

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.

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

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

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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 ...