



Department of City Planning - Code Studies Section

NOTICE OF PUBLIC HEARING

Citywide Proposed Code Amendment

CASE: CPC-2016-4515-CA
Not a Project under CEQA

Procedural Time Extension Code
Amendment
Council District: All

This notice is to inform you of the public hearing for case number CPC-2016-4515-CA, a proposed Code amendment to update procedures related to the time limits to process appeals on zoning entitlements. The Code amendment would also allow the Council President or designee to consent on behalf of the City Council to a mutually agreed time extension with the applicant. All interested persons are invited to attend the public hearing, at which you may listen, speak, and submit written information relating to the proposed Code amendment.

PLACE:	Los Angeles City Hall 200 N. Spring Street, Room 1050 (Public entrance is on Main Street) Los Angeles, CA 90012
DATE:	Friday, January 6, 2017
TIME:	10:00 a.m. – 12:00 p.m.

PROPOSED PROJECT: An ordinance amending Sections 11.5.7, 12.20.2, 12.22, 12.24, 12.32, 12.36, 14.5.6, 16.01, 16.05, 16.50, 17.06, 17.54, and 18.08 of the Los Angeles Municipal Code (LAMC) to modify the time to act on appeal applications for certain discretionary zoning entitlements and to allow the City Council President or designee to consent on behalf of the City Council to a mutually agreed time extension with the applicant.

PURPOSE: The purpose of the hearing is to obtain testimony from affected and/or interested persons regarding this Code amendment. The hearing will be conducted by a Hearing Officer who will consider oral testimony and any written communication received regarding this proposed Code amendment, as well as the merits of the draft ordinance. After the hearing, a recommendation report will be prepared for consideration by the City Planning Commission at a later date.

Please submit comments to: Shannon Ryan at Shannon.Ryan@lacity.org, (213) 978-3304. In order to be considered in the report to the City Planning Commission, comments should be received by January 11, 2017. Comments received after January 11, 2017 should be addressed to the City Planning Commission at CPC@lacity.org for its consideration.

EXHAUSTION OF ADMINISTRATIVE REMEDIES: If you challenge a City action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on these matters delivered to the Department before the action on this matter. Any written correspondence delivered to the Department before the action on this matter will become a part of the administrative record. Note: This may not be the last hearing on this matter.

WRITTEN COMMUNICATION: Written communications should cite the Case Number indicated at the top of this notice and may be mailed to the attention of the staff contact identified above at the Los Angeles Department of City Planning, Code Studies Section, City Hall - Room 701, 200 North Spring Street, Los Angeles CA, 90012.

REVIEW OF THE FILE: The complete file is available for public review at the Department of City Planning, City Hall - Room 701, 200 North Spring Street, Los Angeles, CA, 90012 between the hours of 8:00 AM to 5:00 PM, Monday through Friday. Please call the staff contact indicated at the top of this notice several days in advance to assure its availability. Case files will not be available for inspection on the day of the hearing.

ACCOMMODATIONS: 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. The hearing facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. *Como entidad cubierta bajo el Título II del Acto de los Americanos con Desabilidades, la Ciudad de Los Angeles no discrimina. La facilidad donde la junta se llevará a cabo y su estacionamiento son accesibles para sillas de ruedas. Traductores de Lengua de Muestra, dispositivos de oído, u otras ayudas auxiliares se pueden hacer disponibles si usted las pide en avance.*

Other services, such as translation between English and other languages, may also be provided upon request. *Otros servicios, como traducción de Inglés a otros idiomas, también pueden hacerse disponibles si usted los pide en avance.*

To ensure availability of services, please make your request no later than three working days (72 hours) prior to the hearing by calling the staff person referenced in this notice. *Para asegurar la disponibilidad de éstos servicios, por favor haga su petición al mínimo de tres días (72 horas) antes de la reunión, llamando a la persona del personal mencionada en este aviso.*

Procedural Time Extension Code Amendment

Q&A | December 22, 2016

CPC-2016-4515-CA | Not a Project under CEQA



What does the proposed Code amendment do? Why is it needed?

The proposed Code amendment would extend the time for the appellant body to make a decision on certain zoning entitlement appeals. While the time to act on most entitlement appeals is generally 75 or 90 days, some entitlement appeals only have a processing time of 30 days, which in practice has proven to be a very tight timeline to schedule and notice the appeal hearing because the appellant body may not be meeting within the 30 day period.

The proposed Code amendment would amend provisions in the Los Angeles Municipal Code (LAMC) to allow the appeal to be heard by the appellant body at the next regular meeting for which notice can be given, or within 60 days, whichever is shorter. This would allow for more flexibility for the appellant body to meet without having to call a special meeting. It also would ensure that appeals are processed as quickly as reasonably possible.

The proposed Code amendment would also allow the City Council President (or Council President's councilmember designee) to consent on behalf of the City Council to a mutually agreed time extension with the applicant. Currently, the consent to a mutually agreed time extension with the applicant must be voted on during a City Council meeting.

How would this Code amendment effect my property or my project?

The Code amendment does not have any land use implications and is only a procedural modification. The Code amendment is limited to the administration of appeal processing and the mechanism by which the City Council may consent to mutually agreed time extensions with applicants.

What are the next steps? How can I get more information or share my input?

The Planning Department will give a presentation, answer questions, and conduct a public hearing on the proposed Code amendment at 10 a.m. on January 6, 2017 at City Hall in Room 1050 (200 N. Spring Street, Los Angeles, CA 90012).

The public hearing will be held to obtain testimony from affected and/or interested persons regarding this project. The hearing will be conducted by a Hearing Officer who will consider oral testimony and any written communication received regarding this proposed Code amendment. After the hearing, a recommendation report will be prepared for consideration by the City Planning Commission.

The City Planning Commission will consider the Code amendment at a public meeting tentatively scheduled for January 26, 2017, and will make a recommendation to the City Council. The Code amendment will then be considered by the City Council's Planning and Land Use Management (PLUM) Committee, followed by the full City Council.

Please submit comments or questions to: Shannon Ryan at Shannon.Ryan@lacity.org, (213) 978-3304. In order to be considered in the report to the City Planning Commission, comments should be received by January 11, 2017. Comments received after January 11, 2017 should be addressed to the City Planning Commission at CPC@lacity.org for its consideration.

ORDINANCE NO. _____

An ordinance amending Sections 11.5.7, 12.20.2, 12.22, 12.24, 12.32, 12.36, 14.5.6, 16.01, 16.05, 16.50, 17.06, 17.54, and 18.08 of the Los Angeles Municipal Code (LAMC) to modify the time to act on appeal applications for certain discretionary zoning entitlements and to allow the City Council President or designee to consent on behalf of the City Council to a mutually agreed time extension with the applicant.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Paragraph (c) of Subdivision 5 of Subsection C or Section 11.5.7 of the Los Angeles Municipal Code is amended to read:

(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. If there is no regular meeting of the Area Planning Commission within the next 45 days for which required notice can be given, the application may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of receipt of the request, whichever period is shorter. The Department of City Planning shall make investigations and furnish any reports requested by the body to which the matter has been transferred.

Sec 2. The second paragraph of Subdivision 7 of Subsection F or Section 11.5.7 of the Los Angeles Municipal Code is amended to read:

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. The Council President or the Council President's councilmember designee may consent to a time extension pursuant to this Section on behalf of the City Council.

Sec. 3. The first paragraph of Subdivision 4 of Subsection H of Section 12.20.2 of the Los Angeles Municipal Code is amended to read:

4. Any appeal filed with either the City Engineer or the Area Planning Commission shall be heard and decided within 30 days of the filing of the appeal. If there is no regular meeting of the Area Planning Commission within the next 30 days for which required notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of receipt of the request, whichever period is shorter. Notice shall be mailed to the required parties at least ten days prior to the hearing.

Sec. 4. The third paragraph of Subparagraph (ii) of Paragraph (a) of Subdivision 20 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read:

An appeal from the determination of the Zoning Administrator on whether a proposed exception meets the requirements of Subparagraph (i) may be taken to the Area Planning Commission in the same manner as prescribed in Section 12.24 I. The Area Planning Commission's decision may be appealed to the City Council. The appeal to the Council shall follow the procedures set forth in Section 12.24 I. However, a decision on any appeal shall be made within 30 days of the expiration of the appeal period. If there is no regular meeting of the Area Planning Commission or Council within the next 30 days for which required notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of receipt of the request, whichever period is shorter. This time limit may be extended by mutual written consent of the applicant and the Area Planning Commission or Council, whichever then has jurisdiction over the appeal. The Council President or the Council President's councilmember designee may consent to a time extension pursuant to this Section on behalf of the City Council.

Sec. 5. The third paragraph of Subparagraph (ii) of Paragraph (b) of Subdivision 20 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read:

An appeal from the determination of the Zoning Administrator on whether a proposed exception meets the requirements of Subparagraph (i) may be taken to the Area Planning Commission in the same manner as prescribed in Section 12.24I. The Area Planning Commission's decision may be appealed to the City Council. The appeal to the Council shall follow the procedures set

forth in Section 12.24I. However, a decision on any appeal shall be made within 30 days of the expiration of the appeal period. If there is no regular meeting of the Area Planning Commission or Council within the next 30 days for which required notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of receipt of the request, whichever period is shorter. This time limit may be extended by mutual written consent of the applicant and the Area Planning Commission or Council, whichever then has jurisdiction over the appeal. The Council President or the Council President's councilmember designee may consent to a time extension pursuant to this Section on behalf of the City Council.

Sec 6. Subdivision 4 of Subsection I of Section 12.24 of the Los Angeles Municipal Code is amended to read:

4. **Time for Appellate Decision.** The appellate body 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 appellate body. When the City Council is the appellate body, the Council President or the Council President's councilmember designee may consent to a time extension pursuant to this Section on behalf of the City Council. The failure of the appellate body to adopt a resolution within this time period shall be deemed a denial of the appeal.

Sec 7. Subdivision 7 of Subsection C of Section 12.32 of the Los Angeles Municipal Code is amended to read:

7. **Council.** The Council may approve or disapprove an application or initiated proposed land use ordinance. It shall approve an ordinance only after making findings that its action is consistent with the General Plan and is in conformity with public necessity, convenience, general welfare and good zoning practice. If the Planning Commission recommends approval of an application, then the Council shall act within 90 days of receipt of the Planning Commission recommendation. The 90 day time limit to act on a Planning Commission approval of an application may be extended by mutual consent of the applicant and the Council. The Council President or the Council President's councilmember designee may consent to a time extension pursuant to this Section on behalf of the City Council.

Sec. 8. Subdivision 3 of Subsection D of Section 12.32 of the Los Angeles Municipal Code is amended to read:

3. **Time for Appellate Decision.** The Council shall make its decision within 75 days after the expiration of the appeal period. The 75 day time limit to act on an appeal may be extended by mutual written consent of the applicant and the Council. [The Council President or the Council President's councilmember designee may consent to a time extension pursuant to this Section on behalf of the City Council.](#) If the Council fails to act within this time limit, the failure shall constitute a denial of the application or disapproval of the initiated land use ordinance.

Sec. 9. Paragraph Subsection F of Section 12.36 of the Los Angeles Municipal Code is amended to read:

F. **Extension Of Time To Act.** Notwithstanding any other provision of the Code to the contrary, an extension of time to act on applications or initiations under the multiple approval provisions may be agreed upon between the applicant and the decision-maker or the appellate body. [When the City Council is the appellate body, the Council President or the Council President's councilmember designee may consent to a time extension pursuant to this Section on behalf of the City Council.](#)

Sec. 10. Paragraph (c) of Subdivision 3 of Subsection A of Section 14.5.6 of the Los Angeles Municipal Code is amended to read:

(c) **Time for Appellate Decision.** The Council shall make its decision within 75 days after the expiration of the appeal period. The 75 day time limit to act on an appeal may be extended by mutual written consent of the applicant and the Council. [The Council President or the Council President's councilmember designee may consent to a time extension pursuant to this Section on behalf of the City Council.](#) If the Council fails to act within this time limit, the failure shall constitute a denial of the application or disapproval of the initial request.

Sec. 11. Subsection L of Section 16.01 of the Los Angeles Municipal Code is amended to read:

L. **Transfer of Jurisdiction.** (Amended by Ord. No. 173,492, Eff. 10/10/00.) When considering any matter transferred to its jurisdiction pursuant to Section 16.02 because of the failure of the Zoning Administrator to act, the Area Planning Commission shall make its decision within 30 days after the request to transfer jurisdiction is filed. [If there is no regular meeting of the Area Planning Commission within the next 30 days for](#)

which required notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of receipt of the request, whichever period is shorter. All decisions shall become final on the date of mailing a copy of the Area Planning Commission's decision to the applicant.

Sec. 12. The first paragraph of Subsection P of Section 16.01 of the Los Angeles Municipal Code is amended to read:

P. Decision. When considering an appeal from an action by the Zoning Administrator, the Area Planning Commission shall make its decision within 15 days (in the case of a revocation, within 10 days) after the expiration of the appeal period, or within an extended period of time as may be mutually agreed upon in writing by the applicant and the Area Planning Commission. If there is no regular meeting of the Area Planning Commission within the next 15 (or 10 days in the case of revocation) for which required notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of receipt of the request, whichever period is shorter. The Area Planning Commission shall base its decision only upon:

- (i) evidence introduced at the hearing, or hearings, if any, before the Zoning Administrator, on the issue;
- (ii) the record, findings and determination of the Zoning Administrator; and
- (iii) the consideration of arguments, if any, presented to the Area Planning Commission orally or in writing.

Sec. 13. Subdivision 3 of Subsection H of Section 16.05 of the Los Angeles Municipal Code is amended to read:

3. Hearing Notice. Upon receipt of the appeal application, the Area Planning Commission Secretary shall set the matter for a public hearing to be held within 30 days of the filing of the appeal. If there is no regular meeting of the Area Planning Commission within the next 30 days for which notice can be given pursuant to Subsection G.3(b) above, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of receipt of the request, whichever period is shorter. The Secretary shall give notice of the hearing to the appellant and to all the other parties specified in Subsection G.3.(b) above, within the time and in the manner specified in that subsection.

Sec. 14. The third paragraph of Subsection F of Section 16.50 of the Los Angeles Municipal Code is amended to read:

An appeal must be made within fifteen calendar days after the postmark of the Director's decision, pursuant to the procedures prescribed for Conditional Uses in Section 12.24I. After notification to the applicant, the appellant, the board and any interested party, the Area Planning Commission shall act on the appeal within 30 days after the end of the appeal period. If there is no regular meeting of the Area Planning Commission within the next 30 days for which notice can be given pursuant to Subsection G.3(b) above, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of receipt of the request, whichever period is shorter.

Sec. 15. The third paragraph of Subdivision 3 of Subsection A of Section 17.06 of the Los Angeles Municipal Code is amended to read:

The Appeal Board, upon notice to the subdivider, the appellant and the Advisory Agency, shall hear the appeal within 30 days after it is filed, unless the subdivider consents to an extension of time pursuant to Subdivision 5 of this subsection. If there is no regular meeting of the Appeal Board within the next 30 days for which required notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of receipt of the request, whichever period is shorter. At the time established for the hearing, the Appeal Board shall hear the testimony of the subdivider, the appellant, the Advisory Agency and any witnesses on their behalf. The Appeal Board may also hear the testimony of other competent persons with respect to the character of the neighborhood in which the subdivision is to be located, the kind, nature and extent of improvements, the quality or kinds of development to which the area is best adapted or any other phase of the matter into which the Appeal Board may desire to inquire.

Sec. 16. The third paragraph of Subdivision 4 of Subsection A of Section 17.06 of the Los Angeles Municipal Code is amended to read:

The City Council shall hear the appeal within 30 days after it is filed, unless the subdivider consents to an extension of time pursuant to Subdivision 5 of this subsection. If there is no regular meeting of the Council within the next 30 days for which required notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of receipt of the request, whichever period is shorter. The Council shall give notice of the hearing to the subdivider, the appellant, the Appeal Board and the Advisory Agency. At the time established for the hearing, the Council or its Committee shall hear the testimony of the subdivider, the appellant, the Advisory Agency and any witnesses on their behalf. The City Council may also hear the testimony of other competent persons with respect to the character of the neighborhood in which the subdivision is to be located, the kind, nature and extent of improvements, the

quality or kinds of development to which the area is best adapted or any other phase of the matter into which the City Council may desire to inquire.

Sec. 17. Subdivision 5 of Subsection A of Section 17.06 of the Los Angeles Municipal Code is amended to read:

5. **Extension of Time.** Any of the time limits specified in this section may be extended by mutual consent of the subdivider and the Advisory Agency, the Appeal Board or the City Council, as the case may be. [The Council President or the Council President's councilmember designee may consent to a time extension pursuant to this Section on behalf of the City Council.](#)

Sec. 18. The second paragraph of Subsection A of Section 17.54 of the Los Angeles Municipal Code is amended to read:

The Appeal Board, upon notice to the applicant, the person claiming to be aggrieved, if any, and the Advisory Agency, shall hear the appeal within 30 days after the expiration of the 15-day appeal period unless the applicant consents to an extension of time pursuant to Subsection B. of this section. [If there is no regular meeting of the Appeal Board within the next 30 days for which required notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of receipt of the request, whichever period is shorter.](#) At the time established for the hearing, the Appeal Board shall hear the testimony of the applicant and witnesses in his/her behalf, the testimony of any aggrieved persons, if there are any, and the testimony of the Advisory Agency and any witnesses on its behalf. The Appeal Board may also hear the testimony of other competent persons respecting the character of the neighborhood in which the division of land is to be located, the kinds, nature and extent of improvements, the quality or kinds of development to which the area is best adapted or any other relevant phase of the matter into which the Appeal Board may desire to inquire.

Sec. 19. Subsection B of Section 18.08 of the Los Angeles Municipal Code is amended to read:

B. **Appeals to the Board.** An applicant or any other person aggrieved by any action or determination of the Director of Planning with respect to a private street map, may, within 15 days after the date of the mailing of the decision of the Director, file an appeal from the action or determination to the Board. The Board shall consider the appeal within 30 days after the expiration of the 15-day appeal period, and shall, within 14-days affirm, modify, or reverse the action or determination. [If there is no regular meeting of the](#)

Board within the next 30 days for which required notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of receipt of the request, whichever period is shorter. The action of the Board shall be final.

Sec. 20. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles at its meeting of _____.

Holly L. Wolcott, City Clerk

By: _____

Deputy

Approved _____

Mayor