

ORDINANCE NO. _____

An ordinance amending Ordinance 187,712 to amend Article 1.5 of Chapter 1 of the Los Angeles Municipal Code and reinstate Section 11.5.14 (Redevelopment Plan Procedures).

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

Section 1. Section 1 of Ordinance 187,712 shall be amended to read as follows:

ARTICLE 1.5
PLANNING COMPREHENSIVE PLANNING PROGRAM

Section	Title.
11.5.1	Title.
11.5.2	Area Planning Commissions.
11.5.3	Director of Planning (Director).
11.5.4	City Planning Commission.
11.5.5	Mandatory Referrals – Authority of Commission – Requirements.
11.5.6	General Plan.
11.5.7	Specific Plan Procedures.
11.5.8	General Plan Review.
11.5.9	Withdrawal of Application.
11.5.10	Withdrawal of Appeal.
11.5.11	Affordable Housing.
11.5.12	Delegation of Council’s Authority to Consent to Extensions of Time for Council Action.
<u>11.5.13</u>	<u>CEQA Procedures.</u>
<u>11.5.14</u>	<u>Redevelopment Plan Procedures.</u>

SEC. 11.5.14. REDEVELOPMENT PLAN PROCEDURES.

A. Objectives. The objectives of this section are to establish uniform citywide procedures, standards, and criteria for reviewing and processing Redevelopment Plan Projects, including Administrative Review, Project Compliance, Project Modification, Project Adjustments, and Redevelopment Plan Amendments in accordance with applicable provisions of the Charter, this Code, City ordinances, state law, and any applicable specific plan, supplemental use district, or other land use regulation adopted by the City.

B. Relationship of the Redevelopment Regulations to City Ordinances.

1. The Redevelopment Regulations are in addition to the provisions of Chapter 1 of this Code and any other relevant City ordinances.

2. Whenever the Redevelopment Regulations conflict with provisions contained in Chapter 1 of this Code or any other relevant City ordinances, the Redevelopment Regulations shall supersede those provisions, unless the applicable Redevelopment Regulations specifically provide otherwise or are amended.

C. **Definitions.** For purposes of this chapter, certain terms and words are defined below. Words and phrases contained in this section and not defined below shall have the meanings set forth in the applicable Redevelopment Plan or Section 12.03 of this Code (with priority given to definitions in the applicable Redevelopment Plan where there is a conflict between the Redevelopment Plan and this Code):

"Community Redevelopment Agency" or **"CRA"** or **"CRA/LA"** shall mean the former Community Redevelopment Agency of the City of Los Angeles, which was dissolved on February 1, 2012.

"Community Redevelopment Law" shall mean the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.), as amended.

"CRA/LA, a Designated Local Authority" or **"CRA/LA-DLA"** shall mean the public body formed pursuant to Health and Safety Code Section 34173(c)(3) to serve as the successor agency to the former CRA.

"Historic Resource" shall mean designated or surveyed resources including properties listed in or formally determined eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, locally designated Historic-Cultural Monuments (HCMs) and Historic Preservation Overlay Zones (HPOZs); and properties identified as significant per eligibility criteria in SurveyLA and the Community Redevelopment Agency surveys or any subsequent City sanctioned or accepted surveys.

"Lower Income Household" shall have the meaning ascribed thereto in the Development Guidelines and Controls for Residential Hotels in the City Center and Central Industrial Redevelopment Project Areas, adopted by the former CRA on June 15, 2006.

"Redevelopment Plan" shall mean any of the following redevelopment plans: (i) the Adelante Eastside Redevelopment Project Redevelopment Plan, as adopted by Ordinance No. 172,514, and as amended; (ii) the Broadway/Manchester Redevelopment Plan, as adopted by Ordinance No. 170,175, and as amended; (iii) the Central Industrial Redevelopment Plan, as adopted by Ordinance No. 174,978, and as amended; ~~(iv) the~~

~~Chinatown Redevelopment Plan, as adopted by Ordinance No. 153,365, and as amended;~~ (iv) the City Center Redevelopment Plan, as adopted by Ordinance No. 174,593, and as amended; (vi) the Council District 9 Corridors Redevelopment Plan, as adopted by Ordinance No. 170,807, and as amended; (vii) the Crenshaw Redevelopment Plan, as adopted by Ordinance No. 158,933, and as amended; (viii) the Crenshaw/Slauson Redevelopment Plan, as adopted by Ordinance No. 170,734, and as amended; (viii) the Exposition/University Park Redevelopment Plan, as adopted by Ordinance No. 131,730, and as amended; (ix) the Hollywood Redevelopment Plan, as adopted by Ordinance No. 175,236, and as amended; (xi) the Laurel Canyon Commercial Corridor Redevelopment Plan, as adopted by Ordinance No. 180,695, and as amended; (xii) the Mid-City Redevelopment Plan, as adopted by Ordinance No. 171,064, and as amended; ~~(xiii) the North Hollywood Redevelopment Plan, as adopted by Ordinance No. 171,745, and as amended;~~ (xii) the Pacific Corridor Redevelopment Plan, as adopted by Ordinance No. 174,549, and as amended; (xiii) the Vermont/Manchester Redevelopment Plan, as adopted by Ordinance No. 171,065, and as amended; (xiv) the Watts Corridors Redevelopment Plan, as adopted by Ordinance No. 170,769 and as amended; (xv) the Western/Slauson Redevelopment Plan, as adopted by Ordinance No. 171,063, and as amended; (xvi) the Westlake Redevelopment Plan, as adopted by Ordinance No. 172,597, and as amended; and ~~(xvii) the Wilshire Center/Koreatown Redevelopment Plan, as adopted by Ordinance No. 170,806, and as amended.~~

"Redevelopment Plan Amendment" shall mean an amendment to a Redevelopment Plan adopted by the City Council by ordinance after the effective date of this ordinance.

"Redevelopment Plan Project" shall mean any proposed development activity within a Redevelopment Project Area with an Unexpired Redevelopment Plan that includes the issuance of a building, grading, demolition, sign or change of use permit. A Redevelopment Plan Project shall not include activity that consists solely of interior remodeling, interior rehabilitation or interior repair work. Notwithstanding the forgoing, the following types of projects shall be considered a Redevelopment Plan Project: (i) development activity involving an Historic Resource, including any interior remodeling, interior rehabilitation, or interior repair work that affects the exterior; and/or (ii) development activity involving a Residential Hotel/Single Room Occupancy Hotel (SRO), vacant Dwelling Unit, or a Dwelling Unit housing Lower Income Households in the City Center Project Area and the Central Industrial Project Area, including any interior remodeling, interior rehabilitation or interior repair work that may result in the loss of a dwelling unit.

"Redevelopment Plan Project Administrative Review" shall mean the issuance of a ministerial approval by the Director for a Redevelopment Plan Project that complies with the applicable Redevelopment Regulations, and does not require the imposition of conditions or the making of findings.

"Redevelopment Plan Project Adjustment" shall mean the same as a "minor variation" or "variation" as these terms are used in each Redevelopment Plan and is a decision by the Director that a Redevelopment Plan Project substantially complies with the relevant Redevelopment Regulations except for a minor deviation therefrom, either as submitted or with conditions imposed to achieve substantial compliance with the applicable Redevelopment Regulations.

"Redevelopment Plan Project Compliance" shall mean a decision by the Director that a Redevelopment Plan Project complies with the applicable Redevelopment Regulations, either as submitted or with conditions imposed to achieve compliance with the Redevelopment Regulations.

"Redevelopment Project Area" or "Redevelopment Plan Area" or "Community Redevelopment Plan Area" shall here and after be referred to as "Redevelopment Project Area" and shall mean the area included within the specific geographic boundaries identified as a project area in a Redevelopment Plan.

"Redevelopment Regulations" shall mean all the land use provisions of the Redevelopment Plans and design for development guidelines adopted pursuant to such Redevelopment Plans that govern land use or development that were transferred to the City pursuant to California Health and Safety Code Section 34173(i).

"Residential Hotel/SRO" shall have the meaning ascribed thereto in the Development Guidelines and Controls for Residential Hotels in the City Center and Central Industrial Redevelopment Project Areas, adopted by the former CRA on June 15, 2006, and/or the Residential Hotel Ordinance (Ordinance No. 179,868) of the City of Los Angeles. All projects involving a Residential Hotel/SRO shall be considered a Redevelopment Plan Project and subject to all provisions required unless otherwise stated.

"Unexpired" shall mean that the applicable Redevelopment Regulations are still in effect on the date of approval of a Redevelopment Plan Project or Redevelopment Plan Amendment.

D. Administration of Redevelopment Plan Projects. Applications for approval of Redevelopment Plan Projects, including applications for Redevelopment Plan Project Administrative Review, Project Compliance, and Modification of Entitlement for a Redevelopment Plan Project shall be filed and processed as follows:

1. Applications.

(a) General Requirements.

(1) Applications filed under this Article must include all the information required by the Department of City Planning. All applications shall be made on forms prepared by the Department of City Planning.

(2) Applications shall include all fees required by Article 9 of Chapter 1 of the LAMC.

(b) Application Completeness.

(1) An application is not complete until all required items are submitted and all required application fees are paid.

(2) The City will not process incomplete applications. Applications will be reviewed for completeness in accordance with the Permit Streamlining Act (California Government Code Title 7, Division 1, Chapter 4.5, as may be amended from time to time).

(c) Multiple Entitlement Requests.

In order to facilitate the development process, applications for multiple entitlements for the same project shall be submitted and processed concurrently as provided in Section 12.36.

(d) Withdrawal of Application.

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

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

2. Nothing herein shall be construed to prohibit the Director or the Director's designee from promulgating administrative guidelines to interpret and implement the Redevelopment Regulations.

3. **Notice and Hearing.** Notice shall be given and public hearings shall be held as required by the LAMC.

4. **Review Procedures for Redevelopment Plan Project Administrative Review.**

(a) **Eligibility.** Any project involving a Residential Hotel/SRO, vacant Dwelling Unit, or a Dwelling Unit housing Lower Income Households in the City Center Project Area and the Central Industrial Project Area, or any project involving construction that consists of interior remodeling, interior rehabilitation or interior repair work that results in the loss of Dwelling Units shall not be eligible for an administrative review. Projects that do not qualify for a Redevelopment Plan Project Administrative Review may apply for a Redevelopment Plan Project Compliance or a Redevelopment Plan Project Adjustment.

(b) **Initiation.** A Project Administrative Review is initiated by filing an application with the Department of City Planning or by following the LAMC's procedures to obtain a building permit.

(c) **Notice of Public Hearing.** There is no public hearing.

(d) **Clearance.** Clearance shall be issued pursuant to the applicable ordinance or building permit requirement.

(e) **Criteria for Compliance Review.** The Department shall review the application for compliance with the relevant standards of this Code and the appropriate Redevelopment Plan, including the zone standards, established development standards, and any supplemental use regulations.

(f) **Scope of Action.** Once a project's Administrative Review is complete, any subsequent development activity (including but not limited to the erection, enlargement or maintenance of buildings, development or construction work, and issuance of a grading, building or change of use permit) shall comply with the plans approved by the Department of City Planning in the Administrative Review for the project

(g) **Appeals.** There is no appeal.

(h) **Modification of Action.** Any change to the scope of the application requires review by the Department of City Planning as provided in this subdivision.

5. Review Procedures for Redevelopment Plan Project Compliance.

(a) **Initiation.** A property owner files an application for Project Compliance Review with the Department of City Planning.

(b) **Notice of Public Hearing.** The Director shall provide notice as required by the LAMC.

(c) **Decision.**

(1) **Decision Maker.** The Director is the initial decision maker and may approve, conditionally approve, or deny the Project Compliance.

(2) **Decision.**

(i) The Director shall render the initial decision within 75 days of the date the application is deemed complete or, when an EIR or other CEQA document is required, the date the EIR or other CEQA document is certified or adopted.

(ii) If the Director fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission in accordance with the procedures set forth in Section 11.5.7 C.5. of this Code.

(3) **Transmittal.** The Director shall transmit a copy of the decision by email, electronic transmission, or mail to the applicant, the Department of Building and Safety, the Councilmember(s) having jurisdiction over the Redevelopment Project Area in which the property is located, the Department of Transportation (when appropriate), owners of all properties abutting, across the street or alley from, or having a common corner with the subject property; and interested parties who have filed written requests for notice with the City Planning Department.

(d) **Standards for Review and Required Findings.** The Director shall grant a Project Compliance upon written findings that the project:

(1) Substantially complies with the relevant Redevelopment Regulations, findings, standards and provisions of the Redevelopment Plan; and

(2) Is subject to all conditions required by the relevant Redevelopment Regulations; and

(3) Complies with CEQA; and

(4) Any other findings that are required in the relevant Redevelopment Plan.

(e) **Scope of Decision / Utilization of Approvals.** See Section 12.25 of Chapter 1 of the LAMC.

(f) **Limitations.** The granting of a Project Compliance shall not imply compliance with any other applicable provisions of the Los Angeles Municipal Code. Any corrections and/or modifications to project plans made subsequent to a Project Compliance that are deemed necessary by the Department of Building and Safety for Building Code compliance, and which involve a change in floor area, parking, building height, yards or setbacks, building separation or lot coverage, shall require a referral of the revised plans back to the Department of City Planning (and the Department of Transportation in cases where there are corrections and/or modifications that may affect the calculation of vehicle trips generated, project floor area or parking) for additional review and sign-off prior to the issuance of any permit in connection with those plans.

(g) **Appeals.**

(1) **Decision Maker.** The Area Planning Commission is the appellate decision maker.

(2) **Filing.** An applicant or any other person aggrieved by the Director's decision may file an appeal.

(3) **Appellate Decision.**

(i) Before acting on any appeal, the Area Planning Commission shall set the matter for hearing. The following notice is required for the public hearing on an appeal.

<u>Type of Notice</u>	<u>When</u>	<u>Where / To Whom / Additional Requirements</u>
Mail	21 days	<ul style="list-style-type: none"> • <u>The applicant;</u> • <u>Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property;</u> • <u>The Councilmember(s) having jurisdiction over the Redevelopment Plan area in which the property is located;</u> • <u>The Department of Neighborhood Empowerment; and</u> • <u>Interested parties who have requested notice in writing.</u>

(ii) The Area Planning Commission shall act within 75 days after the expiration of the appeal period.

(iii) The decision to approve or deny an appeal must contain the same findings required by the original decision maker, supported by substantial evidence.

(4) Filing of Appeals.

(i) Appeals shall be in writing and filed on forms maintained by the Department.

(ii) An appeal shall specifically state the points at issue and the reasons why the decision should not be upheld.

(iii) An appeal not properly or timely filed shall not be accepted.

(5) Time Limits for Appeal. Appeals must be filed within 15 days after the date on the letter of determination to the applicant.

(6) Appeal Procedures.

(i) An appeal stays proceedings in the matter until the appellate body makes a decision.

(ii) After an appeal is filed, the initial decision maker transmits the appeal and the file to the appellate body, together with any report, if one was prepared by staff, responding to the points raised made in the appeal.

(iii) When the appellate body receives the appeal, the initial decision maker loses jurisdiction.

(iv) Upon the date set for the hearing, the appellate body shall either hear the appeal, or continue the matter by mutual agreement with the project applicant to another date if there is cause to do so. No notice of continuance need be given if the continuance is announced at a public meeting at the time for which the hearing was originally set.

(v) The appellate body shall conduct a public hearing. After the public hearing, the appellate body shall render a decision.

(vi) The appellate body may extend the time period for deciding an appeal to allow the consideration of changes to the project requested by the applicant. If the appellate body finds that the changes are substantial, including any additional CEQA analysis, the hearing may be continued by mutual agreement with

the project applicant. The appellate body shall provide notice of the continued hearing before such hearing is held. The time period required for additional notice is at least the time required for posted notice on the original application.

(vii) The appellate body shall hear the matter de novo. It may take additional evidence, and shall base its decision on the record before it. In making its decision, the appellate body shall make the same findings as required by the initial decision maker, supported by substantial evidence.

(7) **Modification of Entitlement.** A Project Compliance may be modified pursuant to Subdivision 6. below.

6. **Modification of Entitlement for a Redevelopment Plan Project.**

(a) **Applicability.**

(1) **Original Action.** This subdivision applies to the modification of a previously approved entitlement (referred to in this subdivision as the "original action") that substantially conforms to the original approval.

(2) **Modification.**

(i) For purposes of this subdivision, a "modification" means any changes in the proposed physical development, planned operation, or conditions of approval.

(ii) In no event can any modification or series of modifications allow a use, single deviation, or series of deviations (including but not limited to "minor variations" and "variations" as those terms are used in the Redevelopment Plans) to exceed the maximum deviation allowed by the relevant Redevelopment Plan or LAMC.

(3) **Maximum Deviation.**

(i) Use, single deviation, or series of deviations from the LAMC or Redevelopment Plan which was not approved as part of the original action; or

(ii) Any modification that would result in an increase or reduction of the physical development, planned operation, or conditions of approval on the original action by more than 20%.

(4) **New Application.** Any deviation that does not substantially conform to the original action or exceeds the maximum deviation prescribed in Subparagraph (3) (Maximum Deviation) above requires a new project application.

(b) **Initiation.**

(1) A Modification of Entitlement is initiated by filing an application with the Department of City Planning.

(2) The application must include development plans showing the requested modifications.

(3) A Modification of Entitlement shall be filed and approved before the original action expires.

(c) **Notice of Public Hearing.** Notice of the public hearing on an initial decision and appeal is provided in the same manner as the original action or appeal.

(d) **Decision.**

(1) **Decision Maker.**

(i) The decision maker on a Modification of Entitlement is the initial decision maker on the original action. In the event that the initial decision maker was the CRA, the Director of Planning shall be the decision maker.

(ii) If the original action was subject to multiple approvals, the initial decision maker is the initial decision maker assigned pursuant to Section 12.36 (Multiple Approvals).

(iii) If the original action was subject to an appeal, the decision maker on the Modification of Entitlement is the appellate body on the original action.

(2) **Public Hearing.** The initial decision maker may conduct a public hearing after providing the notice required Section 11.5.14 D.6.(c) (Notice of Public Hearing) above. A hearing need not be held if the initial

decision maker makes a written finding that the requested Modification of Entitlement:

(i) _____ will not have a significant effect on adjoining properties or on the immediate neighborhood; or

(ii) _____ is not likely to evoke public controversy.

(3) _____ **Decision.** The initial decision maker shall approve, conditionally approve, or deny the request within 75 days after the application is deemed complete.

(4) _____ **Conditions.** The initial decision maker may impose conditions on the modification as allowed by the regulations governing the original action.

(5) _____ **Transmittal.** The initial decision maker shall transmit a copy of the decision by mail to the applicant, all owners and occupants of properties abutting, across the street or alley from, or having a common corner with the subject property, and persons who have filed a written request for notice with the Department of City Planning.

(e) _____ **Standard of Review and Required Findings.**

(1) _____ A Modification of Entitlement shall not be granted unless the decision maker finds that the modification complies with all of the findings that apply to the original action.

(2) _____ If the application for Modification of Entitlement is for only a portion of a development project, the decision maker's review and decision shall be limited to only that portion of the project. However, the decision maker may consider the entire project to the extent that the approved project and the portion for which the Modification of Entitlement is requested are indistinct.

(f) _____ **Scope of Decision / Utilization of Approvals.** See Section 12.25 of Chapter 1 of the LAMC.

(g) _____ **Appeals.** The initial decision on a Modification of Entitlement is appealable in the same manner as the original action.

7. _____ **Review Procedures for Redevelopment Plan Project Adjustment.**

(a) Initiation. A property owner files an application for Project Adjustment with the Department of City Planning.

(b) Notice of Public Hearing. The Director shall provide any notice required by the LAMC.

(c) Decision.

(1) Decision Maker. The Director is the initial decision maker, and may approve, conditionally approve, or deny the Project Adjustment.

(2) Time Limit.

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

(ii) If the Director fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Section 11.5.7 C.5. of this Code.

(3) Transmittal. The Director shall transmit a copy of the decision by email, electronic transmission, or mail to the applicant, the Department of Building and Safety, the Councilmember(s) having jurisdiction over the Redevelopment Plan Area in which the property is located, the Department of Transportation (when appropriate), owners of all properties abutting, across the street or alley from, or having a common corner with the subject property; and interested parties who have filed written requests to receive notice with the City Planning Department.

(d) Standards for Review and Required Findings. The Director shall approve, or approve with conditions, a Project Adjustment if the Director finds in writing that:

(1) Substantially complies with the applicable Redevelopment Regulations; and

(2) Complies with CEQA; and

(3) All findings for variations and minor variations, as required by the applicable Redevelopment Plan, are met.

(e) Scope of Decision / Utilization of Approvals. See Section 12.25 of Chapter 1 of the LAMC.

(f) Appeals.

(1) Decision Maker. The Area Planning Commission is the appellate decision maker.

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

(3) Appellate Decision.

(i) Before acting on an appeal, the Area Planning Commission shall set the matter for hearing. The following notice is required for the public hearing on an appeal.

Type of Notice	When	Where / To Whom / Additional Requirements
<u>Mail</u>	<u>21 days</u>	<ul style="list-style-type: none"> • <u>The applicant;</u> • <u>Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property;</u> • <u>The Councilmember(s) having jurisdiction over the Redevelopment Project area in which the property is located;</u> • <u>The Department of Neighborhood Empowerment; and</u> • <u>Interested parties who have requested notice in writing.</u>

(ii) The Area Planning Commission shall act within 75 days after the expiration of the appeal period.

(iii) The decision to approve or deny an appeal must contain the same findings required by the original decision maker, supported by substantial evidence.

(4) Filing of Appeals.

(i) Appeals shall be in writing and filed on forms maintained by the Department.

(ii) An appeal shall specifically state the points at issue and the reasons why the decision should not be upheld.

(iii) An appeal not properly or timely filed shall not be accepted.

(5) **Time Limits for Appeal.** Appeals must be filed within 15 days after the date on the letter of determination to the applicant.

(6) **Appeal Procedures.**

(i) An appeal stays proceedings in the matter until the appellate body makes a decision.

(ii) After an appeal is filed, the initial decision maker transmits the appeal and the file to the appellate body, together with any report, if one was prepared by staff, responding to the points raised made in the appeal.

(iii) When the appellate body receives the appeal, the initial decision maker loses jurisdiction.

(iv) Upon the date set for the hearing, the appellate body shall either hear the appeal, or continue the matter by mutual agreement with the project applicant to another date if there is cause to do so. No notice of continuance need be given if the continuance is announced at a public meeting at the time for which the hearing was originally set.

(v) The appellate body shall conduct a public hearing. After the public hearing, the appellate body shall render a decision.

(vi) The appellate body may extend the time period for deciding an appeal to allow the consideration of changes to the project requested by the applicant. If the appellate body finds that the changes are substantial, including any additional CEQA analysis, the hearing may be continued by mutual agreement with the project applicant. The appellate body shall provide notice of the continued hearing before such hearing is held. The time period required for additional notice is at least the time required for posted notice on the original application.

(vii) The appellate body shall hear the matter de novo. It may take additional evidence, and shall base its decision on the record before it. In making its decision, the appellate body shall

make the same findings as required by the initial decision maker, supported by substantial evidence.

(g) The decision of the appellate body is final.

(h) **Modification of Entitlement.** No modification is available.

8. **Initiation of Redevelopment Plan Amendment(s).** The City Council, the City Planning Commission or the Director of Planning may initiate consideration of an amendment to any a Redevelopment Plan, subject to the requirements and limitations of the Charter and state law.n The fee for a Redevelopment Plan Amendment shall be as set forth in Section 19.01 G. of this Code.

9. **Multiple Approvals.** When an application is filed pursuant to this Section for a Redevelopment Plan Project requiring multiple approvals, the process set forth in Section 12.36 shall apply.

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