

Appendix I

Interview Tool

My goal with this project is to create an analysis of the current planning tools available and their potential to a) revitalize and b) to preserve and maintain existing communities.

Supplemental designations

Mixed Use Development

Residential Planned Development Districts

Pedestrian Oriented Districts

Community Design Overlay

Transit Oriented District

HPOZ

Other Ordinances

Community Plan

CPIO

Specific Plan

Q-conditions

Questions:

1. What has been your experience working with these tools?
2. What have been the problems in implementing these tools?
3. What kinds of patterns are you seeing with these tools?
4. Have there been ways you have seen them used that have surprised you?
5. Do you think these tools are underutilized?

6. Do you think these tools are applicable to preventing gentrification or displacement? Why or why not?

7. If you could imagine a tool that both improved and preserved existing communities, what would it look like?

8. How are new tools introduced?

I'm going to close with more general questions:

9. Do you think you are able to do "real planning"? What do you think "real planning" is?

10. What causes your biggest headaches within the planning department? If you could imagine a tool, process, system, etc. which would relieve this headache what would it look like?

Appendix II

A)

B) Pedestrian Oriented District

SEC. 13.07. PEDESTRIAN ORIENTED DISTRICT.

(Added by Ord. No. 168,153, Eff. 9/13/92.)

A. Purpose. This section sets forth procedures, guidelines and standards for establishment of Pedestrian Oriented Districts within commercially zoned areas throughout the City. The purpose of the Pedestrian Oriented District is to preserve and enhance existing areas or create new areas where pedestrian activities are common, to encourage people to walk and shop in areas near their workplaces and/or residences thereby reducing multiple automobile trips, to reinforce and stimulate high quality future development compatible with pedestrian uses, to reflect the characteristics of a particular area and to encourage pedestrian use during evenings and weekends, as well as weekdays.

B. Establishment of District.

1. _Requirements. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)_ The procedures set forth in Section 12.32S shall be followed except that each Pedestrian Oriented District (POD) shall include only lots which are zoned either CR, C1, C1.5, C2, C4 or C5. No District shall contain less than one block or three acres in area, whichever is the smaller. The total acreage in the district shall include contiguous parcels of land which may only be separated by public streets, ways or alleys, or other physical features, or as set forth in the rules approved by the Director of Planning. Precise boundaries are required at the time of application for or initiation of an individual POD.

2. _Pedestrian Oriented Streets._ Pedestrian Oriented Streets shall be identified as part of the adoption process of a specific POD. The following shall be utilized to identify such streets: A Pedestrian Oriented Street is a public street where the Director of Planning finds that the street has, or will have in the case of an undeveloped area, at least two of the following characteristics at sidewalk level:

(a) The street has, or in the case of an undeveloped area will have, a variety of commercial uses and activities;

(b) A majority of the structures on the street are, or in the case of an undeveloped area will be, of a similar size and incorporate architectural details such as the location of windows, courts, building interiors and pedestrian entrances which enhance a pedestrian atmosphere;

(c) The street has, or in the case of an undeveloped area will have, amenities, such as street furniture, outdoor restaurants, open air sales, arcades and the like, which are integrated with the public sidewalk in such a way as to be conducive to pedestrian activity.

C. _Definitions. _For purposes of this_ _section, the following words and phrases are defined:

Blank Wall. A blank wall is any exterior building wall, including a garage opening or door which fronts on the street and which is not enhanced by architectural detailing, artwork, landscaping, windows, doors or similar features.

Building Frontage. Building Frontage is the maximum length of a line or lines formed by connecting the points representing projections of the exterior building walls onto a public street or onto a courtyard that is directly accessible by pedestrians from a public street, whichever distance is greater.

Cultural Resource. Cultural resource is a structure officially recognized to have local, state, or national significance or deemed eligible for inclusion on the National Register of Historic Places with respect to its architectural and/or historical characteristics and which is designated as such in the establishment of an individual Pedestrian Oriented District.

Financially-Oriented Services. Financially-Oriented Services are the provision to the public of financial or real estate services including, but not limited, to those offered by banks, savings and loan associations, thrift associations, real estate offices, insurance companies, brokerage firms and escrow offices.

Ground Floor. Ground floor is the lowest story within a building which is accessible to the street, the floor level of which is within three feet above or below curb level, which has frontage on or is primarily facing any Pedestrian Oriented Street, and which is at least 20 feet in depth or the total depth of the building, whichever is less.

Neighborhood Retail. Neighborhood retail uses shall be limited to retail sale of goods needed by residents and patrons of a Pedestrian Oriented District, including:

Art galleries:

Art supplies;

Athletic/sporting goods:

Bakeries:

Books or cards:

Bicycle sales and repairs:

Clock or watch sales and/or repair:

Clothing

Computer sales and repair:

Drug stores:

Fabrics or dry goods;

Florists,

Food/grocery stores, including supermarkets, produce, cheese and meat markets and delicatessens:

Hardware:

Household goods and small appliances:

Newsstands;

Photographic equipment and repair;

Sit Down Restaurants, excluding drive-through service

Stationery:

Toys; and

Other similar retail goods as determined by the Zoning Administrator.

Neighborhood Services. Neighborhood services are those services used by residents and patrons on a regular basis, including:

Barber shop or beauty parlor;

Blueprinting;

Child care facility;

Club or lodge, bridge club, fraternal or religious associations;

Copying services;

Custom dressmaking;

Dry cleaner;

Financial services;

Laundry or self-service laundromat:

Locksmith;

Optician;

Photographer;

Shoe repair;

Tailor: and

Other similar services as determined by the Zoning Administrator.

Project. A Project is the erection or construction of any building or structure, on a lot in the CR, Cl, Cl.5, C5, C4, and CS Zones, or addition of floor area to the Ground Floor of any building on a CR, Cl, Cl.5, C2, C4 or C5 Zoned lot(s), unless the building is used solely for residential dwelling units.

D. Application. The district shall apply only to CR, Cl, Cl.5, C2, C4 and C5 Zoned lot(s) within a POD. In establishing any individual Pedestrian Oriented District, the City Council may adopt all of the regulations contained in Subsection E below, however, one or more of the standards set forth in these regulations may be superseded by development standards established in the individual Pedestrian Oriented District ordinance. An individual Pedestrian Oriented District ordinance shall apply to a particular geographical area. In the event that ordinance does not include new standards pertaining to development, all of the standards set forth in Subsection E, hereof shall apply. The regulations contained in this section are in addition to the use and area regulations applicable to the underlying commercial zone. If the provisions of this section conflict with any other city-wide regulations, then the requirements of *this *section shall prevail.

E. Development Regulations. The Department of Building and Safety shall not issue a building permit for a Project within a Pedestrian Oriented District unless the Project conforms to all of the following development regulations, or to the regulations in a specific Pedestrian Oriented District ordinance, if applicable. The Department of Building and Safety shall not issue a change of use permit for any use not permitted in Paragraph 2 of this subsection. (Added by Ord. No. 168,153, Eff. 9/13/92.)

1. Building Frontages shall conform to the following regulations:

(a) Blank Walls. Blank walls in excess of 10 feet in width shall not be permitted. Blank walls shall be relieved by transparent windows, doors, recessed entryways, recessed courtyards, planters, murals, mosaic tile, public art and/or other means of creating visual interest.

(b) Openings in Exterior Walls of Buildings or Between Buildings for Vehicles. Any opening in an exterior wall of a building or between buildings for purposes of vehicular entry shall not be permitted, except where it is determined by the Department of

Transportation that the location of these driveways cannot be practicably placed elsewhere. Garage or parking lot entrances shall not be permitted on Pedestrian Oriented Streets unless the Department of Transportation determines that there is no other alternative to the location of the garage or parking lot entrances.

(c) Openings in Exterior Building Walls Not for Vehicles. On Pedestrian Oriented Streets, openings in exterior building walls or building setbacks which are used for plazas or courtyards with outdoor dining, seating, water features, kiosks, paseos, open air vending or craft display areas shall be permitted. Building setbacks not used for the above listed permitted purposes shall be fully landscaped.

(d) Pedestrian Access. All new developments fronting on Pedestrian Oriented Streets shall provide at least one entrance for pedestrians to each Ground Floor.

(e) Pedestrian Views Into Buildings. At least 75 percent of the building frontage at the ground floor of a building adjoining a Pedestrian Oriented Street shall be devoted to entrances for pedestrians, display windows or windows affording views into retail, office or lobby space. Non-reflective glass shall be used to allow maximum visibility from sidewalk areas into the interior of buildings.

(f) Second Floors. Building frontage on the floor immediately above the ground floor shall be differentiated from the ground floor by recessed windows, balconies, offset planes, awnings* *or other architectural details, as determined by the Department of City Planning*.*

(g) Building Continuity With Openings. In the event a building opening of 15 feet in width or greater is permitted pursuant to 1 (b) and 1 (c) of this subdivision, continuation of an architectural feature of the ground floor building facade shall be required to retain continuity of a building wall at the ground floor, as determined by the Department of City Planning.

(h) Requirement for Ground Floor. Each building on a lot fronting on a Pedestrian Oriented Street shall have a ground floor.

2. Uses Permitted Along The Ground Floor Building Frontage. Any use permitted by the underlying zone shall also be permitted on the Ground Floor, except that uses on the Ground Floor along the Building Frontage shall conform to the following:

The floor area on the ground floor of a commercial building along at least 75 percent of the Building Frontage, excluding the frontage used for vehicular access to on-site parking, shall be devoted to neighborhood retail and/or neighborhood services, except that any Financially-Oriented Service may occupy only up to 50 percent of the Ground Floor along the Building Frontage on each street frontage.

3. Uses Permitted Above The Ground Floor. Any use permitted in the underlying zone shall be permitted above the ground floor.

4. Yards. Yard requirements shall be as required by the underlying zone, unless otherwise specified in an individual Pedestrian Oriented District ordinance.

5. Height.

(a) The height of a building shall not exceed 40 feet. If the underlying zone otherwise permits a height in excess of 40 feet, then any portion of the building above 40 feet in height, including the roof and roof structure, shall be set back from the front lot line at a 45 degree angle, for a horizontal distance of not less than 20 feet.

(b) The height of a building adjacent to one or more cultural resources shall not exceed a height that is within five feet of the weighted average height of the adjacent cultural resource(s) or 30 feet, whichever is greater. If the underlying zone otherwise permits a height above 30 feet, then any portion of the building above 30 feet in height shall be set back from the lot line at a 45 degree angle, for a horizontal distance of not more than 20 feet.

6. Parking.

(a) No surface parking shall be permitted within 50 feet from any Pedestrian Oriented Street right-of-way. The provisions of this paragraph shall not apply if the Department of Transportation determines that there is no other feasible alternative to the location of the parking.

(b) Any surface parking adjoining a Pedestrian Oriented Street shall be screened by a solid wall having a continuous height of three and one-half feet. In addition, the wall shall be separated from any adjacent public right-of-way by a minimum continuous width of five feet of landscaped area. If an architectural theme has been established for an individual POD, then the wall shall be compatible with that theme. Surface parking lots shall be landscaped with shade trees at the ratio of one tree for each four parking spaces.

(c) All above-grade parking spaces visible from a public right-of-way shall be screened architecturally or with landscaping.

(a) Prior to the issuance of a building permit, the Department of Planning shall approve a landscape plan for new projects and parking areas. In approving this plan, the Department shall find that trees, compatible in size and variety with (b) below, are planted in all landscaped areas at the highest practical density and that planted windows boxes, and hanging plant baskets and flower beds in parking lots are provided, where possible. An overall landscape plan may be developed for each individual POD to enhance a chosen theme or style.

(b) Shade producing street trees shall be planted, where feasible, at a ratio of at least one for each 25 feet of frontage at a distance no greater than 10 feet from the curb. Elevated planters, tree grates and tree guards shall be provided, where needed. Notwithstanding the above, (i) the size, location and variety of trees shall be determined by the Department of

Public Works: (ii) where street lights are existing or proposed to be installed, trees shall not be planted within 20 feet of the location of the existing or proposed street light.

(c) An automatic irrigation system shall be provided for all landscaped areas including shade trees and shall be indicated on landscape plans. Property owners shall maintain all landscaping in good healthy condition and shall keep planted areas free of weeds and trash.

8. Special Theme or Other Provisions. A special theme or architectural style may be defined for an individual POD. Special requirements or guidelines directed at preserving such theme may be adopted with the establishment of an individual POD. Such requirements may include, but not be limited to, standards pertaining to uniform theme lighting, art works, sculpture, landscaping, street furniture, sidewalk design, and setbacks.

9. Signs.

(a) Notwithstanding any provision of the Los Angeles Municipal Code to the contrary, no person shall erect the following signs as defined in Section 91.6203 of the Los Angeles municipal Code:

(i) off-site commercial signs, except that existing legally erected off-site commercial signs may be replaced on the same or a new site provided that the location and sign otherwise meet all current ordinance requirements of Division 62 (Signs), Section 91.6220 (Off-site signs);

(ii) pole signs,

(iii) projecting signs; or

(iv) roof signs advertising individual businesses.

Signs advertising the entire POD are permitted if approved by the Director of Planning.

(b) Monument signs and information signs for individual businesses may be approved as part of an overall POD plan or design.

11. Utilities. Where possible, all new utility lines for any individual building or proposed within a POD shall be installed underground.

F. Director's Determination. If a proposed Project fails to meet the development standards in Subsection E above, or the standards in a specific pedestrian oriented district ordinance, whichever are applicable, the applicant may apply to the Director of Planning for a Director's Determination. Such application shall be filed in the public office of the Department of City Planning upon a form prescribed for that purpose. The filing fee shall be equivalent to that established for Approval of plan required for Supplemental Use District, set forth in Section 19.01A of the Los Angeles Municipal Code. The application shall be accompanied by architectural, landscape and structural plans for the Project, or

other information, to the satisfaction of the Director of Planning. All ground floor uses for the Project shall be clearly identified.

1. Determination. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) The Director or the Director’s designee shall make a determination of approval or conditional approval within 25 days of the Department’s acceptance of an application. Notice of the Director’s determination shall be mailed to the applicant, the Councilmember in whose District the project is located, and to all owners and lessees of property within a radius of 500 feet of the project. The determination by the Director shall include written findings in support of the determination. In order to approve a proposed construction project pursuant to this subsection, the Director must find that:

(a) If adjacent to a cultural resource that the project will be compatible in scale (*i.e.*, bulk, height, setbacks) to that resource.

(b) The project conforms with the intent of the development regulations contained in Subsection E of this section.

(c) The project is compatible with the architectural character of the Pedestrian Oriented District where the character is defined pursuant to the ordinance establishing that district.

(d) The project complies with theme requirements or other special provisions when required in the individual Pedestrian Oriented District.

(e) The project is consistent with the General Plan.

2. Appeals. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) The determination of the Director shall become final after an elapsed period of 15 days from the date of mailing of the determination to the applicant, unless an appeal is filed with the Area Planning Commission within that period. Appeals shall be processed in accordance with Section 12.24B through I of this Code, except as otherwise provided here.

3. Notification to Department of Building and Safety. When a determination of the Director becomes final, the Director or Director’s designee shall send a written notice of the determination to the Department of Building and Safety. If the Director approves the Project, this approval shall be so indicated on the building permit application and building plans.

C) Community Design Overlay District

SEC. 13.08. 'CDO' COMMUNITY DESIGN OVERLAY DISTRICT.

(New Sec. 13.08 Added by Ord. No. 172,032, Eff. 6/29/98.)

A. Purpose. This section sets forth procedures and standards for the establishment of Community Design Overlay Districts throughout the City. The purpose of the Community Design Overlay district is to:

1. Assure that development within communities is in accordance with community design policies adopted in the Community Plans, and with the Community Design Guidelines and Standards;
2. Promote the distinctive character, stability and visual quality of existing neighborhoods and communities by ensuring that development visually provides a sense of place in terms of design within the Community Design Overlay District by considering the unique architectural character and environmental setting of the district;
3. Assist in improving the visual attractiveness of multi-family housing available to meet the needs of all social and economic groups within the community;
4. Protect areas of natural scenic beauty, cultural or environmental interest;
5. Prevent the development of structures or uses which are not of acceptable exterior design or appearance; and
6. Protect the integrity of previously attained entitlements.
7. Provide for on-going community involvement in project design and evolution of guidelines.

B. Establishment of District. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) The City Council may establish new districts, or change boundaries of districts, by following the procedures set forth in Section 12.32S of this Code. A district may encompass all or portions of the area of a community plan, as recommended by the policies of that plan. Precise boundaries are required at the time of application or initiation of an individual Community Design Overlay District. A Community Design Overlay District shall not encompass an area designated as an Historic Preservation Overlay Zone pursuant to Section 12.20.3 of this Code.

C. Definitions. For the purpose of this section, the following words and phrases are defined as follows:

1. Design Overlay Plans. A document or documents which pictorially describe, by professionally accepted architectural graphic techniques, the location, appearance, configuration and dimensions of any proposed buildings, structures and site improvements including but not limited to landscaping, walls and fences, roof equipment, pole signs, monument signs, and parking areas.
2. Project. The erection, construction, addition to, or exterior structural alteration of any building or structure, including, but not limited to, pole signs and/or monument signs located in a Community Design Overlay District. A Project does not include construction that

consists solely of (1) interior remodeling, interior rehabilitation or repair work; (2) alterations of, including structural repairs, or additions to any existing building or structure in which the aggregate value of the work, in any one 24-month period, is less than 50 percent of the building or structure's replacement value before the alterations or additions, as determined by the Department of Building and Safety, unless the alterations or additions are to any building facade facing a public street; or (3) a residential building on a parcel or lot which is developed entirely as a residential use and consists of four or fewer dwelling units, unless expressly provided for in a Community Design Overlay District established pursuant to this section.

3. Citizen Advisory Committee. A committee appointed by the Councilmember(s) pursuant to Subsection D2 of this section in whose District a Community Design Overlay District is established, who shall assist the Planning Department in the development of Design Guidelines and Standards.

D. Approval of Guidelines and Standards. In establishing any individual Community Design Overlay District, the Director of Planning shall prepare, and the City Planning Commission shall approve by resolution, Community Design Guidelines and Standards applicable to design overlay areas. These Guidelines and Standards shall be adopted or amended according to the following procedures and criteria:

1. Initiation. Preparation or amendment of the Guidelines and Standards may be initiated by the Director of Planning, the City Planning Commission or City Council.

2. Preparation and Content. Upon initiation, the Director shall prepare, or cause to be prepared, proposed Guidelines and Standards based on the design policies contained in the Community Plan. At the option of the Council District, the Director shall utilize Advisory Boards in the development of design standards for individual communities and neighborhoods. The Guidelines and Standards shall be organized into those which are anticipated to be superseded by future citywide standards, and those that are necessary to protect the unique architectural and environmental features of the Community Design Overlay District.

The Guidelines and Standards are in addition to those set forth in the planning and zoning provisions of Los Angeles Municipal Code (LAMC) Chapter I, as amended, and any other relevant ordinances and do not convey any rights not otherwise granted under the provisions and procedures contained in that chapter and other relevant ordinances, except as specifically provided herein.

Furthermore, nothing in the Guidelines and Standards shall interfere with any previously granted entitlements, nor shall they restrict any right authorized in the underlying zone or height district.

At the option of the Councilmember(s), a Citizen Advisory Committee shall be appointed to assist in development of Guidelines and Standards. The Citizen Advisory Committee shall be appointed by the Councilmember in whose district the Community Design Overlay District is established, and the committee shall consist of a minimum of five and a maximum

of seven voting members, each serving a term of office of four years, the terms being staggered so that at least one term becomes vacated on each successive year. The chairperson and vice chairperson shall be elected annually by a majority of the committee. The suggested composition of membership is as follows: two architects and two professionals from the following or related fields: planning, urban design and landscape architecture, or construction. The remaining member or members need not be design professionals. All members shall reside, operate a business, or be employed within the community plan area(s) in which the Community Design Overlay District is located.

3. Commission Hearing and Notice. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) The proposed or amended Guidelines and Standards shall be set for a public hearing before the City Planning Commission or a hearing officer as directed by the City Planning Commission prior to the Commission action. Notice of the hearing shall be given as provided in Section 12.24D2 of this Code.

4. Reports. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) If a hearing officer is designated to conduct the public hearing, after the conclusion of the hearing, the hearing officer shall submit his report to the City Planning Commission within a period of time as may be fixed by the Commission, setting forth his or her conclusions and recommendations in writing and stating briefly the reasons therefor.

5. Decision by City Planning Commission. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) The City Planning Commission shall, by resolution, approve, modify or disapprove the proposed Guidelines and Standards. If the City Planning Commission fails to act within 75 days from the receipt of the report and recommendation of the Planning Department, the proposed Guidelines and Standards shall be automatically submitted to the City Council for action. In approving the Guidelines and Standards, the City Planning Commission or Council shall find that they are consistent with the policies of the adopted Community Plan and the purposes of this section.

E. Design Overlay Plan Approvals. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) Within a Community Design Overlay District, no building permit shall be issued for any project, and no person shall perform any construction work on a Project, until a Design Overlay Plan has been submitted and approved according to the following procedures. No building permit shall be issued for any project, and no person shall do any construction work on a project except in conformance with the approved Design Overlay Plan.

EXCEPTION:

No Design Overlay Plan approval shall be required for any project until the Guidelines and Standards have been approved.

1. Approval Authority. The Director of Planning, or his or her designee, shall approve or conditionally approve Design Overlay Plans if the plans comply with the provisions of approved Community Design Guidelines and Standards. An approval of a Design Overlay

Plan by the Director of Planning, or his or her designee, shall be appealable to the Area Planning Commission.

2. Procedures.

(a) Application. An application for a Design Overlay Plan approval shall be filed with the Department of City Planning on the prescribed form, and shall be accompanied by any required materials. The application shall not be considered complete unless and until the form has been properly completed, all required information has been provided and the filing fee set forth in Section 19.01T of this Code has been paid.

(b) Action of Director. The Director of Planning, or his or her designee, shall make a determination within 20 working days from the date of the filing of a completed application and the payment of the applicable fee. This time limit may be extended by mutual written agreement of the applicant and the Director.

(c) Transfer of Jurisdiction. If the Director or his or her designee fails to make a determination within the prescribed time period, the applicant may file a request for a transfer of jurisdiction to the Area Planning Commission for a determination on the original application, in which case, the Director shall lose jurisdiction. This request shall be filed in the public office of the Department of City Planning. Once filed, the request and the Department file shall be transmitted to the Area Planning Commission for action.

3. Findings. The Director of Planning, or the Area Planning Commission on appeal, shall approve a Design Overlay Plan as requested or in modified form if, based on the application and the evidence submitted, if the Director or Area Commission determines that it satisfies all of the following requirements:

(a) The project substantially complies with the adopted Community Design Overlay Guidelines and Standards.

(b) The structures, site plan and landscaping are harmonious in scale and design with existing development and any cultural, scenic or environmental resources adjacent to the site and in the vicinity.

4. Notice of Director's Determination. Within five working days following the decision, a Notice of the Director's Determination, and copies of the approved plans, shall be mailed to the applicant, the Councilmember in whose district the Project is located, the Citizen Advisory Committee, and any persons or organizations commenting on the application or requesting a Notice.

5. Effective Date and Appeal.

(a) The Director's determination shall become effective and final 15 days after the date of mailing the Notice of Director's Determination to the applicant, unless an appeal is filed with the Area Planning Commission within that period.

(b) An applicant, member of the City Council, or any other interested person adversely affected may appeal the Director's decision to the Area Commission. Appeals shall be processed in the manner prescribed in Section 16.05H of this Code, except as otherwise provided here.

6. Notice to Building and Safety. The Director of Planning shall notify the Department of Building and Safety of the final approval action of the Design Overlay Plan.

SEC. 13.09. MIXED USE DISTRICT.

C) Mixed Use Districts

====SEC. 13.09. MIXED USE DISTRICT.====

(New Sec. 13.09 Added by Ord. No. 172,171, Eff. 9/27/98.)

A. Purpose. The purpose of the Mixed Use District is to implement the General Plan by encouraging land uses that combine Commercial Uses and dwelling units in order to reduce vehicle trips and vehicle miles traveled by locating residents, jobs, and services near each other; to improve air quality through a reduction of vehicle trips and vehicle miles traveled; to support the transit system; to promote economic vitality and the revitalization of areas of special need; to provide for a variety of housing opportunities, including senior housing; to improve the efficiency of public services, systems, and utilities; to promote design quality and flexibility; and to promote pleasing and interesting urban form and architecture. Areas proximate to mass transit stations and major bus routes are appropriate locations for Mixed Use Districts.

B. Establishment of District.

1. Requirements. A Mixed Use District may only include lots in the R5, CR, C1, C1.5, C2, C4, or C5 zones. Lots in the R3 or R4 zones may also be included in a Mixed Use District if they (1) abut a designated major or secondary highway; and (2) are also located in a Community Plan designated regional or community center.

A Mixed Use District shall contain no less than one Block Face. The total acreage in a Mixed Use District shall include contiguous parcels of land which may only be separated by public streets, alleys, or other physical features, or as determined by the Director of Planning, or his/her designee. Precise boundaries are required to be delineated at the time of application or initiation of an individual rezoning application to Mixed Use District.

A Mixed Use District shall be consistent with the intent and purposes of the applicable Community Plan. If, as determined by the Director of Planning or his/her designee, the provisions of this section conflict with those of an adopted specific plan, then the provisions of the specific plan shall prevail. If the provisions of this section conflict with any other citywide regulations except an adopted specific plan, then the provisions of this section shall

prevail. If limitations have been imposed on a lot, then the most restrictive requirement shall prevail.

2. Standard Provisions and Permitted Modifications. In establishing an individual Mixed Use District, all of the standard provisions set forth in Subsection C, Uses; Subsection D, Yards; Subsection E, Development Incentives; Subsection F, Development Standards; and Subsection G, Pedestrian Orientation, shall apply.

However, based on an appropriate consideration of the proposed district's character, needs, and development potential, and the goals, objectives, and policies set forth in the applicable Community Plan, some of the standard provisions set forth in Subsections C or E may be eliminated or modified, as further described below.

3. Definitions. Notwithstanding any other provision of this article to the contrary, the following definitions shall apply to this section:

Automotive Uses means automobile and trailer sales areas, automobile dismantling yards, automotive fueling and service stations, and automotive repair uses as defined in Section 12.03.

Block Face is a lot or a group of lots that abuts on at least three sides a public street or other physical feature, or as determined by the Director of Planning, or his or her designee.

Building Frontage means the maximum length of a line or lines formed by connecting the points representing projections of the exterior building walls onto a public street or onto a courtyard that is directly accessible by pedestrians from a public street, whichever distance is greater.

Central Parking Structure is a parking structure or surface lot accessible to and available for use by the public and identified as a Central Parking Structure in the individual ordinance establishing the Mixed Use District.

Commercial Uses means those uses as first permitted in the CR, C1, C1.5, C2, C4, or C5 zones, including guest rooms and hotels as defined in Section 12.03 and Community Facilities as defined by this section.

Community Facilities means the following uses as first permitted by the CR zone and designed to serve the community-at-large: non-profit museums or libraries; child or adult day care facilities or nursery schools; churches or houses of worship (except rescue missions or temporary revivals); community centers or meeting rooms owned and operated by a governmental agency or non-profit organization; cultural centers owned and operated by a governmental agency or non-profit organization; schools, elementary or high; educational institutions; police substations; and telecommuting centers.

Corner Lot means a lot located at the intersection of at least two streets designated on the Transportation Element of the General Plan as either a major, secondary, or other

highway classification, or a collector street. At least one of the streets at the intersection must be a designated highway.

Facade Treatment is a rooftop architectural embellishment such as a Mansard roof that is constructed on the street-facing side of a Mixed Use Project.

Ground Floor is the lowest story within a building which is accessible from the street, the floor level of which is within three feet above or below curb level.

Major Bus Center means the intersection of two bus routes, one of which is a major bus route.

Major Bus Route means a bus route that is served by bus lines with evening peak hour headways of fifteen minutes or less and shown on a map approved by and reviewed annually by the City Planning Commission. A bus route is one that is currently in operation within the route network of the Los Angeles County Metropolitan Transportation Authority, its successor agencies or other municipal transit operators but not including the City of Los Angeles' DASH system or its successor agencies.

Mass Transit Station is a portal or platform at a transit stop for a fixed rail transit system. Portal means the street-level entrance, exit, or escalator. A Mass Transit Station is a facility that is currently in use, that a full funding contract for a proposed station's location and portals has been signed by all funding partners, or one that a resolution to fund a preferred alignment has been adopted by the Los Angeles County Metropolitan Transportation Authority or its successor agency which resolution details specific station and portal locations.

Mixed Use Project means a Project which combines one or more Commercial Uses and multiple dwelling units in a single building or in a Unified Development and which provides the following:

(1) a separate, Ground Floor entrance to the residential component, or a lobby that serves both the residential and Commercial Uses components; and

(2) a pedestrian entrance to the Commercial Uses component that is directly accessible from a public street, and that is open during the normal business hours posted by the business.

A minimum of 35 percent of the Ground Floor Building Frontage abutting a public commercially zoned street, excluding driveways or pedestrian entrances, must be designed to accommodate Commercial Uses to a minimum depth of 25 feet.

Pedestrian Amenities means outdoor sidewalk cafes, public plazas, retail courtyards, water features, kiosks, paseos, arcades, patios, covered walkways, or spaces for outdoor dining or seating that are located on the Ground Floor, and that are accessible to and available for use by the public.

Project means the construction of a commercial, residential, or Mixed Use Project in a single building or in a Unified Development.

Unified Development means a development of two or more buildings which have functional linkages such as pedestrian or vehicular connections, with common architectural and landscape features which constitute distinctive design elements of the development, and that appears to be a consolidated whole when viewed from adjoining streets. Unified Developments may include two or more contiguous parcels or lots of record separated only by a street or alley.

4. Findings. In order to establish a Mixed Use District, the City Council must find that adequate infrastructure exists (including, but not limited to, schools, streets, and sewers) to support any added development permitted by the district.

C. Uses. Notwithstanding any other provision of this chapter to the contrary, the following provisions shall apply:

1. Community Facilities that are part of a Mixed Use Project are permitted in the R3 or R4 zones if the lot or lots abut a Major Bus Route.

2. Commercial Uses that are part of a Mixed Use Project are permitted on lots in the R5 zone, except Automotive Uses as defined in Section 13.09 B 3 and open storage, including incidental open storage.

3. Projects comprised exclusively of dwelling units are not permitted on lots in the CR, C1, C1.5, C2, C4, or C5 zone, except with the approval of the Zoning Administrator pursuant to Section 12.27123. However, the individual ordinance establishing a Mixed use District may amend this provision and permit Projects comprised exclusively of dwelling units in all or parts of the District.

4. If the City Council finds that further restricting the uses in a Mixed Use District is appropriate in light of the proposed district's character, needs, and development potential, and the goals, policies, and objectives set forth in the applicable Community Plan, then the Council may do so in the ordinance establishing the district.

D. Yards. Notwithstanding any other provisions of this article to the contrary, the following yards shall apply to Mixed Use Projects:

1. The yards of the CR zone shall apply to the non-residential component on lots in the R3 or R4 zones.

2. The following yards shall apply to lots in the R5 zone:

(a) The yards of the C2 zone shall apply to the non-residential component.

(b) No yards shall apply to the residential component if it abuts a street, private street, or alley.

E. Development Incentives. Notwithstanding any other provisions of this chapter to the contrary, the following development incentives shall apply in Mixed Use Districts:

1. Housing. The individual ordinance establishing a Mixed Use District shall establish an incentive for dwelling units in Mixed Use Projects. The amount of the incentive shall be based on an appropriate consideration of the proposed district's character, needs, and development potential, and the goals, policies, and objectives set forth in the applicable Community Plan.

The incentive shall be shown on the Zoning Map by use of the capital letters for Mixed Use Projects and for Commercial Uses, preceded by the applicable numerical limits. The first two-digit number before the diagonal line shall indicate the maximum height permitted. The first number after the diagonal line, which may include a decimal fraction, shall indicate the maximum permitted floor area ratio (FAR). For example, a Mixed Use District zoned C2 45/2.0-MU 35/1.5-C means that a Mixed Use Project may not exceed a maximum height of 45 feet for the entire Project or an FAR of 2.0. The Commercial Uses in a Mixed Use Project would be restricted to a maximum FAR of 1.5. Projects comprised exclusively of Commercial Uses would be restricted to a maximum height of 35 feet and a maximum FAR of 1.5. If the letter appears before the diagonal line instead of a number, then an unlimited height is permitted.

(a) If a height or FAR housing incentive would result in a maximum height or FAR which exceeds that of the underlying base zone, then the Project may not proceed until the height district of the base zone is changed.

(b) The minimum dwelling unit FAR for Mixed Use Projects with a total FAR of 6.0 or greater is 1.5

(c) The lot area requirements of the R5 zone shall apply to Mixed Use Projects with a total FAR of 6.0 or greater.

2. Pedestrian Amenities. Pedestrian Amenities shall not be included in the calculation of permitted FAR.

3. Parking. If a proposed Mixed Use District includes lots within 1,500 feet of a Mass Transit Station or Major Bus Center, or lots within 750 feet of a Central Parking Structure, then the individual ordinance establishing the Mixed Use District shall include a parking incentive which specifies a reduction in the number of parking spaces required by Section 12.21A4. Provided, however, a minimum of two spaces for every 1,000 square feet of non-residential floor area shall be required. In determining the appropriate level of parking reduction, the City Council shall consider such factors as local transit dependency and automobile usage, traffic, available parking, and level of transit service, and the goals, policies, and objectives set forth in the applicable Community Plan.

(a) Transit Facilities. The transit facility incentive shall be restricted to dwelling units and Commercial Uses in Mixed Use Projects within 1,500 feet of a Mass Transit Station or Major Bus Center.

(b) Central Parking Structures. The Central Parking Structure incentive shall be restricted to Commercial Uses within 750 feet of a Central Parking Structure. To make use of this incentive, the owner(s) of the Central Parking Structure must execute and record in the Los Angeles County Recorder's Office, a covenant and agreement for the benefit of the City of Los Angeles which provides that the required parking shall be maintained in perpetuity or until the Director of Planning determines that it is no longer necessary. This incentive may not be combined with the transit facility incentive set forth in (a) above.

(c) Measurement of Distance. Distance from a transit facility or Central Parking Structure shall be measured as specified in Section 12.21A4(g).

(d) Downtown Exceptions. The parking incentive for dwelling units as set forth in Section 13.09E3(a) above shall not be authorized in the Parking Exception Area for the Central City as described in Section 12.21A4(p). The parking incentive for Commercial Uses as set forth in Section 13.09E3(a) and (b) above shall not be authorized in the Downtown Business District Exception Area as described in Section 12.21A4(I).

(e) Affordable Housing. The transit facility and Central Parking Structure incentives set forth above shall not be combined with the parking reduction provided for affordable housing as set forth in Section 12.22A25(d)(2).

4. Facade Treatments, Corner Lots, and Community Facilities. (Amended by Ord. No. 173,492, Eff. 10/10/00.) Each Mixed Use Project shall be entitled to one of the following incentives by right. To obtain an entitlement for two or more of these incentives, the approval of the Zoning Administrator pursuant to Section 12.24W28 is required.

(a) Facade Treatments. Unless eliminated or modified by the individual ordinance establishing a Mixed Use District, if the maximum height otherwise permitted by the underlying zone or established pursuant to Section 13.09E1 above is less than 100 feet, then a Mixed Use Project is entitled to an increase in height of no more than ten feet, provided that the additional height is used for a Facade Treatment.

The individual ordinance establishing the Mixed Use District may not modify the following restrictions:

(1) The Facade Treatment incentive may not be utilized on lots adjacent to or abutting an RW1 or more restrictive zone as defined by Sections 12.04 or 12.23;

(2) The Facade Treatment incentive may not be combined with the Corner Lot incentive described in Paragraph (b) below; and

(3) The Facade Treatment incentive may not be used for signs or to increase the floor area of a structure.

(b) Corner Lots. Unless eliminated or modified by the individual ordinance establishing a Mixed Use District, a Mixed Use Project on a Corner Lot is entitled to an increase in height, FAR, and residential density for dwelling units that is 20 percent greater than what is otherwise permitted by the underlying zone or what is established pursuant to Section 13.09E1 above.

The individual ordinance establishing the Mixed Use District may not modify the following restrictions:

(1) Unless a conditional use permit pursuant to Section 12.24 W 28 is also obtained, a Mixed Use Project which secures an affordable housing density bonus pursuant to California Government Code Section 65915 shall not also be entitled to the Corner Lot incentive; and

(2) The Corner Lot incentive may not be utilized on lots adjacent to or abutting an RW1 Zone or a more restrictive zone as defined by Sections 12.04 or 12.23.

(c) Community Facilities. Unless modified by the individual ordinance establishing the Mixed Use District, no more than 75 percent of the total floor area of a child or adult day care facility, community meeting room, cultural center, museum or telecommuting center shall be included in the calculation of permitted FAR.

5. Mini-Shopping Centers and Commercial Corner Developments. (Amended by Ord. No. 172,350, Eff. 1/30/99.) Mixed Use Projects are exempt from the regulations governing Mini-Shopping Centers and Commercial Corner Developments as set forth in Section 12.22A23.

F. Development Standards. Notwithstanding the requirements of any other provision of this chapter to the contrary, all Projects shall comply with the following development standards.

1. Landscaping and Surface Parking Lots. (Amended by Ord. No. 175,223, Eff. 6/30/03.) Landscaping of Projects and surface parking lots shall be provided in accordance with the requirements set forth in Sections 12.41, 12.42, 12.43 and 12.22 A.23.(10)(ii) (mini-shopping centers and commercial corner developments) of the Code. Projects must also comply with the following additional requirements:

(a) Open Areas. All open areas not used for buildings, driveways, parking, recreational facilities, or Pedestrian Amenities shall be landscaped by shrubs, trees, ground cover, lawns, planter boxes, flowers, or fountains.

(b) Pavement. Paved areas, excluding parking and driveway areas, shall consist of enhanced paving materials such as stamped concrete, permeable paved surfaces, tile, and/or brick pavers.

(c) Street Trees. At least one 24-inch box street tree shall be planted in the public right-of-way on center, or in a pattern satisfactory to the Bureau of Street Maintenance, for every 25 feet of street frontage.

2. Open Space. All Projects shall comply with the open space requirements for six or more residential units pursuant to Section 12.21G.

3. Facade Relief. Building Frontage shall be designed to comply with the following requirements. These standards do not apply to accessory buildings, additions, remodels, or any change of use in an existing building.

(a) Horizontal architectural treatments and/or facade articulations such as cornices, friezes, balconies, awnings, Pedestrian Amenities, or other features shall be provided for every 30 feet of building height visible from a street.

(b) If a Project includes 40 or more feet of Building Frontage visible from a street, then vertical architectural treatments and/or facade articulations such as columns, pilasters, indentations, or other features shall be provided for every 25 feet. The minimum width of each vertical break shall be eight feet and the minimum depth shall be two feet.

4. Signage. Signage shall comply with the requirements of Section 12.22 A.23.(a)(6) (mini-shopping centers and commercial corner developments). (Amended by Ord. No. 175,223, Eff. 6/30/03.)

5. Noise Control. Any dwelling unit exterior wall including windows and doors having a line of sight to a major highway, secondary highway, or other designated highway shall be constructed so as to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 Edition. The developer, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, specifying any alternative means of sound insulation sufficient to reduce interior noise levels below 45dBA in any habitable room.

6. Rooftop Appurtenances. All ventilation, heating, or air conditioning ducts, tubes, equipment, or other related rooftop appurtenances shall be screened when viewed from adjacent streets.

G. Pedestrian Orientation. The individual ordinance establishing a Mixed Use District, may designate some or all of the lots in the district as Pedestrian oriented. The decision as to which lots shall be designated as pedestrian oriented shall be based on an appropriate consideration of the proposed district's character, needs, and development potential, and the goals, policies, and objectives set forth in the applicable Community Plan.

The following development standards, in addition to the development standards set forth in Subsection F above, shall apply to all Projects constructed on lots designated as pedestrian oriented. These standards shall not apply to accessory buildings, additions, remodels, or any change of use in an existing building.

1. Ground Floor Commercial Uses. One hundred percent of the Ground Floor Building Frontage abutting a public commercially zoned street, excluding driveways or pedestrian entrances, shall be designed to accommodate Commercial Uses to a minimum depth of 25 feet.

2. Building Frontage. Building Frontage shall, for its first 15 feet of height, be located within five feet of the front lot line and within five feet of a side yard lot line adjacent to a public street and shall extend at least 65 percent of the length of the lot line.

3. Pedestrian Amenities. Notwithstanding the Building Frontage requirements in 2 above, if a Pedestrian Amenity is provided, the required Building Frontage may be set back up to 15 feet along the portion of that amenity.

4. Location of Pedestrian Entrances. Each individual tenant or business space located on the Ground Floor shall have an entrance directly accessible from the street at the same grade as the sidewalk, and the entrance shall remain open during the normal business hours posted by the business.

5. Openings in Building Frontages for Vehicular Access. Vehicular access shall be provided from side streets or alleys if available. Where side street or alley access is not available, not more than one 20-foot wide driveway shall be provided per 100 feet of Building Frontage, and not more than two driveways shall be permitted per building.

6. Parking. Surface parking lots or parking structures shall be located behind the required Building Frontage, in the rear, interior portion of the lot that does not front on the street.

7. Transparency of Building Frontage. Building Frontage shall comply with the requirements of Section 12.22 A.23.(a)(3) (mini-shopping centers and commercial corner developments). (Amended by Ord. No. 175,223, Eff. 6/30/03.)

Appendix III

Specific Plan

SEC. 11.5.7. SPECIFIC PLAN PROCEDURES.

(Amended by Ord. No. 173,455, Eff. 9/22/00.)

A. Definition, Purpose and Objectives. (Amended by Ord. No. 173,492, Eff. 10/10/00.) A specific plan is a regulatory land use ordinance specifically designated in the ordinance as a specific plan. A specific plan shall provide by ordinance regulatory controls or incentives for the systematic execution of the General Plan and shall provide for public needs, convenience and general welfare. Except as otherwise provided by this section, procedures for the establishment, amendment or repeal of specific plans are set forth in Section 12.32.

The objectives of this section are as follows:

1. To establish uniform citywide procedures for review of applications for projects within specific plan areas in accordance with applicable specific plan requirements and the City Charter; and
2. To establish uniform citywide standards and criteria for processing applications for exceptions from, amendments to and interpretations of specific plans.

B. Relationship To Provisions of Specific Plans. If any procedure established in a specific plan conflicts with any procedure set forth in this section, the provisions of this section shall prevail.

1. _Definitions._ For the purpose of this section, the following words and phrases are defined as follows:

Project Permit Compliance shall mean a decision by the Director that a project complies with the regulations of the applicable specific plan, either as submitted or with conditions imposed to achieve compliance.

Project Permit Adjustment shall mean a decision on a project by the Director granting a minor adjustment from certain specific plan regulations, subject to the limitations specified by this section.

2. _Application Procedure._

(a) _Application, Form and Contents._ To apply for a Project Permit Compliance, a Project Permit Adjustment, modification of a Project Permit Compliance, specific plan exception, or to request a specific plan amendment or specific plan interpretation, an

applicant shall file an application with the Department of City Planning, on a form provided by the Department, and include all information required by the instructions on the application and any applicable adopted guidelines. Prior to deeming the application complete, the Director shall determine and, if necessary, advise the applicant of the processes to be followed and fees to be paid.

(b) Application Fees. The application fees for a Project Permit Compliance, Project Permit Adjustment, specific plan exception, request for a specific plan amendment and specific plan interpretation shall be as set forth in Section 19.01J.

C. Project Permit Compliance Review - Director of Planning With Appeal to the Area Planning Commission.

1. Director's Authority. The Director shall have the initial decision-making authority to decide whether an application for a project within a specific plan area is in conformance with the regulations established by this subsection and in compliance with applicable regulations of the specific plan. In addition, the Director shall have the authority to determine what type of projects are exempt from these Project Permit Compliance procedures based on exemption provisions and other regulations contained in individual specific plans.

(a) The Director shall review and approve, disapprove or approve with conditions an application for a Project Permit Compliance.

(b) In granting a Project Permit Compliance, the Director shall require compliance with the applicable regulations of the specific plan and mitigation of significant adverse effects of the project on the environment and surrounding areas.

2. Findings. The Director shall grant a Project Permit Compliance upon written findings that the project satisfies each of the following requirements:

(a) That the project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan; and
(Amended by Ord. No. 177,103, Eff. 12/18/05.)

(b) That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.

3. Limitations. The granting of a Project Permit Compliance shall not imply compliance with any other applicable provisions of the Los Angeles Municipal Code. Any corrections and/or modifications to project plans made subsequent to a Director's Project Permit Compliance that are deemed necessary by the Department of Building and Safety for Building Code compliance, and which involve a change in floor area, parking, building height, yards or setbacks, building separation or lot coverage, shall require a referral of the revised plans back to the Department of City Planning (and the Department of

Transportation in cases where there are corrections and/or modifications that may affect the calculation of vehicle trips generated, project floor area or parking) for additional review and sign-off prior to the issuance of any permit in connection with those plans.

4. Director's Decision.

(a) Time Limit. The Director shall make a written decision approving, disapproving or approving with conditions a Project Permit Compliance application within 75 days after:

- (1) the date the application is deemed complete; or
- (2) when an environmental impact report (EIR) is required, the date the EIR is certified as complete consistent with State law.

This time limit may be extended by mutual consent of the Director and the applicant. The time limit may also be extended as provided in Section 12.25A.

(b) Transmittal of Written Decision. Upon making a written decision, the Director shall transmit a copy by First Class Mail to the applicant. Copies shall also be provided to: the Department of Building and Safety; the Councilmember(s) having jurisdiction over the specific plan area in which the property is located; the Department of Transportation, where appropriate; owners of all properties abutting, across the street or alley from, or having a common corner with the subject property; the Department of Neighborhood Empowerment; the chairperson of any design review or plan review board having jurisdiction over the specific plan area in which the property is located; and interested parties who have filed written requests with the City Planning Department.

(c) Effective Date of Initial Decision. The Director's Project Permit Compliance shall become effective after an elapsed period of 15 calendar days from the date of mailing of the written decision, unless an appeal is filed on the decision within that period pursuant to Subdivision 6 of this subsection.

(d) Applicant's Compliance with Project Permit Compliance Terms and Conditions. Once a Project Permit Compliance is utilized, the applicant shall comply with the terms and conditions of the Project Permit Compliance that affect the construction and/or operational phases of the project. For purposes of this subsection, utilization of a Project Permit Compliance shall mean that a building permit has been issued and construction work has begun and been carried on diligently.

(e) Expiration. If a Project Permit Compliance is not utilized within two years after its effective date, the Project Permit Compliance shall become null and void, unless the Director approves an extension of time pursuant to an application filed by the applicant. An application for an extension may be filed in any public office of the Department of City Planning, accompanied by payment of a fee equal to that specified in Section

19.01M. The application shall set forth the reasons for the request and shall be filed prior to the expiration date. Based on this request, the Director may grant an extension of the expiration date for a period of up to one year if the Director decides that good and reasonable cause exists.

(f) Site Plan Review Regulations. Project review pursuant to the Site Plan Review regulations in Section 16.05 shall not be required for projects in those specific plan areas, as determined by the Director, where similar project site planning regulations are established by the specific plan and significant project environmental impacts, if any, are mitigated by the measures imposed in the Project Permit Compliance.

(g) Mini-Shopping Center and Commercial Corner Development Regulations. Project review pursuant to the Mini-Shopping Center Commercial Corner Development regulations in Section 12.22A23 shall not be required for projects in those specific plan areas, as determined by the Director, where similar mini-shopping center or commercial corner development regulations are established by the specific plan and significant project environmental impacts, if any, are mitigated by the measures imposed in the Project Permit Compliance.

5. Failure to Act - Transfer of Jurisdiction.

(a) If the Director fails to act on an application within 75 days from the date of filing a complete application, or within a mutually agreed upon extension of time, the applicant may file a request for a transfer of jurisdiction to the Area Planning Commission for decision.

(b) When the Area Planning Commission receives the applicant's request for a transfer of jurisdiction, the Director shall lose jurisdiction. However, the Area Planning Commission may remand the matter to the Director, who shall regain jurisdiction for the time and purpose specified in the remand action. In addition, upon receipt of a written request by the applicant for withdrawal of the transfer of jurisdiction prior to the matter being considered by the Area Planning Commission, the matter shall be remanded to the Director.

(c) If the matter is not remanded, the Area Planning Commission shall consider the application following the same procedures and subject to the same limitations as are applicable to the Director, except that the Area Planning Commission shall act within 45 days of the transfer of jurisdiction. The Department of City Planning shall make investigations and furnish any reports requested by the body to which the matter has been transferred.

6. Appeals.

(a) Filing of an Appeal. An applicant or any other person aggrieved by the Director's decision may appeal the decision to the Area Planning Commission. The appeal shall be filed within 15 days of the date of mailing of the Director's decision on forms provided by the Department. The appeal shall set forth specifically the points at issue, the reasons for the appeal, and the basis upon which the appellant claims there was an error or abuse of discretion by the Director. Any appeal not filed within the 15-day period shall not be

considered by the Area Planning Commission. The filing of an appeal stays proceedings in the matter until the Area Planning Commission has made a decision. Once an appeal is filed, the Director shall transmit the appeal and the file to the Area Planning Commission, together with any reports responding to the allegations made in the appeal.

(b) Appellate Decision - Public Hearing and Notice. Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, with written notice of the hearing sent by First Class Mail at least 15 days prior to the meeting date to: the applicant; the owner(s) of the property involved; owners of properties within 100 feet of the exterior boundaries of the property involved; the Councilmember(s) having jurisdiction over the specific plan area in which the property is located; the Department of Neighborhood Empowerment; the chairperson of any design review or plan review board having jurisdiction over the specific plan area in which the property is located; and interested parties who have requested notice in writing.

(c) Time for Appellate Decision. The Area Planning Commission shall act within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the Area Planning Commission. The failure of the Area Planning Commission to act within this time period shall be deemed a denial of the appeal.

(d) Appellate Decision. The Area Planning Commission may reverse or modify, in whole or in part, a decision of the Director. The Area Planning Commission shall make the same findings required to be made by the Director, supported by facts in the record, and indicate why the Director erred in determining a project's compliance with the applicable regulations of the specific plan.

(e) Effective Date of Appellate Decision. The appellate decision of the Area Planning Commission shall be final and effective as provided in Charter Section 245.

D. Modification of a Project Permit Compliance - Director of Planning With Appeals to the Area Planning Commission. Once a Project Permit Compliance becomes effective, any subsequent proposed modification to the project shall require a review by the Director, who shall grant approval of the modification if he or she finds the modification to be substantially in conformance with the original Project Permit Compliance.

1. Modification Procedure. To modify an approved project, an applicant shall file an application with the Department of City Planning pursuant to the application procedure set forth in Paragraph (a) of Subdivision 2 of Subsection B. The application shall include an illustrated description of the proposed modification and a narrative justification. Written proof of any modification required by a public agency shall be submitted with the application.

2. Limitations. Modification applications and approvals shall only be valid for Project Permit Compliance decisions which have not expired. Unless the Director has granted an extension of time to utilize a Project Permit Compliance pursuant to Paragraph (e) of Subdivision 4 of Subsection C of this section, modifications shall not suspend or extend the authorization period of the original Project Permit Compliance.

3. Transfers of Jurisdiction - Appeals. The procedures for processing transfers of jurisdiction and appeals of Director's decisions on modifications shall be the same as those set forth for Project Permit Compliance decisions in Subdivisions 5 and 6 of Subsection C of this section.

E. Project Permit Adjustments - Director of Planning With Appeals to the Area Planning Commission.

1. Director's Authority. The Director shall have initial decision-making authority to grant a Project Permit Adjustment for minor adjustments from certain specific plan regulations. The procedures for reviewing applications shall be in Subsection C in addition to those set forth below.

(a) In granting a Project Permit Adjustment, the Director may impose project conditions as the Director deems necessary in order to achieve substantial conformance with the specific plan regulations.

(b) If an application requests more than one Project Permit Adjustment, the Director may determine and advise the applicant, prior to the application being deemed complete, that the request be filed and processed as a specific plan exception pursuant to Subsection F of this section.

2. Project Permit Adjustments shall be limited to:

(a) Adjustments permitting project height to exceed the designated height limitation on the property involved by less than ten percent;

(b) When the calculation of the maximum number of permitted multiple-family dwelling units results in a fraction, the number of total dwelling units may be rounded up to the next whole number, if the lot area remaining after calculating the maximum number of permitted dwelling units is at least 90 percent of the lot area required by the specific plan regulation to permit one additional dwelling unit;

(c) Adjustments permitting portions of buildings to extend into a required yard, setback or other open space a distance of less than 20 percent of the minimum width or depth of the required yard, setback or open space;

(d) Adjustments to minimum landscaped area requirements of less than 20 percent, or minor adjustments to required types of landscape materials;

(e) Adjustments to permitted signs that:

(1) exceed the maximum sign size (area) limitation by less than 20 percent;

(2) exceed the limit on the maximum number of signs by no more than 20 percent; or

(3) exceed the maximum sign height by no more than two feet;

(f) Adjustments from the minimum or maximum number of required parking spaces associated with a project of less than ten percent; and

(g) Minor adjustments from other specific plan development regulations, which do not substantially alter the execution or intent of those specific plan regulations to the proposed project, and which do not change the permitted use, floor area, density or intensity, height or bulk, setbacks or yards, lot coverage limitations, or parking standards regulated by the specific plan.

3. Findings. The Director shall grant a Project Permit Adjustment upon a written finding that the project satisfies each of the following requirements, in addition to any other required specific plan findings that may pertain to the Project Permit Compliance:

(a) That there are special circumstances applicable to the project or project site which make the strict application of the specific plan regulation(s) impractical;

(b) That in granting the Project Permit Adjustment, the Director has imposed project requirements and/or decided that the proposed project will substantially comply with all applicable specific plan regulations;

(c) That in granting the Project Permit Adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights-of-way; and

(d) That the project incorporates mitigation measures, monitoring of measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.

F. Exceptions from Specific Plans - Area Planning Commission With Appeals to the City Council.

1. Authority of the Area Planning Commission. The Area Planning Commission shall have initial decision-making authority for granting exceptions from specific plan regulations. In accordance with Subsection D of Section 12.24, the Area Planning Commission shall hold a hearing at which evidence is taken.

(a) In granting an exception from a specific plan, the Area Planning Commission shall impose conditions to remedy any resulting disparity of privilege and that are necessary to protect the public health, safety, welfare and assure compliance with the objectives of the general plan and the purpose and intent of the specific plan. An exception from a specific plan shall not be used to grant a special privilege, nor to grant relief from self-imposed hardships.

(b) If an application for an exception would potentially impact a specific plan policy or a regulation affecting the entire specific plan area or any of its subareas, the Director shall advise the applicant, prior to the application being deemed complete, to request the City to initiate a specific plan amendment pursuant to Subsection G in lieu of processing the application for an exception.

(c) Exception for Relief from a Specific Plan Regulation and the Same Type of Regulation With the Same Standard in Chapter I of this Code. (Added by Ord. No. 173,492, Eff. 10/10/00.) If a specific plan contains a regulation that is the same type of regulation with the same standard as one contained in an applicable provision of Chapter I of this Code, an applicant seeking relief from those regulations need only apply for and receive an exception to the specific plan. In this situation, the specific plan regulation is considered to supersede the Code provision and thus a variance is not required.

(d) Exception for Relief from Specific Plan Regulation and the Same Type of Regulation With a Different Standard in Chapter I of this Code Where Specific Plan Supersedes the Code. (Added by Ord. No. 173,492, Eff. 10/10/00.) If a specific plan contains a regulation that conflicts with the same type of regulation but with a different standard contained in an applicable provision of Chapter I of this Code and the specific plan supersedes the Code by its terms, then an applicant seeking relief from that specific plan regulation need only apply for and receive an exception to the specific plan. In this situation, a variance is not also required.

(e) Exception for Relief from Specific Plan Regulation and the Same Type of Regulation With a Different Standard in Chapter I of this Code Where Specific Plan Does Not Supersede the Code. (Added by Ord. No. 173,492, Eff. 10/10/00.) If a specific plan contains a regulation that conflicts with the same type of regulation but with a different standard contained in an applicable provision of Chapter I of this Code and the specific plan does not supersede the Code by its terms, then an applicant seeking relief from those regulations must apply for and receive both an exception to the specific plan and a variance for relief from those Code provisions.

(f) Exception for Wireless Telecommunications Facilities. Notwithstanding the provisions of the first unnumbered paragraph of this subdivision, the installation of wireless antennas and associated equipment cabinets on the rooftops of buildings in the C and M Zones when established in conformance with the standards contained in Section 12.21 A.21. do not need a specific plan exception, except that rooftop antennas located within a scenic parkway specific plan, scenic corridor specific plan, or a roadway designated as a scenic highway within a specific plan area shall be subject to a specific plan exception. Any application involving the use, height, installation or maintenance of wireless telecommunication facilities that do not comply with the provisions of Section 12.21 A.21. and which are located within specific plan areas shall be filed pursuant to Section 12.24 W.49. of this Code and considered by the Zoning Administrator as the initial decision-maker, except that applications located within a scenic parkway specific plan, scenic corridor specific plan, or a roadway designated as a scenic highway within a specific plan area shall be subject to a specific plan exception. _(Amended by Ord. No. 177,120, Eff. 12/26/05.)_

(g) Eldercare Facilities. An applicant who files an application involving Eldercare Facilities seeking relief from specific plan regulations need not apply for a specific plan exception pursuant to Subsection F. of this section but need only apply for and receive an approval pursuant to Section 14.3.1 of this Code. (Added by Ord. No. 178,063, Eff. 12/30/06.)

2. Findings. The Area Planning Commission may permit an exception from a specific plan if it makes all the following findings:

(a) That the strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan;

(b) That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area;

(c) That an exception from the specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question;

(d) That the granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property; and

(e) That the granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.

3. Decision by Area Planning Commission.

(a) The Area Planning Commission shall render a decision on an application for an exception from a specific plan within 75 days after filing unless the applicant and Area Planning Commission consent in writing to a longer period.

(b) Decisions by the Area Planning Commission shall be supported by written findings of fact based on evidence in the record. Upon making a decision upon an application for an exception from a specific plan, the Area Planning Commission shall place a copy of its written findings, where required, and decision on file in the City Planning Department and provide a copy to: the Department of Building and Safety; the Councilmember(s) having jurisdiction over the specific plan area in which the property is located; and the Department of Transportation, where appropriate. Copies of the decision shall also be provided by First Class Mail to: the applicant; the Department of Neighborhood Empowerment; the chairperson of any design review or plan review board having jurisdiction over the specific plan area in which the property is located; and interested parties who have filed written requests with the City Planning Department.

4. Effective Date of Decision. The Area Planning Commission's decision shall become final after an elapsed period of 15 calendar days from the date of mailing of the written decision, unless an appeal is filed on the decision within that period pursuant to this subsection.

5. Expiration. If a specific plan exception is not utilized within two years after its effective date, the specific plan exception shall become null and void, unless the Director approves an extension of time pursuant to the same procedures for extending the expiration date of a Project Permit Compliance, as set forth in Paragraph (e) of Subdivision 4. of Subsection C. of this section.

6. Failure to Act - Transfer of Jurisdiction from the Area Planning Commission. If the Area Planning Commission fails to act on an application for an exception from a specific plan within the time limit specified in this subsection, the applicant may file a request for a transfer of jurisdiction to the City Council for a decision upon the original application, in which case, the Area Planning Commission shall lose jurisdiction. A request for transfer of jurisdiction may be filed in any public office of the Department of City Planning.

The Council may approve the application subject to making the findings contained in Subdivision 2. of this subsection, and may impose upon the approval conditions it deems necessary in accordance with those findings. The action of the Council shall be adopted by a majority vote of the whole Council within 45 days of the date the City Clerk receives the request for the transfer.

7. Appeal of Area Planning Commission Decision. An applicant or any other person aggrieved by a decision of the Area Planning Commission may appeal the decision to the City Council. The appeal shall be filed within 15 days of the date of mailing of the decision on forms provided by the Planning Department. The appeal shall set forth specifically the points at issue, the reasons for the appeal, and the basis upon which the appellant claims there was an error or abuse of discretion by the Area Planning Commission. Any appeal not filed within the 15-day period shall not be considered by the City Council. The filing of an appeal stays proceedings in the matter until the City Council has made a decision. Once an appeal is filed, the Area Planning Commission shall transmit the appeal and the file to the City Council, together with any report responding to the allegations made in the appeal.

The Council may reverse or modify, in whole or in part, any decision of the Area Planning Commission only by a two-thirds vote of the whole Council. The decision must contain a finding of fact showing why the proposed exception to a specific plan complies or fails to comply with the requirements of this section. Any vote of the Council in which less than two-thirds of the whole Council vote to reverse or modify the decision of the Area Planning Commission shall be deemed to be an action denying the appeal. The failure of the Council to vote upon an appeal within 90 days after the expiration of the appeal period, or within any additional period agreed upon by the applicant and the Council, shall also be deemed a denial of the appeal.

8. Hearing by Council. (Amended by Ord. No. 173,992, Eff. 7/6/01.) Before acting on any appeal, or on any matter transferred to it because of a failure to act, the City Council or its Committee shall set the matter for hearing, giving the same notice as provided in Subdivision 1. of this subsection.

G. Amendments to Specific Plans - City Planning Commission Recommendation With City Council Decision. The City Planning Commission shall have the authority for making recommendations for amendments to specific plans. The procedures for amending specific plans are set forth in Subsections A., C. and E. of Section 12.32, except that the publication and mailing of the hearing notice indicating the time, place and purpose of the City Planning Commission hearing shall be given at least 24 days prior to the date of the hearing. An amendment to a specific plan shall be required for any of the following proposals:

1. To permit establishment of a new principal use or a change of use that the specific plan specifically identifies as a prohibited use (Note: a specific plan exception shall be required for alteration or enlargement of an existing legal nonconforming use.);
2. To permit a use which exceeds the maximum number of permitted establishments or the maximum permitted occupant load for that use within the specific plan area or any of its subareas;
3. To permit a sign which the specific plan specifically identifies as a prohibited sign;
4. To deviate from the requirements of a plan map footnote;
5. To make significant changes to environmental mitigation measures which were adopted as part of the environmental clearance for the specific plan;
6. To make changes to impact fees which affect implementation of the specific plan or planned improvements;
7. To make boundary changes to the specific plan area or its subareas;
8. To change highway/street designations;
9. Any request which causes an inconsistency with the applicable community plan(s) and necessitates a community plan amendment; or
10. Other significant policy changes or modifications to specific plan regulations which affect the entire specific plan area or any of its subareas, as determined by the Director.

H. Interpretations of Specific Plans. The Director shall have authority to interpret specific plans when there is a lack of clarity in the meaning of their regulations.

1. Application Procedure. To request a specific plan interpretation, an applicant shall file an application with the Department of City Planning pursuant to the application procedure set forth in Paragraph (a) of Subdivision 2 of Subsection B of this section. The

application shall include a reference to the specific plan regulation(s) for which clarification is requested and a narrative description of why a clarification is necessary for the project or subject property involved.

2. Director's Decision. Upon receipt of a deemed complete application, the Director's written interpretation shall be subject to the same time limit to act, transmittal requirement and effective date of decision as set forth in Paragraphs (a) through (c) of Subdivision 4 of Subsection C.

3. Appeals. The City Planning Commission shall hear appeals on Director interpretations which affect an entire specific plan area or any of its subareas, and the Area Planning Commission shall hear appeals on Director interpretations which are applicable only on a site specific basis. The procedures for filing and processing appeals of Director interpretations shall otherwise be the same as those set forth in Subdivision 6 of Subsection C of this section.

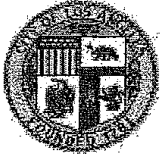
I. Optional Public Informational Meeting. When provided for in individual specific plans, the Director may hold a public informational meeting in connection with the Planning Department's review of a proposed project pursuant to the specific plan procedures set forth in Subsections C, D or E of this section, if the Director decides that the proposed project may have a potentially significant effect on adjoining properties or on the immediate neighborhood, or that it is likely to evoke public controversy, or that it would be in the public interest to conduct the meeting. In those cases, written notice of the meeting shall be sent by First Class Mail at least 15 days prior to the meeting date to: the applicant; the owner(s) of the property involved; owners of properties within 100 feet of the exterior boundaries of the property involved; the Councilmember(s) having jurisdiction over the specific plan area in which the property is located; to the Department of Neighborhood Empowerment; the chair of any design review or plan review board having jurisdiction over the specific plan area in which the property is located; and interested parties who have requested notice in writing.

J. Decision-Makers and Appellate Bodies for Other Specific Plan Provisions. For those specific plan provisions which are not addressed elsewhere in this section, the initial decision-maker and appellate bodies responsible for implementing those provisions shall be the Area Planning Commission and Council, respectively, unless otherwise identified in the following table. Notwithstanding the provisions of any specific plan to the contrary, there shall be only one level of appeal from any initial decision.

Appendix IV

Community Plan Implementation Overlay (CPIO)

Staff memo



DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT



City Planning Commission

Date: May 28, 2009
Time: After 8:30 AM*
Place: Van Nuys City Hall
Council Chambers, Second Floor
14410 Sylvan Street,
Room 201, Council Chamber
Van Nuys, CA 91401

Public Hearing: Required
Appeal Status: N/A
Expiration Date: N/A
Multiple Approval: N/A

Case No.: CPC-2009-437-CA
CEQA No.: ENV-2009-438-ND
Incidental Cases: N/A
Related Cases: CPC-2009-439-CA
CPC-2009-441-CA
Council No.: All
Plan Area: All
Specific Plan: N/A
Certified NC: All
GPLU: N/A
Zone: N/A
Applicant: City Of Los Angeles

PROJECT LOCATION: N/A

PROPOSED PROJECT: The request involves the establishment of a Community Plan Implementation Overlay (CPIO) mechanism, adding a new Supplemental Use District to the Municipal Code, that will provide a new tool by which Community Plan goals, objectives, and policies can be implemented. No individual district is proposed at this time. The CPIO could be used in combination with existing regulations to tailor development standards within a Community Plan area. It would create a "sign off" process for projects which comply with the applicable regulations. If adopted, the enabling ordinance would establish general procedures for the adoption of individual Community Plan Implementation Overlay districts and review of CPIO projects. However, specific development regulations for each individual CPIO district would be adopted subsequently through a separate legislative process.

REQUESTED ACTION:

- Add Subsection 13.xx to Section 13.00 of the Los Angeles Municipal Code (LAMC) to enable a "CPIO" Community Plan Implementation Overlay district, and amend Sections 12.04 and 12.32 to add "CPIO" Community Plan Implementation Overlay to the list of Supplemental Use Districts in each section, respectively. No zone changes to specific properties are part of the requested action; all future zone changes related to the CPIO tool will go through a separate public process.
- Adopt Negative Declaration No. ENV-2009-438 analyzing all possible environmental impacts from the project and determining that no significant impacts to the environment exist and adopt the associated environmental findings.

RECOMMENDED ACTIONS:

1. **Approve and recommend** that the City Council Adopt the requested ordinance, subject to the review of the City Attorney as to form and legality, attached as Appendix A.
2. **Adopt** Negative Declaration No. ENV-2009-438 analyzing all possible environmental impacts from the project and determining that no significant impacts to the environment exist and adopt the associated environmental findings.
3. **Adopt** the attached Findings.

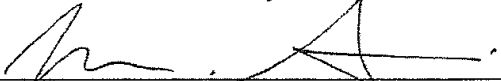
S. GAIL GOLDBERG, AICP
Director of Planning



Kevin J. Keller, Senior City Planner



Christopher Koontz, City Planner



Michelle Sorkin, City Planning Associate
Telephone: (213) 978-1199

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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PROJECT ANALYSIS

Overview

The General Plan Framework Element sets forth a comprehensive long-range strategy for citywide growth and emphasizes the importance of reinforcing and enhancing neighborhood identity through the City's 35 Community Plans, which make up the Land Use Element of the General Plan. During Community Plan updates, issues unique to particular neighborhoods surface, as well as common cross-cutting citywide themes, which are usually addressed through Community Plan policies and programs. Given the Department's new direction to re-establish the importance of Community Plans, the need for new zoning tools to implement Community Plan urban design and land use policies and programs has become increasingly apparent. As Community Plans continue to be updated in an ongoing fashion, the expansion of tools available to the Planning Department will enable better implementation of Community Plans and Framework Element concepts.

The proposed ordinance (Appendix A) establishes and defines a new Supplemental Use District which is part of a suite of new zoning tools, including the Ground Floor Commercial designator and Pedestrian Emphasis Design tool, intended to provide flexibility in the creation of carefully crafted development regulations tailored to individual communities within the City. The Community Plan Implementation Overlay (CPIO) will help enable the adoption of implementation measures to carry out Community Plan goals at the time that Community Plans are adopted or shortly following, thereby bridging the gap between Community Plan adoption and the activation of important land use programs such as creating mixed-use centers, transit oriented development, multi-family development standards, and the like.

The proposed CPIO ordinance would add a new Supplemental Use District section to Article 3, Chapter 1 of the Municipal Code which would not automatically create development regulations but instead establish procedures and criteria for the initiation of individual CPIO districts within each Community Plan area. Its purpose is to standardize procedures for the establishment of CPIO districts, address the range of regulations that could be covered by this tool, and establish procedures for the granting of relief through CPIO adjustments and exceptions.

While the CPIO enabling ordinance does not in itself propose specific development standards, it provides a platform that will expand the range of tools available for implementation of Community Plans through subsequent adopted overlay districts. It establishes a new, streamlined process which balances project review with efficacy in case processing, which would allow projects that demonstrate compliance to achieve quick review. At the same time, it will set the stage for zoning regulations tailored to fit individual communities and extend staff's ability to address specific community land use issues through a customized zone. Finally, the enabling language proposed requires that individual CPIO districts justify that development regulations contained in the overlay further the implementation of Community Plan goals, objectives, and policies.

Background

In 2006 an Implementation Committee comprised of Community Planning staff was formed to support the New Community Plan Program. The Implementation Committee investigated the efficacy of three zoning tools commonly used for implementation: Community Design Overlays, Specific Plans, and [Q] conditions. In an effort to strengthen the new round of Community Plans it was determined that existing zones in the Municipal Code could benefit from some revision; in addition, a suite of new tools would be necessary to help improve the implementation of future Community Plans. This tool has been developed to serve a need that surfaced as part of the

Community Plan Program; from public workshops, research and other public input, staff concluded that there was a need for a tool that could be generally more or less restrictive than the underlying zone, potentially consolidate [Q] conditions, and create a ministerial process for projects that meet all requirements of the overlay.

The proposed ordinance would amend section 13.xx of the LAMC to enable a new type of overlay district that can be adapted to each Community Plan to regulate one or more development standards such as uses, design, open space, density, and parking in specified portions of the Plan area or for specific types of development. The CPIO tool is consistent with the intent of the General Plan Framework in that, when applied, it has the potential to achieve conservation of specific areas identified in New Community Plans and at the same time guide the transition of change areas in a manner that maintains compatibility of scale and neighborhood character. The Community Plan Implementation Overlay will dovetail with the urban design and implementation programs of New Community Plans and tie in with Framework policies to make commercial corridors more livable and pedestrian-oriented. It will respond to the overarching needs and specific themes identified through the multi-year New Community Plan efforts throughout the City.

The proposed Community Plan Implementation Overlay is different from tools currently available in the zoning code. By and large, Specific Plans and [Q] Conditions have been applied reactively in the past to limit development in certain areas throughout the City. However, Specific Plans have been difficult to amend once adopted, and [Q] Conditions are often overlapping and confusing to staff and property owners/developers. The CPIO would provide a very deliberate overlay in strategic areas directly addressed in adopted Community Plans. The CPIO would utilize the same general procedures as a Specific Plan, but create a streamlined approval process where compliant projects would go through a shorter approval period. Projects that do not comply with the standards in a given CPIO would qualify to apply for either an adjustment or exception, similar to Specific Plans.

It is anticipated that this tool, as well as multiple other new zoning tools, will be implemented and applied on an individual community basis as part of the forthcoming Community Plan updates and other land use studies.

Key Elements

The CPIO has been developed to consolidate the functions of [Q] Conditions, Community Plan footnotes, Community Design Overlays, and some Specific Plans. As a hybrid tool, it can be used virtually with any underlying zone, but would not supersede existing Specific Plans and Historic Preservation Overlay Zones.

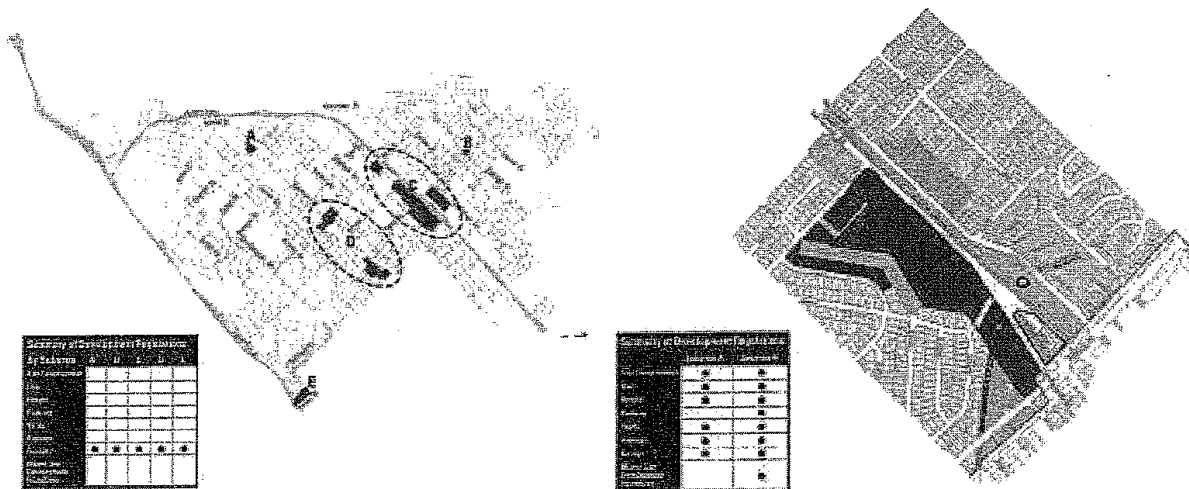
The CPIO would be the first zoning tool in the Municipal Code to relate directly to the Community Plan in its initial establishment. In order for an individual CPIO district to be established within a given Community Plan area a finding must be made that: "The regulations of the Community Plan Implementation Overlay District are necessary to implement the programs, policies, or urban design guidelines of the Community Plan for that area." This is feasible because each New Community Plan would have a single overlay with multiple districts and sub districts within.

Another key feature of the CPIO tool is the flexibility that it would afford staff writing new CPIO districts for determining the appropriate level of regulation. CPIO districts can vary in size and complexity, as shown in Figure 1. For example, a CPIO district can include targeted geographic areas such as transit oriented district, nodes along commercial corridors, or multi-family residential neighborhoods. Other districts may apply to individual non-contiguous parcels scattered throughout the Community Plan but grouped by a common theme such as multi-family

development, public facilities, or commercial corners. Having the ability to achieve broad (community-plan wide) or focused (specific parcels) implementation will help staff achieve varied Community Plan and Framework Element goals.

**EXAMPLE 1
Require Multi-Family Design
Guidelines At Nodes**

**EXAMPLE 2
Enable Transit-Oriented
Mixed-Use Village**



Improving upon existing Supplemental Use Districts and Specific Plans, a key feature of the CPIO ordinance is the streamlined project review procedures it would establish, thereby allowing the Director of Planning to administer overlay districts sensibly without creating undue amounts of case processing. Each individually adopted CPIO district would define the scope of what would be considered a project and fall under the rubric of CPIO compliance review. The CPIO ordinance is designed to fast track review of projects which demonstrate compliance – these projects would receive a ‘sign off’ from the Director of Planning prior to issuance of a building permit.

Projects seeking relief from the regulations would be subject to two tiers of relief: Either a Community Plan Implementation Overlay Adjustment or an Exception. Under the authority of the Director of Planning adjustments may be granted for a deviation of up to 20 percent from a development standard or from a qualitative CPIO design guideline. If a project deviates by more than 20 percent from a given development regulation, a CPIO Exception would be sought in which the Area Planning Commission would have initial decision-making authority, similar to Specific Plan Exceptions.

Once the proposed enabling ordinance is adopted into the LAMC, neighborhoods and communities will be studied to decide where special Community Plan Implementation districts are most needed, and a CPIO district could then be implemented through a public process to achieve its goals.

Conclusion

The CPIO tool is intended to be implemented as part of the New Community Plan effort and after careful evaluation of zoning needs in a given district. Staff has considered the need for maximum flexibility in new zoning tools, allowing individual plans to customize the tool to suit neighborhood-specific needs. Staff anticipates that, as proposed, the CPIO could be used in myriad ways because it can address development standards singularly or in combination.

Practical applications of this new zoning would likely include: regulations along commercial corridors to address uses, height transitions, open space and stepback concerns; in multi-family areas it could be used to address articulation, form, and massing; in emerging transit nodes it could promote pedestrian-oriented, mixed-use development using incentives; and perhaps throughout a community plan area it could be used to prevent over-concentrations of particular uses such as drive through establishments. Adoption of a CPIO would build upon the existing base development standards or other supplemental use districts, but would not override adopted Specific Plans or Historic Preservation Overlay Zones. Furthermore, the CPIO could be used in conjunction with other zoning tools such as Community Design Overlays or Pedestrian Oriented Districts or provide supplemental regulations in connection with potential new tools such as the proposed Ground Floor Commercial tool (CPC-2009-439-CA) or the proposed Pedestrian Emphasis Design tool (CPC-2009-441-CA), if desired.

PUBLIC COMMUNICATIONS

A public workshop on this matter was conducted on March 19, 2009 from 5:00 – 7:00 PM at City Hall. The workshop was attended by approximately 45 members of the public including Certified Neighborhood Council representatives, members of the development community, as well as several representatives from other City departments. Staff answered questions and received general comments in support of the proposed ordinance during the meeting. Staff answered questions and received general comments in support of the proposed ordinance during the meeting. A Public Hearing on this matter will be held at the City Planning Commission meeting on May 14th, 2009.