeal Board, as defined in Section 17.02 of this Code, and shall not be subject to further appeal to the City's legislative body.

Sec. 6. Section 12.24 of the Los Angeles Municipal Code is amended to delete Subsection J.

Sec. 7. Section 12.24 T.3 is amended to delete paragraph (d).

Sec. 8. Section 12.25 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 12.25. TIME LIMITATIONS.

A. Utilization of Approvals.

1. **Expiration.** Any approval by the Zoning Administrator, Director of Planning, an Area Planning Commission, or the City Planning Commission as initial decision-makers, pursuant to the provisions of Chapter I of this Code or any ordinance adopted pursuant to Chapter I of this Code, that has not been utilized within three years of its effective date shall become null and void. When approvals are granted as part of a project requiring multiple approvals, however, the expiration periods set forth in Section 12.36 of this Code shall govern.

2. **Utilization.** An approval shall be considered utilized when a valid permit from the Department of Building and Safety has been issued and construction work has begun and been carried on diligently without substantial suspension or abandonment of work. An approval not requiring permits for construction or alteration from the Department of Building and Safety shall be considered utilized when operations of the use authorized by the approval have commenced.

3. **Exceptions.** The following exceptions shall apply:

a. **Religious and Institutional Uses.** Where a lot or lots have been approved for use as a governmental enterprise, religious use, hospital, educational institution or private school, including elementary and high schools, no time limit to utilize the privileges shall apply provided that all of the following conditions are met:

(1) The property involved is acquired or legal proceedings for its acquisition are commenced within one year of the effective date of the decision approving the conditional use.

(2) A sign is immediately placed on the property indicating its ownership and the purpose to which it is to be developed, as soon as legally possible after the effective date of the decision approving the conditional use. This sign shall have a surface area of at least 20 square feet.

(3) The sign is maintained on the property and in good condition until the conditional use privileges are utilized.

b. **Approvals With Effective Dates Between July 15, 2005, and December 31, 2010.** The expiration period of any approval by the

Zoning Administrator, Director of Planning, an Area Planning Commission, or the City Planning Commission as initial decision-makers (as well as any approval by a Deputy Advisory Agency acting in the capacity as a Zoning Administrator or as the Director of Planning's designee), pursuant to the provisions of Chapter I of this Code or any ordinance adopted pursuant to Chapter I of this Code, shall automatically be increased by 60 months if the effective date of approval was July 15, 2005, through December 31, 2007; by 48 months if the effective date of approval was January 1, 2008, through December 31, 2008; and 24 months if the effective date of approval was January 1, 2009, through December 31, 2010, provided that the Director makes a written finding that the prior discretionary approval and the required environmental review considered significant aspects of the approved project and that the existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the extension. This one-time extension of time supersedes any previous extensions of time granted pursuant to Ordinances Nos. 180,647 and/or 181,269.

B. Planning and Zoning Matters in Litigation. The time limits set forth in Subsection A above shall not include any time period during which the approval or the environmental clearance for the approval is challenged in court.

C. California Coastal Commission Approvals. The time limits set forth in Subsection A above shall not include any time period during which the subdivider or applicant is awaiting a land use approval from the California Coastal Commission. The subdivider or applicant shall submit a written request for a suspension of time and a copy of the submitted California Coastal Commission application for such approval to the Department of City Planning within ten 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 ten days of the final decision.

Sec. 9. The second unnumbered paragraph of Subdivision 3 of Subsection A of Section 12.26 of the Los Angeles Municipal Code is amended to read as follows:

These rights shall end:

(a) 18 months after the plan check fee is paid, or if a permit is issued during that time, when the building permit terminates pursuant to Section 98.0602;

(b) when subsequent changes are made to those plans that increase or decrease the height, floor area, or occupant load of the proposed-structure by more than five percent;

- (c) when the use of the property is changed;
- (d) when changes exceed or violate the Zoning Code regulations in force on the date the plan check fee was paid; or
- (e) when the discretionary land use approval for the project terminates under the provisions of Chapter 1 of this Code or any ordinance adopted pursuant to Chapter 1 of this Code.

Sec. 10. Subsection Q of Section 12.27 of the Los Angeles Municipal Code is deleted.

Sec. 11. Paragraph (h) of Subdivision 1 of Subsection G of Section 12.32 of the Los Angeles Municipal Code is amended to read as follows:

(h) **Time Limit.** Except as provided in Subdivision 2 of this subsection, as to those properties placed in the T classification subsequent to March 26, 1973, property shall not remain in a T Tentative classification for more than six years after the effective date of the ordinance creating it without the recording of a Final Tract Map or a Final Parcel Map, or a decision by the Department that all required dedications, payments and improvements have been made or assured to the satisfaction of the appropriate City agencies.

EXCEPTIONS: Property may remain in a T Tentative classification for an additional 60 months if the ordinance creating the classification took effect between July 15, 2005, and December 31, 2007; an additional 48 months if the ordinance took effect between January 1, 2008, through December 31, 2008; and an additional 24 months if the ordinance took effect between January 1, 2009, and December 31, 2010, provided that the Director makes a written finding that the prior discretionary approval and the required environmental review considered significant aspects of the approved project and that the existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the extension. Property may also remain in a T Tentative classification for a longer period of time through operation of Section 12.36.I of the Code.

When these time limitations expire, the T Tentative Zone classification and the zoning authorized thereby shall become null and void, the rezoning proceeding shall be terminated, and the property thereafter may only be utilized for those purposes permitted prior to the commencement of the rezoning proceedings and shall be so redesignated.

Sec. 12. Paragraph (f) of Subdivision 2 of Subsection G of Section 12.32 of the Los Angeles Municipal Code is amended to read as follows:

(f) **Time Limit.** Except as provided below and in Subsection I., property shall not remain in a Q Qualified classification for more than six years unless during that time:

(1) there is substantial physical development of the property to allow for one or more of the uses for which the Q Qualified classification was adopted; or

(2) if no physical development is necessary, then the property is used for one or more of the purposes for which the Q Qualified classification was adopted.

EXCEPTION: Property may remain in a Q Qualified classification for an additional 60 months if the ordinance creating the classification took effect between July 15, 2005, and December 31, 2007; an additional 48 months if the ordinance took effect between January 1, 2008, through December 31, 2008; and an additional 24 months if the ordinance took effect between January 1, 2009, and December 31, 2010, provided that the Director makes a written finding that the prior discretionary approval and the required environmental review considered significant aspects of the approved project and that the existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the extension.

When these time limitations expire, the Q Qualified classification and the authority contained therein shall become null and void, the rezoning proceedings shall be terminated, and the property thereafter may only be utilized for those purposes permitted prior to the commencement of the rezoning proceedings.

In addition, the Director may determine that the development has not been continuously and expeditiously carried on to completion, but that one or more usable units has been completed and that the partial development will meet the requirements for the utilization of the (Q) classification. The Director may impose conditions on the partial development to meet the intent of this subdivision. The Director shall advise the Department of Building and Safety of his or her decision. Thereafter, a Certificate of Occupancy may be issued after compliance with the Director's decision, and the temporary (Q) classification shall be permanent on that portion of the property determined by the Director to be appropriate to the completed portion of the development. The Qualified classification and the authority contained therein shall become null and void as to the remainder of the property. Notwithstanding any other

provision of this Code to the contrary, no public hearing need be held nor notice be given before terminating the (Q) Qualified classification and restricting the property to its previously permitted uses.

Sec. 13. Section 12.36 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 12.36. PROJECTS REQUIRING MULTIPLE APPROVALS. (CHARTER § 564).

A. Definitions. The following definitions shall apply to this Section:

Legislative Approval. Any approval that requires an action by the City Council, such as those as set forth in Sections 11.5.6, 11.5.7 G, 12.20.3 F, and 12.32 of this Code.

Quasi-judicial Approval. Any approval for which the initial decision becomes final unless appealed, such as those as set forth in Sections 11.5.7 C-F, H, 12.20.2, 12.20.2.1, 12.20.3.I-L, 12.21 A.2, 12.21 G.3, 12.22 A.25, 12.24, 12.24.1, 12.26 K, 12.27, 12.28, 12.30 H, 12.30 J, 12.32 H, 13.08 E, 14.00 B, 16.05, 16.50, and Article 8 of this Code.

Subdivision Approval. Any approval under the Division of Land Regulations set forth in Article 7 of this Code.

B. Filing Requirement. If an applicant files for a project that requires multiple Legislative and/or Quasi-judicial Approvals, then the procedures set forth in this section shall govern. Applicants shall file applications at the same time for all approvals reasonably related and necessary to complete the project. The procedures and time limits set forth in this Section shall only apply to multiple applications filed concurrently, except that, 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. Notwithstanding any provision of this Code to the contrary, the following shall apply for projects requiring multiple approvals.

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

(a) **Procedures.** If all of the applications are for Quasi-judicial Approvals, then the procedures for consideration and appeal of all the applications shall be those set forth in Section 12.24 D through Q of this

Code. However, if any Legislative Approval is included, then the procedures for consideration and appeal of all the applications shall be those set forth in Section 12.32 B through D of this Code.

(b) **Appellate Body.** The City Council shall decide all appeals of the City Planning Commission's decisions or recommendations as the initial decision-maker on projects requiring multiple approvals.

2. **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 shall have initial decision-making authority for all of the approvals and recommendations.

(a) **Procedures.** If all of the applications are for Quasi-judicial Approvals, then the procedures for consideration and appeal of all the applications shall be those set forth in Section 12.24 D through Q of this Code. If, however, any Legislative Approval is included, then the procedures for consideration and appeal of all the approvals shall be those set forth in Section 12.32 B through D of this Code.

(b) **Appellate Body.** The City Council shall decide all appeals of the Area Planning Commission's decisions or recommendations as initial decision-maker for projects requiring multiple approvals.

3. **Zoning Administrator.** If a project requires approvals separately decided by the Zoning Administrator and the Director, as the initial decision-maker, then the Zoning Administrator shall have initial decision-making authority for all of the approvals.

(a) **Procedures.** The procedures for consideration and appeal of all related applications for Quasi-Judicial Approvals of the Zoning Administrator as initial decision-maker shall be those set forth in Section 12.24 D through Q of this Code.

(b) **Appellate Body.** The Area Planning Commission where the project is located shall decide all appeals of decisions of the Zoning Administrator as initial decision-maker on projects requiring multiple approvals. If, however, regulations within Chapter I of this Code require 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 Zoning Administrator as initial decision-maker.

4. **Director of Planning.** If a project requires multiple approvals decided by the Director as the initial decision maker, the following shall apply.

(a) **Procedures.** The procedures for consideration and appeal of all related applications for Quasi-Judicial Approvals of the Director as initial decision-maker shall be those set forth in Section 16.05 G through H 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. If, however, regulations within Chapter I of this Code require 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.

5. **Advisory Agency.** If a project requiring multiple approvals also requires a Subdivision Approval by the Advisory Agency, that Subdivision Approval and any appeals shall be decided and governed by the rules set forth in Article 7 of Chapter 1 of this Code. 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. Any time limit within which the Area Planning Commission or City Planning Commission must act on the applications before it shall be 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.

F. **Extension Of Time To Act.** Notwithstanding any other provision of the Code to the contrary, an extension of time to act on applications or initiations under the multiple approval provisions may be agreed upon between the applicant and the decision-maker or the appellate body.

G. **Expiration.** Notwithstanding any other provision of the Code:

1. Quasi-judicial Approvals granted in conjunction with Legislative Approvals pursuant to these multiple entitlement procedures shall expire with the

Legislative Approval, not to exceed six years unless a greater time results from the application of Section 12.25.

2. Quasi-judicial Approvals granted in conjunction with a Subdivision Approval pursuant to these multiple entitlement procedures shall expire with the Subdivision Approval pursuant to Article 7 of this Code. If the expiration date on a Subdivision Approval is extended pursuant to Article 7 of this Code, or by amendment to the Subdivision Map Act, the Quasi-judicial Approval shall also be automatically extended for a commensurate period of time.

3. Legislative Approvals granted in conjunction with a Subdivision Approval pursuant to these multiple entitlement procedures may be extended for the full time limit of the Subdivision Approval, including time extensions pursuant to Article 7 of this Code, for the purpose of recordation of an approved map.

Sec. 14. Subdivision 10 of Subsection B of Section 14.00 of the Los Angeles Municipal Code is deleted.

Sec. 15. Subdivision 6 of Subsection G of Section 16.05 of the Los Angeles Municipal Code is deleted.

Sec. 16. Subdivision 4 of Subsection E of Section 16.50 of the Los Angeles Municipal Code is amended to read as follows:

4. **Duration of Design Review Board Preliminary Review.** A design review board's advice on an optional preliminary application shall be valid for 24 months.

Sec. 17. The definition of Appeal Board in Section 17.02 of the Los Angeles Municipal Code is amended to read as follows:

Appeal Board

The Area Planning Commission where the map is located for any parcel map or tentative map that: (a) creates or results in less than 50,000 gross square feet of nonresidential floor area; or (b) creates or results in fewer than 50 dwelling units, guest rooms, or combination of dwelling units and guest rooms; or (c) involves a lot with fewer than 65,000 square feet of lot area. Otherwise, the City Planning Commission.

Sec. 18. Subsection A of Section 17.07 of the Los Angeles Municipal Code is amended to read as follows:

A. **Time Limit.** The following provisions establish the term of tentative map approvals:

1. Within 36 months after the approval or conditional approval of the Tentative Map, the subdivider shall cause the proposed subdivision to be accurately surveyed and a final map prepared and filed with the City Engineer. The failure of a subdivider to file a map with the City Engineer within that period and to have the map submitted by the City Engineer to the City Council within the specified time limit shall automatically terminate and void the proceedings unless the time is extended by the Advisory Agency, the Appeal Board, or the City Council upon appeal from a denial of the extension by the Advisory Agency. The appeal shall follow the time limits and procedures set forth in Subdivisions 3, 4, and 5 of Subsection A of Section 17.06 of this Code.

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

EXCEPTION. The term of a tentative map approval shall be automatically extended pursuant to the provisions of California Governmental Code Sections 66452.21, 66452.22, and 66452.23, and any other current or future provision of the Subdivision Map Act that operates to extend the term of a tentative map approval.

Sec. 19. Subdivision 3 of Subsection A of Section 17.07 of the Los Angeles Municipal Code is deleted.

Sec. 20. Subsection A of Section 17.56 of the Los Angeles Municipal Code is amended to read as follows:

A. Time Limit. The following provisions establish the term of preliminary Parcel Map approvals and Tentative Map approvals under Section 17.50 C. of this Code:

1. Within 36 months after the approval or conditional approval of the preliminary Parcel Map or approval of a Tentative Map filed pursuant to the requirements of Section 17.50 C of this Code, a final Parcel Map showing each new parcel shall be prepared and filed with the City Engineer and submitted by the City Engineer to the City Council. The failure of a person dividing land to file the map with the City Engineer within that period and to have the map corrected and presented 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 the appeal from a denial of the extension by the Advisory Agency.

2. The time limit for the submittal of a corrected Parcel Map to the City Council may be extended for a period or periods not exceeding a total of 72 months.

The provisions of this subsection shall apply to those maps described above and shall also apply to those maps that were approved or conditionally approved prior to the effective date of this subsection and that have not terminated prior to that date.

EXCEPTION. The term of a preliminary Parcel Map approval or Tentative Map approval under Section 17.50 C of this Code shall be automatically extended pursuant to the provisions of California Governmental Code Sections 66452.21, 66452.22, and 66452.23, and any other current or future provision of the Subdivision Map Act that operates to extend the term of such approvals.

Sec. 21. Subsssssction D of Section 18.08 of the Los Angeles Municipal Code is amended to read as follows:

D. Requirements for Utilization of Private Street. Notwithstanding Section 12.25 to the contrary, 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 shall be considered as fulfilled if the required work is begun during that time limit and diligently carried on to completion.

Sec. 22. **SEVERABILITY.** If any provision of this ordinance or its application to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the invalidity shall not affect other provisions, clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this ordinance are declared to be severable.

Sec. 23. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAR 30 2012.

JUNE LAGMAY, City Clerk

By *[Signature]*
Deputy

Approved APR 09 2012

[Signature]
Mayor

Approved as to Form and Legality
CARMEN A. TRUTANICH, City Attorney

By *[Signature]*
MICHAEL J. BOSTROM
Deputy City Attorney

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted

January 10, 2012
See attached report.
[Signature]
Michael LoGrande
Director of Planning

Date 1-10-12

File No(s). 11-1140

DECLARATION OF POSTING ORDINANCE

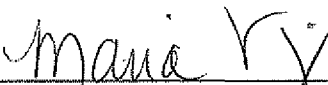
I, MARIA VIZCARRA, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 182106 – Amending the Los Angeles Municipal Code to create consistent procedures for review of projects requiring multiple approvals and to synchronize the expiration periods of entitlements - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **March 30, 2012** and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **April 10, 2012** I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on **April 10, 2012** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **10th** day of **April 2012** at Los Angeles, California.



Maria Vizcarra, Deputy City Clerk

Ordinance Effective Date: **May 20, 2012**

Council File No. **11-1140**