A New Zoning Code for a 21st Century Los Angeles

To create livable communities, encourage sustainable development and foster economic vitality, we need a modern and user-friendly zoning code – we need to re:code LA.

Current Zoning Code Processes

Zoning Advisory Committee Presentation

June 24, 2015
Purpose of Presentation

- Overview of current processes
- Some processes outside Zoning Code for context
- For illustrative purposes only
California Environmental Quality Act (CEQA)

- State statute passed 1970
- Requires disclosure, mitigation, or reduction of environmental impacts of proposed discretionary projects
- Not part of Zoning Code, but compliance required
Environmental Clearance

Types of Environmental Clearance

- General Exemption
- Categorical Exemption (CE)
- Negative Declaration (ND)
- Mitigated Negative Declaration (MND)
- Environmental Impact Report (EIR)
California Subdivision Map Act

• Regulates division of land

• Incorporated into Zoning Code

• Tract & Parcel Maps

• Residential or commercial

• New condominiums, cooperatives or conversions
Two Paths to Building Permit

Ministerial (“by-right”) Action

- Building permit issued by Building & Safety Department
- CEQA does not apply

Discretionary Action

- Approval of zoning entitlement(s) from Planning Department
- CEQA applies
- Upon approval of entitlement, building permit issued by Building & Safety Department
Path to Building Permit for Discretionary Projects

- Case Number
- CEQA Process
- Public Hearing (if required)
- Initial Decision
- Appeal Process
- Final Decision
- Building Permit
- Building Permit Appeal Process
- Building Permit Final Decision
## Ministerial (“by right”) or Discretionary?

<table>
<thead>
<tr>
<th>Ministerial Action</th>
<th>Discretionary Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Project conforms to Code</td>
<td>• Requires exercise of judgment or deliberation</td>
</tr>
<tr>
<td>• Precise, fixed or quantified standards (Plan Check)</td>
<td>• Subjective standards</td>
</tr>
<tr>
<td>• <strong>Permit can be legally compelled</strong></td>
<td>• Ability to shape or deny project</td>
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</table>
Why Only Discretionary Projects?

Ministerial Actions

• No authority to deny or modify project on basis of environmental consequences.

• Qualifying projects must be permitted.

• No opportunity to incorporate CEQA mitigations measures.

Discretionary Actions

• Project can be denied or modified/conditioned on the basis of environmental consequences.

• CEQA mitigation measures can be required.
Site Plan Review

• Discretionary approval created in response to “Friends of Westwood” legal case (1987)

• Projects of a certain magnitude must be reviewed under Site Plan Review provisions of Zoning Code:
  • 50,000+ s.f. nonresidential floor area
  • 50+ dwelling units or guest rooms
  • Change of use to a drive-through or fast-food establishment resulting in increase of 500+ average daily trips
  • Any change of use resulting in increase of 1,000+ average daily trips

• Triggers CEQA
Initial Decision Makers

- Director (DIR)
- Zoning Administrator (ZA)
- Advisory Agency (AA)
- Area Planning Commission (APC)
- City Planning Commission (CPC)
- City Council - Legislative
Initial Decisions by Director

- Specific Plan project permits, adjustments, modifications, interpretations
- Parking Reduction near Transit
- Supplemental Use District project approvals, relief
- Individual Zone Boundary/Height District Adjustments
- Adjustment of C or M & P or PB Zone Boundaries
- Private Street Map
- Clarification of Q or D
- Site Plan Review
- Coastal Development Permit
- Density Bonus (on-menu)
- Downtown Design Guide Adjustments
- TFAR, less than 50,000 s.f.
- Revocations & Revocation Compliance Review
- Design Review
- HPOZ Certificate of Appropriateness (add, alt, recons)
- HPOZ Certificate of Compatibility
- HPOZ Conforming Work Contributing Elements
- HPOZ Conforming Work Non-contributing Elements
Initial Decisions by Zoning Administrator

- Conditional Use
- Conditional Use, Reduction of Site
- Vesting Conditional Use
- Adjustment
- Slight Modification
- Determination
- Interpretation
- Variance
- Plan Approval, Conditional Use or Variance
- Eldercare Facility Unified Permit
- Revocations
- Combinations of above with Director decisions
Initial Decisions by Advisory Agency

Advisory Agency

- Preliminary Parcel Map
- Parcel Map Exemption (lot line adjustment)
- Parcel Map Modification
- Parcel Map Violation
- Parcel Map Waiver
- Certificate of Compliance
- Private Street Map
- Tentative Tract Map
- Vesting Tentative Tract Map
- Tract Map Modification
- Air Space in Parcel & Tract Maps
Initial Decisions by Area Planning Commission

- Conditional Use
- Vesting Conditional Use
- Conditional Use, Reduction of Site
- Conditional Use, Plan Approval
- Specific Plan Exception
- HPOZ Certificate of Appropriateness (demo, remove, relocate)
- Combinations of above with ZA or Director decisions
APC Recommendations to City Council

Smaller requests (less than 50,000 s.f. of nonresidential floor area, less than 50 DU or guest rooms, or no proposed project on lot less than 65,000 s.f.), except projects considered with General Plan Amendments.

If APC recommends denial, no further action. Applicant may appeal to the City Council.
Initial Decisions by City Planning Commission

- Conditional Use
- Vesting Conditional Use
- Conditional Use, Reduction of Site
- Conditional Use, Plan Approval
- Parking Waiver
- Density Bonus over 35% or off-menu
- Floor Area Bonus over 35% (GDTHIA*)
- Public Land Use Determination
- HPOZ Preservation Plan
- HPOZ Preservation Plan Amendment
- Combinations of above with APC, ZA or Director decisions

* Greater Downtown Housing Incentive Area
CPC Recommendations to City Council

If CPC recommends denial, no further action. Applicant may appeal to the City Council.
Decisions by City Council

- Zone Change
- Vesting Zone Change
- Height District Change
- Building Line Incident to Zone Change or Subdivision
- Specific Plan, Establishment
- Specific Plan Amendment
- Supplemental Use District, Establishment
- TFAR – 50,000 s.f. or greater
- HPOZ, Establishment or Boundary Change
- General Plan Amendment, Update
- Final Parcel and Tract Maps, ready for recordation
- Code Amendments
Multiple Approvals

Projects requiring approvals by more than one body, are considered by the highest body.

- **CPC authority** - CPC approval/recommendation + APC, ZA, or Director decisions. Appeals to City Council.

- **APC authority** – APC approval/recommendation + ZA or Director decisions. Appeals to City Council.

- **ZA authority** – ZA + Director decisions. Appeals to APC, except for ZA approvals required to go to CPC on appeal.

- **Director authority** – Multiple director decisions. Appeals to APC, except for Director approvals required to go to CPC on appeal.

- **AA authority** - If project requires multiple approvals + subdivision approval, any AA appeals to be scheduled to coincide with APC or CPC, whichever has jurisdiction over other approvals.
Decision Makers’ Findings of Fact

• Zoning entitlements may be granted only if required findings can be made by the decision maker.

• Justification for approval.

• Different entitlements require different findings.

• Over 300 separate findings throughout Code.

• Multiple approval projects still require findings for each separate entitlement.
Examples of Findings

Site Plan Review

1. That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan;

2. That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties; and

3. That any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

Conditional Use Core

1. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;

2. That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and

3. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.
Examples of Findings

Zone Variance

1. That the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations;

2. That there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity;

3. That the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;

4. That the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located; and

5. That the granting of the variance will not adversely affect any element of the General Plan.

Zone Change

1. Action is consistent with the General Plan

2. Action is in conformity with public necessity, convenience, general welfare, and good zoning practice
Time to Act

• Typically decision-maker or recommending body must act within 75 days

• Other limits on time to act:
  • 20 days (ex: Community Design Overlay Plan Approval)
  • 21 days (ex: Design Review Board, HPOZ Conforming Work)
  • 25 days (ex: Pedestrian Oriented District Determination)
  • 30 days (ex: Parcel Map decisions)
  • 50 days (ex: Tract Map decisions)
  • 60 days (+ 45 days by mutual consent) (ex: Site Plan Review)
  • 90 days (ex: General Plan Amendment)

• Time to act may be extended by mutual consent
Appeals

• Most decisions are appealable within 15 days of the decision date

• Appellate bodies
  • Director decisions & Zoning Administrator decisions are appealable to the Area Planning Commission
  • Tentative Tract Maps/Preliminary Parcel Maps are appealable to Area Planning Commission or City Planning Commission, depending on size of project.
  • APC or CPC decisions are appealable to the City Council

• Zone Variances* and Tentative Tract Maps have 2 levels of appeal.

• Other appeal periods:
  • 10 days (ex: Coastal Development Permit, Tract Maps & Modifications)
  • 20 days (ex: Clarification of Q or D Conditions)

* If Zone Variance approved on first appeal.
## Vesting Conditional Use Authority

- **CPC, APC, or ZA**

- **Section 12.24.T**

- **26 uses**

- **Many apply pursuant to specified circumstances or in certain zones**

<table>
<thead>
<tr>
<th>Uses</th>
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</thead>
<tbody>
<tr>
<td>Airports/heliports</td>
</tr>
<tr>
<td>Auditoriums, stadiums, arenas</td>
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<tr>
<td>Buildings over 6 stories in Westwood Specific Plan</td>
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<tr>
<td>Houses of worship</td>
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<tr>
<td>Correctional facilities</td>
</tr>
<tr>
<td>Educational facilities</td>
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<tr>
<td>Electric power generating sites</td>
</tr>
<tr>
<td>Floor area ratio averaging</td>
</tr>
<tr>
<td>Golf courses</td>
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<tr>
<td>Hazardous waste facilities (2)</td>
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<tr>
<td>Hotels</td>
</tr>
<tr>
<td>Hospitals</td>
</tr>
<tr>
<td>Land reclamation projects</td>
</tr>
<tr>
<td>Major development projects</td>
</tr>
<tr>
<td>Mixed commercial/residential use development</td>
</tr>
<tr>
<td>Mixed use developments in the R5 Zone</td>
</tr>
<tr>
<td>Movie, TV studios</td>
</tr>
<tr>
<td>Natural resources developments</td>
</tr>
<tr>
<td>Uses in the OS Open Space Zone</td>
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<tr>
<td>Piers, jetties, man-made islands, floating installations</td>
</tr>
<tr>
<td>Uses in the PF Zone</td>
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<tr>
<td>Reduced onsite parking</td>
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<tr>
<td>Research and development centers</td>
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<tr>
<td>Schools</td>
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<tr>
<td>Sea water desalinization facilities</td>
</tr>
</tbody>
</table>
Conditional Use Authority

• City Planning Commission

• Section 12.24.U

• 24 uses

• Many pertain to specified circumstances or in certain zones

- Airports/heliports
- Auditoriums, stadiums, arenas
- Correctional facilities
- Educational facilities
- Electric power generating facilities
- Golf courses
- Green or wood waste recycling uses
- Hazardous waste facilities (2)
- Land reclamation projects
- Major development projects
- Movie, TV studios
- Natural resources development
- Onshore installations
- Uses in the OS Open Space Zone
- Piers, jetties, man-made islands, floating installations
- Uses in the PF Zone
- Recycling uses
- Research and development centers
- Schools
- Sea water desalinization
- Density bonus greater than 35%
- Floor area bonus in Greater Downtown Housing Incentive Area
- Solid waste alternative technology processing facilities
Conditional Use Authority

• APC

• Section 12.24.V

• Only one use

Mixed commercial/residential use developments in any zone
# Conditional Use Authority

**• Zoning Administrator**

**• Section 12.24.W**

**• 52 uses**

**• Many pertain to specified circumstances or in certain zones**

<table>
<thead>
<tr>
<th>Alcohol sales</th>
<th>Miniature golf, driving ranges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto fueling &amp; service stations</td>
<td>Mini-shopping centers</td>
</tr>
<tr>
<td>Auto repair</td>
<td>Two or more incentives (13.09.E.4)</td>
</tr>
<tr>
<td>Auto uses in C Zones</td>
<td>Mortuaries or funeral parlors</td>
</tr>
<tr>
<td>Bovine feed or sales yards</td>
<td>Nightclubs</td>
</tr>
<tr>
<td>Cattle or goat dairies</td>
<td>Nurseries</td>
</tr>
<tr>
<td>Change of use in CRA area</td>
<td>Outdoor restaurant eating areas</td>
</tr>
<tr>
<td>Chipping &amp; grinding facilities</td>
<td>Pawnshops</td>
</tr>
<tr>
<td>Houses of worship</td>
<td>Penny arcades</td>
</tr>
<tr>
<td>Circus quarters or menageries</td>
<td>Private clubs</td>
</tr>
<tr>
<td>CM uses</td>
<td>Professional uses</td>
</tr>
<tr>
<td>Columbariums, crematories, or mausoleums</td>
<td>Public parking</td>
</tr>
<tr>
<td>Community antenna facilities</td>
<td>Reduced on-site parking</td>
</tr>
<tr>
<td>Counseling &amp; referral facilities</td>
<td>Rental or storage of household moving trucks</td>
</tr>
<tr>
<td>Residential/commercial developments in R5 Zone</td>
<td>Restaurant in MR Zones</td>
</tr>
<tr>
<td>Drive-in theaters</td>
<td>Sale of fireworks/ammunition</td>
</tr>
<tr>
<td>Drive-through fast-food</td>
<td>Sale of merchandise</td>
</tr>
<tr>
<td>Floor area averaging in unified developments</td>
<td>Second dwelling unit (2)</td>
</tr>
<tr>
<td>Foundries</td>
<td>Stand for display or sale of farm products</td>
</tr>
<tr>
<td>Fraternity or sorority houses</td>
<td>Swine keeping</td>
</tr>
<tr>
<td>Garbage reduction</td>
<td>Temporary geological exploratory core holes</td>
</tr>
<tr>
<td>Heliport incidental to office building</td>
<td>Temporary storage of autos</td>
</tr>
<tr>
<td>Hotels</td>
<td>Wireless telecommunications facilities</td>
</tr>
<tr>
<td>Kennels</td>
<td>Storage of household goods</td>
</tr>
<tr>
<td>Childcare facilities or nursery schools</td>
<td>Projects in Neighborhood</td>
</tr>
<tr>
<td>Solar energy structures</td>
<td>Stabilization Overlay Districts</td>
</tr>
</tbody>
</table>
Further Authority

• Zoning Administrator

• 12.24.X

• 29 uses

• Many pertain to specified circumstances or in certain zones

Adaptive reuse projects
Alcohol sales (50 seats)
Antennas
Dwelling adjacent to equinekeeping use
Farmer’s markets
Fences & walls
Fences within 1,000 feet of beach
Foster care homes
Height & reduced yards
Hillside area relief
Historic buildings
Joint living & working quarters
Mixed use districts
Model dwellings in redevelopment areas
Nonconforming rights related to earthquake safety
Parking for use with parking management alternatives
Parking for showcase theaters
Reduction in parking
Shared parking
Substandard hillside street access
Transitional height
Uses supporting movie/TV production
Child care facilities
Large family Day Care Home
Retaining walls in hillside areas
Continuation of nonconforming use
Single family zones in hillside areas
Historical vehicle collection
Reduced parking in a modified parking district
CPC Conditional Use Process – 12.24 (A – I)
Multiple Paths to Reduced Parking Requirement

1. Bicycle parking replacement of required automobile parking [Section 12.21.A]
2. Remote Off-Site Parking or Transportation Alternatives [Section 12.21.A.4(y)]
3. Parking Waiver by CPC authority, delegated to Director [Section 12.21.A.4(o)]
4. Senior/Disabled Housing [Section 12.21.A.4(u)]
5. Density Bonus [Section 12.22A.25]
6. Conditional Use for Senior/Disabled Housing to further reduce from Section 12.21.A.4(u) [Section 12.24.W. 38]
7. Zoning Administrator’s Determination [Section 12.24.X]
   - Commercial uses with parking management alternatives in C & M Zones [Section 12.24.X.17]
   - Showcase theaters [Section 12.24.X.18]
   - Reduced parking [Section 12.24.X.19]
   - Shared parking [Section 12.24.X.20]
   - Reduction in Modified Parking Requirement District [Section 12.24.X.30]
8. Special Permission by Director Near Transit [Section 12.24.Y]
9. Zone Variance [Section 12.27]
10. Minor Changes by City Council Incident to Legislative Actions [12.32.P]
Issues

• Disorganized

• Complicated

• Large number of procedures & discretionary actions

• Multitude of findings

• “Time to Act”/appeal periods inconsistent