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www.scnc.info

October 4, 2010

SENT BY FAX AND EMAIL

Los Angeles City Planning Department
Attn: Michelle Sorkin (michelle.sorkin@lacity.org)
Alan Bell (Alan.Bell@lacity.org)
Michael J. Lo Grande (michael.logrande@lacity.org)
200 North Spring Street, Room 621
Los Angeles, CA 90012

SUBJECT: Zone Code Simplification Ordinance
CPC-2010-1572

Dear City Planning Commission:

At a special meeting on Monday, October 4, 2010, the Board of the Studio City Neighborhood Council passed the following motion.

MOTION: The Board of the Studio City Neighborhood Council authorizes the issuance of a letter substantially in the form attached hereto transmitting our comments on the Zone Code Simplification Ordinance to the City Planning Department, the City Planning Commission and to the City Council.

If you have any questions, please do not hesitate to contact us.

Sincerely yours,

John T. Walker, President
Studio City Neighborhood Council

JTW/lis

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October 5, 2010

Los Angeles City Planning Department
Attn: Michelle Sorkin (michelle.sorkin@lacity.org)
Alan Bell (Alan.Bell@lacity.org)
Michael J. Lo Grande (michael.logrande@lacity.org)
Los Angeles City Hall
200 N. Spring St., Room 621
Los Angeles, CA 90012

SENT VIA FAX AND EMAIL

Subject: Zone Code Simplification Ordinance
CPC-2010-1572-CA

City Planning Commission:

With respect to the Planning Department project defined in the following paragraph, various committees of the SCNC, including both SCNC board members and stakeholders, have devoted a great deal of time and effort reviewing the proposed amendments. This letter sets forth the concerns of the SCNC regarding the proposal. Please place our comments in your formal record on this matter.

"Pursuant to Charter Section 558 and Section 12.32-A of the Los Angeles Municipal Code, the **Director of Planning has initiated development of six recommended zoning code amendments intended to streamline and simplify the Department's case processing function.** The attached Appendix A is the first of these six proposed ordinances to be presented to the City Planning Commission."

As the project is being implemented in 6 segments, commencing with this first Ordinance, it is impossible for the public to evaluate the revised Ordinance because there is no way to determine from this document the scope or impact of the entire project. This is a violation of CEQA and it renders the MND meaningless.

The staff report indicates that the objective of the first zone code simplification ordinance is to consolidate common findings that have the same intent but different phrasing, clarify ambiguous finding language, delete duplicative findings, delete unnecessary findings and move findings to more appropriate places in the Zoning Code. It further indicates that none of the changes alter the substantive analyses necessary for thoughtful review of development projects and that the proposed ordinance will not lessen the ability of stakeholders to participate in the public process or eliminate any criteria that protects the citizenry from inappropriate land uses. The Studio City Neighborhood Council supports the concept of increased efficiency in the planning process, consistency in the language of the findings and transparency while not reducing the ability of stakeholders to participate in the public process.

We disagree with the statement in the staff report that this ordinance is simply changing words and will have no impact on discretionary actions. Changing a finding from "That there are special circumstances applicable to the project or project site which make the strict application of the specific plan regulation(s) impractical" to "That the project will enhance the environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region" is not an insignificant revision to language. It is a substantive change that will adversely impact the community as it will increase the authority of the zone code administrator and the number and breadth of their discretionary actions. It will also result in reduced stakeholder notification and participation. Additionally, city or regional interests could be allowed to supersede the interests of the immediate community.

Further, eliminating the language in 11.5.7 C 2 (b) dealing with mitigation measures or monitoring does not help the community. That language may or may not be redundant of CEQA but it should not be omitted given the City's poor record with mitigation measures as outlined in several City Controller Audits and as further evidenced by the City's non compliance with the Framework Element's monitoring program and Annual Reports on Growth and Infrastructure.

General responses to each of the Core Findings as well as to several of the specific provisions of the ordinance are attached. Failure to comment on any particular provision should not be deemed as approval of that provision by the SCNC. The SCNC reserves its right to further revise and extend its comments on this matter.

Conclusion:

We support the objectives of this zone code simplification to the extent that they result in determination reports with findings that clearly explain the progression from **facts** to the decision as that should provide for a more transparent planning process. It is important however to note that the operative word in that sentence is "**facts**". It is incumbent upon those charged with preparing the determination reports to ensure that the facts are supported by documentary evidence and are not based on subjectivity or opinion. That documentary evidence should include significant community input including input through neighborhood councils.

As is clearly documented in the attached response to the proposed revisions to the specific language of the ordinance, we disagree with most of the proposed revisions. Although the language is conformed from one section to another, in most instances the revised language introduces an element of subjectivity leaving much to the discretion of the Zone Code Administrator. This can result in inconsistent application of the Code throughout the City. Additionally, many of the proposed revisions are actually an unnecessary weakening of the protections of the current Zone Code. We oppose implementation of the proposed revisions as currently drafted.

Sincerely,



John T. Walker

John Walker, President
Studio City Neighborhood Council

JTW/lis

COMMENTS RELATED TO THE CORE FINDINGS

1. The Neighborhood Enhancement Core Finding:

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

Response:

This finding requires that the project will provide a service that is essential or beneficial to the community, city or region. What is deemed to be “essential or beneficial” is, by definition, subjective. Subjectivity should be reduced and not increased as a result of these zone code revisions. It should be noted that a project that has a city or regional benefit may have a significant adverse impact on the immediately surrounding community. A conditional use or other quasi-judicial approval for such a project should not be made at the discretion of the zoning administrator but should only be allowed after documented community input from affected stakeholders is received and considered. It may be appropriate to receive such input through the public hearing process. Neighborhood Councils should be consulted on all such issues.

2. The Project Compatibility Core Finding:

“That the project’s location, size, operations and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood.”

Response:

We recommend that the language of this proposed core finding be expanded to define the term “further degrade” with the specific example provided in the staff report for increased clarity.

3. The General Plan Core Finding:

“That the project is in substantial conformance with the purpose, intent and provisions of the General Plan and applicable community and specific plan.”

Response:

We recommend that the word “substantial” be deleted from core finding number 3 above. Additionally, the 4 goals of the Housing Element section of the General Plan should be reviewed under the leadership of CD2 City Council Member Paul Krekorian since they were changed in the current version of the General Plan from the previous version without disclosure of their revision to the City Council before the vote to accept the current version of the Housing Element. The differences in the goals could impact conformance with the intent of the General Plan.

4. The Adjustment Core Finding:

“That the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the [zoning regulations, specific plan regulations, or hillside regulations in Section 12.21 A.17 (e) or (h)] impractical or infeasible, the project conforms with the intent of those regulations.”

Response:

A determination that an “adjustment core finding” permitting an exception to specific plan regulations based on the fact that compliance is impractical or infeasible should be prohibited. Such an exception should only be allowed if there has been significant documented community input in support of the adjustment. This should not be allowed based upon an administrator’s discretionary determination. There are existing findings and procedures that define how exceptions may be granted.

COMMENTS RELATED TO THE CORE FINDINGS

5. The Project Design Core Finding:

“That the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood.”

Response:

We recommend the deletion of the words “compatible with” from core finding number 5 above and recommend that they be replaced with the words “in conformity with the scale and character of”.

6. The Traffic Core Finding:

“That the project will not create an adverse impact on street access or circulation in the surrounding neighborhood.”

This new finding replaces three existing findings that require that projects not increase traffic problems in the vicinity.

Response:

Although we support core finding number 6 above, the determination of what is an “adverse impact on street access or circulation” can be subjective. Such a finding should be supported by factual numerical documentation and independent analysis.

7. The Housing Element Core Finding:

“That the project implements the affordable housing provisions of the Housing Element of the General Plan.”

Response:

Although we support the spirit of core finding number 7, this finding should not be used to create defacto inclusionary zoning. Every effort should be made to preserve and enhance the affordable housing that exists within a community. This core finding should not be used to allow for the destruction of existing affordable housing which is then replaced with buildings that contain only a limited number of “affordable units” as we have seen happen in so many parts of the City. Additionally, such projects should encourage home ownership through programs such as TOPA. See also response to core finding number 3.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
<p>Section 1 Subdivision 2 of Subsection C of Section 11.5.7 of the LAMC</p>	<p>Deletes the requirement for the findings to be in writing. Deletes the requirement for the project to be in substantial compliance with the regulations, findings, standards and provisions of the specific plan.</p> <p>Substitutes as requirement for the project to be “substantial conformance with the purpose and intent of the provision of the General Plan and applicable community and specific plan.”</p> <p>Eliminates the need for a project to incorporate appropriate mitigation measures, monitoring measures and alternatives identified in the environmental review to mitigate the negative environmental effects of a project.</p>	<p>We disagree with this revision. The determination of conformance with the “intent “of a provision rather than the specific language of a provision is by definition subjective. Every zoning director could conceivably interpret the intent of a provision differently resulting in confusion and inconsistent application of the provisions in question through-out the community. Subjectivity should be reduced and not increased as a result of these zone code revisions.</p> <p>We disagree with the elimination of this provision. Whenever physically possible adverse environmental impacts should be mitigated.</p>
<p>Section 2 Subdivision 3 of Subsection E of Section 11.5.7 of the LAMC (a)</p>	<p>Deletes the requirement for the findings to be in writing. Deletes the requirement for the project to satisfy 4 specific requirements in addition to any other required by the specific plan.</p> <p>Deletes the requirement for there to be special circumstances applicable to the project or the project site which make strict application of the specific plan regulation impractical and requires only that the project will enhanced the environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.</p>	<p>We disagree with this revision.</p> <p>Determination of what enhances the environment in the surrounding neighborhood is subjective. Every zoning director could conceivably interpret the intent of a provision differently resulting in confusion and inconsistent application of the provisions in question through-out the community. Subjectivity should be reduced and not increased as a result of these zone code revisions. It should be noted that a project that has a city or regional benefit may have significant adverse impacts on the immediately surrounding community. A project permit adjustment for such a project should not be made at the discretion of the zoning director but should only be allowed after documented community input from the affected stakeholders is received and considered.</p>

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 2 Subdivision 3 of Subsection E of Section 11.5.7 of the LAMC (b)	Eliminates the requirement that the Director has imposed project requirements and/or decided that the proposed project will substantially comply with all applicable specific plan regulations and requires only that the project is in substantial conformance with the propose, intent and provisions of the General plan and applicable community and specific plan.	We disagree with this revision as it substantially undermines the protections so carefully drafted, with transparency and community input, that are provided for in each community plan and specific plan.
Section 2 Subdivision 3 of Subsection E of Section 11.5.7 of the LAMC (c)	Eliminates the requirement that the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights of way and requires only that the project will not adversely affect or further degrade the surrounding neighborhood.	In considering each project, the goal of the Director should be to determine that the project not only is compatible with the surroundings but also that it enhances them. We disagree that the threshold for approval should be that the project simply does not “further degrade” its surroundings.
Section 2 Subdivision 3 of Subsection E of Section 11.5.7 of the LAMC (d)	Eliminates the need for a project to incorporate appropriate mitigation measures, monitoring measures and alternatives identified in the environmental review to mitigate the negative environmental effects of a project.	We disagree with the elimination of this provision. Whenever physically possible, adverse environmental impacts should be mitigated. When it is impractical or infeasible to adhere to specific plan regulations it may be most appropriate to deny approval .
Section 3 Subdivision 2 of Subsection F of Section 11.5.7 of the LAMC #2	Eliminates the requirement that the Area Planning Commission permit an exception from a specific only if it makes all of the following findings	We disagree with the elimination of this provision as it significantly undermines the strength of specific plans.
Section 3 Subdivision 2 of Subsection F of Section 11.5.7 of the LAMC (a)	Although this section was deleted in its entirety it appears to be replaced with exactly the language as the original provision.	We are concerned that the replacement language in the draft circulated may not be what was actually intended and we reserve our right to comment upon this in the future if the replacement language is revised.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 3 Subdivision 2 of Subsection F of Section 11.5.7 of the LAMC (b)	Eliminates the requirement 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 and replaces it with a requirement that there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not generally apply to other property in the same specific plan.	We disagree with the revision of this provision as it significantly undermines the strength of specific plans. A finding that a proposed exception is needed because of special circumstances is a much lower threshold than finding that the circumstances must be exceptional.
Section 3 Subdivision 2 of Subsection F of Section 11.5.7 of the LAMC (d)	Eliminates the requirement that the granting of an exception will not be detrimental to the public welfare or injurious to property or improvements adjacent to or in the vicinity of the subject property and replaces it with a provision that the granting of the exception will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.	We disagree with the revision of this provision as it significantly undermines the strength of specific plans. A finding that a proposed exception is materially detrimental to the public welfare is a much lower threshold than finding that it is detrimental. Additionally, deleting the requirement that consideration must be given to the adjacent property is significantly different than a finding that it is not detrimental to something in the same vicinity or zone in which the property is located. The impact on the immediately adjacent neighbor should be given the utmost consideration.
Section 3 Subdivision 2 of Subsection F of Section 11.5.7 of the LAMC (e)	Eliminates the requirement 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 and replaces it with a requirement that the granting of the exception will not adversely affect the specific plan.	We disagree with the revision of this provision as it significantly undermines the strength of specific plans. A finding that a proposed exception will not adversely affect the specific plan is very different from finding that the project is consistent with the principles, intent, and goals of the specific plan. No exception to a specific plan should be made by discretionary action. A public hearing should be required.
Section 4 the definition of "Accessory Use" in Section 12.03 of the LAMC	Eliminates the maintenance of an Historic Vehicle Collection from the definition of Accessory Use	Comments on this item are provided in the response to Section 27 New Subdivision 28 of Subsection X of Section 12.24

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
<p>Section 5 Subsection E of Section 12.24 of the LAMC “E”</p>	<p>Eliminates the requirement that the decision maker must find that the proposed location will be desirable to the public convenience or welfare, is in proper relation to adjacent uses or the development of the community, that the proposed location will not be materially detrimental to the character of development in the immediate neighborhood, and will be in harmony with the various elements and objectives of the General Plan. It replaces it with the following three requirements:</p> <ol style="list-style-type: none"> 1. that the project will enhance the environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region. 2. That the project’s location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood 3. That the project is in substantial conformance with the purpose, intent and provisions of the General Community and Specific Plans 	<p>We disagree with the revision of this provision as it significantly undermines the strength of specific plans. A finding that a proposed exception will not adversely affect or further degrade the surrounding neighborhood and that it is in substantial conformance with the General, Community and Specific Plans is very different from finding that the project is not materially detrimental to the character of development in the immediate neighborhood and is simply in harmony with the principles, intent, and goals of the General Plan. The determination of what is “in harmony” is extremely subjective.</p> <p>Subjectivity should be reduced and not increased as a result of these zone code revisions. It should be noted that a project that has a city or regional benefit may have a significant adverse impact on the immediately surrounding community. A conditional use or other quasi-judicial approval for such a project should not be made at the discretion of the zoning administrator but should only be allowed after documented community input from affected stakeholders is received and considered. It may be appropriate to receive such input through the public hearing process.</p>
<p>Section 6 Subsection F of Section 12.24 of the LAMC “F”</p>	<p>Eliminates the provision that the decision maker may impose conditions based upon written findings, which it deems necessary to protect the best interests of the surrounding property or neighborhood, or to lessen or prevent any detrimental effect on the surrounding property or neighborhood or to secure appropriate development in harmony with the objectives of the General Plan. Replaces it with the findings made in Subsection E.</p>	<p>We object to the proposed revision to this subsection. It replaces the requirement that conditions be imposed when they are deemed necessary to protect neighborhoods and requires only that the lower threshold findings made in Subsection E above be met.</p>

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
<p>Section 7 of Subdivision 14 of Subsection U of Section 12.24 of the LAMC</p>	<p>Eliminates the requirement for the City Planning Commission to make any of the other findings required by this section and requires only that they find that the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements at are compatible with the surrounding neighborhood and that the Major Development Project is consistent with the general requirements adopted by the City Planning Commission as design guidelines for Major Development Projects if any.</p> <p>Eliminates the requirement for a Major Development Project to conform with any applicable specific and/or redevelopment plan.</p> <p>Eliminates the requirement that the Major Development Project would have no material adverse impact on properties, improvements or uses, including commercial uses, in the surrounding neighborhood.</p>	<p>We object to the proposed revision as it completely undermines the protections provided by specific plans.</p> <p>It requires that a Major Development Project be consistent with the general requirements of the design guidelines. As the Design Guidelines have not yet been adopted and as the SCNC has previously submitted a series of comments and suggestions with respect to those guidelines, it is premature for the zone code to include this provision. The language in the existing ordinance should be retained.</p>
<p>Section 8 paragraph (e) of Subdivision 22 of Subsection U of Section 12.24 of the LAMC</p>	<p>Paragraph (e) is deleted in its entirety. Elimination of this paragraph eliminates the requirement for a finding by the City Planning Commission that the location of a proposed recycling use will not be materially detrimental to the public welfare or injurious to the properties or improvements in the affected community and replaces it with a requirement that such an application be referred to the Council person for the district in which the property is located.</p>	<p>We disagree with the proposed revision. Removing this requirement for a finding by the City Planning Commission will eliminate the opportunity for stakeholder input. A councilperson has no requirement to post a notice to the public that he is considering such a matter. Elimination of this provision will have a detrimental impact of the transparency of the process.</p>

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 9 Subsection U of Section 12.24 of the LAMC	Eliminates the requirement for a project to be consistent with the Housing Element of the General Plan and requires only that it implement the affordable housing provisions of the Housing Element	We disagree with the proposed revision. Implementation of this provision would allow for a density increase greater than the maximum otherwise permitted even if the project was not consistent with the Housing Element of the General Plan as long as it implemented affordable housing provisions. Such a revision would effectively be inclusionary zoning and that is not consistent with the Housing Element of the General Plan.
Section 10 Subdivision 27 of Subsection U of Section 12.24 of the LAMC (a) (1)	Eliminates the requirement for the residential (including Apartment Hotel and mixed use) building to be consistent with the Housing Element of the General Plan and requires only that it implement the affordable housing provisions of the Housing Element	We disagree with the proposed revision. Implementation of this provision would allow for a floor area bonus greater than the maximum otherwise permitted even if the project was not consistent with the Housing Element of the General Plan as long as it implemented affordable housing provisions.
Section 10 Subdivision 27 of Subsection U of Section 12.24 of the LAMC (a) (2)	Eliminates the requirement for the residential (including Apartment Hotel and mixed use) building to be consistent with the applicable community plan.	We disagree with the proposed revision. All developments should be consistent with the applicable community plan.
Section 11 Subdivision 2 of Subsection V of Section 12.24 of the LAMC (a) (2)	Eliminates the requirement for the proposed development to be consistent with the purposes and intent of the housing Element of the General Plan and requires only that the project implement the affordable housing provisions of the Housing Element of the General Plan.	We disagree with the proposed revision. All developments should be consistent with the purposes and intent of the Housing Element of the General Plan.
Section 11 Subdivision 2 of Subsection V of Section 12.24 of the LAMC (a) (3)	Eliminates the requirement for the proposed development to be in substantial conformity with public necessity, convenience, general welfare and good zoning practice.	We disagree with the proposed revision. Elimination of this provision will further erode the protections provided in the current zone code.
Section 12 paragraph (b) of Subdivision 4 of Subsection W of Section 12.24 of the LAMC (b) (2)	Eliminates the requirement for any new or remodeled structure to be designed to reflect the scale and character of the surrounding commercial area.	We disagree with the proposed revision. Any new or remodeled structure should be designed to be compatible with the scale and character of the surrounding commercial area.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 12 paragraph (b) of Subdivision 4 of Subsection W of Section 12.24 of the LAMC (b) (3)	Eliminates the requirement for access and ingress to and egress from parking associated with automotive uses not to constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets and replaces it with a requirement for such uses no to create an adverse impact on street access or circulation in the surrounding neighborhood	We disagree with the proposed revision. As the traffic congestion throughout the city increases, it is not appropriate to eliminate the requirement for an automotive use not to cause significant traffic congestion or a traffic hazard.
Section 12 paragraph (b) of Subdivision 27 of Subsection W of Section 12.24 of the LAMC (b) (4)	Eliminates this provision entirely.	We disagree with the proposed elimination of the requirement that the automotive use be consistent with the district, area or zone.
Section 13 paragraph (b) of Subdivision 4 of Subsection W of Section 12.24 of the LAMC (b) (1)	Eliminates this provision entirely.	We disagree with the proposed elimination of the requirement that the mini shopping center or commercial corner development be consistent with the public welfare and safety.
Section 13 paragraph (b) of Subdivision 4 of Subsection W of Section 12.24 of the LAMC (b) (2)	Eliminates the requirement for access and ingress to and egress from parking associated with a mini shopping center or commercial corner development not to constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets and replaces it with a requirement for such uses not to create an adverse impact on street access or circulation in the surrounding neighborhood	We disagree with the proposed revision. As the traffic congestion throughout the city increases, it is not appropriate to eliminate the requirement for a mini shopping center or commercial corner development not to cause significant traffic congestion or a traffic hazard.
Section 13 paragraph (b) of Subdivision 4 of Subsection W of Section 12.24 of the LAMC (b) (4)	Eliminates this provision entirely.	We disagree with the proposed elimination of the requirement that the mini shopping center or commercial corner development be consistent with the district, area or zone.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 14 Subdivision 28 of Subsection W of Section 12.24 of the LAMC (a) and (b)	Eliminates these provision entirely.	We disagree with the proposed revision which changes the requirement from compatibility with neighboring properties to compatibility with the surrounding neighborhood and eliminates the requirement for the project to comply with the applicable provisions of the specific and redevelopment plans.
Section 15 Subdivision 33 of Subsection W of Section 12.24 of the LAMC (a) and (b)	Eliminates these provisions entirely.	We disagree with the proposed revision which completely eliminates the protections currently provided by this section of the zone code.
Section 16 Paragraph (e) of Subdivision 49 of Subsection W of Section 12.24 of the LAMC (2)	Eliminates this provision entirely.	We disagree with the proposed revision which completely eliminates the protections currently provided by this section of the zone code that require that the use would have no substantial adverse impact on properties or improvements in the surrounding neighborhood.
Section 17 Subdivision 50 of Subsection W of Section 12.24 of the LAMC (2)	Revises the requirement from one that states the use is compatible with existing and future development on neighboring properties to one that is compatible with the surrounding neighborhood.	We disagree with the proposed revision which changes the requirement from compatibility with neighboring properties to compatibility with the surrounding neighborhood. This completely changes the fundamental intent of the original provision to respect the rights of adjacent property owners.
Section 18 Subsection X of Section 12.24 of the LAMC	Eliminates the requirement for the Zoning Administrator to find that approval of any use in this subsection is in conformity with public necessity, convenience, general welfare and good zoning practice and that the action will be in substantial conformance with the various elements and objectives of the General Plan.	We disagree with the proposed revision as all Zoning Administrator approvals should be made only when the use is in substantial conformance with elements and objectives of the General Plan.
Section 19 paragraph b of Subdivision 2 of Subsection X of Section 12.24 of the LAMC	Eliminates the requirement that all findings in this section be made.	We disagree with the proposed revision as it weakens the protections of the current zone code.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 19 paragraph b of Subdivision 2 of Subsection X of Section 12.24 of the LAMC (4), (6) and (7)	Eliminates these provisions entirely.	We disagree with the proposed revision as it eliminates the requirement that restaurants provide parking at the rate of at least one space per 500 square feet of gross floor area, eliminates the requirement for the use not to be detrimental to the public health, safety or welfare and compatible with the surrounding neighborhood.
Section 19 paragraph b of Subdivision 2 of Subsection X of Section 12.24 of the LAMC (8)	Eliminates the requirement that the use not negatively impact the surrounding neighborhood and requires only that it not adversely affect or further degrade it.	In considering each project, the goal of the Director should be to determine that the project not only be compatible with the surroundings but also that it enhances them. We disagree that the threshold for approval should be that the project simply does not “further degrade” its surroundings.
Section 20 paragraph (e) of Subdivision 6 of Subsection X of Section 12.24 of the LAMC	Eliminates this provision entirely.	We disagree with the proposed revision as it eliminates the requirement that the proposed location of a certified farmer’s market will not have a significant adverse effect on the adjoining properties or on the immediate neighborhood by reason of noise and traffic congestion. These are important protections for the community and they should not be eliminated.
Section 21 paragraph (a) of Subdivision 10 of Subsection X of Section 12.24 of the LAMC (2) and (3)	Eliminates the requirement that the Zoning Administrator find that an increase in height will result in a building or structure that is compatible in scale with existing structures and uses in the same zone and vicinity and that the grant is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zone and vicinity.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 21 paragraph (b) of Subdivision 10 of Subsection X of Section 12.24 of the LAMC (2)	Eliminates the requirement that the Zoning Administrator find that a reduced yard will not be materially detrimental to the public welfare or injurious to the property of improvements in the same zone or vicinity in which the property is located.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.

COMMENTS ON THE PROPOSED REVISIONS TO THE ORDINANCE

Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 21 paragraph (b) of Subdivision 10 of Subsection X of Section 12.24 of the LAMC (2)	Adds a requirement that the grant is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zone and vicinity.	We agree with the proposed revision.
Section 22 of Subdivision 11 of Subsection X of Section 12.24 of the LAMC (a) (2) and (3)	Eliminates these provisions entirely.	We disagree with the proposed revisions as they are an unnecessary weakening of the protections of the current zone code.
Section 22 of Subdivision 11 of Subsection X of Section 12.24 of the LAMC (b) (2)	Eliminates the requirement that the Zoning Administrator find that a reduced yard will not be materially detrimental to the public welfare or injurious to the adjacent property or improvements.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 22 of Subdivision 11 of Subsection X of Section 12.24 of the LAMC (c) (2)	Eliminates the requirement that the Zoning Administrator find that the increase in lot coverage will result in a development which is compatible in size and scale with other improvements in the immediate neighborhood.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 22 of Subdivision 11 of Subsection X of Section 12.24 of the LAMC (d) (2)	Eliminates the requirement that the Zoning Administrator find that the reduction of the parking requirements will not be materially detrimental or injurious to the property or improvements in the vicinity in which the lot is located.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 23 paragraph (e) of Subdivision 12 of Subsection X of Section 12.24 of the LAMC (d) (2)	Eliminates the requirement that the commercial use and/or reduced parking is compatible with and will not adversely impact property within the surrounding area or HPOZ and provides only that it will not create an adverse impact on street access or circulation in the surrounding neighborhood.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.

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Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 24 paragraph (b) of Subdivision 21 of Subsection X of Section 12.24 of the LAMC (2)and (3)	Eliminates these provisions entirely.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code. Safety of the surrounding neighborhood should be of utmost concern when considering the impact of a project on a substandard hillside street.
Section 24 paragraph (b) of Subdivision 21 of Subsection X of Section 12.24 of the LAMC (4)	Eliminates the requirement for strict adherence to Section 12..21 A.17 and reduces the requirement to conforming with the intent of the regulations	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code. Safety of the surrounding neighborhood should be of utmost concern when considering the impact of a project on a substandard hillside street.
Section 25 paragraph (a) of Subdivision 22 of Subsection X of Section 12.24 of the LAMC (4)	Eliminates the requirement that a building or structure be compatible in scale with existing adjoining and nearby structures and uses when a proposed building will exceed the maximum allowable height and requires only that the project provide for an arrangement of uses compatible with the surrounding neighborhood	We disagree with the proposed revision which changes the requirement from compatibility with neighboring properties to compatibility with the surrounding neighborhood. This completely changes the fundamental intent of the original provision to respect the rights of adjacent property owners.
Section 26 paragraph (a) of Subdivision 23 of Subsection X of Section 12.24 of the LAMC (2)	Eliminates this provision entirely.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 27 New Subdivision 28 of Subsection X of Section 12.24 of the LAMC (2)	Adds a new section related to Historical Vehicle Collection.	We agree with items (a) through (f) inclusive of this new section. However we recommend that the language that was previously included as the last paragraph of Section 4 the definition of “Accessory Use” be added to this section as it is protective of the peace and quiet of occupants of contiguous property.
Section 28 Subdivision 4 of Subsection C of Section 12.28 of the LAMC	Eliminates the requirement for finding (a) through (e) to be met and replaces them with a requirement for the project to conform with the intent of the regulations.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.

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Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 29 Subsection A of Section 12.81 of the LAMC (3)	Eliminates the requirement for a project to be consistent with the various elements and objectives of the General Plan and requires only that a project be in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 29 Subsection A of Section 12.81 of the LAMC (4)	Eliminates the requirement that a project have no substantial adverse impact on properties or improvements in the surrounding neighborhood and requires only that the project’s location, size, height, operation and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood.	In considering each project, the goal of the Director should be to determine that the project no only be compatible with the surroundings but also that it enhances them. We disagree that the threshold for approval should be that the project simply does not “further degrade” its surroundings.
Section 30 Subsection G of Section 13.03 of the LAMC (5)	Eliminates the requirement that proposed surface mining operations are consistent with the elements and objectives of the General Plan, in particular the open space and conservation elements and replaces it with a requirement that the project is in substantial conformance with purposes and intent and provisions of the Open Space and Conservation Elements of the General Plan.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 30 Subsection G of Section 13.03 of the LAMC (8)	Eliminates the requirement that the vehicular access plan is adequate to protect the public health, safety and welfare and replaces it with a requirement that it will not create an adverse impact of street access or circulation in the surrounding area.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.

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Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 30 Subsection G of Section 13.03 of the LAMC (9)	Eliminates the requirement that proposed surface mining operations are consistent with the General Plan, and replaces it with a requirement that the project is in substantial conformance with purposes and intent and provisions of the General Plan and applicable community and specific plan.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 30 Subsection G of Section 13.03 of the LAMC (11) (b)	Eliminates the requirement that the reclamation plan has been reviewed pursuant to CEQA and the City’s CEQA guidelines and all significant adverse impacts from reclamation of surface mining operations are mitigated to the maximum extent feasible.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 30 Subsection G of Section 13.03 of the LAMC (11) (d)	Eliminates the requirement that the reclamation plan provides for one or more beneficial uses or alternate uses of the land which are not detrimental to the public health, safety, and welfare and replaces it with the requirement that the project’s location, size, height, operation and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood.	In considering each project, the goal of the Director should be to determine that the project not only be compatible with the surroundings but also that it enhances them. We disagree that the threshold for approval should be that the project simply does not “further degrade” its surroundings.
Section 31 paragraph (e) of Subdivision 1 of Subsection F of Section 13.07 of the LAMC	Eliminates the requirement that project is consistent with the General Plan, and replaces it with a requirement that the project is in substantial conformance with purposes and intent and provisions of the General Plan and applicable community and specific plan.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.

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Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 32 Subsection E of Section 14.3.1 of the LAMC (1)	Eliminates the requirement that the project will not be materially detrimental or injurious to properties of improvements in the immediate area and replaces it with the requirement that the project's location, size height, operation and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood.	In considering each project, the goal of the Director should be to determine that the project no only be compatible with the surroundings but also that it enhances them. We disagree that the threshold for approval should be that the project simply does not "further degrade" its surroundings.
Section 32 Subsection E of Section 14.3.1 of the LAMC (4)	Eliminates the requirement that the buildings and structures are compatible with existing and planned future development on neighboring properties, and replaces it with a requirement that the arrangement of uses, buildings, structures... are compatible with the surrounding neighborhood.	We disagree with the proposed revision as it unnecessarily weakens the protections of the current zone code.
Section 32 Subsection E of Section 14.3.1 of the LAMC (5)	Eliminates the requirement for the project to be in conformance with any applicable provision of the General Plan and replaces is with the requirement that it is in substantial conformance with the purposes and intent of the provision of the General Plan and applicable community and specific plan.	We disagree with this revision. The determination of conformance with the "intent "of a provision rather than the specific language of a provision is by definition subjective. Every zoning administrator could conceivably interpret the intent of a provision differently resulting in confusion and inconsistent application of the provisions in question through-out the community. Subjectivity should be reduced and not increased as a result of these zone code revisions.
Section 33 paragraph 2 of Subsection A of Section 16.01 of the LAMC (2)	Eliminates the requirement that the proposed use will not adversely affect the implementation of the General Plan or any applicable specific plan and replaces it with the requirement that the project is in substantial conformance with the purposes and intent of the provision of the General Plan and applicable community and specific plan.	We disagree with this revision. The determination of conformance with the "intent "of a provision rather than the specific language of a provision is by definition subjective. Every zoning administrator could conceivably interpret the intent of a provision differently resulting in confusion and inconsistent application of the provisions in question through-out the community. Subjectivity should be reduced and not increased as a result.

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Ordinance Section	Proposed Revision	Response to Proposed Revision
Section 34 Subsection F of Section 16.05 of the LAMC (1), (2) and (3)	Eliminates the requirement that the project complies with all applicable provisions of the Code and any applicable Specific Plan , that the project is consistent with the General Plan and that the project is consistent with any applicable adopted Redevelopment Plan and replaces it with the requirement that the project is in substantial conformance with the purposes and intent of the provision of the General Plan and applicable community and specific plan.	We disagree with this revision. The determination of conformance with the “intent “of a provision rather than the specific language of a provision is by definition subjective. Every zoning administrator could conceivably interpret the intent of a provision differently resulting in confusion and inconsistent application of the provisions in question through-out the community. Subjectivity should be reduced and not increased as a result .
Section 34 Subsection F of Section 16.05 of the LAMC (5)	Eliminates the requirement that the project incorporates feasible mitigation measures, monitoring measures when necessary or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project and/or any additional findings as may be required by CEQA	We disagree with the elimination of this provision. Whenever physically possible, adverse environmental impacts should be mitigated.