

ORDINANCE NO. _____

An ordinance adopted to address cumulative health impacts resulting from a legacy of incompatible land use patterns for certain neighborhoods within the City.

WHEREAS, this ordinance covers the neighborhoods identified below and delineated in map areas 1-3

1. Pacoima/Sun Valley- map area 1
2. Boyle Heights- map area 2
3. Wilmington –map area 3

WHEREAS, the cumulative environmental impacts resulting from concentrated industrial land use, on-road vehicle travel, and heavily freight-dominated transportation corridors in close proximity to homes, schools and other sensitive uses is a pervasive problem in Los Angeles;

WHEREAS, extensive research shows that the burden of cumulative environmental impacts are primarily borne by communities with concentrated poverty and associated socio-economic stresses, often referred to as “Environmental Justice Communities,” which concurrently contain high concentrations of industrial and related land uses;

WHEREAS, the identified neighborhoods score in the top 25 percent of overburdened census tracts according to the California Environmental Screening Tool 2.0 developed by CalEPA Office of Environmental Health Hazard Assessment, and are referred to as Disadvantaged Communities;

WHEREAS, the South Coast Air Basin is in Non-Attainment status for three of the seven criteria pollutants established by the Environmental Protection Agency, including Particulate Matter 2.5, Lead, and 8- Hour Ozone;

WHEREAS, local land use regulations can be an effective tool to address multiple emitting sources and foster community transformation with new development standards;

WHEREAS, improved environmental performance to air and water quality can increase business growth and spur economic innovation in Los Angeles;

WHEREAS, many businesses in the most adversely affected communities would greatly benefit from an ombudsperson assisting with environmental regulation compliance and applying financial incentives and technical support programs; and,

WHEREAS, the Clean Up Green Up initiative is stated as an implementation program in the Health and Wellness Element of the General Plan, and as a priority initiative in the Sustainable City pLAn.

NOW, THEREFORE,

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

DRAFT

ORDINANCE NO. _____

An ordinance amending Sections 12.04, 12.20, 12.24, 12.32, 13.03, 13.18 and 13.19 of Chapter 1 of the Los Angeles Municipal Code in order to authorize the establishment of a Clean Up Green Up Supplemental Use District within Boyle Heights, Pacoima/Sun Valley, and Wilmington to reduce cumulative health impacts resulting from incompatible land uses, establish a citywide Conditional Use for asphalt manufacturing and refinery facilities, and increase the notification requirement for projects within a surface mining district.

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

Section 1. Subsection D of Section 12.04 of the Los Angeles Municipal Code is hereby amended to read:

D. Certain portions of the City are also designated as being in one or more of the following districts, by the provisions of Article 3 of this chapter.

“O”	Oil Drilling District
“S”	Animal Slaughtering District
“G”	Surface Mining District
“RPD”	Residential Planned Development District
“K”	Equinekeeping District
“CA”	Commercial and Artcraft District
“POD”	Pedestrian Oriented District
“CDO”	Community Design Overlay District
“MU”	Mixed Use District
“FH”	Fence Height District
“SN”	Sign District
“RFA”	Residential Floor Area District
“NSO”	Neighborhood Stabilization Overlay District
“CPIO”	Community Plan Implementation Overlay District
“RIO”	River Improvement Overlay District
“CUGU”	Clean Up Green Up Overlay District

The “Zoning Map” is amended to indicate these districts and the boundaries of each district.

Land classified in an “O” Oil Drilling District, “S” Animal Slaughtering District, “G” Surface Mining District, “RPD” Residential Planned Development District, “K” Equinekeeping District, “CA” Commercial and Artcraft District, “POD” Pedestrian Oriented District, “CDO” Community Design Overlay District, “MU” Mixed Use

District, "FH" Fence Height District, "SN" Sign District, "RFA" Residential Floor Area District, "NSO", "CPIO" Community Plan Implementation Overlay District, or "RIO" River Improvement Overlay District, or "CUGU" Clean Up Green Up Overlay District is also classified in one or more zones, and land classified in the "P" Automobile Parking Zone may also be classified in an "A" or "R" Zone.

These classifications are indicated on the "Zoning Map," with a combination of symbols, e.g., R2-2-O, C2-4-S, M1-3-G, M1-1-P and R2-O, C2-G, etc., where height districts have not been established.

Section 2. Subdivision 5 of Subsection A of Section 12.20 of the Los Angeles Municipal Code is hereby deleted:

- 5) ~~Asphalt manufacture or refining.~~

Section 3. Subdivision 29 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is hereby added to read:

29. The following subject asphalt manufacturing or refinery facilities in the M3 Zone are allowed when conducted in accordance with the conditions and findings specified:

(a) Subject projects

- 1) New asphalt manufacturing or refining uses; or
- 2) Existing uses which are expanding their primary operations by increasing storage of hazardous materials classified by the Appendix VI-A of the current Uniform Fire Code; or
- 3) Existing uses which are expanding their primary operations beyond the current property lines or boundary; or
- 4) Any project that is considered to have a significant impact during the environmental review process.

(b) Conditions.

- 1) Compliance with all of the required Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Programs). California Environmental Reporting System (CERS) database submittals may serve as proof of compliance;
- 2) Approval by the Fire Department;
- 3) Submittal of a health impact assessment;
- 4) Submittal of a truck access and egress routing plan that minimizes the incidences of commercial trucks that pass by residential uses;

(c) Additional Finding. In addition to the other conditions required by this section, the Planning Commission shall find:

- 1) That the vehicles serving the project will not significantly increase traffic congestion, create a traffic hazard, or generate new noise impacts to the surrounding uses.

- 2) That the facility will not detrimentally affect nearby residential uses and other sensitive land uses, taking into consideration the number and proximity of residential buildings, churches, schools, hospitals, public playgrounds, nursing homes, day care centers, and other similar uses within a 1,500 foot radius of the proposed site;

Section 4. The district listing in Subdivision 2 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is hereby amended to read as follows:

(b) **Districts.** In order to carry out the provisions of this article, the following districts are established:

“O”	Oil Drilling District
“S”	Animal Slaughtering District
“G”	Surface Mining District
“RPD”	Residential Planned Development District
“K”	Equinekeeping District
“CA”	Commercial and Artcraft District
“POD”	Pedestrian Oriented District
“CDO”	Community Design Overlay District
“MU”	Mixed Use District
“FH”	Fence Height District
“SN”	Sign District
“NSO”	Neighborhood Stabilization Overlay District
“RFA”	Residential Floor Area District
“CPIO”	Community Plan Implementation Overlay District
“RIO”	River Improvement Overlay District
“CUGU”	<u>Clean Up Green Up Overlay District</u>

Section 5 Paragraph (b) of Subdivision 3 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to read as follows:

(2) **Additional Requirements for Application.** Except for CPIO Districts, which may not be established through the application procedure, 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 district. An application for the establishment of a Commercial and Artcraft District, a Pedestrian Oriented District, an Equinekeeping District, a Community Design Overlay District, a Mixed Use District, a Sign District, a Residential Floor Area District, a Neighborhood Stabilization Overlay District, ~~or a RIO Districts,~~ or Clean Up Green Up Overlay District shall contain the signatures of at least 75 percent of the owners or lessees of property within the proposed district. 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. An application shall be accompanied by any information deemed necessary by the Department.

If establishment of a district is initiated by the City Council, City Planning Commission or Director of Planning, the signatures of the property owners or lessees shall not be required.

Section 6. Subparagraph (3) of Paragraph (c) of Subdivision 3 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is hereby amended to read:

(3) **Time for Commission to Act on Application.** The City Planning Commission shall act on an application to establish an "O", "S", "G", "K", "CA", "POD", "CDO", "MU", "FH", "SN", "RFA", "NSO", "CPIO", "HS", "MRP", or "RIO", or "CUGU" District within 75 days from the date of the filing of the application. The City Planning Commission shall act on an application to establish an "RPD" District within 75 days from receipt of the Subdivision Committee report and recommendation. The City Planning Commission shall act on proceedings initiated by the Council within 75 days of receipt of that action from the Council, or within the time that the Council may otherwise specify.

Section 7. Paragraph (c) of Subdivision 4 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to read as follows:

(c) **Procedures.** Applicants for Projects that comply with the provisions of an adopted Commercial and Aircraft District, Pedestrian Oriented District, Community Design Overlay District, ~~or River Improvement Overlay District,~~ or Clean Up Green Up Overlay District shall submit plans to the Director for an Administrative Clearance. The Director of his/her designee shall review the Project for compliance with the applicable Supplemental Use District development regulation. Projects that do not qualify for Administrative Clearance shall follow the procedures set forth in the applicable Supplemental Use District.

Section 8. The Section list of Article 3 of Chapter 1 of the Los Angeles Municipal Code is hereby amended to read:

Section	
13.01	"O" Oil Drilling Districts
13.02	"S" Animal Slaughtering Districts
13.03	"G" Surface Mining Operations Districts
13.04	"RPD" Residential Planned Development Districts
13.05	"K" Equinekeeping Districts
13.06	Commercial and Aircraft Districts
13.07	Pedestrian Oriented District

13.08	“CDO” Community Design Overlay District
13.09	Mixed Use District
13.10	Fence Heights District
13.11	“SN” Sign District
13.12	“NSO” Neighborhood Stabilization Overlay District
13.13	“RFA” Residential Floor Area District
13.14	“CPIO” Community Plan Implementation Overlay District
13.15	“MRP” Modified Parking Requirement District
13.16	“HS” Hillside Standards Overly District
13.17	“RIO” River Improvement Overlay District
13.18	Violation “CUGU” Clean Up Green Up Overlay District
13.19	<u>Violation</u>

Section 9. Subdivision 1 of Subsection F of Section 13.03 of the Los Angeles Municipal Code is hereby added to read as follows:

1. The application for Permit shall be processed as provided in Section 12.24 of this Code for conditional uses under the jurisdiction of the Commission, except that the notification radius shall be 1,500 feet of the exterior perimeter of the proposed project site. The application is further subject to the exceptions of Subdivisions 2 through 5 of this subsection (procedures for state review).

Section 10. Section 13.18 of the Los Angeles Municipal Code is hereby deleted:

~~SEC. 13.19. VIOLATION.~~

~~_____ The violation of any condition imposed by a Zoning Administrator, Director of Planning, the Area Planning Commission, City Planning Commission or Council in approving the site requirements, methods of operation, development plans or other actions taken pursuant to the authority contained in this article shall constitute a violation of this article and shall be subject to the same penalties as any other violation of this Code.~~

Section 11. Section 13.18 of the Los Angeles Municipal Code is hereby amended to read as follows:

SEC. 13.18. "CUGU" CLEAN UP GREEN UP DISTRICT.

- A. **Purpose.** This section sets forth procedures and standards for the establishment of the CUGU District. The purpose of the CUGU District is to reduce cumulative health impacts resulting from incompatible land uses.
- B. **Relationship to other Zoning Regulations.** Wherever the provisions of the CUGU District conflict with any provisions of other Supplemental Use Districts, the underlying zone, or any other regulation, the more restrictive provision will prevail.
- C. **District Identification.** The provisions of this ordinance shall apply to all properties identified on the zoning map with a "CUGU" suffix on the zone classification. The CUGU District shall include all public and private land uses.
- D. **Definitions.** For the purposes of this section, the following words and phrases are defined as follows:

Adjacent Property. Properties next to, across the street or alley from, or having a common corner with the subject property.

Abutting Property. Properties sharing a parcel or lot line.

Freeway. A divided arterial highway with full control of access and with grade separation at intersections.

Fugitive Emissions. Emissions of gases or vapors from pressurized equipment due to leaks and other unintended or irregular releases of gases, mostly from industrial activities which contribute to air pollution as defined.

Landscape Practitioner. Any person licensed by the State of California to design, install or maintain landscape or irrigation systems. Any person specifically exempted by the State from the licensing requirements in the field of landscape or land management.

Publicly Habitable Spaces. All uses containing one or more dwelling units or guest rooms and schools, parks, recreation centers, day care centers, hospitals, medical buildings, and nursing homes.

E. **Applicability.** Projects that meet at least one criteria in both 1. and 2. below are required to comply with the provisions in this Section.

1. **Project type**

- (a) **NEW-** Construction of a new standalone building.
- (b) **MAJOR IMPROVEMENT-** Improvement to an existing building, structure or facility in which the total aggregate value of work, in any 24 month period, is more than 50% of the building or structure's replacement cost before the proposed work, as determined by the Department of Building and Safety. Non-conforming rights are not retained for Major Improvements, therefore the entire project shall be upgraded to conform to all provisions in this Section of the Code, except those that are permitted under Section 12.23 of the LAMC.
- (c) **ADDITION-** Addition to an existing building or structure in which the total aggregate value of work, in any 24 month period, up to 50% of the building or structure's replacement cost before the proposed work, as determined by the Department of Building and Safety, shall retain their non-conforming rights for any portion of the building or structure that remains unchanged. Should the value of the total aggregate work exceed the 50% valuation, the existing building or structure shall then be upgraded to conform to all provisions in this Section of the Code, except those that are permitted under Section 12.23 of the LAMC.
- (d) **CHANGE of USE-** Addition of or change to a use on the Subject Use list.

2. **Project context**

- (a) Projects within 1,000 feet of a Freeway or specified State Route
- (b) Publically Habitable Spaces adjacent to a Subject Use
- (c) Subject Use adjacent to a Publicly Habitable Space
- (d) Subject Uses (listed herein):

Subject Use List:

AUTOMOTIVE USES

Automobile Dismantling Yard
Automobile Impound Yard
Automobile Parts
Automobile Parts, repairing or rebuilding for wholesale
Automobile Rebuilding or Reconditioning, wholesale
Automobile Rental
Automobile Sales, used

Automobile Storage Area
Automobile Storage Garage
Automobile Window Tinting
Automobile Wrecking
Automotive Assembly, wholesale
Automotive Exhaust Test Station
Automotive Fueling and Service Station
Automotive Glass Shop
Automotive Painting
Automotive Painting, wholesale

Automotive Repair
Automotive Sound Shop
Automotive Undercoat Spraying, wholesale
Automotive Upholstering
Automotive Upholstering, wholesale
Automotive Uses, other
Body and Fender Repairing, automotive
Body and Fender Repairing, automotive, wholesale
Bus Storage or Operating Yard
Car Wash
Commercial Vehicle Rental and Storage
Engine Testing
House Mover or Wrecker
Household Moving Rental
Trucks and Trailers, rental, storage, or storage for rental purposes
Household Moving Truck Repair and Storage
Motor Coach Repairing or Overhauling
Motorcycle or Motor Scooter Repair
Motorcycle or Motor Scooter Repair, wholesale
Motorcycle or Motor Scooter Sales, new
Motorcycle or Motor Scooter Sales, used
Motorcycle Storage Garage
Moving Van Storage or Operating Yard
Recreational Vehicle Sales, new
Recreational Vehicle Sales, used
Recreational Vehicle Storage
Tank Truck Parking or Storage
Temporary Storage of Abandoned, Partially Dismantled, Obsolete, or Wrecked Automobiles
Tire Retreading or Recapping
Tow Truck Dispatching
Tractor Rental Yard
Trailer (utility) Rental and Storage
Trailer Rental

Trailer Sales, new
Trailer Sales, used
Truck Rental
Truck Repairing or Overhauling
Truck Sales or Storage Yard
Trucking Yard or Terminal
U-Drive Business

FABRICS

Carpet and Rug Cleaning Plant
Cloth Shrinking, Sponging, or Waterproofing
Dry Cleaning Plant
Dry Cleaning Plant, wholesale
Dyeing Works Plant
Fabric Shrinking, Sponging, Waterproofing, or Dyeing
Flocking and Silk Screen Processing
Fur Cleaning
Garnetting or Carding of Previously Produced Fibrous Materials
Knitting Mill
Laundry Plant
Laundry Plant, wholesale
Rug Cleaning Plant
Silk Screen Printing

FOOD & ANIMAL

Cannery (except fish products or sauerkraut)
Cannery, fish or sauerkraut
Composting Facility
Curing Facility
Dehydrating of Food
Feeding Pen, stock
Fish Canning, Cleaning, or Curing
Fish Distributing, wholesale or stock wagon operators
Fish Smoking
Flour Mill
Food Commissary
Food Dehydrating Plant
Frozen Food Locker Rental
Fruit Cannery
Fruit Preserving
Grain Drying or Fermenting

Grain Elevator
Hatchery, poultry or fish
Hides (raw) Curing, Tanning, or
Storage
Hog Ranch, Feed, or Sales Yard
Honey Processing and Packing
Kenel
Livestock Exhibition, Sale, or
Stable
Meat Cutting Plant
Menagerie
Nut Roasting, Frying, or Candy
Coating
Olive Oil Extraction
Packing Plant, fruit or vegetable
Pet Animal Crematory
Potato Chip Factory
Poultry Killing
Poultry Slaughterhouse,
wholesale
Produce Market, wholesale
Produce Yard or Terminal
Rabbit Killing
Rabbit Slaughterhouse,
wholesale
Retinning and Reconditioning of
Milk
Shrimp (frozen) Cleaning,
Breeding, Packaging, and
Refreezing
Stockyard or Feeding Pen
Swine Ranch
Tanning, Curing, or Storing of
Raw Hides or Skins
Vegetable Cannery

MANUFACTURING USES

Abrasives Manufacturing
Acetylene Gas Manufacturing or
Storage
Acid Manufacturing
Adhesive Manufacturing, liquid
Advertising Structures
Manufacturing
Agar-Agar Manufacturing
Alcohol Manufacturing
Ammonia Manufacturing
Ammunition Manufacturing
Anti-Knock Compound (for
gasoline) Manufacturing

Asbestos Product Manufacturing
Asphalt Manufacturing or
Refining
Asphalt Roofing Paper or
Shingle Manufacturing
Automotive Body and Frame
Manufacturing
Awning Manufacturing
Babbitt Metal Manufacturing
Barrel or Drum (steel)
Manufacturing or Reclaiming
Bathing Cap Manufacturing
Bathtub Manufacturing
Battery Manufacturing
Billboard Manufacturing
Bleach Manufacturing
Bolt Manufacturing
Bone Products Manufacturing
Boneblack Manufacturing
Bottle Manufacturing
Box Spring Manufacturing
Brick Manufacturing
Briquette Manufacturing
Broom Manufacturing
Brush Manufacturing
Building Block Manufacturing
By-Product Products
Manufacturing, from fish, meat,
or animals
Can Manufacturing or
Reconditioning
Canvas Manufacturing
Canvas Products Manufacturing,
Cap Manufacturing
Carbon Paper Manufacturing
Carpet and Rug Manufacturing
Cattle or Sheep Dip
Manufacturing
CD, DVD, Video Tape, or
Cassette Manufacturing
Cellophane Products
Manufacturing
Cellulose Compound
Manufacturing
Cellulose Nitrate Products
Manufacturing
Cellulose Products
Manufacturing
Cement Manufacturing
Cement Products Manufacturing
Cesspool Block Manufacturing

Chamois Skins Manufacturing
Charcoal Manufacturing
Chemical Manufacturing
Chewing Tobacco Manufacturing
Chlorine Gas Manufacturing
Cigar Manufacturing
Cigarette Manufacturing
Cloth Manufacturing
Cloth Products Manufacturing
Clothing Manufacturing
Coil Manufacturing, small
Coil Spring Manufacturing
Computer Manufacturing
Concrete Products Manufacturing
Condenser Manufacturing, small
Cork Products Manufacturing
Cosmetics Manufacturing
Creosote Manufacturing, Bulk Storage, or Treatment
Creosote Products Manufacturing
Crystal Holder Manufacturing
Dextrin Manufacturing
Disinfectant Manufacturing
Cork Manufacturing
Dog and Cat Food Manufacturing
Door Manufacturing
Dress Manufacturing
Drug Manufacturing
Dye Stuff Manufacturing
Electric Generator or Motor Manufacturing
Assembly and Manufacturing
Electric Parts
Electrical Equipment Manufacturing
Electrical Sign Manufacturing
Electronic Instruments and Devices Manufacturing
Electronic Products Assembly and Manufacturing
Emery Cloth Manufacturing
Excelsior Manufacturing
Explosives Manufacturing
Feather Products Manufacturing
Felt Manufacturing, burlap, fur, hair, or wood
Felt Manufacturing, cotton
Felt Products Manufacturing
Fencing (wire) Manufacturing
Fertilizer Manufacturing, liquid
Fertilizer Manufacturing, Processing, or Packaging
Fiber Manufacturing
Firearm Manufacturing
Fireworks Manufacturing or Storage
Fish Oil or Fishmeal Manufacturing
Food Products Manufacturing
Frit or Glaze Manufacturing
Fiber Products Manufacturing
Fur Products Manufacturing
Furniture Manufacturing
Garment Manufacturing
Gas Manufacturing
Gelatin Manufacturing
Glass Fiber Manufacturing
Glass Manufacturing
Glass Products Manufacturing
Glove Manufacturing
Glucose Manufacturing
Glue Manufacturing
Golf Balls Manufacturing
Graphite Manufacturing
Grease Manufacturing or Refining
Guncotton Products Manufacturing
Gunpowder Manufacturing and Storage
Gutta-perche, treating or manufacturing products therefrom
Gypsum Manufacturing, Processing, or Grinding
Hair Care Products Manufacturing
Hat Manufacturing
Heating Equipment Manufacturing
Heating Gas Manufacturing
Horn Products Manufacturing
Hosiery Manufacturing
Hydrochloric Acid Manufacturing
Ice Cream Manufacturing
Ice Manufacturing or Distributing
Incinerator Manufacturing
Ink Manufacturing
Inner Spring Manufacturing

Jewelry Manufacturing
Juice Manufacturing
Jute Products Manufacturing
Lacquer Manufacturing
Lampblack Manufacturing
Lard Manufacturing
Leather Machine Belt Manufacturing
Leather Products Manufacturing
Light Sheet Metal Products Manufacturing
Lime Manufacturing
Linoleum Manufacturing
Linseed Oil Manufacturing
Liquid Fertilizers Manufacturing
Liquid Coating for Beverage Tanks, manufacturing of
Machine Belt Manufacturing
Machinery Manufacturing
Mannequin Manufacturing
Mat Manufacturing
Match Manufacturing
Match Manufacturing, safety paper
Metals (precious or semi-precious), manufacturing products of
Metal Stamp Manufacture
Musical Instrument Manufacturing
Nail Manufacturing
Neon Light Manufacturing
Neon Sign Manufacturing
Nitric Acid Manufacturing
Nitrogen Manufacturing, Compressing, and Bulk Storage
Novelties Manufacturing
Oil Manufacture (vegetable)
Optical Goods Manufacturing
Orthopedic or Surgical Supplies Manufacturing
Oxygen Manufacturing, Compressing, and Bulk Storage
Paint Manufacturing
Paint Products Manufacturing
Paper Manufacturing or Converting
Paper Products Manufacturing
Pectin Manufacturing
Perfume Manufacturing
Perfumed Toilet Soap Manufacturing
Petroleum Manufacturing
Pharmaceuticals Manufacturing
Phenol Manufacturing
Phenol Products Manufacturing
Pickle Manufacturing
Pie Manufacturing
Plaster of Paris Manufacturing
Plastic Manufacturing
Plastic Products Manufacturing
Point Manufacturing
Polish Manufacturing
Potash Manufacturing
Pottery Manufacturing
Powdered Metal Parts or Articles Manufacturing
Pulp or Paper Manufacturing
Pyrotechnics Manufacturing
Pyroxylin Manufacturing
Rubber Cement Manufacturing
Rubber Products Manufacturing
Rubber Stamp Manufacturing
Rug Manufacturing
Sandpaper Manufacturing
Sash Manufacturing
Sauerkraut Manufacturing
Sausage Manufacturing
Scientific Instrument and Equipment Manufacturing
Screw Machine Products Manufacturing
Sheet Metal Products Manufacturing, light
Shell Manufacturing
Shellac Manufacturing
Shoddy Manufacturing
Shoe Manufacturing
Shoe Polish Manufacturing
Sign Manufacturing
Size Manufacturing
Soap Manufacturing
Sodium Compounds Manufacturing
Stamp Manufacturing
Starch Manufacturing
Statuary Manufacturing
Steel Pipe Manufacturing
Stencil Manufacturing
Stereo Equipment Manufacturing

Stones (Precious or Semi-Precious), manufacturing products of
Stove Manufacturing
Stove Polish Manufacturing
Sulfuric Acid Manufacturing
Sulfurous Acid Manufacturing
Synthetic Rubber Products Manufacturing
Tallow Manufacturing
Tank Coating Manufacturing
Tank Retinning and Manufacturing
Tar Products Manufacturing
Tar Roofing Manufacturing
Tar Waterproofing Manufacturing
Textile Manufacturing
Textile Product Manufacturing
Tire Manufacturing
Tobacco Products Manufacturing
Toiletries Manufacturing
Tool Manufacturing
Toy Manufacturing
Trailer Manufacturing
Transformer Manufacturing, small
Turpentine Manufacturing
Typewriter Ribbon Manufacturing
Varnish Manufacturing
Vegetable Oil Manufacturing
Venetian Blind Manufacturing
Ventilating Duct Manufacturing
Vinegar Manufacturing
Wall Board Manufacturing
Washer Manufacturing
Waterproofing Compound Manufacturing
Window Manufacturing
Window Shade Manufacturing, cloth
Window Shade Manufacturing, wood or metal
Wire Fencing Manufacturing
Wire Manufacturing
Wood Products Manufacturing
Wool Products Manufacturing
Woven Wire Manufacturing
Yarn Products Manufacturing
Yeast Manufacturing

METALS

Blacksmith Shop
Blast Furnace
Blending and Mixing of Compounds for Case Hardening, Tempering
Boiler Works
Bolt or Screw Thread Rolling or Cutting
Brass Foundry
Bronze Casting
Case Hardening
Casting, heavyweight
Die Casting
Drop Forge Industry
Fabrication of Iron or Steel
Fabrication of Light Weight Steel Forge Plant
Foundry (except iron, steel, brass, manganese, bronze and zinc)
Foundry, iron, steel, brass, manganese, bronze and zinc
Galvanizing of Metal or Metal Products
Heat Treating
Iron Foundry or Fabrication Plant
Iron Ore Pellet Loading and Unloading Facility
Iron Storage, Sorting, Collecting, or Baling
Iron Works, ornamental
Metal Products Inspection by X-Ray
Metal Roll Forming
Metal Spinning
Ore Reduction Plant
Quarry
Roll Forming of Metals, cold process
Rolling Mill
Screw Thread Rolling or Cutting
Sharpening or Grinding of Tools or Cutlery
Smelter, tin, copper, zinc, or iron ores
Steel Foundry or Fabrication Plant and Heavyweight Casting
Steel Mill
Tempering

Welding, acetylene or electric

OTHER

Aerosol Packaging

Asbestos Processing or Grinding

Battery Rebuilding

Blending and Mixing of

Compounds for Water Softening,

Boiler Cleaning

Book Bindery

Bottling Plant

Box and Crate Assembly

Box Factory or Cooperage

Building Materials Sales Yard

Cement Mixer Rental

Central Steam (heated, or chilled
water)

Concrete Batching Plant

Cooperage Works

Cornice Works

Distillation of Bones

Earth or Soil Stockpiling,

Distribution, or Excavating

Electric Appliance Assembly

Electric Foundry

Electric Motor Repair

Electric Power Generating Site,
Plant, or Station

Electrical Distributing Substation

Electrical Receiving or

Transforming Station

Electronic Instruments and

Devices Assembly

Electroplating of Small Articles

Electroplating Works

Embalming

Enameling Works

Engraving

Film Development / Printing

Machines

Film Laboratory

Fumigating Plant

Funeral Parlor

Furniture Assembly Plant

Furniture Cleaning

Granite (decomposed)

Excavating or Stockpiling

Granite Grinding, Dressing, or
Cutting

Gravel Plant

Insecticide or Pesticide Blending
or Mixing

Lapidary Shop

Liquor or Spirits Rectifying

Lubricating Oil Canning and
Packaging

Lumber Yard, retail

Machine Shop

Machine Shop, precision

Machinery (farm) Repairing and
Overhauling

Marble Grinding, Dressing, or
Cutting

Mattress Factory or Renovating

Mausoleum

Monument Works

Morgue

Mortuary or Mortuary School

Oxygen, storage of compressed

Packaging Business

Paint Mixing

Phonograph Assembly

Photo Developing and Finishing

Pipe Reclaiming

Pipe Storage Yard

Planing Mill

Plaster Staff Works

Polish Mixing, automobile or
furniture

Printing Establishment

Printing Establishment,
wholesale

Printing or Stenciling Designs on

Fabric, Cloth, or Wallpaper

Public Utilities Service Yard

Publishing Establishment

Publishing Establishment,
wholesale

Pumping Plant

Radio and Television Assembly

Railroad Repair Shop

Repair Garage

Repair Shop

Research and Development
Center

Containers

Rock, Sand, Gravel, or Earth

Distribution or Storage

Roofing Material Factory

Rope Factory

Roundhouse

Safe and Vault Repairing and Servicing
Salt Works
Salvage Business
Sand Blasting
Sand Pit
Saw Mill
Secondhand Box or Container Storage, Display, Processing, or Sales
Secondhand Furniture and Appliance Storage, Display, Processing, or Sales
Shellac Mixing
Shingle Mill
Starch (liquid) Mixing and Bottling
Stereo Equipment Assembly
Stone Mill or Quarry
Stone Monument Works
Sugar Refining
Testing Laboratory
Top Soil Stripping, Removing, or Stockpiling
Tree Wrecking Yard
Undertaking
Upholstery Shop
Water Softening Unit, servicing and refrigeration plant
Water Works or Storage Facilities
Wax Polish Blending, Mixing, and Packaging
Wiping Rag Storage
Wire, application of rubber to
Wood Pulling or Scouring
Wood Yard
Woodworking Equipment Rental Shop
Woodworking Shop
Xeroxing

OTHER TRANSPORTATION

Aircraft Engine or Aircraft Part Repairing, Reconditioning, or Rebuilding
Aircraft Engine Testing
Aircraft Factory
Aircraft Fueling Station
Aircraft Hangar

Aircraft Landing Field
Aircraft Repairing
Airport
Boat Building, small
Draying Yard or Terminal
Electric Railroad Yard
Freight Classification Yard, railroad
Freight Forwarding Station or Terminal
Freighting Yard or Terminal
Marine Cargo Loading or Unloading, wharf or dock
Parcel Delivery Service
Railroad Yard
Shipbuilding
Train Station
Wharf or Dock for Marine Cargo

PETROLEUM-RELATED USES

Booster Pump Station, with in-line heater system for oil pipeline
Butane Gas Filling Station
Coal Distillation
Coke Oven
Compressed Natural Gas Automotive Refueling Station
Dehydrating Plant, petroleum
Distillation of Coal, Tar, or Wood
Fuel Store
Fuel Yard
Gas Storage
Gasoline Refining
Gasoline Station
Gasoline Tank Farm
Marine Oil Service Station
Marine Oil Terminal
Mining of Natural Resources
Natural Gas (compressed) Refueling Station
Oil Drilling Equipment Yard
Oil Drilling or Pumping and Production of Oil, Gas, or Hydrocarbons
Oil Pipeline Booster Pump Station
Oil Reclaiming
Oil Refining
Petroleum Dehydrating Plant

Petroleum Product Bulk
Distributing Station
Petroleum Pumping
Petroleum Refining
Refinery, petroleum or gasoline
Surface Mining Operations
Tank Farm, petroleum
Tar Distillation

WAREHOUSE / DISTRIBUTION

Agricultural Equipment Sales
Yard, wholesale
Appliances (secondhand)
Storage, Display, Processing, or
Sales
Barrel or Drum (secondhand)
Storage, Display, Processing, or
Sale
Barrel Storage, empty
Bottle Washing, Collection, or
Storage
Boxes and Crates (secondhand)
Storage, Display, Processing, or
Sales
Cement (bulk) Transfer
Cement (bulk) Unloading and
Distribution
Distributing Plant
Equipment Storage Yard
Clay Products Storage
Clay Products Storage Yard
Cold Storage Plant
Contractor's Equipment Rental
Yard or Plant
Contractor's Equipment Storage
Yard or Plant
Distribution Center, Plant, or
Warehouse
Egg Candling and Distribution
Electric Motor Repair, wholesale
Feed Storage and Sales Yard
Fertilizer Sales, wholesale
Furniture (secondhand) Storage,
Display, Processing, or Sales
Gravel Distribution
Hay Barn
Ice and Cold Storage Plant
Ice Storage Plant
Lumber Yard, wholesale

Milk Bottling or Distributing
Station
Open Storage
Paper Collecting, Sorting,
Storage, or Baling
Refrigeration Plant, storage
Sack Storage, Sorting,
Collection, or Baling
Sand Distribution Plant
Storage Building
Storage Building for Household
Goods, including truck rentals
Storage, open
Warehouse

WASTE DISPOSAL / MANAGEMENT

Building Materials Salvage Yard
Cesspool Pumping, Cleaning,
and Draining
Chipping and Grinding Activities
Garbage Incineration, Reduction,
or Dumping
Garbage, Fat, Offal, or Dead
Animal Reduction or Rendering
Gardener's Refuse Collection
Yard or Station
Hazardous Waste Facility,
disposal
Hazardous Waste Facility,
storage and/or treatment
Junk Yard
Junk Collection, Sorting,
Storage, or Baling
Leaf Mold Storage, Composting,
and Packaging
Lumber Yard, used materials
and salvaging
Machinery Wrecking or Storage
Yard
Manure Storage or Processing
Medical Waste Treatment
Mulching Facility
Offal or Dead Animal Dumping
Paper Scrap or Waste Storage
Storage, Sorting, Collecting, or
Baling
Recyclable Materials Collection,
Buyback Centers, Mobile
Recycling Centers

Recycling Material Processing Facility
Refuse Dump
Refuse Transfer Station
Rubbish Incinerator or Storage
Sanitary Landfill
Scrap Iron Collection, Sorting, Storage, or Baling

Scrap Metal Collection, Sorting, Storage, or Baling
Scrap Metal Processing Yard
Sewage Treatment Facility
Sewage Disposal or Treatment Plant
Solid Waste Alternative Technology Processing Facility

F. **Development Regulations.** Projects submitted and received by the Department of City Planning case submittal, or Department of Building and Safety plan check submittal after the date of CUGU adoption (XX.XX.XXXX) shall conform to all the relevant development regulations below.

Table 1 below provides a cross reference of development regulations by applicable project context. The regulation for projects within 1,000 feet of a Freeway or specified State Route shall be found in Section 13.18 F.4.

Table 1: Development Regulations by Applicable Project Context

	Subject Use		Subject Use Adjacent to Publicly Habitable Spaces		Publicly Habitable Spaces Adjacent to Subject Use	
	Applicability	Reference	Applicability	Reference	Applicability	Reference
Site Planning	✓	13.18 F.1(a)	✓	13.18 F.2(a)	✓	13.18 F.3(a)
Signage			✓	13.18 F.2(b)		
Lighting	✓	13.18 F.1(b)	✓	13.18 F.2(a)		
Enclosure	✓	13.18 F.1(c)	✓	13.18 F.2(c)		
Fencing			✓	13.18 F.2(d)		
Distancing Requirement			✓	13.18 F.2(e)		
Building Height			✓	13.18 F.2(f),13.18 F.2(g)		
Yard Setback			✓	13.18 F.2(h)		
Landscaping			✓	13.18 F.2(i)	✓	13.18 F.3(b)
Parking Design			✓	13.18 F.2(j)	✓	13.18 F.3(c)
Driveway			✓	13.18 F.2(k)		
Noise			✓	13.18 F.2(l)		
Storage of Merchandise			✓	13.18 F.2(m)		

1. **Subject Use** pursuant to Section 13.18 E.2(c) of this provision.

(a) **Site Planning** (Applies to project types: NEW, ADDITION, MAJOR IMPROVEMENT, CHANGE of USE)

(1) All trash receptacles shall be located within a gated, covered enclosure at least six feet in height.

(2) Chain link, barbed wire, and concertina wire fences are prohibited at the perimeter of the property.

(b) **Lighting** (Applies to project types: NEW, ADDITION, IMPROVEMENT, CHANGE of USE)

All outdoor lighting systems shall be directed away from the window of a residential uses and shall be in accordance with the non-residential Light Pollution Reduction standards in the Green Building Code of the LAMC.

- (c) **Enclosure** (Applies to project types: NEW, ADDITION, CHANGE of USE)

Uses that generate dust, smoke, gas, fumes, cinder, or refuse matter shall be completely enclosed and mechanically ventilated to prevent fugitive emissions unless another regulatory agency requires natural ventilation. Stacks, vents, and flares are exempt from the enclosure requirement.

2. Subject Use adjacent to Publicly Habitable Spaces

- (a) **All the standards in Section 13.18 F.1(a) and 13.18 F.1(b)**

- (b) **Signage** (Applies to project types: NEW, ADDITION, MAJOR IMPROVEMENTS, CHANGE of USE)

Uses adjacent to Publicly Habitable Spaces with commercial vehicle, as defined by California Code of Regulations Title 13 Chapter 10 Section 2480 and 2485, shall post "No Idling" compliant signage onsite at the back of the curb and adjacent to the entrance of at least one driveway where there is truck loading, staging, or parking.

- (c) **Enclosure** (Applies to project types: NEW, ADDITIONS, MAJOR IMPROVEMENT, CHANGE of USE)

Uses that generate dust, smoke, gas, fumes, cinder, or refuse matter shall be completely enclosed with mechanical ventilation for the improved portions of their project to prevent fugitive emissions unless another regulatory agency requires natural ventilation. Stacks, vents, and flares are exempt from enclosure requirements.

- (d) **Fencing** (Applies to project types: NEW, ADDITIONS, MAJOR IMPROVEMENT, CHANGE of USE)

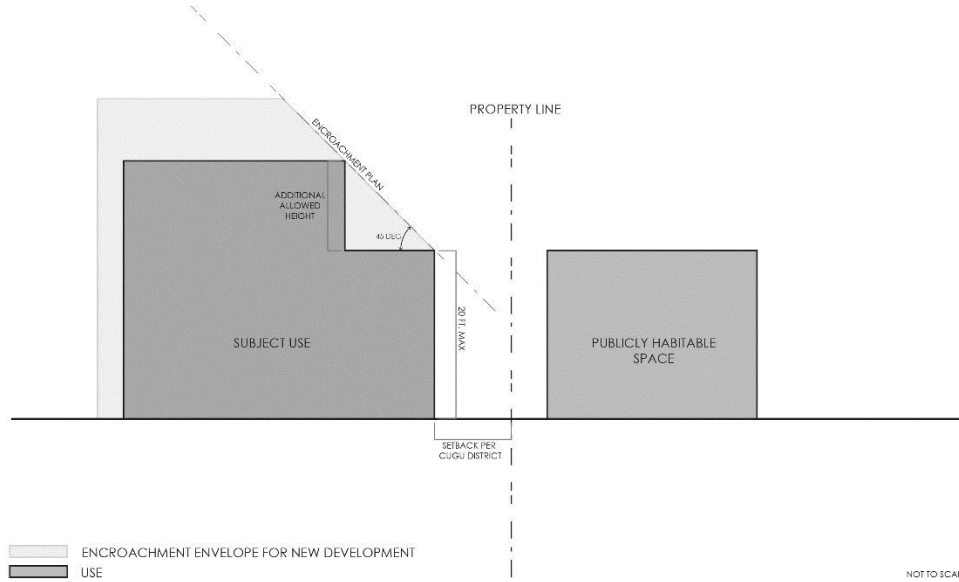
A six-foot high solid concrete or masonry wall, for the entire length of the property line, shall be constructed in C2, C4, and CM zones on any lot line which abuts a Publicly Habitable Space. The wall shall be without openings and shall have a minimum nominal thickness of 6 inches. This standard shall not be required when a Subject Use is located across a public street from a Publicly Habitable Space.

- (e) **Distancing Requirement** (Applies to project types: NEW, CHANGE of USE)

Any new automobile dismantling yard, exhaust test station, automobile laundries (car wash), automotive repair, used auto retail sales, assembly of auto parts and accessories, tire shop, tire repair, and wholesale auto parts and accessory facilities are prohibited within 500 feet of a residential zone.

(f) **Building Height** (Applies to project types: NEW)

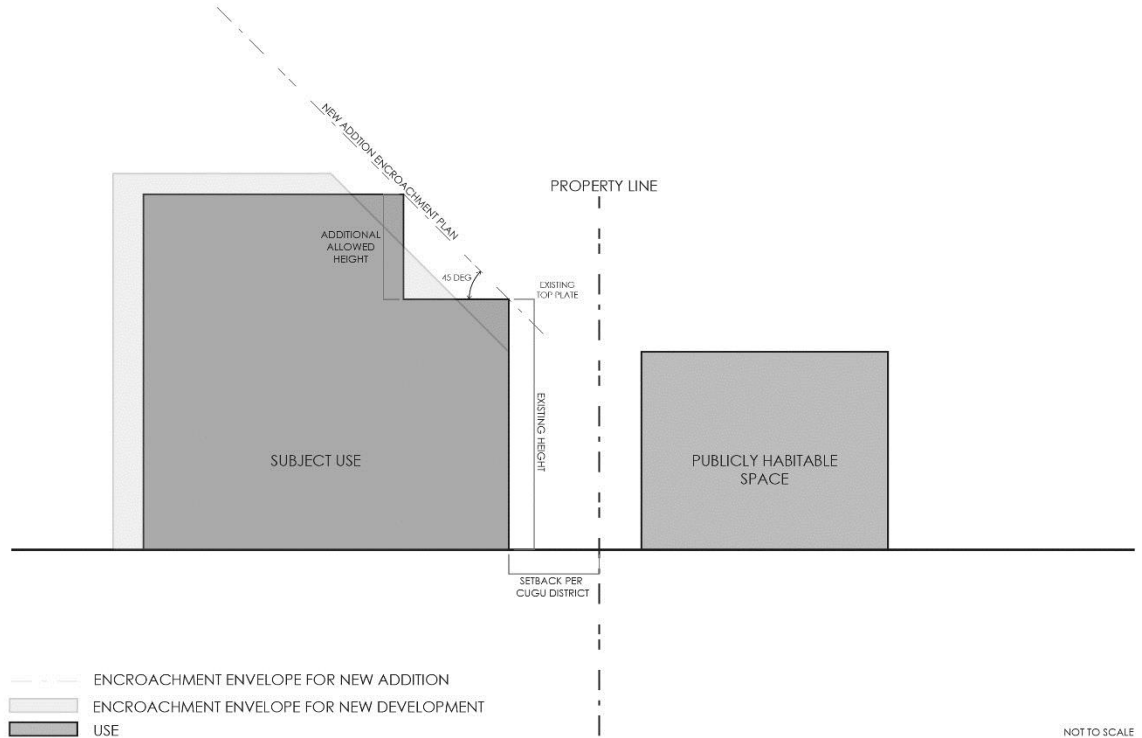
Any new building or structure shall be within an encroachment plane sloping upward and inward at a 45 degree angle commencing 20 feet above the existing grade at the inside line of the side yard setback as illustrated below:



Encroachment plane standards shall not be required when Subject Uses are located across a public street from a Publicly Habitable Space.

(g) **Building Height** (Applies to project types: ADDITIONS)

Any additions to an existing building or structure shall be within an encroachment plane sloping upward and inward at a 45 degree angle commencing above the existing roof at the inside of the side yard setback as illustrated below:



Encroachment plane standards shall not be required when Subject Uses are located across a public street.

(h) **Yard Setback** (Applies to project types: NEW, ADDITION)

A new building, structure, or addition shall provide the following setbacks indicated in Table 2 when abutting a Publicly Habitable Space. This regulations is not eligible for an Adjustment.

Table 2: Manufacturing Zone Setbacks

	MR1 M1 MR2 M2	M3
Front	lot depth ≤ 100 ft: 5 ft lot depth > 100 ft: 15 ft	5% of lot depth, 5% of lot width; no less than 15 ft if within 500 ft if a PHS
Side	lot width ≤ 30 ft: 3 ft lot width > 30, < 50 ft: 5 ft lot width ≥ 50: 15 ft	
Rear	lot depth ≤ 100 ft: 5 ft lot depth > 100 ft: 15 ft	

- (i) **Landscaping** (Applies to project types: NEW, ADDITION, MAJOR IMPROVEMENT, CHANGE of USE)
- (1) Setbacks. All required side and back yard setbacks abutting the parcel line of a Publicly Habitable Space shall be landscaped to provide a buffer.
 - (2) Planting. A Landscape Practitioner shall select trees or shrubs that are between six and eight feet high, low in water use, low in biogenic emissions, high in carbon and Particulate Matter filtration qualities, and retains foliage for most months of the year. Trees may be selected from the Department of Public Works Bureau of Street Services, Street Tree Selection Guide, except for non-drought tolerant trees and Palms. One tree shall be planted and maintained every 15 linear feet. A list of preferred trees is also provided in the CUGU application packet. Landscape Plans shall be submitted to the Department of City Planning for approval.
 - (3) Irrigation. Project applicants shall designing and install irrigation systems pursuant to Guidelines BB- Irrigation Specification of Section 12.41 B.2 of the LAMC.
- (j) **Surface Parking Lot Design** (New surface parking lots for project types: NEW, ADDITION, MAJOR IMPROVEMENT, CHANGE of USE)
- (1) Layout. On-site parking and loading areas (including service bays) shall not front a Publicly Habitable Space.
 - (2) Screening. Parking lots with six or more spaces that abut a public right-of-way shall be screened at the perimeter by either landscape or hardscape.
 - (i) Landscaped screens shall be a combination of trees and shrubs. One tree shall be planted and maintained every 15 linear feet in accordance with Section 13.18 F.2(i)(2) within this Section. Shrubs shall be planted and maintained intermittently to create a visual screen. Illustrations of this standard are provided in the CUGU application packet.
 - (ii) Hardscape screens shall be a wall, barrier, or fence of uniform appearance that is opaque or perforated (provided no more than 50 percent of the face is open). The structure shall be between four and six feet in height. Chain link, barbed wire, and concertina wire fences are prohibited.
 - (3) Tree Planting. One tree for every 4 parking space shall be planted within the surface parking lot. Parking spaces covered by solar car ports are exempt.

- (i) The surface lot shall be graded to allow for ground water recharge into a minimum 3 foot by 3 foot unpaved tree planting area. This unpaved area shall be concave in design to receive runoff per Bureau of Engineering specifications.
- (k) **Driveway** (New driveway for project types: NEW, ADDITION, MAJOR IMPROVEMENT, CHANGE of USE)
 - (1) New buildings shall be serviced by no more than two new driveways. Driveways shall be separated by a minimum of 20 feet as measured from the center of each driveway.
 - (2) Unless required by the Department of Transportation or Fire Department, driveways shall not exceed the width required in Section 12.21 A.5(f) of the LAMC.
- (l) **Noise** (Applies to project types: NEW, ADDITION, MAJOR IMPROVEMENT, CHANGE of USE)
 - (1) Noise generating uses or activities shall not exceed the presumed ambient noise level specified by zone in Table II of Section 11.03 of the LAMC.
 - (i) Applicants shall submit an acoustic evaluation report issued by a noise consulting professional which identifies compliance options for noise mitigation to the Department of City Planning. Applicants shall comply with one of the stated performance-based mitigation measures.
 - (ii) Baseline and other ambient noise levels shall be measured at the property line. If the ambient sound levels at the site exceed the allowable ambient levels, the existing site's ambient level becomes the new allowable and no increase in that level shall be allowed.
 - (2) Addition or improvement projects with noise generating uses or activities shall submit an acoustic evaluation report which includes current and projected noise levels at the site by a consulting professional. The report shall include compliance options for noise mitigation measures. Noise level shall be measured per Section 13.18 F.2(l)(1)(ii).

- (m) **Storage of Merchandise and Materials** (Applies to project types: NEW, ADDITION, MAJOR IMPROVEMENT, CHANGE of USE)
- (1) All open air storage of merchandise or materials shall be confined within a storage area enclosed by a solid, non-combustible wall with self-closing gates, except for construction equipment.
- (i) All outdoor storage shall comply with the height restrictions for materials and equipment per Section 12.19 A.4(b)(3) of the LAMC.
- (2) Cover or completely enclose materials that are subject to blowing dust or particulate matter.
- (3) Barbed wire, chain linked, and concertina wire fences are prohibited at the perimeter of the property.

3. PUBLICLY HABITABLE SPACES ADJACENT TO SUBJECT USES

- (a) **Site Plan** (Applies to project types: NEW)

All new open space, either public or private, required or voluntary, shall not front a Freeway or a Subject Use.

- (b) **Landscaping** (Applies to project types: NEW, ADDITION, MAJOR IMPROVEMENT, CHANGE of USE)

(1) Except for front yards, all required yards abutting a Subject Use shall be landscaped as follows:

- (i) A Landscape Practitioner shall select trees or shrubs that is between six and eight feet high, low in water use, low in biogenic emissions, high in carbon and Particulate Matter filtration qualities, and retains foliage for most months of the year. Trees may be selected from the Department of Public Works Bureau of Street Services, Street Tree Selection Guide, except for non-drought tolerant trees and Palms. A list of preferred trees is also provided in the CUGU application packet.
- (ii) Irrigation. Project applicants shall designing and install irrigation systems pursuant to Guidelines BB- Irrigation Specification of Section 12.41 B.2 of the LAMC.

- (c) **Parking Design** (New surface parking lots for project types: NEW, ADDITIONS, MAJOR IMPROVEMENT, CHANGE of USE)

All parking lots with six or more parking stalls shall follow the provisions per Section 13.18 F.2(j).

4. Freeway Adjacent and State Route 47

Signage (Applies to project types: NEW, ADDITIONS, MAJOR IMPROVEMENT, CHANGE of USE)

Except for single family dwellings and duplexes, all projects located within 1,000 feet of a freeway shall post a sign to notify the public as described below. The sign shall be posted at a shared main entrance, a shared facility such as a porch, or the front stairs of the building. Public parks shall post signage in the bathroom. The sign must meet the following requirements:

- (1) A minimum size of 8.5" x 11"
- (2) Garamond bold condensed font type at 28 point font size
- (3) English or English/Spanish
- (4) Durable sign made from plastic or aluminum or other hard surface
- (5) Fixed to a wall, door, other physical structure

"NOTICE: Air pollution studies show a strong link between the chronic exposure of populations to vehicle exhaust and particulate matter from major roads and freeways and elevated risk of adverse health impacts, particularly in sensitive populations such as young children and older adults. Areas located within 500 feet of the freeway are known to experience the greatest concentration of ultrafine particulate matter and other pollutants implicated in asthma and other health conditions."

F. **Issuance of Building Permits.** For all Projects within a CUGU District, the Department of Building and Safety shall not issue any permits including, but not limited to, grading, shoring, or building unless an Administrative Clearance, CUGU Adjustment, or CUGU Exemption has been obtained pursuant to the applicable procedures in Subsection G.

G. Review Procedures for Projects within CUGU District

1. **Application.** All Projects proposed within a CUGU District shall be submitted for approval with a CUGU Application and Checklist provided by the Department of City Planning. Prior to deeming the application complete, the Director shall determine and advise the applicant, if necessary, of the processes to be followed, materials to be submitted, and fees to be paid. The granting of the CUGU approval shall not imply, or be deemed to constitute, compliance within any other applicable provisions of this Code.
2. **Administrative Clearance- Authority of the Director.** An applicant that complies with the CUGU District regulations shall submit plans to the Director for an Administrative Clearance pursuant to Section 12.32 S.4. Projects requesting adjustments shall submit plans per Subsection 3 below. Projects which cannot comply with the requirements of the CUGU District may request relief through the procedures set forth in Subsection 4 of this Section.

3. **Adjustments-Director Authority with Appeal to the Area Planning**

Commission. The Director or the Director's designee shall have initial decision-making authority to grant a CUGU Adjustment with an appeal to the Area Planning Commission in accordance with the procedures set forth in Section 11.5.7 C.4.-6 of this Code.

- (a) **Limitations.** Unless otherwise limited by the CUGU District, a CUGU Adjustment shall be limited to deviations of up to 20 percent from the quantitative development regulations.

Each adopted CUGU District shall indicate those development regulations which are not eligible for an Adjustment through this Section. If an application requests more than one CUGU Adjustment, the Director may advise the applicant, prior to the application being deemed complete, that the request be filed and processed as a CUGU Exception, pursuant to Subsection 4 of this section.

- (b) **Findings.** The Director may grant an Adjustment upon making all of the following findings:

- (1) There are special circumstances applicable to the Project or project site which make the strict application of the CUGU regulation(s) impractical;
- (2) The Project, as approved, is consistent with the purpose and intent of the CUGU District and substantially complies with the applicable CUGU regulations;
- (3) In granting the Adjustment, the Director has considered and found no detrimental effects of the Adjustment on surrounding properties, the public, or public rights-of-way.

All Projects seeking relief from any development regulations which are designed in the CUGU District as not eligible for Adjustment, shall be processed through the CUGU Exception procedures listed under Subsection 4 of this Section.

4. **Exceptions- Area Planning Commission Authority with Appeals to the City Council.**

- (a) **Authority.** The Area Planning Commission shall have initial decision-making authority for granting Exceptions from the CUGU District regulations with an appeal to the City Council in accordance with the procedures set forth in Section 11.5.7 F.3-8 of this Code.

In granting an exception from CUGU regulations, the Area Planning Commission shall impose conditions to remedy any resulting disparity of privilege, to protect the public health, safety, and welfare, and to assure compliance with the objectives of the General Plan and the purpose and intent of the CUGU District. An Exception from a CUGU regulation shall not

be used to grant a special privilege, nor to grant relief from self-imposed hardships.

- (b) **Findings.** The Area Planning Commission may permit an exception from a CUGU regulation if it makes all the following findings:
- (1) The strict application of the CUGU regulations to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the CUGU District and its regulations;
 - (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 properties in the CUGU District;
 - (3) An exception from the CUGU regulation is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the CUGU District and in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;
 - (4) The granting of an exception will not be 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 will be consistent with the principles, intent and goals of the CUGU District and any applicable element of the General Plan.

H. **Severability.** If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this Ordinance, which can be implemented without the invalid provisions and, to this end, the provisions of this Ordinance are declared to be severable.

Section 11. Section 13.19 of the Los Angeles Municipal Code is hereby added to read as:

SEC. 13.19. VIOLATION.

The violation of any condition imposed by a Zoning Administrator, Director of Planning, the Area Planning Commission, City Planning Commission or Council in approving the site requirements, methods of operation, development plans or other actions taken pursuant to the authority contained in this article shall constitute a violation of this article and shall be subject to the same penalties as any other violation of this Code.

Section 12. The City Clerk shall certify to...