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# **SECONDARY SUBMISSIONS**



## Item No. 6

### Department of City Planning

City Hall, 200 N. Spring Street, Room 272, Los Angeles, CA 90012

June 15, 2021

TO: City Planning Commission  
FROM: Craig Weber, <sup>*Craig Weber*</sup> Principal City Planner

#### **TECHNICAL MODIFICATIONS/ CORRECTIONS TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. CPC-2017-432-CPU; CPC-2014-1582-CA; CEQA: ENV-2017-433-EIR**

The following technical modifications/corrections are to be incorporated into the staff recommendation report to be considered at the City Planning Commission meeting of Thursday, June 17th, 2021 related to Item No. 6 on the meeting agenda.

Deleted text is shown in ~~strike through~~ and added text is shown in underline.

#### **A. Exhibit B.3 (Community Benefit Trust Fund)**

1. Edit of responsible department:  
Section K. The ~~City Administrative Officer~~ Department of City Planning shall be responsible for preparing the annual budget for the Fund and is authorized to establish appropriate procedures to carry out the provisions of this chapter.
2. Edit of responsible department:  
Section N. The ~~City Administrative Officer~~ Department of City Planning shall maintain appropriate accounting records of the actual costs of the services rendered pursuant to the Fund. The ~~City Administrative Officer~~ Department of City Planning shall report annually to the Chief Legislative Analyst regarding and identifying all receipts into and all expenditures out of the Fund, as well as the

purpose for which each expenditure was made. Each report shall cover a fiscal year and shall be submitted within 90 days after the close of that fiscal year.

**B. Community Benefits Fee Ordinance (Exhibit B.4):**

1. Clarification of eligible organizations for affordable housing programs:

SECTION. X.9. ELIGIBLE COMMUNITY BENEFITS

1. Programs to support affordable housing

- a. Land acquisition ~~by Community Land Trusts~~, for the purposes of establishing permanent, community-controlled affordable housing by organizations such as Community Land Trusts or other similar groups.
- b. Acquisition of buildings in default or facing expiring affordability covenants in the next 10 years in order to preserve and extend housing affordability. ~~by Organized Tenant Groups, Community Based Organizations, or the Los Angeles Housing and Community Investment Department (HCID).~~ Qualifying applicants include but are not limited to: owners of the said project; developers; non-profit organizations; Organized Tenant Groups; Community Based Organizations; or the Los Angeles Housing and Community Investment Department (HCID).
- c. Time extension for buildings facing expiring affordability covenants in the next 10 years ~~by organized tenant groups and/or Community Based Organizations.~~ Qualifying applicants include but are not limited to: non-profit organizations; owners of the said project; developers; Organized Tenant Groups; Community Based Organizations; or the Los Angeles Housing and Community Investment Department (HCID).

**C. Exhibit C.1 (Proposed Zoning Code)**

1. Edits to add provisions governing signs for pedestrian passageways:

Sec. 4C.1.1.C.3.a.xi. (p 4-21)

Shall be made permanently available to the general public, at no cost, between sunrise and sunset daily, or during the operating hours of the building, whichever would result in a longer period of time. No gates or other barriers may block any portion of a pedestrian passageway from pedestrian access during the required available hours, and a sign shall be posted at every public entrance to the pedestrian passageway in accordance with the standards in Sec. 2C.3.3.D.10.b.ii.

2. Inclusion of provisions to address Shopping Cart Containment:

[ADDED] Add Sec. 4C.12.7 (Shopping Cart Containment) into Division 4C.12 (Site Elements) with the text included below in Technical Modification Exhibit 1.

3. Addition of an allowance for Family Child Care to the Agriculture 1 (A1) Use District:

Sec. 5B.2.1. (p. 5-18)

Add “persons in care (max): 20” standard.

Family Child Care	P*	In conjunction with:	Dwelling
		<u>Persons in care (max)</u>	<u>20</u>
		<u>Relief</u>	<u>C2</u>

4. Clarifications as to the process and limitations for Preschool/Daycare uses in the Agriculture 1 (A1) Use District:

Sec. 5B.2.1. (p. 5-19)

- a. Delete “50 person max”
- b. Add “persons in care (max): 20” standard

Preschool/Daycare	P	Persons in care (max)	<del>50</del> <u>20</u>
		<u>Relief</u>	<u>C2</u>

5. Clarifications as to the process and limitations for Family Child Care to the Residential 1 (RG1) Use District:

Sec. 5B.3.1. (p. 5-25)

Add “persons in care (max): 20” standard

		In conjunction with:	Dwelling
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Family Child Care	P*	Persons in care (max)	20
		Relief	C2

6. Clarifications as to the process and limitations for Preschool/Daycare to the Residential 1 (RG1) Use District:

Sec. 5B.3.1. (p. 5-26)

Add “persons in care (max): 20” standard

Preschool/Daycare	- P	Persons in care (max)	20
		Relief	C2

7. Removal of the limitations on number of persons in care for Preschool/Daycare in the Residential-Mixed 1 (RX1) Use District:

Sec. 5B.4.1. (p. 5-33)

Delete “persons in care (max): 20” standard

Preschool/Daycare	P	Persons in care (max)	20
		Relief	C2

8. Removal of the limitations on number of persons in care for Preschool/Daycare to the following Use Districts: Commercial-Mixed 1 (CX1), Commercial-Mixed 2 (CX2), Commercial-Mixed 3 (CX3), Commercial-Mixed 4 (CX4), Industrial-Mixed 1 (IX1), Industrial-Mixed 2 (IX2), Industrial-Mixed 3 (IX3), Industrial-Mixed 4 (IX4), Public 1 (P1), Public 2 (P2):

Sec. 5B.5.1. (p. 5-41), Sec. 5B.5.2. (p. 5-53), Sec. 5B.5.3. (p. 5-64), 5B.5.4. (p. 5-76), Sec. 5B.7.1 (p. 5-89), Sec. 5B.7.2. (p. 5-101), Sec. 5B.7.3. (p. 5-115). Sec. 5B.7.4. (p. 5-129), Sec. 5B.9.1. (p. 5-180), Sec. 5B.9.2. (p. 5-186)

Delete “persons in care (max): 50” standard

Preschool/Daycare	P	Persons in care (max)	50
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9. An addition of Animal Services: General to all Use Districts, permitting the use with limitations in the following Use Districts: Commercial-Mixed 1 (CX1), Commercial-Mixed 2 (CX2), Commercial-Mixed 3 (CX3), Commercial-Mixed 4 (CX4), Industrial-Mixed 1 (IX1), Industrial-Mixed 2 (IX2), Industrial-Mixed 3 (IX3), Industrial-Mixed 4 (IX4), Industrial 1 (I1), and Industrial (I2):

Sec. 5B.5.1. (p. 5-42), Sec. 5B.5.2. (p. 5-54), Sec. 5B.5.3. (p. 5-65), 5B.5.4. (p. 5-77),  
 Sec. 5B.7.1 (p. 5-89), Sec. 5B.7.2. (p. 5-102), Sec. 5B.7.3. (p. 5-116). Sec. 5B.7.4. (p.  
 5-130), Sec. 5B.8.1. (p. 5-143), Sec. 5B.8.2. (p. 5-161)

Animal Services:			
General	P*	Use enclosure	Fully Indoor

Prohibit use in the following use districts: Open Space 1 (OS1), Agricultural 1 (A1),  
 Residential 1 (RG1), and Residential-Mixed (RX1).

Sec. 5B.1.1. (p 5-14), Sec. 5B.2.1. (p 5-27), Sec. 5B.3.1. (5-34)

Animal Services:			
General	--		

Permit use with an A- permission level in the Public 1 (P1) use district.

Sec. 5B.9.1. (p. 5-180)

Animal Services:			
General	A-		

Permit use with an A+ permission level in the Public 2 (P2) use district.

Sec. 5B.9.2. (p. 5-186)

Animal Services:			
General	A+		

10. Removal of a limitation on the number of beds for lodging uses in the  
 Commercial-Mixed 1 (CX1) Use District:

Sec. 5B.5.1. (p 5-40)

Lodging	P*	Beds (max)	49
		Use separation	

		Agricultural, Residential, or Residential Mixed Use District (min)	500'
		Supplemental standards	Sec. 5B.5.1.C.3.
		Relief	C2

11. A modification of the Animal Services definition:

Sec. 5C.1.5.A (p. 5-203)

Animal Services:

A ~~commercial~~ use involving the provision of services related primarily to domestic animal care and keeping.

12. An addition of the Animal Services: General use definition:

Sec. 5C.1.5.A.1. (p. 5-203)

[ADDED] 1. General

Any use in which domestic dogs or cats are provided non-medical care, grooming, training, or supervision. The maximum number of adult dogs or cats is limited to no more than 20, or 1 for every 60 square feet of floor area of the facility rounded up to the nearest whole number, whichever results in the greater number of animals. No more than thirty percent 30% of the floor area of the facility shall be used for overnight boarding. Animal boarding areas shall not occupy the area within the first twenty 20 feet, as measured from the storefront of the facility, and shall be separated from retail, grooming, or food storage areas. For uses where the overnight boarding of dogs or cats exceeds 30% of the floor area of a facility, see (Sec.5C.1.5.A.2.). For the medical treatment of animals, see Animal Sales and Services, Veterinary (Sec.5C.1.5.A.3.).

13. A clarification to the Kennel definition:

Sec. 5C.1.5.A.2. (p. 5-203)

Any use in which 4 or more dogs or cats, at least 4 months of age, are ~~kept sheltered for periods beyond 24 hours per day~~. This definition does not include animal retail uses. For animal retail use, see ~~animal sales and services~~ Retail, Pet Shop. (Sec.5C.1.5.L.8.). For uses where the sheltering dogs or cats beyond 24 hours per day occupies less than 30% of the floor area of a facility, see Animal Services, General (Sec.5C.1.5.A.1.).

14. A clarification to the Veterinary definition:

Sec. 5C.1.5.A.3. (p. 5-203)



Any use in which animals or pets are given medical or surgical treatment and care. For the non-medical treatment and care of dogs and cats, see Animal Services, General (Sec.5C.1.5.A.1.).

15. Modifications to the commissary kitchen definition:

Sec. 5C.1.5. (p 5-203)

B. Commissary Kitchen

A ~~commercial~~ kitchen facility used for cooking and preparing food to be primarily ~~sold~~ served and consumed off-site. Research, design, and processing are allowed as an incidental use. Includes multi-tenant, incubator, preparatory kitchen, and catering kitchen.

16. A correction to a citation internal to the New Zoning Code involving Records and Agreements:

Sec. 9.3.2.E.1 (p 9-26)

Housing development projects requesting only the incentives outlined in Sec. 9.3.2.C. (Base Incentives), without requesting any additional incentives outlined in applicable CPIO or Specific Plan, shall be considered ministerial and no application to the Department of City Planning is required.

Housing development projects shall comply with the records and agreements requirements of Sec. 9.2.1.H. (Records and Agreements).

17. A clarification to the rules of measurement pertaining to “uncovered” space:

a. Sec.14.1.2.A.2. (p. 14-5)

Add text from Sec. 14.1.2.B.2.

A space or structure is considered uncovered if 25% or more of its area is open to the sky. Areas containing overhead, non-solid structures, such as lattice and pergolas, may be considered uncovered provided that 25% or more of their area is open to the sky.

b. Sec. 14.1.2.B.2. (p. 14-5)

[DELETED] Areas containing overhead, non-solid structures, such as lattice and pergolas, may be considered uncovered provided they meet the standard in Sec. 14.1.1.A.2. (Uncovered).

18. Clarifications of the definitions of Mechanical Equipment:

a. Sec. 14.1.5.A.1.f. (p. 14-8)

Mechanical Equipment (Ground Mounted)

Equipment whose weight is primarily supported by the ground and that is related to privately operated systems, including related wires, conduits, and pipes.

Includes gas meter, water softener, pool equipment, HVAC equipment, gas tank, cistern, wind turbine, and solar panel.

b. Sec. 14.1.5.A.1.g. (p. 14-9)

Mechanical Equipment (Wall Mounted)

Equipment attached to and primarily supported by a wall and that is related to privately operated systems, including related wires, conduits, and pipes. Includes gas meter, electric meter, electrical panel, water heater, HVAC equipment, and gas tank.

19. A clarification of the definition of Vertical Barriers:

Sec. 14.1.5.B.1.e. (p. 14-11)

Vertical barriers, 45 inches in height or less, provided to protect occupants from falling from walking surfaces required for safety and protection. Includes fence, wall, parapet, ~~and railing, and bannister.~~

20. A correction to a provision pertaining to Street Facing Facade determination:

Sec. 14.1.6.D.b.

For building elevations along curved or complex ~~frontage~~ street lot lines, see Sec. 14.1.14. (Parallel or Perpendicular to Irregular Lot line).

21. A clarification to provisions addressing Lot Ties:

a. Sec. 4C.1.11.D. (p. 14-30)

For the purpose of meeting standards associated with ~~an applied zone string the applied zoning districts,~~ a lot composed of multiple parcels ~~may meet all applicable standards independently for each parcel or the lot may meet the standards treating the collection of contiguous parcels as a single parcel.~~ grouped together as a single lot through a lot tie affidavit filed and approved with the Department of Building and Safety shall be considered a single lot. When the involved parcels have different and conflicting applied zoning districts, each individual parcel must meet the standards associated with the applied zoning districts as individual lots.

b. Sec. 2C.1.1.C.2. (p. 2-60)

[DELETED] For the purpose of meeting minimum lot size standards, multiple lots may be grouped together as a lot when a lot tie affidavit is filed and approved by the Department of Building and Safety.

c. Sec. 2C.1.2.C.2. (p. 2-61)

[DELETED] For the purpose of meeting minimum lot width standards, multiple lots may be grouped together as a lot when a lot tie affidavit is filed and approved by the Department of Building and Safety.

22. A removal of a provision pertaining to Primary Street determination:

Sec. 14.1.12.C.1.d.

[DELETED] Where determining the primary street using the above criteria is unclear, primary street lot line may be determined by the Director of Planning according to Sec. 13B.3.1. (Administrative Review).

23. A clarification to the definition of Site Modification:

Sec. 14.1.15.C.4. (p. 14-37)

Work including modifications to horizontal site improvements, pedestrian accessways, motor vehicle use areas, bicycle parking and landscaping, including trees, required screens, outdoor storage areas, signs, mechanical equipment, wireless and broadcasting facilities, waste receptacles, and other site elements. Site modifications also include planting or removing vegetation, fencing or walls, street furniture, lighting fixtures, grading, flatwork, and parking lot resurfacing and restriping. Site modifications, such as grading, that expose additional foundation wall or facade areas are considered to be both a site modification and a facade modification.

24. A clarification to the Yard designation provisions:

Sec. 14.1.16.A. (p. 14-39)

1. All portions of a lot between exterior walls of a building and a property line shall be designated as one of the following yard designations, and no portion of a lot shall have more than one of the following designations:

2. ~~Either a front yard, special yard, side street yard, side yard, or rear yard~~

a. Front yard (Sec. 14.1.6.B.1.)

b. Special yard (Sec. 14.1.6.B.2.)

c. Side street yard (Sec. 14.1.6.B.3.)

d. Side yard (Sec. 14.1.6.B.4.)

e. Rear yard (Sec. 14.1.6.B.5.)

25. A clarification pertaining to Special Yard determination:

Sec. 14.1.16.B.2. (p. 14-40)

No less than 80% of the width length of each special lot line-facing principal structure shall abut the special yard. Only portions of a building set back at least 15 feet behind the facade nearest the special lot line are not required to abut the special yard.

26. An addition of terms related to Shopping Cart provisions to the Glossary:

Div. 14.2. (p. 14-44)

[ADDED] Abandoned Shopping Cart. A shopping cart located outside of the lot where the establishment that furnishes shopping carts for use by its patrons is located.

Bollard. An upright post consisting of a piece of timber, concrete, metal or similar material fixed firmly in an upright position intended to impede various forms of traffic or circulation.

[ADDED] Shopping Cart. A basket of any size, mounted on wheels, rollers or a similar device, including parts, provided by a retail establishment for the purpose of transporting groceries or merchandise of any kind within a retail establishment or associated parking area.

[ADDED] Shopping Cart Containment Plan. A plan sheet that includes a specific written plan with a corresponding site plan that identifies areas of shopping cart containment to prevent customers from removing shopping carts from the premises.

Shopping Cart Corral. A stable structure that provides an enclosure for the collection of shopping carts on a lot.

27. A clarification to the definition of Dwelling Unit:

Div. 14.2 (p. 14-58)

- a. [ADDED] Dwelling (Use). See *Sec. 5C.1.1.A. (Dwelling)*
- b. ~~Dwelling~~ or Dwelling Unit. A habitable residential unit serving as a primary residency or having a tenancy of 30 days or greater. Includes household dwelling unit and efficiency dwelling unit. ~~accessory dwelling unit, and junior accessory dwelling unit.~~

28. A clarification to the Parking Bay definition:

Div. 14.2. (p. 14-76)

For a double-loaded aisle, the width of two rows of parking stalls including the width of the access drive aisle in between, ~~or for.~~ For a single-loaded aisle, the width of a single row of parking stalls including the width of the access drive aisle.

## TECHNICAL MODIFICATION EXHIBIT 1

### Sec. 4C.12.7 Shopping Cart Containment

#### A. Intent

To prevent or reduce the accumulation of abandoned shopping carts in the City, which may obstruct pedestrian and vehicular traffic, and constitute a hazard to the health, safety, and general welfare of the public.

#### B. Applicability

Shopping cart containment requirements apply to projects involving new construction, site modification, use modification, and major renovation for commercial uses established in *Sec. 5C.1.5. (General Commercial Uses)* that provide six or more shopping carts.

#### C. Standards

##### 1. General

##### a. Shopping Cart Noticing

Every shopping cart owned or provided by any business establishment in the City must have a notice permanently affixed to it that:

- i. Identifies the owner of the cart or the name of the business establishment, or both.
- ii. Notifies the public of the procedure to be utilized for authorized removal of the cart from the business premises.
- iii. Notifies the public that the unauthorized removal of the cart from the premises or parking area of the business establishment is a violation of State and City law.
- iv. Lists a telephone number to contact to report the location of the abandoned cart.
- ii. Lists an address for returning the cart to the owner or business establishment.

##### b. Shopping Cart Collection Areas

Shopping cart corrals and/or storage areas shall be provided with a minimum width of 5 feet and minimum depth of 15 feet, but shall not be located within a required frontage yard.

**c. Signs**

Signs that warn customers that shopping cart removal is prohibited and constitutes a violation of Sec. 22435.1. of the California Business and Professions Code and Sec. 41.45. of Chapter 4 (Public Welfare) of the LAMC shall be installed and maintained at exits, shopping cart collection areas, and any vehicular or pedestrian accessways. Signs shall be no less than 16 inches by 20 inches, and placed at a minimum height of 3 feet and a maximum height of 6 feet.

**2. Containment Methods**

A project shall include a practical containment approach with one or more of the following containment methods to ensure that shopping carts remain on the premises.

**a. Wheel Locking or Stopping Mechanisms**

Shopping carts shall be equipped with a wheel locking or stopping mechanism that is used in conjunction with an electronic magnetic barrier along the perimeter of the commercial use or lot, including customer entrances, loading areas, basements, landscaped areas, along crossings and access points required for driveways, drive aisles, pedestrian accessways, and pedestrian passageways, or any other perimeter identified on a shopping cart containment plan. The wheel locking or stopping mechanism must activate when the shopping cart crosses the electronic or magnetic barrier.

**b. Screening Plants**

A type F1 frontage screen, in accordance with *Sec. 4C.8.1.C.2.a. (F-Screen 1)*, shall be provided along the perimeter of the commercial use or lot, or any other perimeter identified on a shopping cart containment plan.

**c. Bollards**

Bollards shall be installed at customer entrances, or within 10 feet of the entrances, and shall be spaced at a maximum distance of 17 inches from each other or nearby enclosed space.

**d. Other Methods**

Other methods for shopping cart containment so long as the Department of Public Works, Bureau of Sanitation, or its successor agency, has approved the system or method which would effectively contain or control shopping carts on the premises.

### **3. Performance Standards**

Applicants shall execute and record a covenant and agreement to the satisfaction of the Department of Public Works, Bureau of Sanitation, meeting the following standards:

#### **a. Daily After Hours Cart Containment**

A plan for securing shopping carts whenever the store is not open for business shall be provided.

#### **b. Shopping Cart Retrieval**

The owner shall be responsible for retrieving their own carts or provide evidence of a contract with a shopping cart retrieval service with terms requiring collection of abandoned shopping carts within 24 hours of notification of an abandoned shopping cart.

#### **c. Employee Training**

The owner of the retail establishment shall implement and maintain a periodic training program for its new and existing employees designed to educate employees about the abandonment and retrieval of shopping carts from the premises of the retail establishment.

### **D. Measurement**

#### **1. Shopping Cart Containment Plan**

A shopping cart containment plan shall be prepared that identifies areas on a lot where shopping carts can be removed from the lot and identifies the proposed containment method for each area.

#### **2. Recorded Agreement**

Prior to issuance of a Building Permit, a covenant acceptable to the Department of Public Works, Bureau of Sanitation and consistent with *Sec. 1.3.2.C.6. (Recorded Agreements)* shall be recorded with the Los Angeles County Recorder, guaranteeing that the contaminants methods, general requirements, and performance standards established in this Section are met.

### **E. Relief**

1. A deviation from shopping cart containment standards established in this Section may be requested in accordance with *Sec. 13B.5.1. (Alternative Compliance)*.
2. A deviation from any shopping cart containment dimensional standard of up to 10% may be requested in accordance with *Sec. 13B.5.2 (Adjustment)*.
3. A deviation from any shopping cart containment standard may be allowed as a variance in accordance with *Sec. 13B.5.3 (Variance)*.

#### **F. Enforcement**

Regardless of *Div. 13B.10. (Department of Building and Safety)*, the Department of Public Works, Bureau of Sanitation shall have the authority and responsibility to enforce the provisions of this Section.