

Processes & Procedures Ordinance

CPC-2016-3182-CA

City Planning Commission
March 25, 2021



Development of Ordinance

Ordinance Intent

What is the ordinance?

- First component of a larger effort to comprehensively revise the City's Zoning Code to become more accessible to the public
- The administrative provisions that set up the structure and home for the new Zoning Code by establishing a new Chapter 1A of the Los Angeles Municipal Code

Why does this ordinance matter?

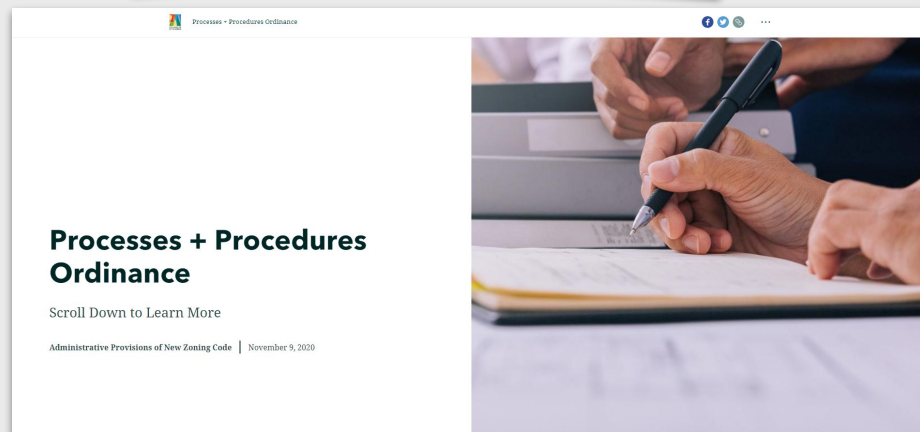
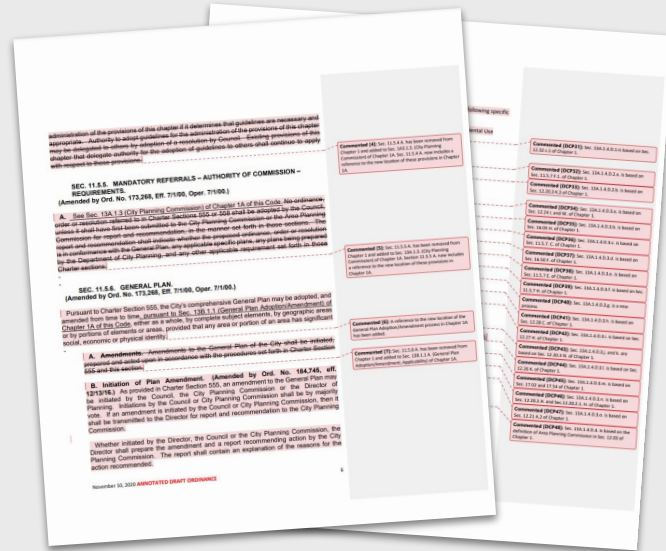
- Enables all stakeholders to know what the rules are and how they can have a say in the process
- Enables unified, consistent set of processes and procedures that will apply regardless of Community Plan Update status

Background

- Initial research began in 2016
- Previous draft ordinance release and outreach in 2017-2018
- Heard by City Planning Commission (CPC) in October 2018
 - CPC recommended adoption of the ordinance, with direction to incorporate certain technical modifications

Background

- In response to robust internal and external feedback, ordinance went through additional consideration by City Planning
- Revised draft ordinance released for public review on November 10, 2020 with supplemental materials
 - Annotated Ordinance
 - Updated Fact Sheet
 - Story Map



Background

- Public comment period open until February 15, 2021 (97 days)
- Additional revisions informed by public comment were incorporated into a **Staff Recommendation Draft**
- Staff Report and revised Staff Recommendation Draft of Ordinance released March 17, 2021

Methodology

- Existing content of the Zoning Code is the basis for this proposed Ordinance, with the goal of providing clarity, transparency, and predictability to users at all levels of familiarity with the Zoning Code.
- Analysis of existing processes and procedures was first step in creating a new proposed structure and organization, utilizing the concepts of standardization, consolidation, and centralization
- Through this effort, lessons learned from past implementation practices and opportunities for improvement were identified by the Department and the public, which informed the specific set of policy changes that are being proposed as a part of this Ordinance.





Proposed Changes

Standardized Notifications

Mail Notice Time Period

- Currently ranges from 10-24 days
- **Propose** standardizing to 24 days

Mail Notice Distance

- Currently ranges from adjacent/abutting properties, properties within 100ft, and properties within 500ft
- **Propose** adjacent/abutting properties, properties within 300ft, and properties within 500ft

Other Changes

- **Require** mail notices of public hearing be sent to Certified Neighborhood Councils
- **Require** publication notice for Preliminary Parcel Maps, Tentative Tract Maps, and Zoning Code Amendments
- **Require** posting notice for Project Compliance, Project Adjustment, and Project Review

Updated Appeal Rights

Standardization of Appeal Period

- Current appeal period timelines range from 10-15 days
- **Propose** standardized timeline of 15 days

De Novo Standard of Review for Appellate Decisions

- Currently, the appellate body considers whether the initial decision maker “erred or abused their discretion” on the initial decision
- **Propose** a "de novo" standard of review where the appellate body instead considers the project as a whole, with no deference given to the initial decision

Changes in Process Names

- Zoning Administrator Determination to **Class 1 CUP**
- Zoning Administrator CUP to **Class 2 CUP**
- APC and CPC CUP to **Class 3 CUP**
- Site Plan Review to **Project Review**
- Administrative Clearance to **Administrative Review**
- Project Permit Compliance to **Project Compliance**
- Project Permit Compliance (Design Review Board)) to **Project Compliance (Design Review Board))**
- Project Permit Adjustment to **Project Adjustment**
- Specific Plan Exception to **Project Exception**

Changes in Decision Maker

- **Adjustment**
 - Zoning Administrator to Director
- **Evaluation of Non-Compliance**
 - Director to Zoning Administrator
- **Nuisance Abatement/Revocation**
 - Director to Zoning Administrator
- **Mixed-Use CUP (pursuant to 12.24 V.1)**
 - APC to CPC

Development Rights

Clarify Expiration Timelines for Project Approvals

- Currently, a project approval expires if not utilized within 3 years of the effective date
 - An approval is considered “utilized” when a valid permit from the Department of Building and Safety has been issued and construction work has begun
- **Propose** establishing distinction between effectuation of an approval and utilization of a permit
 - “Effectuation” would mean City Planning has reviewed plans and cleared all conditions
 - “Utilization” would mean Building and Safety has reviewed plans after City Planning has cleared conditions and issued a building permit
- **Propose** a standard timeline of 3 years for effectuation and 3 years for utilization, with 6-year utilization timeline for 100% affordable housing projects

Development Rights

Building Permit Vesting Rights (pursuant to payment of plan check fees)

- Currently lose vesting rights if you increase or reduce the vested plans by more than 5%
- **Propose** that you lose vesting rights if you increase the plans by more than 5% or reduce the plans by more than 10%
- **Propose** up to an 18 month extension of vesting rights in the case that a discretionary planning entitlement is required

Other Changes

- **Codify** procedures for abandonment of approvals
- **Allow** filing of Vesting Parcel Maps

Modified Processes

Specific Plan Processes and Zoning Code

- Currently, when there's a conflict between the procedures in a Specific Plan and the Zoning Code, the Zoning Code prevails
- **Propose** that the procedures in the Specific Plan prevail instead
- No changes proposed to relationship between development regulations in a Specific Plan and the Zoning Code

Batching of GPA Initiations

- **Creates** a window of General Plan Amendment (GPA) initiation requests for applicants

Other Changes

- **Clarify** the requirements to qualify as a “deemed to be approved private street”
- **Provide** further clarification on the procedures for CEQA Appeals

New Processes

Policy Action

- **New discretionary process** by which design standards or guidelines are adopted by the City Planning Commission

Alternative Compliance

- **New discretionary process** by which projects may request relief from a specific standard if the proposed alternative is equivalent to or exceeds the effectiveness of meeting the intent of the applicable standard
- May only be requested if the Zoning Code explicitly states that Alternative Compliance is allowed for a specific standard

New Processes

Modification of Entitlement

- **New discretionary process** by which applicants may request limited modifications to approved entitlements
- Limitations
 - Modification is limited to a cumulative maximum of a 20 percent change of the physical development, planned operation, or conditions of approval on the original action
 - **Modification of Entitlement cannot be used to grant any new rights or deviations from the Zoning Code**
- Procedures
 - Decision maker on the modification is the same as the decision maker on the original action
 - Public hearing and notification requirements that applied to the original action also apply to the modification
 - Modification is appealable in same manner as original action
- Processes eligible to use Modification of Entitlement:
 - Director Determination
 - Project Compliance
 - Project Review



Public Outreach and Comments

Summary of Public Outreach

2017 - 2018

- Email notices to interested parties list of approximately 62 individual contacts
- Participated in multiple Neighborhood Council and stakeholder meetings
- Conducted 5 staff level public hearings with approximately 42 attendees
- Received 17 pieces of written correspondence
- **Recommended for approval by CPC on October 11, 2018**

Summary of Public Outreach

2019 - 2021

- Preparation of annotated draft ordinance and interactive Story Map
- Email notices to interested parties list of nearly 10,000 individual contacts
- Participated in multiple Neighborhood Council and stakeholder meetings (December - March)
- Hosted Informational Webinar on January 13, 2021 with 148 attendees
- Conducted Virtual Office Hours on January 15, 20, and 26, 2021 with 11 participants
- Received 14 pieces of written correspondence

General Summary of Public Comments

Support

- Support for improved structure and organization of information to increase accessibility
- Support for standardized timelines and increased consistency
- Support for time extension for 100% affordable housing projects

Concerns

- **Public Hearings and Notification Requirements**
- **Modifications**
- **Authorities**
- **Changes in Decision Maker**
- Appeals
- Case Tracking and Application Filing
- Miscellaneous

Public Hearings and Notification Requirements

Comments

- 21 days notice is too short
- Mail notice should be 1000 feet for all processes
- Adjacent/abutting needs clarification
- Digital notice should be required
- Notice of application filing to homeowners and other organizations

Public Hearings and Notification Requirements

Response

- Standardized notice changed from 21 days to 24 days
- Significant cost implications for unilateral 1000 foot mailing notice radius
- Ordinance language clearly states “Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property”
- Ordinance language acknowledges digital notice as option
- Any individual or organization can sign up to receive the Bi-weekly Case Filing Reports

Modifications

Comments

- Modifications should not be allowed to be requested for Adjustments and Project Adjustments
- Scope of modifications that can be requested is unclear
- Concern that multiple minor modifications could be requested through Modification of Entitlement for by-right projects

Modifications

Response

- Modification of Entitlement no longer allowed for Project Adjustment, Project Exception, and Alternative Compliance
- Provisions added to clarify purpose, scope, and applicability of Modification of Entitlement
- Deviations from Zoning Code not permitted through Modification of Entitlement
- Cumulative limit to modifications added
- Discretionary process that is used to consider requests for modifications to an approved entitlement and could never be requested for a by-right project

Authorities

Comments

- Certain language used in introductory provisions creates potential ambiguities in the relationship between the Zoning Code and the City Charter
- Neighborhood Councils, Board of Neighborhood Commissioners, and the Department of Neighborhood Empowerment should be added to the Authorities section

Authorities

Response

- Restatement of City Charter language replaced by references to applicable City Charter section to eliminate ambiguity
- Additional revisions made to language used in the introductory provisions and specific authorities to further clarify that no new authorities are being improperly granted and the proposed Ordinance is consistent with the City Charter

Authorities

Response

- Neighborhood Councils granted broad authority in Article IX of City Charter to provide recommendations on an array of issues, not limited to land use
- Neighborhood Councils not currently in Zoning Code
- In recognition of important advisory role of Neighborhood Councils, propose Certified Neighborhood Councils be required to receive mail notice of public hearing for projects in their geographies, where no Code requirement exists today

ARTICLE IX

DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT

Sec. 900. Purpose.

To promote more citizen participation in government and make government more responsive to local needs, a citywide system of neighborhood councils, and a Department of Neighborhood Empowerment is created. Neighborhood councils shall include representatives of the many diverse interests in communities and shall have an advisory role on issues of concern to the neighborhood.

Changes in Decision Maker

Comments

- Changing from Director to the Zoning Administrator for Evaluation of Non-Compliance and Nuisance Abatement/Revocations will make it harder for nuisance operators to be caught and penalized expeditiously
- Changing from the Zoning Administrator to the Director for Adjustments will make it too easy and quick for applicants to receive deviations from the Zoning Code
- Area Planning Commission should remain the decision maker on Mixed-Use CUPs because the Area Planning Commissions are more accessible to the public and more knowledgeable about local concerns than the City Planning Commission

Changes in Decision Maker

Response

- Proposed change would codify long-standing practice of Zoning Administrator acting as the decision maker for Evaluation of Non-Compliance and Nuisance Abatement/Revocations
- Proposed change in decision maker for Adjustment from Zoning Administrator to Director does not remove any procedures, such as notice, public hearing, or appeal requirements
 - Director is practiced in considering limited requests for relief from certain specific plan regulations
- Proposed change in decision maker for a Mixed-Use CUP is a rarely requested entitlement that is the sole CUP for which the Area Planning Commission is the initial decision maker, the Department identified an opportunity for consolidation with a Class 3 CUP for which the City Planning Commission is the initial decision maker.

Conclusion

Implementation

When will the new processes and procedures apply?

- Post-adoption, City Planning anticipates a delayed operative date to allow for implementation preparation, including:
 - Updated application forms
 - Updated case tracking nomenclature
 - Training for City staff, applicants, and the public
 - Public awareness campaign
- Ordinance will apply citywide upon its operative date, so that no matter where a neighborhood is in the Community Plan Update process, all properties will use the same set of standardized, consolidated, and centralized processes and procedures

Recommended Actions

- **Recommend** that the City Council determine, based on the whole of the administrative record, that the proposed ordinance is not a project under CEQA pursuant to Section 15378(b)(5) of the California Public Resource Code and is exempt from CEQA pursuant to Section 15061(b)(3) of the California Public Resource Code and CEQA Guidelines, Section 15308 (Class 8);
- **Approve and recommend** that the City Council adopt the proposed Ordinance (Exhibit A);
- **Adopt** the staff report as the Commission's report on the subject; and
- **Adopt** the Findings.

Thank You

Bonnie Kim

bonnie.kim@lacity.org

Hagu Solomon-Cary

hagu.solomon-cary@lacity.org