

**LOS ANGELES DEPARTMENT OF CITY PLANNING
DIRECTOR'S REPORT**

CITY PLANNING COMMISSION

DATE: September 11, 2008*
TIME: After 8:30 AM*
PLACE: 200 N. Spring St.
City Hall, Room 1010
Los Angeles, CA 90012

LOCATION:
COUNCIL DISTRICTS:
PLAN AREAS:

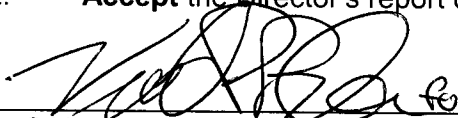
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NO PUBLIC HEARING REQUIRED


SUMMARY: Pursuant to Los Angeles Municipal Code Section 12.32-A, the Director of Planning has launched an initiative to complete nine code studies and amendments to rewrite selected provisions of the city's zoning ordinance. The purpose of this initiative (within the Planning Department's time, budget and staffing constraints) is to update and streamline a document in urgent need of simplification. The initiative is also intended to implement key components of the Planning Department's strategic plan and the City Planning Commission's statement of policy priorities, "Do Real Planning". The nine selected code studies and amendments address administrative exceptions, calculation and measurement, commercial development standards and neighborhood protection, core findings, multiple approvals, open space and setback standards, plan approvals, planned unit developments and site plan review.

RECOMMENDED ACTIONS:

1. **Refer** the initiated code studies and amendments to the Development Reform Subcommittee for follow-up discussion with staff.
2. **Accept** the Director's report on updating the zoning code as its report on the matter.




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SUMMARY

Pursuant to Los Angeles Municipal Code Section 12.32-A, the Director of Planning has launched an initiative to rewrite selected provisions of the zoning code.

Among the development community, professional planning staff, and lay users alike, there is general agreement that Los Angeles's zoning code is in urgent need of simplification. In recent years other cities faced with a similar predicament, such as Denver, Chicago and Philadelphia, have embarked on ambitious efforts to rewrite their zoning regulations. In Los Angeles, given the city's budgetary limitations, such a comprehensive revision cannot be accomplished at this time. In lieu of a complete rewrite of the entire zoning ordinance, the Director's initiative instead targets the most problematic provisions for updating.

To help the Director identify the most critical projects to undertake, the Code Studies Unit consulted with key informers and stakeholders in the development and design communities as well as a citywide coalition of neighborhood councils. The unit also conducted a series of internal meetings with other Planning Department staff and met with the City Attorney's land use lawyers.

After considering all of the input received and weighing the options the following nine code studies and amendments were identified as being among the most beneficial and doable. Accordingly, the Director decided to add them to the Department's master work program.

- *Administrative Exceptions* – provide an abbreviated review process for minor deviations from the zoning code.
- *Calculation and Measurement* – define a consistent and appropriate method for calculating residential density and floor area ratio and measuring height.
- *Commercial Development Standards and Neighborhood Protection* – provide basic standards for commercial development and expand existing protections for residential neighborhoods from incompatible land uses.
- *Core Findings* – eliminate redundancy and update core findings to provide a better framework for analyzing the merits of proposed development projects.
- *Multiple Approvals* – synchronize the expiration periods for projects with two or more discretionary land use approvals.
- *Open Space and Setback Standards* – modernize the code's residential open space and setback standards based on best practices to create more livable urban environments.

- *Plan Approvals* – consolidate and make procedures for reviewing proposed modifications to existing projects clear and consistent.
- *Planned Unit Developments* – provide opportunities for innovative, high quality master planned projects.
- *Site Plan Review* – reduce complexity and redundancy but also strengthen the site plan review function within the city’s land use regulatory system.

Staff’s goal is to schedule all of the necessary draft ordinances for the City Planning Commission’s consideration within two years. Implementing a focused project now to simplify and clarify the most problematic parts of the code is intended to pave the way for a future rewrite of the entire zoning ordinance.

STAFF REPORT

Background

Los Angeles was one of the first cities in the nation to adopt laws regulating the use of land. In 1904, the city adopted an ordinance prohibiting industrial uses in residential districts. In 1911, a citywide height limit of 150 feet was established. In 1921, five zoning districts were established: “A” for single-family; “B” for multi-family; “C” for business; “D” for light industrial; and “E” for heavy industrial. In 1930, a new zoning classification system was introduced, as well as procedures for processing zone changes and variances. New residential density requirements and the city’s first automobile parking requirement, for the R3 and R4 zones, were also adopted in 1930.

By mid-century, the city had enacted eleven separate zoning regulations. Considered opinion at the time was that these regulations should be consolidated into a single ordinance – to “reduce much confusion,” as it was explained at the time. Accordingly, on June 1, 1946, the city’s first ever comprehensive zoning ordinance went into effect.

In the 62 years since then, the city’s zoning ordinance has been amended so many times that its length has grown from 84 to well over 600 pages. Today, there seems to be universal agreement that the city’s zoning regulations have become too unwieldy, that they are too difficult to understand and use and are inadequate to respond to the land use challenges facing Los Angeles in the 21st century. To address this situation the Director of Planning instructed the Code Studies Unit to develop a work program of targeted code amendments that would achieve the aim of zoning code reform and simplification, but without having to rewrite the entire document from “A to Z.”

Public Participation

To assist the Director in identifying the most critical code studies and amendments to initiate, the Code Studies Unit hosted five workshops:

- 11/16/07 key informer/stakeholder workshop for developers, land use attorneys, consultants and others with special expertise in using the zoning code – 35 attended.
- 3/11/08 key informer/stakeholder workshop for developers, land use attorneys, consultants and others with special expertise in using the zoning code – 27 attended.
- 3/18/08 urban design committee/Los Angeles Chapter of the American Institute of Architects – 12 attended.
- 4/16/08 Central City Association presentation and discussion – 25 attended.
- 5/3/08 citywide neighborhood councils forum – 53 attended.

Over the next two years, staff will continue to host public workshops and consult with key informers, stakeholders, and neighborhood councils as the general concepts discussed in this staff report are refined into draft ordinances for the City Planning Commission's review and consideration.

Strategic Directions

The Director's zoning code initiative is intended to implement critical components of the Planning Department's strategic plan and the City Planning Commission's statement of policy priorities, "Do Real Planning."

Strategic Plan

- integrate urban design
- further streamline discretionary actions
- provide predictability for department applications through clear, simple and consistent processes
- develop the methodology to process the project, not the individual entitlement
- simplify the code
- create and simplify Department-wide standardized permit procedures
- eliminate duplicate processes

“Do Real Planning”

- demand a walkable city
- offer basic design standards
- eliminate department bottlenecks
- landscape in abundance

The balance of this staff report describes the background, issues and general direction for each of the nine, selected code studies and amendments.

1. Administrative Exceptions

Code Sections 12.26-B - Yard Area Modifications
 12.26-C - Parking Facility Modifications
 12.28 - Adjustments and Slight Modifications

Background and Issues

Since the zoning code does not distinguish between major and minor deviations, there is no expeditious procedure for considering requests that rarely generate controversy, are almost always approved, and, when approved, are almost never appealed. Insignificant deviations from the code’s yard, area, building line, and sometimes height requirements fall into this category. Such minor deviations, most often requested by homeowners and small businesses pursuing remodeling and minor expansion projects, are subject to virtually the same application, notification, public hearing, and appeal procedures as requests for major deviations. As a consequence, these projects are sometimes delayed by up to one year.

Many other cities have established streamlined processes to review requests for minor deviations. The challenge is to permit abbreviated review while protecting the integrity of the zoning code and preserving due process. Different cities have adopted a variety of approaches to this issue. What unites them is a desire to reduce the time and cost that lengthy and complex reviews of minor requests place on both local government and the public.

General Direction

This code study and amendment will define “minor deviations” and identify an appropriate procedure for considering requests for them. Among the questions that will be addressed are: Which components of the zoning code should be folded into the new procedure? Which should not? How much of a percentage deviation should be considered “minor”? Should a decision be rendered “over-the counter”? Who should be the decision-maker? Should a public hearing be required? To pursue answers to these questions staff will

survey the best practices of other cities that have developed “administrative exceptions” ordinances. We will review the pros and cons of the various approaches and recommend how these can best be implemented in Los Angeles.

2. Calculation and Measurement

Code Sections 12.03, Definitions
 12.21.1, Height of Building or Structures
 12.37, Highway and Collector Street Dedication and
 Improvement

Background and Issues

The zoning code’s procedures for calculating residential density, calculating floor area ratio, and measuring height include some inconsistencies or could otherwise be improved.

Residential density. Apartment density is calculated before any required dedications for public improvements are taken, while condominium density is calculated after. The result is that greater density is generally allowed when apartments are built.

Floor area ratio. The code’s definitions and procedures for calculating floor area ratio need some cleaning up. For example, Section 12.21.1-A, 5 excludes “outdoor eating areas of ground floor restaurants” from the definition of floor area, while Section 12.03 does not.

Height. The current procedure for measuring height on sloping lots may have some unintended consequences, unnecessarily restricting height upslope, but allowing much bulkier massing downslope.

General Direction

This code study and amendment aims to bring consistency to the calculation of residential density and floor area. With respect to height, staff’s aim is to improve the way it is measured. One promising proposal that staff has been studying is the “parallel plane” method. Many other cities use this approach, which allows structures to conform more closely to natural grade, thus allowing them to integrate better with their surroundings.

3. Commercial Development Standards and Neighborhood Protection

<i>Code Sections</i>	12.22-A, 23 - Commercial Corner Developments and Mini-Shopping Centers - Development Standards 12.24-W, 27 - Commercial Corner Developments and Mini-Shopping Centers - Conditional Use Permit
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Background and Issues

In the late 1980s, the city adopted landmark regulations imposing development standards on commercial corner developments and mini-shopping centers. The regulations were intended to ensure that such projects provided adequate landscaping and complied with basic development standards such as street-facing windows, no tandem parking, and enclosure of trash storage areas.

In addition to improving the appearance of such projects, the regulations were also intended to protect residential neighborhoods from potentially incompatible land uses. Under these provisions, car washes, 24-hour businesses, and certain amusement enterprises require a conditional use permit if they are located on a commercial corner or in a mini-shopping center that is near a residential neighborhood.

Staff's review of these regulations has identified a number of issues. Any project deviating from the ordinance's basic development standards – no matter how minor the deviation – must file for a conditional use permit, with a mandatory public hearing. Also, the regulations only impose development standards on a limited number of projects in the city, specifically those projects that meet the code's definition of a "commercial corner development" or a "mini-shopping center." As a result, whole sections of the city's commercial boulevards are not subject to basic development standards.

The issue of limited scope also applies to neighborhood protection. Unless a residential neighborhood just happens to be adjacent to a commercial corner development or a mini-shopping center, it does not benefit from the protection provided by a conditional use permit when a potentially incompatible land use is proposed next door or across the street.

General Direction

In a joint venture with the Urban Design Studio, this code study and amendment will examine ways to ensure that all new commercial uses in the city meet basic development standards. Staff will recommend standards that are broadly applicable, enforceable, and support the more detailed standards and urban design guidelines that the new community planning program will implement. In addition, staff will recommend a streamlined procedure – short of a full conditional use permit process – to review requests to deviate from any basic development standards that are ultimately adopted. Staff will also study alternative approaches to protecting a greater number of residential neighborhoods from potentially incompatible land uses.

4. Core Findings

<i>Code Sections</i>	11.5.7 - Specific Plan Procedures
	12.24 - Conditional Use Permits and Other Similar Quasi-Judicial Approvals
	12.28 - Adjustments and Slight Modifications
	12.32 - Land Use Legislative Actions
	16.05 - Site Plan Review

Background and Issues

Quasi-judicial approvals and land use legislative actions typically require the decision-maker to make “core” findings and, when applicable, “application-specific” findings. For example, a conditional use permit for a drive-through fast-food establishment can only be approved when the four “core” findings required of all conditional use permits and the three “application-specific” findings for drive-through fast-food establishments are all made in the affirmative.

Core findings typically address such overarching issues as the relationship of a proposed project to the general plan and the public welfare and convenience. They are defined for broad entitlement categories, including variances, conditional uses, adjustments, specific plan project permits, tract maps and site plan review.

Despite the fact that the code’s core findings all address the same basic set of issues there are inconsistencies in their wording. Consequently, if a project applicant files for two or more land use approvals, each requiring its own set of findings, the total number of required findings can quickly multiply.

General Direction

This code study and amendment seeks to create a single set of core findings across the zoning code. (The variance and subdivision findings would not be addressed, since the charter and state subdivision map act, respectively, set the precise wording for these findings.) By creating common core findings much unnecessary repetition could be eliminated, leading to clearer and shorter staff reports.

Promoting administrative efficiency is not the sole intent of this code study and amendment, however. A more important aim is to improve the quality of development citywide by providing a better framework for analyzing the merits of proposed projects. Accordingly, staff will recommend stronger, more focused core findings that better track the goals of the general plan and the Planning Department’s and the City Planning Commission’s new strategic directions.

5. Multiple Approvals

Code Section 12.36 - Procedures for Multiple Approvals

Background and Issues

Section 12.36 of the zoning code assigns the decision-maker when a single project requires multiple discretionary land use approvals. For example, if a project requires a conditional use permit, decided by the City Planning Commission, and also a Zoning Administrator's adjustment, Section 12.36 assigns responsibility to decide both requests to the "higher-order" decision-maker – in this case, the City Planning Commission.

For a variety of reasons, developers of most complex projects recently proposed in Los Angeles have requested numerous entitlements. The sheer volume of entitlements requested for these projects is one reason why case numbers often include, it seems, as many letters as there are in the alphabet.

While Section 12.36 assigns the decision-maker for projects requesting multiple entitlements, it does not address the expiration periods for those entitlements when they conflict. For variances and conditional use permits, the expiration period is two years with a one year extension. For site plan review, the expiration period is three years with no extension. A tract map has a life of three years but can be extended for an additional five. Generally, all conditions must be met within six years before a zone change takes effect.

As a consequence, a single project with multiple entitlements with variable expiration periods can run into problems if a project manager is not careful. What happens to a project when one of its entitlements is about to expire but the time limits for the others have not? The whole viability of the project may be thrown into question. Given the time, effort and expense required to secure entitlements, disabling a project based on a zoning code technicality only serves to discourage the investment the city needs to shore up its economic base and provide needed jobs and housing.

General Direction

This code study and amendment will examine alternative approaches to synchronizing the expiration periods for multiple entitlements granted to a single project. One approach may be to allow the decision-maker to approve a phasing plan, with milestones. So long as each milestone is met, within a set time frame, all of the project's entitlements remain secure. Another approach may be to tie the expiration periods for all of a project's entitlements to the entitlement with the longest life.

6. **Open Space and Setback Standards**

<i>Code Sections</i>	12.12.2-C – Area Regulations for the CR Limited Commercial Zone
	12.13-C – Area Regulations for the C1.5 Limited Commercial Zone
	12.14-C – Area Regulations of the C2 Commercial Zone
	12.16-C – Area Regulations of the C4 Commercial Zone
	12.17.1 – Area Regulations of the CM Commercial Manufacturing Zone
	12.21-C - Citywide Area Regulations
	12.21-G - Open Space Requirement for Six or More Residential Units
	12.22-A, 18 - Developments Combining Residential and Commercial Uses
	12.22-C - Exceptions to Citywide Area Regulations
	Multiple Other Code Sections

Background and Issues

Residential developments are required to comply with various open space and setback standards, including building “passageway” requirements. The requirements are intended to create desirable living environments by increasing natural light and ventilation, providing adequate separations between structures, and ensuring opportunities for on-site landscaping. More than any other parts of the code, these standards determine the look and feel of the city’s residential neighborhoods, particularly its multi-family districts.

Because they were incrementally developed and adopted over a period of decades, these standards have never been systematically evaluated as elements of a single system. According to many of the stakeholders staff have consulted with, such an evaluation is urgently needed to determine if there are any conflicts among these standards and if they are working as intended.

General Direction

In a joint venture with the Urban Design Studio, this code study and amendment seeks to update the code’s open space and setback standards, drawing upon the best practices of other cities, to determine how more livable and sustainable urban environments can be fostered in Los Angeles. One focus of the study will be mixed-use and high-rise development. The code’s current approach is “one size fits all.” Are different standards needed for these development prototypes, especially in commercial zones?

7. Plan Approvals

<i>Code Sections</i>	12.24-M - Development of Uses
	12.27-U - Plan Approvals
	12.28-E - Adjustment -Plan Approvals

Background and Issues

Requests to enlarge existing buildings or construct new ones on sites entitled through either a variance or a conditional use must be submitted as a “plan approval.” Unlike a full variance or conditional use, which requires that all property owners within a 500-foot radius be notified when a public hearing is scheduled, notification for plan approvals is limited to adjacent and adjoining property owners.

Staff’s review of the code’s plan approval procedures shows that the thresholds for when a variance plan approval or a conditional use plan approval may be submitted are inconsistent. For variance plan approvals, the increase in size or bulk of buildings that may be approved is limited to 20 percent. Any request above this threshold requires a new variance. For conditional use plan approvals, any percentage increase is technically allowed, although in practice the Planning Department typically requires increases beyond 20 percent to be filed as a new conditional use.

A further issue concerns conditions imposed as part of the original approval. Specifically, a property owner or a developer may not request that these conditions be modified. This restriction applies no matter how minor or inconsequential the request is, or if the originally imposed conditions are outmoded, no longer relevant or needed, or should be amended or deleted due to changed circumstances.

General Direction

This code study and amendment will look at consolidating and making consistent the plan approval procedures for conditional uses and variances. Staff will propose clear and consistent criteria for determining when an application for a plan approval may be filed, or when an application for a new conditional use or variance must be filed. Staff will also investigate the feasibility of amending the plan approval procedures to allow modification of the terms and conditions of an already approved entitlement.

8. Planned Unit Developments

<i>Code Section</i>	13.04 - “RPD” Residential Planned Development Districts
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Background and Issues

In the 1960s and 1970s, most cities in the country adopted “planned unit development” or “PUD” regulations. A PUD is a custom zone, typically applied to large projects, that allows consideration of innovative proposals that might otherwise conflict with the strict

requirements of the zoning ordinance. In exchange for allowing greater flexibility, a local government will typically require higher quality. For example, a PUD for a large subdivision might allow smaller lot sizes in exchange for a greater amount of common area open space. A PUD may be used for many different types of developments, ranging from small mixed use and residential projects; single use non-residential projects such as office, commercial or industrial developments; or larger, master planned communities. Each PUD is adopted by a separate ordinance. Depending on the size, complexity and time to build out, the PUD may also require a development agreement.

The zoning code's PUD regulations were developed in 1971 and are termed "Residential Planned Developments" or "RPDs." As defined in the code, RPDs are "supplemental use districts" and intended only for 100 percent residential developments, primarily on large plots of vacant land.

Enacted almost 40 years ago, these regulations have not been amended to keep pace with contemporary real estate development practices and their emphasis on compact, mixed use projects on urban infill sites. As a result, this zoning tool is rarely used in Los Angeles. Currently, there are only three development sites in the city zoned "RPD" – all subdivisions of single-family homes.

General Direction

In a joint venture with the Urban Design Studio, this code study and amendment will provide the city with an enhanced tool for promoting quality and innovation consistent with the general plan's key land use policies. Specifically, the PUD ordinance will be updated to apply to mixed use, multi-family residential, and nonresidential development projects.

9. Site Plan Review

Code Section 12.24-U, 14 - Major Development Projects Conditional Use
 16.05 - Site Plan Review

Background and Issues

The city's site plan review ordinance applies to projects that will create 50 or more dwelling units or 50,000 square feet or more of nonresidential floor area. To grant site plan review approval, the Director of Planning must make six findings.

The site plan review ordinance is similar to the major projects conditional use ordinance, which applies to projects that will create 250,000 square feet or more of warehouse floor area, 250 or more hotel/motel guest rooms, or 100,000 square feet of other nonresidential or non-warehouse floor area. To approve a major projects conditional use, the City Planning Commission must make findings that are essentially the same as the findings the Director must make for site plan review.

The purpose of both ordinances is to provide a “safety valve” – to ensure that projects with potentially significant impacts that would otherwise be permitted by right are subjected to discretionary review. It is during discretionary review that environmental mitigation measures and other appropriate conditions can be imposed.

Given the complexity of the city’s land use regulatory system, however, many projects subject to these ordinances also file for other discretionary land use approvals. Each approval requires its own separate set of findings, further contributing to unnecessarily lengthy Planning Department staff reports.

If this complexity and redundancy served some larger purpose it might conceivably be justified. But the requirement in both the site plan review and major projects conditional use ordinances to actually review site plans is relatively weak. The only requirement of the decision-maker is to make the following “neighborhood compatibility” finding:

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

Unfortunately, the code provides little guidance to staff or the decision-maker on how to apply this finding, or how to go about the business of reviewing a site plan.

General Direction

In a joint venture with the Urban Design Studio, this code study and amendment will focus on reducing unnecessary complexity and redundancy while at the same time strengthening the site plan review function within the city’s overall, land use regulatory system.

To accomplish the first purpose, staff will look at restructuring the site plan review and major projects conditional use ordinances so that they serve their original purpose – namely, to function as a “safety valve”. Under this approach it may be possible that applications for these entitlements would never be combined with applications for other discretionary entitlements but would always stand alone.

To accomplish the second purpose, staff will focus on the neighborhood compatibility finding. One option may be to replace this finding with a requirement that a project conform with the current “walkability checklist” or some other appropriate set of urban design principles and guidelines – which the City Planning Commission could adopt and amend from time to time, as appropriate. The next question would be, Which class of projects should be reviewed for conformance with these urban design principles and guidelines? The current class of projects subject to the site plan review and major projects conditional use ordinances? A broader class of projects? A narrower class? Staff will analyze the feasibility of these options and report back to the Commission.

CONCLUSION

A limited but targeted series of code amendments, carried out over the next two years, provides a unique opportunity to reinvent the zoning ordinance so that it becomes a stronger, more dynamic tool for implementing the general plan and carrying out the new initiatives set forth in the Planning Department's strategic plan and the City Planning Commission's statement of policy priorities, "Do Real Planning." The purpose of this initiative is not just to streamline cumbersome project review procedures but to reorient them so as to fulfill the Department's mission to create a more livable, sustainable, and walkable Los Angeles. More than any other plan implementation tool the zoning code – last comprehensively revised more than 60 years ago – shapes the city's future growth and development. The Director of Planning's initiative is intended to creatively revise the zoning code to ensure that this growth and development meets the needs of Los Angeles's diverse communities and neighborhoods.