

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2020-4926-CA	ENV-2020-4927-ND	All
PROJECT ADDRESS:		
Citywide		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
City of Los Angeles <input type="checkbox"/> New/Changed	N/A	N/A
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Andrew Pennington	213-978-1395	andrew.pennington@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Code Amendment (CA) to Article 6 of Chapter 1 of the LAMC, to provide regulatory relief from specific Zoning Code provisions during a declared Local Emergency.		

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

N/A

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☐ Conditions of Approval
- ☒ Ordinance
- ☐ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☒ Mailing List
- ☐ Land Use
- ☒ Other _____

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- ☐ Categorical Exemption
- ☒ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☒ Other _____

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

NOTES / INSTRUCTION(S):

N/A

FISCAL IMPACT STATEMENT:☐ Yes☒ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- ☒ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
December 3, 2020	7 – 0
LAST DAY TO APPEAL:	APPEALED:
N/A	N/A
TRANSMITTED BY:	TRANSMITTAL DATE:
Cecilia Lamas Commission Executive Assistant	January 6, 2021



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: JANUARY 6, 2021

Case No. CPC-2020-4926-CA

CEQA: ENV-2020-4927-ND

Plan Area: Citywide

Council District: Citywide

Project Site: Citywide

Applicant: City of Los Angeles

At its meeting of **December 3, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following:

A Code amendment creating a mechanism for City Council or the Mayor, during a declared local emergency, to enact temporary regulatory relief from certain time limitations and automobile parking provisions in Chapter I of the Los Angeles Municipal Code.

1. **Approved** and **recommended** that the City Council **find**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Negative Declaration, No. ENV-2020-4927-ND, and all comments received, there is no substantial evidence that the Project will have a significant effect on the environment; **Find** the Negative Declaration reflects the independent judgement and analysis of the City; and **adopt** the Negative Declaration;
2. **Approved** and **recommended** that the City Council **adopt** the proposed ordinance;
3. **Adopted** the staff report, as modified by the Commission, as the Commission's report on the subject; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Mack
Second: Choe
Ayes: Ambroz, Khorsand, Lopez-Ledesma, Millman, Perlman
Absent: Leung, Relan

Vote: 7 – 0

Cecilia Lamas (Electronic Signature due to COVID-19)

Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is final and not appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Proposed Ordinance, Findings

c: Arthi Varma, Deputy Director
Hagu Solomon-Cary, Senior City Planner
Andrew Pennington, City Planning Associate

ORDINANCE NO. _____

An ordinance amending Article 6 of the Los Angeles Municipal Code (LAMC) to provide regulatory relief from specific provisions of this Code during a local emergency, aimed at minimizing adverse impacts on local businesses and properties.

WHEREAS, the City Council of the City of Los Angeles ("Council") recognizes that the public health and economic impacts of the novel Coronavirus pandemic ("pandemic") on the City of Los Angeles ("City") , and further appreciates the need to facilitate temporary zoning code relief to support the local economy and livelihood of those living and working in the City;

WHEREAS, the Council further recognizes that uncertainty surrounding the current local emergency, a result of the pandemic, and the risk of subsequent local emergencies to unduly impact the local economy and employment necessitates temporary regulations;

WHEREAS, during the current pandemic and local emergency the Council has undertaken extraordinary measures to support residents, tenants, business owners, and property owners Citywide;

WHEREAS, the Council desires to adopt and codify regulatory relief during declared local emergencies that provides reduced parking requirements and extensions of time periods and expirations for the use of certain land use entitlements;

WHEREAS, the Council intends for the relief to provide needed flexibility for businesses and projects by extending time limits for approvals, and provide targeted parking relief for small scale projects that is underpinned by a desire to provide cost savings to local proprietors while furthering the environmental and mobility goals of the General Plan;

WHEREAS, the Council aims for this relief to support the vitality and viability of its commercial corridors and districts that support the employment of local residents and contribute to the overall health of the local economy and generally improve the public welfare of the City;

WHEREAS, the Council has determined that the provisions of this ordinance are consistent with and implements the goals and objectives of the City's General Plan;

NOW THEREFORE,

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

Section 1. Article 6 of Chapter I of the Los Angeles Municipal Code is renamed to read as follows:

ARTICLE 6

~~**TEMPORARY REGULATIONS RELATING TO LAND USE APPROVALS FOR PROPERTIES DAMAGED IN A LOCAL EMERGENCY**~~ **LOCAL EMERGENCY TEMPORARY REGULATIONS**

Sec. 2. Article 6 of Chapter I of the Los Angeles Municipal Code is amended to include a new section 16.02.1:

Section

- 16.00 Declaration of Purpose.
- 16.01 Long-term Temporary Uses.
- 16.02 Special Provisions for Other Land Use Proceedings.
- 16.02.1 Relief from Specified Land Use Provisions.
- 16.03 Restoration of Damaged or Destroyed Buildings.
- 16.04 Critical Response Facilities.
- 16.04.1 Short-term Temporary Uses.
- 16.04.2 Activation and Termination of Effect.

Sec. 3. A new Section 16.02.1 is added to Article 6 of Chapter I of the Los Angeles Municipal Code to read as follows:

SEC. 16.02.1. RELIEF FROM SPECIFIED LAND USE PROVISIONS.

- A. **PURPOSE.** The purpose of this section is to provide regulatory relief from specific provisions of this Code, that in protecting health and safety during a local emergency results in adverse economic impacts on local businesses and properties.
- B. **ACTIVATION.** The provisions of this Section shall be applicable upon declaration of a local emergency pursuant to the City Charter and the Los Angeles Administrative Code or the state Government Code, and only if the Mayor does so through an emergency order or the City Council expressly activates this Section by resolution. Activation of this Section must occur during a Citywide local emergency in which certain actions and restrictions taken to protect public health and safety result in a direct impact to private business operations and necessitate activation of this Section. The provisions of this Section do not supersede State law.
- C. **TERMINATION.** The provisions of this Section will terminate 12 months from the expiration or termination of the local emergency declaration pursuant to City or state law. City Council may, by resolution, terminate the provisions of this section at any time after the expiration or termination of the local emergency order.

Exception. City Council may extend the provisions within this Section for up to an additional 24 months beyond the expiration or termination of the local emergency temporary regulations by resolution, allowing for the provisions to be in effect for a total of 36 months after the expiration of the local emergency order. City Council however retains the discretion to terminate these provisions at any time after the expiration or termination of the local emergency order.

D. TIME LIMITATION EXTENSION.

1. **Extension of Time Limitations.** Notwithstanding the expiration periods defined in Section 12.25., the expiration of a conditional use or other quasi-judicial approval, that was either approved or valid during the activation of these provisions, shall occur after the term prescribed in 12.25 A.1 plus an additional period equivalent to the term of the local emergency plus up to 12 months from the expiration of the emergency order when the criteria in 16.02.1 D.3 is met. This extension does not confer a vested right, unless a Vesting Conditional Use was applied for and granted pursuant to 12.24 T.
 - (a) **Multiple Approvals.** Notwithstanding the expiration periods defined in Section 12.36, if an eligible conditional use or other quasi-judicial approval is part of a project that has multiple approvals and is subject to the expiration period defined in Section 12.36, then the expiration period defined in 12.36 G.1 is extended by a term equivalent to the time period of the local emergency plus up to 12 months from the expiration of the local emergency for all approvals concurrently granted.
 - (b) **Exception.** At no time will the uses listed in 16.02.1 D.3.(a) be granted an extension regardless of whether said use was approved concurrently with an eligible approval.
2. **Extension of Term-Limited Grants.** Notwithstanding any condition of approval that specifies an expiration date or term limit for a conditional use or other quasi-judicial approval(s) and the expiration date occurs during the local emergency, said expiration date will be extended for the term of the local emergency plus up to 12 months when the criteria in 16.02.1 D.3 is met.
 - (a) **Multiple Approvals.** Notwithstanding any other provision of this Code to the contrary, if an eligible conditional use or other quasi-judicial approval is part of a project that has multiple approvals and any of the concurrent approvals have a condition of approval with a concurrent expiration date or term limit, said expiration date will be extended concurrently with the eligible approval.
 - (b) **Exception.** At no time will the uses listed in 16.02.1 D.3.(a) be granted an extension regardless of whether said use was approved concurrently with an eligible approval.
3. **Eligibility.**
 - (a) Only a conditional use or quasi-judicial approval listed in Section 12.24 are eligible for the time extension.

Exception. Any conditional use or other quasi-judicial approval related to fossil fuel extraction, fossil fuel production, fossil fuel storage, or hazardous waste

facilities are not eligible for the time extension within this Section. This includes, but is not limited to, the following.

12.24 U.10. Hazardous waste facilities in M2 and M3 zones.

12.24 U.11. Hazardous waste facilities in M3 zones.

12.24 U.17. Natural resources development.

12.24 U.18. Onshore installations required in connection with the drilling for or production of oil, gas or hydrocarbons, under specified conditions.

12.24 U.29. Petroleum Based Oil Refineries.

12.24 W.47. Temporary geological exploratory core holes in all zones except the M3 Zone, under specified conditions.

- (b) Revocation.** Businesses or properties that are or have been the subject of revocation proceedings are only eligible for a time extension pursuant to this Subsection upon conclusion of those proceedings and only if the proceeding(s) did not result in any corrective conditions or revocation.
- (c) Application.** An application is to be filed and fee paid, in accordance with the procedures set forth by the Department of City Planning.
- (d) Original Approval.** The Director, or their designee, shall ensure that the prior discretionary approval and that the existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the extension.
- (e) Notification.** The applicant shall notify, in accordance with the procedures set forth by the Department of City Planning, the Los Angeles Police Department, the Department of Building and Safety, and the City Councilmember whose district includes any portion of the property as part of the application process for the extension of the time limits.

E. AUTOMOBILE PARKING RELIEF

- 1. Changes of Use.** Notwithstanding Sections 12.21 A.4, or any other Code section, ordinance, or specific plan to the contrary, a change of use, when plans are submitted and accepted by the Department of Building and Safety within the time period this Section is activated, shall not be required to increase automobile parking beyond that required by the existing approved use and for the duration of the changed use, if the following criteria is met.

 - (a) Eligibility.** Only changes of use to an allowed nonresidential use in the respective zone that complies with all the following criteria are eligible.

 - (1) The building wherein the change of use is occurring shall have a valid certificate of occupancy, temporary certificate of occupancy, or a building permit, if the building was constructed prior to when a certificate of occupancy was required,**

issued prior to the declaration of the local emergency wherein the provisions in this Section were activated by City Council resolution.

- (2) The change of use is limited to 5,000 square feet of floor area or less.
 - (3) Any additions resulting in an increase of Floor Area shall be within the existing walls and existing roofline of the tenant space and building, not inclusive of outdoor space. At no time, during the time this Section is activated, shall the addition result in a total floor area for the entire tenant space and/or building of more than 5,000 square feet.
 - (4) At no time, during the time this Section is activated, shall tenant spaces utilizing this Section be allowed to aggregate or combine spaces that would result in a floor area greater than 5,000 square feet. If this occurs, then the parking for the whole tenant space will conform with the provisions in Section 12.21 A.4.
 - (5) No net loss of guest rooms and/or dwelling units result from the change of use.
 - (b) **Application.** An application shall be filed, in accordance with the procedures set forth by the Department of Building and Safety.
 - (c) **Consistency.** The relief provided in this subdivision is limited to the provisions enumerated herein, and the project shall otherwise be consistent with this Code and the General Plan.
2. **Conditions of Approval.** Notwithstanding any provisions of the Code, ordinance, or specific plan to the contrary, any condition of approval that requires valet parking is temporarily suspended, and any condition of approval that requires off-site parking for parking provided beyond those required by the provisions of this Code is temporarily suspended during the period that these provisions are active pursuant to this Section if the following criteria is met.

(a) **Eligibility.**

Only the following grants are eligible for relief, and only if they were approved or active during the activation of these provisions.

Section 11.5.7 E. Project Permit Adjustments.

Section 11.5.7 F. Exceptions from Specific Plans.

Section. 12.24 Conditional Use Permits and Other Similar Quasi-Judicial Approvals. Inclusive of the entire Section.

Section 12.28. Adjustments and Slight Modifications.

Section 12.32. Zone Change and Height District Change

- (b) **Application.** An application shall be filed, and a fee paid, in accordance with the procedures set forth by the Department of City Planning.

(c) Termination. The relief provided in this subdivision shall terminate 12 months, or up to 36 months if extended by City Council resolution, from the expiration or termination of the local emergency. At termination any affected conditions of approval will be imposed, and if the condition was never effectuated the applicant shall provide verification to the Department of City Planning, in accordance with procedures set forth by the Department, within 90 days of termination of the provision of this Section.

Sec. 4. Section 16.04.2 of Article 6 of the Los Angeles Municipal Code is amended to read as follows:

A. General Provisions. The provisions of this article shall be applicable to a particular area upon the declaration of an emergency pursuant to Chapter 7 of Division 1 of Title 2 of the Government Code by the Governor relating to that area. The provisions of this article shall cease to be applicable to a particular area two years following the date of declaration of emergency, and for one additional year if an extension is approved by the City Council, provided, however, that the provisions of this article shall be considered as still remaining in full force and effect thereafter for the purpose of maintaining or defending any civil or criminal proceeding with respect to any right, liability or offense that may have arisen under the provisions of this article during its operative period, or with respect to enforcing any condition of approval of the temporary land use permit. The City Council may also extend by resolution any other time limits in this article for one additional year.

Exception. Notwithstanding the provisions within this Section to the contrary, the provisions in Section 16.02.1 shall only be activated by following the procedure outlined in Section 16.02.1 B.

Sec. 5. SEVERABILITY. If any provision of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions of this ordinance that can be implemented without the invalid provision. To this end, the provisions of this ordinance are severable.

Sec. 6. URGENCY. The City finds that the continued application of certain conditional use permit and parking provisions during a local emergency will be injurious to the economic recovery from said emergency and unprecedented economic devastation it has inflicted on residents and businesses Citywide, which poses an immediate and growing threat to the health, safety, and general welfare of the City. The ongoing novel Coronavirus pandemic has brought an unprecedented amount of uncertainty to the City both in terms of public health and economic recovery, and immediate action is necessary to stem the continuing loss in business ownership and employment during these unprecedented times. The immediate enactment of these provisions will assist in minimizing permanent loss of employment, permanent closure of businesses, loss of redevelopment potential, curtailment of City revenues and subsequent curtailment of vital services, and the negative consequences for quality of life, health, safety, and public welfare during a severe economic slowdown and delayed economic recovery. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 7. The City Clerk shall certify that ...

Land Use Findings

In accordance with City Charter Section 556, the proposed ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan.

The proposed ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan in that it would further accomplish the following goals, objectives and policies of the General Plan as outlined below.

General Plan Framework Element:

The proposed ordinance meets the purpose and intent of the General Plan by furthering the objectives, policies and goals of a number of its Elements. The purpose of the proposed ordinance is to provide regulatory relief to businesses and properties during a declared local emergency that impacts regular business operations in trying to protect public health and safety. The intent is for the regulatory relief provided to help stabilize and revitalize existing commercial and industrial districts and centers. The regulatory relief may only be applicable during a declared local emergency; this is typically a time of uncertain outcomes and depressed economic activity.

The support provided is regulatory relief from certain Zoning Code provisions related to time limits for conditional use permits (CUP) and certain provisions related to automobile parking. This relief is targeted mainly to existing businesses and buildings, and is provided to help minimize costs, streamline permitting, and allow flexibility during an uncertain situation that resulted in a local emergency declaration.

The proposed ordinance supports the conservation and maintenance of the City's commercial districts and centers, industrial areas, and its nonresidential uses. This is accomplished by minimizing costs for existing business and property owners during a local emergency. The proposed ordinance extends time limits for CUPs until well after the termination of the local emergency to allow recovery of impacted businesses. This deferral of time limitations avoids costly administrative processes that would not otherwise be a burden if not for the conditions associated with a local emergency declaration. Costs are further reduced by waiving many conditioned requirements for off-site and valet automobile parking during and immediately after a local emergency. These cost savings for existing businesses, though limited in scope and term-limited, can help sustain a local business during an economically uncertain time.

Automobile parking requirements for existing buildings undergoing a nonresidential change of use are minimized by the proposed ordinance. No additional automobile parking is required for said change of use during and immediately after a declared local emergency. This relief provision helps to maintain the existing building stock and provides these buildings with flexibility during and after a local emergency by removing automobile parking requirements as a consideration in the reuse of the building. This flexibility allows for a diversity of uses to repopulate commercial and industrial properties and be responsive to the needs of the local neighborhood and their changing shopping needs. It also, in certain cases, will remove the need for discretionary review of a change of use since parking requirements will not change.

This term-limited change in automobile parking requirements is permanent for properties that are granted a change of use during the time period these provisions are applicable. The permanency of this provision furthers the City's goal of reducing vehicle miles traveled and appropriately managing its automobile parking supply. The potential reduction in automobile parking will assist in incentivizing alternative modes of transportation and will remove the incentive for automobile

trips if parking is limited. This reduction in vehicle miles traveled has numerous environmental benefits as well as helps disperse trips to other modes and times.

Finally, the proposed ordinance furthers the planning efforts the City has undertaken to adequately prepare for local emergencies, disaster relief, and recovery. The ordinance, in its entirety, provides the Mayor and City Council with another tool to help to combat the impacts and economic realities of a local emergency regardless of whether it is a natural disaster, man-made event, or threat to public health.

As discussed, the proposed ordinance further accomplishes the following goals, policies, and objectives of the General Plan:

General Plan Framework Element:

Objective 3.4. Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Objective 7.4. Improve the provision of governmental services, expedite the administrative processing of development applications, and minimize public and private development application costs.

Objective 7.3. Maintain and enhance existing businesses in the City.

Objective 7.6. Maintain a viable retail base in the City to address changing resident and business shopping needs.

Mobility Plan 2035 (Transportation Element):

Policy 4.13. Parking and Land Use Management. Balance on-street and off-site parking supply with other transportation and land use objectives.

Policy 5.2. Vehicle Miles Traveled. Support ways to reduce vehicle miles traveled (VMT) per capita.

Safety Element:

Goal 3. A city where private and public systems, services, activities, physical condition and environment are reestablished as quickly as feasible to a level equal to or better than that which existed prior to the disaster.

In accordance with City Charter Section 558(b)(2), the proposed ordinance is in substantial conformance with public necessity, convenience, general welfare and good zoning practice.

The proposed ordinance supplements existing temporary regulations applicable only during a declared local emergency. The ordinance responds to a desire for a codified mechanism for the Mayor or City Council to enact specific temporary provisions that would relax certain Zoning Code provisions related time limits for conditional use permits (CUP) and various automobile parking provisions during and immediately after a declared local emergency. The ordinance provides this

relief to assist existing businesses, buildings, and properties during economically uncertain times that exist during a local emergency. The relief is targeted at commercial and institutional uses, and intends to help stabilize these businesses and properties by deferring certain administrative timelines and associated costs and by waiving certain automobile parking requirements that encourage automobile trips and can incur substantial cost to the operator. The proposed ordinance intends to provide targeted relief that is limited in scope and applicability that is conformance with its General Plan and good zoning practices.

Environmental Findings

Approval of the project is supported by the Negative Declaration (ENV-2020-4927-ND) prepared for this project. The Negative Declaration concludes that the proposed ordinance would not have a significant effect on the environment, and therefore, an Environmental Impact Report is not required.

It is reasonably anticipated the proposed ordinance will not be associated with significant environmental impacts. The proposed ordinance is not anticipated to directly or indirectly result in any new development since the Project is limited in scope and applicability. The Project does not change any zoning or General Plan designations, create any zoning entitlements, approve any development, authorize new construction, or introduce any new uses. It is not anticipated to induce significant growth and development due to its time-limited applicability only during and for a defined period after a local emergency, and only if activated by the City Council or Mayor. Furthermore, the Project's eligibility criteria minimize the scope of its relief provisions and the potential for significant new development.

The Negative Declaration was published in the Los Angeles Times on November 19, 2020, opening a 30-day period to receive comments. It reflects the lead agency's independent judgment and analysis. On the basis of the whole of the record before the lead agency, including any comments received, the lead agency finds that there is no substantial evidence that the proposed ordinance will have a less than significant effect on the environment.