

ORDINANCE NO. _____

An ordinance amending Article 6 of Chapter I of the Los Angeles Municipal Code to provide regulatory relief from certain zoning and land use requirements during a local emergency.

WHEREAS, the City Council of the City of Los Angeles (City Council) recognizes the significant 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 City Council further recognizes the 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 City Council has undertaken extraordinary measures to support residents, tenants, business owners, and property owners Citywide;

WHEREAS, the City Council desires to provide regulatory relief during declared local emergencies that allows for reductions in parking requirements and extensions of time for the utilization of certain land use entitlements;

WHEREAS, the City Council intends for the relief to provide needed flexibility for businesses and projects by extending time limits for approvals and providing targeted parking relief for small scale projects, thereby allowing local proprietors to achieve cost savings while furthering the environmental and mobility goals of the General Plan;

WHEREAS, the City 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; and

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 ORDAIN AS FOLLOWS:**

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

ARTICLE 6

LOCAL EMERGENCY TEMPORARY REGULATIONS

Sec. 2. The table of contents for Article 6 of Chapter I of the Los Angeles Municipal Code is amended to include a new Section 16.02.1 as follows:

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. The provisions of this section may be invoked upon the adoption of a City Council resolution following the Mayor's declaration of emergency pursuant to local and state law, and upon the filing of an application on a form provided by the Department of City Planning and the payment of a fee, provided the resolution does not conflict with any Mayoral orders issued in relation to the declared emergency. The provisions of this section do not supersede state law or the Mayor's authority under the Charter and Los Angeles Administrative Code.

B. Effective Dates. Notwithstanding any other provisions of this article to the contrary, the provisions of this section shall automatically terminate 12 months after the expiration or termination date of the relevant emergency declaration, or upon City Council's action by resolution to terminate the provisions of this section earlier than that date. However, the City Council may, by resolution, extend the provisions of this section for up to an additional 24 months, thereby allowing the provisions to apply for a total of 36 months after the termination or expiration of the local emergency order. The City Council retains the discretion to terminate these provisions by resolution at any time after the expiration or termination of the local emergency order.

C. Time Limit Extension.

1. **Extension of Time Limitations.** Notwithstanding the expiration periods set forth in Section 12.25 of this Code, the expiration of a conditional use or other quasi-judicial approval(s) that was either approved or valid during the application of these provisions, shall be calculated by adding the term of the local

emergency, plus up to an additional 12 months when the criteria in Section 16.02.1 D.3 of this Code are met, to the term prescribed in Section 12.25 A.1. This extension does not confer a vested right, unless a Vesting Conditional Use was applied for and granted pursuant to Section 12.24 T.

(a) **Multiple Approvals.** Notwithstanding the expiration periods defined in Sections 12.36 of this Code, 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 set forth in Section 12.36 of this Code, then the expiration period set forth in Section 12.36 G.1 is extended by a term equivalent to the time period of the local emergency, plus up to an additional 12 months from the expiration of the local emergency for all approvals concurrently granted.

(b) **Exception.** The uses listed in Section 16.02.1 D.3(a) shall not 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), where the expiration date occurs during the local emergency that expiration date is automatically extended for the term of the local emergency, plus up to an additional 12 months when the criteria in Section 16.02.1 D.3 are 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 approvals include a condition with a separate expiration date or term limit, said expiration date shall be extended concurrently with the eligible approval.

(b) **Exception.** The uses listed in Section 16.02.1 D.3.(a) shall not 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 is eligible for the time extension.

Exception. No conditional use or other quasi-judicial approval related to fossil fuel extraction, fossil fuel production, fossil fuel storage, or hazardous waste facilities is eligible for the time extension within this section. This includes, but is not limited to, the following:

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

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

Section 12.24 U.17. Natural resources development.

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

Section 12.24 U.29. Petroleum-Based Oil Refineries.

Section 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 that resulted in corrective conditions or revocation are not eligible for a time extension.

(c) **Application.** In order to benefit from the relief provided by these provisions, an application to verify eligibility shall be filed and a fee paid, in accordance with procedures set forth by the Department of City Planning.

(d) **Original Approval.** The Director or designee shall verify that the prior discretionary approval and 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.

D. AUTOMOBILE PARKING RELIEF

1. **Changes of Use.** Notwithstanding Section 12.21 A.4, 12.23 B.8.(b), or any other Code section, ordinance, or specific plan to the contrary, when plans are submitted and accepted by the Department of Building and Safety for a change of use during an emergency declaration and after the adoption of a resolution by City Council invoking the provisions of this section, the change of use shall not trigger increased automobile parking beyond that required by the existing approved use if all the following requirements are met:

(a) **Requirements.**

(1) The change of use is limited to a nonresidential use allowable pursuant to the zoning applicable to the property's location.

(2) The building wherein the change of use is occurring has one of the following: a valid certificate of occupancy; temporary certificate of occupancy; or a building permit if the building predates the certificate of occupancy requirement. The aforementioned documents must have been issued prior to the declaration of the local emergency related to the City Council's resolution invoking this section.

(3) The automobile parking relief only applies to the first 5,000 square feet of Floor Area for any tenant space. Any Floor Area in excess of 5,000 square feet for said tenant space shall conform to the automobile parking requirements in LAMC Section 12.21 A.4, Section 12.23 B.8.(b), and any applicable Specific Plan, inclusive of any aggregate Floor Area, including Floor Area sectioned from a separate tenant space that may have been previously eligible or approved for the automobile parking reduction enumerated within this subdivision.

(4) Any additions to the building occurring during the invocation of this section by City Council resolution, and which result in an increase of Floor Area are limited to the area within the existing walls and existing roofline of the building, and do not include any outdoor space.

(5) No net loss of guest rooms and/or dwelling units result from the change of use.

Consistency. The relief provided in this subdivision is limited to the provisions enumerated herein, and any project for which relief is sought shall otherwise be consistent with this Code and the General Plan.

2. **Outdoor Eating Areas.** Notwithstanding any provisions of this Code or any Zoning Administrator Interpretations of this Code to the contrary, any new or expanded Outdoor Eating Area shall not require any automobile parking, and the maintenance of existing automobile parking shall not be required for any portion of the parking lot utilized for an approved Outdoor Eating Area during the period that these provisions are invoked, pursuant to this section if the following requirements are met:

(a) **Eligibility.** Only permitted establishments with verifiable indoor seating for on-premise dining are eligible for the relief provided within this subdivision.

(b) **Consistency.** The relief provided in this subdivision is limited to the automobile parking provisions enumerated herein, and the project shall otherwise be consistent with this Code and the General Plan.

(c) **Termination.** Whenever the provisions of this section cease to apply, the automobile parking requirements that existed prior to the declaration of the local emergency shall be met, and any Outdoor Eating Areas shall comply with this Code and any applicable Specific Plan, notwithstanding this Section.

3. **Conditions of Approval.** Notwithstanding any provisions of this Code, ordinance, or Specific Plan to the contrary, any condition of approval that requires valet automobile parking or off-site automobile parking is suspended and shall not be enforced during the period when these provisions are invoked, if all the following requirements are met:

(a) **Eligibility.** Only the following grants are eligible for relief, and only if they were approved or active during the period that these provisions are invoked.

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 12.27. Variances.

Section 12.28. Adjustments and Slight Modifications.

Section 12.32. Land Use Legislative Actions.

(b) **Existing Covenant.** The suspension of enforcement activity as a result of the invocation of the provisions of this section shall not be construed to terminate or void any recorded covenant documenting valet or off-site parking requirements.

(c) **Termination.** Whenever the provisions of this section cease to apply, all conditions of approval and associated covenants shall be enforced and, if the conditions were never met, the applicant shall provide verification to the Department of City Planning, in accordance with

procedures set forth by the Department of City Planning, within 90 days of the termination of the provisions of this section.

Sec. 4. Section 16.04.2 of Article 6, Chapter I, of the Los Angeles Municipal Code is amended in its entirety to read as follows:

The provisions of this article shall be applicable to a particular area upon the declaration of an emergency by the Governor relating to that area, pursuant to state law. 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. 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 portion, subsection, sentence, clause or phrase of this article is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this article. The City Council hereby declares that it would have passed this article and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 6. **URGENCY.** The City finds that the continued application of certain conditional use permit and parking requirements during a local emergency will be injurious to the economic recovery resulting from said emergency. Economic uncertainty and devastation poses a 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 to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
ADRIENNE S. KHORASANEE
Deputy City Attorney

Date 5/13/21

File No. 20-0380-S1

Pursuant to Charter Section 559, I **approve** this ordinance on behalf of the City Planning Commission and recommend that it be adopted.

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VINCENT P. BERTONI, AICP
Director of Planning

Date 5/12/21

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____