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CITY PLANNING**

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5/25/2021

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**TECHNICAL CORRECTION TO THE PROPOSED PROCESSES AND PROCEDURES
ORDINANCE; CF 12-0460-S4**

On March 25, 2021, the City Planning Commission (Commission) recommended that the City Council adopt the proposed Processes and Procedures Ordinance (Ordinance), which reorganizes Zoning Code processes and procedures and establishes a new Chapter 1A of the Los Angeles Municipal Code (LAMC). The Ordinance is the first component of a larger Department of City Planning (Department) initiative to comprehensively update the City's Zoning Code as part of the Community Plan Update program. The Ordinance focuses on creating a clear set of administrative procedures that will be used to consider and process requests for Zoning Code entitlements. As such, this Ordinance is meant to lay the groundwork for a more user-friendly, transparent, and predictable set of zoning regulations and is also of important utility for the new Zoning Code to come. The Ordinance will maintain long-standing opportunities for public participation, while also making it easier for both applicants and the public to clearly understand how the Department considers land use and development proposals and how to navigate the decision-making process. The Ordinance achieves this by consolidating and standardizing the processes and procedures for project review; locating the processes and procedures in one central location – Article 13 of Chapter 1A of the LAMC; and establishing a standard visual format with flowcharts.

Since the Commission's action, the Department has identified text and tables in three sections of the proposed ordinance that require technical corrections. Transmitted herewith are this letter and Enclosure A, attached, to be considered at the PLUM Committee meeting of June 1, 2021. The Department recommends the adoption of the proposed Ordinance with the following technical corrections.

Section 13A.2.2.A. Process Elements of Chapter 1A

Section 13A.2.2.A. of Chapter 1A of the proposed Ordinance includes a table titled Table 2 – Process Summary. As indicated by the name, the purpose of the table is to provide a general summary in table format of the various entitlement processes that are contained within Chapter 1A and which bodies are involved in reviewing and deciding each entitlement. Additionally, a note to the reader is included after the table legend which states that if there is any conflict between the table and the Code text for any entitlement, the regulations in the Code text prevail.

Given that the table is a general summary, it does not display detailed procedures regarding who is required to receive notice of a public hearing or any applicable time limitations. However, it does include symbols to indicate when a public hearing is required by a decision maker for a particular entitlement or may be optional or waived. A required public hearing is indicated by square brackets “[]” and an optional hearing is indicated by angled brackets “< >”. Processes for which there are no public hearing requirements are indicated by the lack of brackets. Certain entitlement processes in the table are currently lacking the appropriate brackets, which has led to confusion from readers about the applicable public hearing requirements. Therefore, the following corrections have been identified and recommended for the PLUM Committee’s consideration:

- Add optional hearing brackets “< >” to the appropriate initial decision maker for Project Compliance, Project Adjustment, Specific Plan Interpretation, Adjustment, Coastal Development Permit (Post-Certification), and Appeals from LADBS Determination
- Add mandatory hearing brackets “[]” to the appropriate initial decision maker for Class 2 CUP, Tentative Tract Map, and Preliminary Parcel Map

Section 13B.5.2.C. Adjustment of Chapter 1A

Section 13B.5.2.C. of Chapter 1A of the proposed Ordinance includes two tables outlining the notice of public hearing requirements for the Adjustment process. These tables include the type of required notice, when the notice must be completed, and to whom the notice must be sent. The first table is in Section 13B.5.2.C.1.a. under the heading Notice of Public Hearing and indicates the noticing requirements for the public hearing on the initial decision. This table currently inaccurately lists the appellant has one of the parties required to receive notice of the public hearing on the initial decision, when in fact there is no appellant to notice until after an initial decision has been made and appealed. Therefore, the following correction has been identified and recommended for the PLUM Committee’s consideration:

- Remove “the appellant(s)” from the parties required to receive mail notice of the public hearing on the initial decision

The second table is in Section 13B.5.2.C.2.a. under the heading Notice of Public Hearing on Appeal and indicates the noticing requirements for the public hearing on the appeal. This table currently reflects two technical errors in the parties that are required to receive notice of the public hearing on the appeal. The first technical error is the omission of the appellant, and the second technical error is the inclusion of owners within 300 feet of the subject property instead of the adjacent and abutting owners. The Adjustment process is first described in Section 12.28 of Chapter 1 but instructs the reader to follow the procedures outlined in Section 12.24 of Chapter 1. However, Section 12.28 C.2 of Chapter 1 also includes exceptions to the public hearing and notice requirements of Section 12.24. Cross-references between these two sections and the relevant exceptions were incorrectly captured in Chapter 1A and need to be corrected. Therefore,

the following corrections, which are based on the exceptions found in Section 12.28 C.2 of Chapter 1, have been identified and recommended for the PLUM Committee's consideration:

- Add "the appellant(s)" to the parties required to receive mail notice of the public hearing on the appeal
- Replace "The owners and occupants of all property within and outside the City within 300 feet of the exterior boundaries of the area subject to the application (or the expanded area described below); and" with "Owners of all properties abutting, across the street or alley from or having a common corner with the subject property; and"
- Delete Sections 13B.5.2.C.2.b. and c., as they are no longer relevant with the correction described in the above bullet

Section 13B.5.5.C. Reasonable Accommodation of Chapter 1A

Section 13B.5.5.C.2.a. of Chapter 1A of the proposed Ordinance includes a table under the heading Notice of Public Hearing on Appeal, which outlines the notice of public hearing requirements for an appeal of a Reasonable Accommodation. This table includes the type of required notice, when the notice must be completed, and to whom the notice must be sent. Similar to the above-noted corrections identified for Section 13B.5.2.C. of Chapter 1A of the proposed Ordinance, the table in Section 13B.5.5.C.2.a currently reflects two technical errors in the parties that are required to receive notice of the public hearing on the appeal.

The first technical error is the omission of the appellant, and the second technical error is the inclusion of owners within 300 feet of the subject property instead of the adjacent and abutting owners. The Reasonable Accommodation process is first described in Section 12.22 A.27 of Chapter 1 but instructs the reader to follow the appellate procedures outlined in Section 12.24 I. of Chapter 1. The appellate procedures in Section 12.24 I. state that the appellate hearing must be noticed in the same way as the initial hearing. As such, Section 13B.5.5.C.2.a of Chapter 1A of the proposed Ordinance currently reflects the notice of public hearing requirements in Section 12.24 of Chapter 1, which is where the provisions regarding a 300-foot notification radius were based on. However, pursuant to Section 12.22 A.27 of Chapter 1, Reasonable Accommodation in fact does not include any public hearing or notification requirements for the initial decision. Additionally, Sections 12.22 A.27 (g) and (h) of Chapter 1 include nuances to the appellate procedures of Section 12.24, namely that only the aggrieved applicant and abutting owners who received notice of the Reasonable Accommodation determination have a right to appeal the initial decision. Given the ambiguity created by these cross-references, the Department confirmed through past Reasonable Accommodation cases that notice of the appellate hearing has indeed been provided to the applicant and abutting owners described in Section 12.22 A.27 (g) and (h) rather than the larger radius described in Section 12.24. Therefore, the following corrections have been identified and recommended for the PLUM Committee's consideration:

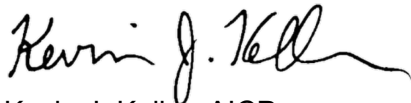
- Add "the appellant(s)" to the parties required to receive mail notice
- Replace "The owners and occupants of all property within and outside the City within 300 feet of the exterior boundaries of the area subject to the application (or the expanded area described below); and" with "Owners of all properties abutting, across the street or alley from or having a common corner with the subject property; and"
- Delete Sections 13B.5.5.C.2.b. and c., as they are no longer relevant with the correction described in the above bullet

Conclusion

All the recommended technical corrections identified for Sections 13A.2.2.A., 13B.5.2.C. and 13B.5.5.C. of Chapter 1A of the proposed Ordinance are displayed in detail in Enclosure A, attached, where deleted text is shown in ~~strike through~~ and added text is shown in underline. Should you have any questions regarding this transmittal, please contact Bonnie Kim in the Department of City Planning at (213) 978-1330 or bonnie.kim@lacity.org.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in black ink, reading "Kevin J. Keller". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Kevin J. Keller, AICP
Executive Officer

VPB:KK:AV:HSC:bk

Enclosure A

Div. 13A.2. General Procedural Elements

The processes established in this Chapter are summarized below.

Table 2 - Process Summary

Entitlement Review	Ministerial	Director	Zoning Administrator	Subdivision Committee	City Engineer	Hearing Officer	Area Planning Commission	City Planning Commission	City Council	Mayor	Design Review Board	HPOZ Board	Cultural Heritage Commission
Legislative Action													
General Plan Adoption / Amendment		R						[R]	[D]	R/SV			
Specific Plan Adoption / Amendment		R						[R]	[D]	SV			
Zoning Code Amendment		R						[R]	D	SV			
Zone Change		R					[R]	[R]*	[D]	SV			
Policy Action								[D]					
Land for Public Use								R	D				
Quasi-Judicial Review													
Class 1 Conditional Use Permit			<D>				[A]						
Class 2 Conditional Use Permit			[D]				[A]						
Class 3 Conditional Use Permit								[D]	[A]				
Project Review		<D>					[A]						
Director Determination		D					[A]						
Ministerial Action													
Administrative Review		D											
Specific Plan Implementation													
Project Compliance		<D>					[A]						
Project Compliance (Design Review Board)		D					[A]				[R]		
Project Adjustment		<D>					[A]						
Project Exception							[D]		[A]				
Specific Plan Interpretation		<D>					[A]	[A]					
Quasi-Judicial Relief													
Alternative Compliance		D					[A]						
Adjustment		<D>					[A]						
Variance			[D]				[A]		[A]				

Div. 13A.2. General Procedural Elements

Entitlement Review	Ministerial	Director	Zoning Administrator	Subdivision Committee	City Engineer	Hearing Officer	Area Planning Commission	City Planning Commission	City Council	Mayor	Design Review Board	HPOZ Board	Cultural Heritage Commission
Modification of Entitlement	↔		↔					↔		↔			
Reasonable Accommodation		D							[A]				
Non-Compliance													
Evaluation of Non-Compliance			[D]				[A]	[D]	[A]				
Nuisance Abatement/Revocation			[D]						[A]				
Division of Land													
Parcel Map Exemption/ Lot Line Adjustment		D					[A]	[A]					
Tentative Tract Map		[D]					[A]	[A]					
Final Tract Map					C				D				
Preliminary Parcel Map		[D]					[A]	[A]					
Final Parcel Map					C				D				
Private Street Map		<D>		R			[A]	[A]					
Subdivision Appeal							[D]	[D]					
Historic Preservation													
Historic Preservation Overlay Zone Designation								[R]	[D]				R
Preservation Plan Adoption / Amendment		R				[R]		[D]					[R]
Review of Conforming Work	D											D	
Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)		D					[A]					[R]	R
Certificate of Appropriateness (Demolition, Removal, or Relocation)							D		[A]			[R]	R
Certificate of Compatibility for Non-Contributing Elements		D					[A]					[R]	R
Coastal Development													

Div. 13A.2. General Procedural Elements

Entitlement Review	Ministerial	Director	Zoning Administrator	Subdivision Committee	City Engineer	Hearing Officer	Area Planning Commission	City Planning Commission	City Council	Mayor	Design Review Board	HPOZ Board	Cultural Heritage Commission
Coastal Development Permit (Pre-Certification)	↔						↔					↔	
Coastal Development Permit (Post-Certification)		<D>					[A]						
Department of Building and Safety													
Appeals from LADBS Determination		<D>					[A]						
California Environmental Quality Act (CEQA) Provisions													
CEQA Appeal									D				

Key

C Certification

R Review & Recommendation

D Decision or Acceptance

SV Signature / Veto

A Appeal

[] Public Hearing

Green Type Optional or where directed by decision maker

Blank Cell Not required

Red Type Required by City Charter

Italics Action only under certain conditions (such as project size, delegation or transfer from another agency, etc.)

↔ Varies with underlying process

* If filed by application and CPC recommends disapproval, its decision is appealable to CC.

< > Public Hearing optional or waivable

Note: This table is a general summary. Refer to Div. 13B.1. through Div. 13B.11. for the specific procedure. If there is any conflict between this table and the text in Div. 13B.1. through Div. 13B.11. relating to the procedure, the text in the applicable Division prevails.

B. Time Limits

1. This Article establishes a number of time limits for action by the City, agencies, the applicant or appellant.

Sec. 13B.5.2. Adjustment

SEC. 13B.5.2. ADJUSTMENT

A. Applicability

1. This Section applies to the following situations where this Code expressly allows an Adjustment:
 - e. Adjustments and modifications from zoning regulations as described in this Chapter;
 - f. Adjustments and modifications from zoning regulations as described in Sec. 12.28 A. and B. (Adjustments) of Chapter 1 (General Provisions and Zoning) of this Code;
 - g. Any zone boundary or height district adjustments as described in Sec. 12.30 H., J., or K. (Boundaries of Zones) of Chapter 1 (General Provisions and Zoning) of this Code.
2. An Adjustment cannot be requested for increases in Floor Area Ratio.

B. Initiation

An application for an Adjustment is filed with the Department.

C. Notice

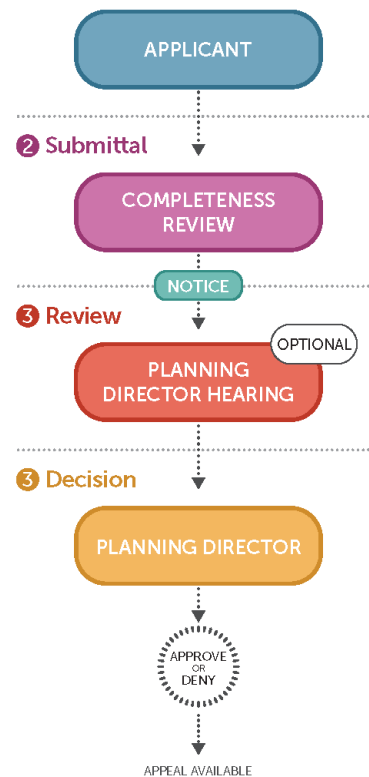
1. Notice of Public Hearing

- a. The following notice is required for the public hearing on the initial decision, if held:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> • The applicant; • The appellant(s); • Owners of all properties abutting, across the street or alley from or having a common corner with the subject property; • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested notice in writing
Posting	10 days	<ul style="list-style-type: none"> • The applicant will post notice in a conspicuous place on the property

Sec. 13B.5.2. Adjustment

1 Initiation



Sec. 13B.5.2. Adjustment

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> • The applicant; • <u>The appellant(s);</u> • The owner(s) of the property involved; • <u>The owners and occupants of all property within and outside the City within 300 feet of the exterior boundaries of the area subject to the application (or the expanded area described below); and Owners of all properties abutting, across the street or alley from or having a common corner with the subject property; and</u> • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none"> • The applicant will post notice in a conspicuous place on the property

~~b. Where all property within the 300 foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right of way or other easement, will also be notified.~~

~~c. If the mailed notice does not include at least 20 different owners of at least 20 different lots other than the subject property, the notification radius will increase in increments of 50 feet until that number of owners and lots are encompassed within the expanded area.~~

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

3. Public Hearing and Decision

a. The Director shall set the matter for public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. An application for an Adjustment shall be set for public hearing unless the Director makes written findings in the record that the requested Adjustment:

i. Will not have a significant effect on adjoining properties or on the immediate neighborhood; or

Sec. 13B.5.5. Reasonable Accommodation

SEC. 13B.5.5. REASONABLE ACCOMMODATION

A. Applicability

1. This Section establishes a formal procedure for an Individual with a Disability seeking equal access to housing to request a Reasonable Accommodation as provided by the Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act, and to establish criteria to be used when considering these requests.
2. The following definitions apply to this Section:

Acts. The Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act

Individual with a Disability. As defined under the Acts, a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having that type of impairment or, anyone who has a record of that type of impairment.

Reasonable Accommodation. Providing an Individual with a Disability or developers of housing for an Individual with a Disability, flexibility in the application of land use and zoning regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities.

B. Initiation

1. A written request for Reasonable Accommodation from a land use or zoning regulation or policy shall be made on a form provided by the Department by any Individual with a Disability, his or her representative, or a developer or provider of housing for an Individual with a Disability.
2. A request for Reasonable Accommodation shall state the basis of the request including but not limited to a modification or exception to the regulations, standards and practices for the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers and provide an Individual with a Disability equal opportunity to housing of his or her choice.
3. The Director may request additional information necessary for making a determination on the request for Reasonable Accommodation that complies with the fair housing law protections and the privacy rights of the Individual with a Disability to use the specified housing. If additional information is requested, the 45-day time period for making a determination on the request stops running until the additional information is provided.

Sec. 13B.5.5. Reasonable Accommodation

① Initiation

APPLICANT

② Submittal

COMPLETENESS
REVIEW

③ Decision

PLANNING DIRECTOR

APPROVE
OR
DENY

APPEAL AVAILABLE

Sec. 13B.5.5. Reasonable Accommodation

C. Notice

1. Notice of Public Hearing

- a. There is no public hearing required on the initial decision of a Reasonable Accommodation, and therefore no notice of a public hearing is required.

2. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	<ul style="list-style-type: none"> • In a newspaper of general circulation in the city, designated for that purpose by the City Clerk
Mail	24 days	<ul style="list-style-type: none"> • The applicant; • <u>The appellant;</u> • The owner(s) of the property involved; • <u>The owners and occupants of all property within and outside the City within 300 feet of the exterior boundaries of the area subject to the application (or the expanded area described below); and Owners of all properties abutting, across the street or alley from or having a common corner with the subject property; and</u> • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	<ul style="list-style-type: none"> • The applicant will post notice in a conspicuous place on the property

- ~~b. Where all property within the 300 foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right of way or other easement, will also be notified.~~

- ~~c. If the mailed notice does not include at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.~~

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.