

ORDINANCE NO. 182095

An ordinance amending Sections 11.01, 12.03, 12.24, 12.28, 13.03, 14.3.1, and 16.05 of the Los Angeles Municipal Code to update common findings for conditional uses, adjustments, and other quasi-judicial land use approvals to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing.

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

Section 1. Section 11.01 of the Los Angeles Municipal Code is amended by adding the definition of “Find’ or ‘Finding” in proper alphabetical order to read:

“Find” or “Finding” shall mean a written finding.

Sec. 2. The definition of “Accessory Use” in Section 12.03 of the Los Angeles Municipal Code is amended by deleting the third paragraph (including subparagraphs (a) through (f)), and the fourth paragraph.

Sec. 3. Subsection E of Section 12.24 of the Los Angeles Municipal Code is amended to read:

E. Findings for Approval. A decision-maker shall not grant a conditional use or other approval specified in Subsections U, V, W, or X of this Section without finding:

1. that 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;
2. that 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 substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The decision-maker shall also make any additional findings required by Subsections U, V, W and X, and shall determine that the project satisfies all applicable requirements in those subsections.

Sec. 4. Subsection F of Section 12.24 of the Los Angeles Municipal Code is amended to read:

F. Conditions of Approval. In approving a project, the decision-maker may impose conditions related to the interests addressed in the findings set forth in Subsection E. The decision may state that the height and area regulations required by other provisions of this Chapter shall not apply to the conditional use approved.

Sec. 5. Paragraph (c) of Subdivision 3 of Subsection T of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(c) Notwithstanding Paragraph 2(a) of this subsection, a vesting conditional use permit may be conditioned or denied if the decision-maker determines:

(1) that the condition is necessary in order to make all of the findings in Section 12.24 E; or

(2) that one or more of the findings in Section 12.24 E cannot be made.

If the appellate body does not adopt the findings and conditions of the initial decision maker, the appellate body shall make its own findings.

Sec. 6. Paragraph (b) of Subdivision 14 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(b) **Findings.** In addition to the findings set forth in Section 12.24 E, the City Planning Commission shall find:

(1) that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood;

(2) that the project complies with the height and area regulations of the zone in which it is located; and

(3) that the project is consistent with the City Planning Commission's design guidelines for Major Development Projects, if any.

Sec. 7. Paragraph (e) of Subdivision 22 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(e) An application for a conditional use shall be referred forthwith for review to the City Council member of the district in which the property is located.

Sec. 8. Subdivision 22 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to delete paragraph (f).

Sec. 9. Paragraph (a) of Subdivision 26 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(a) In addition to the findings set forth in 12.24 E, the City Planning Commission shall find:

(1) that the project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan;

(2) that the project contains the requisite number of affordable and/or senior citizen units as set forth in California Government Code Section 65915(b); and

(3) that the project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.

Sec. 10. Subdivision 27 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read:

27. Floor area bonus for a residential (including Apartment Hotel and mixed-use) building in the Greater Downtown Housing Incentive Area where the floor area bonus exceeds that permitted pursuant to Section 12.22 A.29. of this Code.

In addition to the findings set forth in Section 12.24 E, the City Planning Commission shall find:

(a) that the project is consistent with and implements the affordable housing provisions of the General Plan's Housing Element; and

(b) that any residential building (including Apartment Hotels and mixed-use buildings) in the Central City Community Plan Area conforms with the Urban Design Standards and Guidelines for the Central City Community Plan Area.

Sec. 11. Subsection V of Section 12.24 of the Los Angeles Municipal Code is amended to read:

V. Conditional Use Permit – Area Planning Commission With Appeals to the City Council. The following uses and activities may be permitted in any zone, unless restricted to certain zones or locations, if approved by the Area Planning Commission as the initial decision-maker or the City Council as the appellate body. In addition to the requirements set forth below, the decision-maker shall follow the procedures set forth in Subsections B. through Q.

Mixed Commercial/Residential Use Developments

1. **Findings.** In addition to the findings set forth in Section 12.24 E, the Area Planning Commission shall find:

(a) that the project is consistent with and implements the affordable housing provisions of the General Plan’s Housing Element;

(b) that the project will further the City’s goal of achieving an improved jobs-housing relationship, which is needed to improve air quality in the City;

(c) that pursuant to an agreement entered into under Government Code Sections 65915-65918, the project will include the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus pursuant to Section 12.22 A.25 of this Code;

(d) that the affordability of all reserved lower income dwelling units will continue for a minimum of 30 years;

(e) that the construction and amenities provided for the reserved lower income dwelling units will be comparable to those provided for the market rate dwelling units in the development, including the average number of bedrooms and bathrooms per dwelling unit;

(f) that the approval of a mixed use development pursuant to this section will constitute an incentive under Government Code Section 65915; and

(g) that the approval of a mixed use development on the site will reduce the cost per unit of the housing development.

2. Only residential dwelling units shall be considered a residential use for purposes of this subdivision’s provisions regarding mixed commercial/residential use developments.

3. In approving a mixed commercial/residential use development in Height District No. 1, the Area Planning Commission may permit a floor area ratio for the development not to exceed three times the buildable area of the lot.

4. In approving a mixed commercial/residential use development, the Area Planning Commission may permit a floor area ratio for the development not to exceed twelve times the buildable area of the lot, when the development is located:

(a) in Height District Nos. 2, 3 or 4;

(b) not more than 1,500 feet distant from the portal of a fixed rail transit or bus station or other similar transit facility; or

(c) within a Community Redevelopment Plan Area, an Enterprise Zone or a Centers Study Area, as described in Sections 12.21.3, 12.21.4, and 12.21.5.

5. Any floor area above the maximum allowed in the plan or the zone, whichever is less, shall be utilized solely for residential development.

6. The provisions of this subdivision may not be used in combination with the provisions of Subsection W.15, but may be used in combination with the provisions of Section 12.22 A.18.

Sec. 12. Paragraph (b) of Subdivision 4 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(b) **Findings.** In addition to the findings set forth in Section 12.24 E, the Zoning Administrator shall find:

(1) that project approval will not create or add to a detrimental concentration of automotive uses in the vicinity of the proposed automotive use;

(2) that based on data provided by the Department of Transportation or a licensed traffic engineer, ingress to, egress from and associated parking of the automotive use will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets;

(3) that any spray painting will be conducted within a fully enclosed structure located at least 500-feet away from a school or A or R zone, and that all spray painting will be conducted in full compliance with the provisions of Article 7, Chapter 5 of this Code,

as well as South Coast Air Quality Management District Rules 1132 and 1151, regulating these installations; and

(4) that the applicant has submitted an appropriate landscape plan setting forth all plant materials and irrigation systems, and a written maintenance schedule indicating how the landscaping will be maintained.

Sec. 13. Paragraph (b) of Subdivision 27 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(b) **Findings.** In addition to the findings set forth in 12.24 E, the Zoning Administrator shall find:

(1) that based on data provided by the City Department of Transportation or by a licensed traffic engineer, that ingress to and egress from the project will not create a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets; and

(2) that project approval will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.

Sec. 14. Subdivision 28 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

28. Two or more development incentives pursuant to Section 13.09 E.4 for a Mixed Use Project in a Mixed Use District. In addition to the findings set forth in Section 12.24 E, the Zoning Administrator shall find that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

Sec. 15. Subdivision 33 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

33. Pawnshops in the C2, C5, CM, M1, M2 and M3 Zones.

Sec. 16. Paragraph (e) of Subdivision 49 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(e) **Findings.** In addition to the findings set forth in Section 12.24 E, the Zoning Administrator shall consider and balance the benefit of the project to the public with the facility's technological constraints, design, and location, as well as other relevant factors, and in doing so

find that the project is consistent with the general requirements of the Wireless Telecommunication Facilities Standards set forth in Section 12.21 A.20 of this Code.

Sec. 17. Subdivision 50 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

50. Storage buildings for household goods, including truck rentals, in the C2, C5 and CM Zones; and in the M1, M2 and M3 Zones when within 500 or fewer feet from an A or R Zone or residential use, as measured from the external lot line closest to the A or R Zone. In addition to the findings set forth in Section 12.24 E, the Zoning Administrator shall find that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

Sec. 18. The first unnumbered paragraph of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

X. Further Authority of the Zoning Administrator for Other Similar Quasi-Judicial Approvals. The following uses and activities may be permitted in any zone, unless otherwise restricted to certain zones or locations, if approved by the Zoning Administrator as the initial decision-maker or the Area Planning Commission as the appellate body. In addition to the findings set forth in Section 12.24 E, the Zoning Administrator shall make all applicable findings set forth below. Further, these uses and activities are subject to the procedures, regulations and limitations set forth below.

Sec. 19. Paragraph b of Subdivision 2 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(b) **Findings.** In addition to the findings set forth in Section 12.24 E, the Zoning Administrator shall also find:

(1) that the restaurant contains a kitchen as defined in Section 12.03;

(2) that the primary use of the restaurant premises is for sit-down service to patrons;

(3) that any take-out service is only incidental to the primary sit-down use;

(4) that the restaurant is not located within 600 feet of a hospital, church, school (including day-care center), public park or playground, or youth facility; and

(5) that the hours of operation will not adversely affect the surrounding neighborhood.

Sec. 20. Paragraph (a) of Subdivision 22 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(a) **Requirements.** A Zoning Administrator may, upon application, permit buildings and structures on lots in C and M Zones to exceed the maximum heights otherwise permitted by the provisions of Section 12.21.1 A.10. In addition to the findings set forth in Section 12.24 E, the Zoning Administrator shall find that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

Sec. 21. Paragraph (a) of Subdivision 23 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(a) **Findings.** In addition to the findings set forth in Section 12.24 E, the Zoning Administrator shall also find that the use is conducted so that its products or services are intended to be utilized by the motion picture, television, video or radio industry or other entertainment industries.

Sec. 22. Subdivision 27 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

27. Continuation of Nonconforming Use of Building. A Zoning Administrator may, upon application, permit the continuation of a nonconforming commercial use of a building or structure in an A or R Zone for an additional period of time as specified beyond the discontinuance date as established pursuant either to a previous grant or to Section 12.23 B.2 of this Code.

Any application for a continuation of a nonconforming use of a building or structure must be filed with the Department of City Planning within 90 days following the service of an order to comply by the Department of Building and Safety upon an owner of a nonconforming use, or, in those instances where the Department is unable with reasonable effort to serve the owner, then within 90 days after the service by the Department of the order by leaving it with an occupant of the nonconforming use. If the application is not filed within 90 days, it shall not be considered pursuant to this subdivision.

An application pursuant to this subdivision shall be set for public hearing and notice shall be given in the same manner as required in Section 12.24 of this Code unless the applicant has secured approval for the continuance of the

nonconforming use from the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. If approval is obtained from the surrounding property owners, the Zoning Administrator may waive the public hearing if he or she makes written findings that the nonconforming use will not have a significant adverse effect on adjoining property or on the immediate neighborhood, and that the nonconforming use is not likely to evoke public controversy.

The Department of City Planning shall process these applications for continuation in accordance with Section 12.24 of this Code, except that the time limits prescribed for the making of a decision by a Zoning Administrator shall not apply. Appeals from a Zoning Administrator's decision approving or disapproving the continuation of a nonconforming use of a building or structure may be taken to the Area Planning Commission pursuant to Section 12.24 I. of this Code. No further appeal shall be permitted.

Failure of the Area Planning Commission to act within 60 days of the filing of an appeal from the Zoning Administrator's decision approving or disapproving a continuation, or within any additional period as may be mutually agreed upon by the applicant and the Commission, shall be deemed to be a denial of the appeal.

No fee shall be required for the initial application for a continuation. A fee shall be required for the second and subsequent requests for continuation pursuant to Section 19.01 F. of this Code.

Sec. 23. Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to add a new Subdivision 29 to read:

29. **Historical Vehicle Collection.** A Zoning Administrator may allow the maintenance of a Historic Vehicle Collection as an accessory use. In addition to the findings set forth in Section 12.24 E, the Zoning Administrator shall find:

(a) that all the historic vehicles and parts maintained in outdoor storage, whether currently licensed or unlicensed, or whether operable or inoperable constitute an Historic Vehicle Collection;

(b) the Historic Vehicle Collection occupies less than 50 percent of the area of the lot for lots comprising 10,000 square feet or less, or 70 percent of the area of the lot for lots comprising more than 10,000 square feet.

(c) the Historic Vehicle Collection is fully screened from ordinary public view by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means;

(d) no portion of the Historic Vehicle Collection is located within five feet of any building or within any sideyards required by this Code; and

(e) plans for the maintenance of the Historic Vehicle Collection have been submitted to and approved by the Zoning Administrator in accordance with the procedures in Section 12.28 C.1, 2 and 3 and subject to the same fees as in Section 19.01 E. for relief from fence height limitation.

Sec. 24. Subdivision 2 of Subsection B of Section 12.28 of the Los Angeles Municipal Code is amended to read:

2. deviations of no more than ten percent from the required lot area regulations. In those cases, the procedures for notice, hearing, time limits and appeals shall be the same as those applicable to the underlying application or appeal. In granting a slight modification, a Zoning Administrator may impose conditions related to the interests addressed in the findings set forth in Subdivision 4 of Subsection C below.

Sec. 25. Subdivision 4 of Subsection C of Section 12.28 of the Los Angeles Municipal Code is amended to read:

4. **Findings for Approval of Adjustments.** The Zoning Administrator shall not grant an application for an adjustment unless he or she finds:

(a) that while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations;

(b) 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

(c) 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.

Sec. 26. Subsection G of Section 13.03 of the Los Angeles Municipal Code is amended to read:

G. Findings. A Permit shall be approved if the Commission or Council finds:

1. that the project complies with the Act and with the policies of the State Board for Surface Mining Operations;
2. that the proposed Surface Mining Operations will not be detrimental to the public health, safety, and welfare;
3. that the proposed Surface Mining Operations are in substantial conformance with the purposes, intent and provisions of the Open Space and the Conservation Elements of the General Plan;
4. that the drainage and erosion control plan is adequate to protect the public health, safety, and welfare;
5. that the vehicular access plan is adequate to protect the public health, safety, and welfare;
6. that the project substantially conforms with the purposes, intent and provisions of the General Plan, the applicable community plan, and with any applicable specific plan;
7. that a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by the Department of Conservation, and where the City's position differs from the recommendations and objections raised by the Department of Conservation, the response has addressed, in detail, why specific comments and suggestions were not accepted; and
8. that regarding the Reclamation plan:
 - (a) that it complies with the Act and with the policies of the State Board for Reclamation practice;
 - (b) that it is compatible with and shall not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety;
 - (c) that the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible, and blends in with the surrounding natural environment, topography, and other

resources; or that suitable off-site development will compensate for related disturbance to resource value; and

(d) that the Reclamation plan will restore the Mined Lands to a usable condition that is in substantial conformance with the purposes, intent and provisions of the Open Space and Conservation Elements of the General Plan.

Sec. 27. Subsection E of Section 14.3.1 of the Los Angeles Municipal Code is amended to read:

E. Findings for Approval. The Zoning Administrator shall not grant the approval unless he or she finds that the strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. The Zoning Administrator must also find:

1. that the project's location, size, height, operations and other significant features shall be compatible with and shall not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety;
2. that the project shall provide services to the elderly such as housing, medical services, social services, or long term care to meet citywide demand;
3. that the project shall not create an adverse impact on street access or circulation in the surrounding neighborhood;
4. that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood; and
5. that the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and with any applicable specific plan.

Sec. 28. Subsection F of Section 16.05 of the Los Angeles Municipal Code is amended to read:

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

1. that the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan;

2. that 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. that any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

Sec. 29. The provisions herein shall not apply to projects for which an application was submitted prior to the effective date of this ordinance.

Sec. 30. 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 20 2012.

JUNE LAGMAY, City Clerk

By [Signature] Deputy

Approved MAR 23 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

Date December 23, 2011

October 7, 2011

File No(s). 11-0285

See attached report.

[Signature]

Michael LoGrande
Director of Planning

DECLARATION OF POSTING ORDINANCE

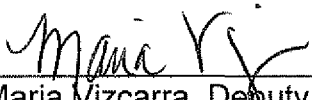
I, MARIA VIZCARRA, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 182095 – Amending Sections 11.01, 12.03, 12.24, 12.28, 13.03, 14.3.1, and 16.05 of the Los Angeles Municipal Code to update common findings for conditional uses, adjustments and other quasi-judicial land use approvals - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on March 20, 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 March 28, 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 March 28, 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 28th day of March 2012 at Los Angeles, California.



Maria Vizcarra, Deputy City Clerk

Ordinance Effective Date: May 7, 2012

Council File No. 11-0285