



DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT



CITY PLANNING COMMISSION
DATE: October 14, 2010
TIME: after 8:30 a.m.*
PLACE: Los Angeles City Hall
200 North Spring Street
Room 1010
Los Angeles, CA 90012

CASE NO: CPC-2010-1572-CA
CEQA: ENV-2010-1573-ND
LOCATION: Citywide
COUNCIL DISTRICT: All
PLAN AREAS: All

PUBLIC HEARING REQUIRED

SUMMARY: The proposed ordinance (Appendix A) amends Sections 11.5.7, 12.03, 12.24, 12.28, 12.32, 12.81, 13.03, 13.07, 14.3.1, 16.01, and 16.05 of the Los Angeles Municipal Code (LAMC) to update common findings for conditional uses, adjustments, and other quasi-judicial land use approvals to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing.


RECOMMENDED ACTIONS:

1. Adopt the staff report as its report on the subject.
2. Adopt the findings in Attachment 1.
3. Adopt the Negative Declaration (ENV-2010-1573-ND) as the CEQA clearance on the subject.
4. Approve the proposed ordinance (Appendix A) and recommend its adoption by the City Council.

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ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communication may be mailed to the Commission Secretariat, 200 North Main Street, Room 532, Los Angeles, CA 90012 (Phone No. 213/978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at 213/978-1300.

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- APPENDIX A – PROPOSED ORDINANCE**
- ATTACHMENT 1 – ORDINANCE FINDINGS**
- ATTACHMENT 2 – CHART OF FINDING CHANGES**
- ATTACHMENT 3 – CEQA CLEARANCE**

EXECUTIVE SUMMARY

The proposed ordinance (Appendix A) updates Chapter 1 (the "Zoning Code") of the Los Angeles Municipal Code (LAMC) with clear and consistent findings necessary to make sound land use decisions. It focuses on establishing clear "core findings" - those findings that appear more than once in the Zoning Code - to better implement the goals of the City's General Plan and the Planning Department's and the City Planning Commission's strategic directions. As such, the changes will improve the quality of development citywide by providing a better framework for analyzing the merits of proposed projects that require discretionary reviews.

The proposed ordinance consolidates common findings that have the same intent but different phrasing, clarifies ambiguous finding language, deletes duplicative findings, deletes unnecessary findings, and moves findings to more appropriate places in the Zoning Code. There are 349 findings scattered throughout the Zoning Code for 113 procedures and entitlements. The proposed ordinance rewrites 39 findings, deletes 37, and relocates seven; the remaining 266 are unchanged. This report identifies three core conditional use findings that are weighed for every conditional use and quasi-judicial process. This report also identifies four additional core findings that are used throughout the Zoning Code. None of the changes alter the substantive analyses necessary for thoughtful review of development projects. The proposed ordinance will not lessen the ability of stakeholders to participate in the public process nor eliminate any criteria that protects the citizenry from inappropriate land uses.

Eliminating duplicative and obsolete findings will lead to clearer and shorter staff reports and will free up staff for more essential planning functions. Synchronizing and consolidating findings will lead to more consistent report language and more transparent report writing since many findings will become standardized and more easily recognizable. These revised findings will enable decision makers to be more succinct in their determinations and will provide a more consistent platform for all neighborhood councils and other stakeholders to participate in the various land use processes.

STAFF REPORT

Initiation

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.

Background

Since its inception in 1946, the Zoning Code has greatly expanded, resulting in 349 findings for a growing number of entitlements and processes (there are currently 113). Many of the findings are duplicative or outdated, yet every finding for each entitlement must be addressed in order for a decision-maker to render a legal decision. Despite the fact that the Code's "core" findings generally 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. In many cases, our land use decisions result in lengthy determination reports. More direct and concise reports could better serve the land use decision making process.

Every discretionary approval necessary for development projects to be constructed in Los Angeles requires that land use findings be made in the affirmative. The Zoning Code dictates the criteria for when a discretionary entitlement (variance, adjustment, site plan review, specific plan exception, etc.) is necessary and the procedures and findings required for each determination. Of the 113 determinations and discretionary actions delineated in the Zoning Code, some require as few as one finding and others require more than ten. Together, the findings must explain the basis for making the land use decision.

In an effort to reform the Zoning Code, simplifying the findings is a top priority for the Planning Department. Fewer findings with clear, simple language will reduce report size thereby freeing up staff time for long range planning objectives. These Zoning Code amendments will also reduce the complexity of reports thus increasing the transparency of decision making. Concise determination reports with findings that clearly explain the progression from facts to the decision make for a transparent planning process. These more focused, precise findings will provide better platforms for decision makers allowing them to build stronger bridges connecting facts to decisions.

Discussion

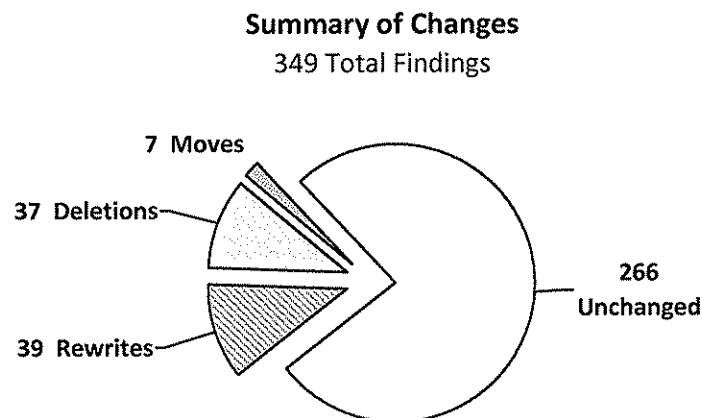
A “finding” is an explanation of why a land use decision is made and it is needed to ensure that decisions are rational and based on evidence. They also protect the due process rights of parties who can more easily see why the decision was made and they provide a record of the decision that can be used in litigation.

Findings require that decision makers opine on the potential land use impacts of a proposed project. Those impacts include how the project will coincide with various Planning Department regulations, policies, and objectives. For example, a core finding for many entitlements requires the decision maker to determine how a project will relate to the size and scale of surrounding properties. This commonly used core finding is located throughout the Zoning Code and although its objective is apparent, several of its iterations are wordy. The proposed ordinance (Appendix A) ensures that consistent phrasing for all core findings is achieved.

Other commonly used findings require that decision makers restate that a project conforms to regulations that are otherwise required anyway. For example, a common finding for four entitlements requires that the decision maker incorporate mitigation measures imposed through its CEQA review. Since CEQA mitigation measures are State mandated such findings are unnecessary and duplicative. The proposed ordinance deletes such redundant findings.

The Zone Variance findings in the Zoning Code are dictated by the City Charter (Section 562) and cannot be amended through this ordinance. However, the proposed ordinance synchronizes the language of many other findings with the variance findings for consistency.

The proposed ordinance (Appendix A) consolidates, deletes, and rewords several existing findings as a result of a complete analysis of the zoning code. The below chart depicts these modifications as applied to the existing body of 349 findings.



The following discussion clarifies the changes and common groupings:

Unchanged Findings

Most of the existing findings (266) remain unchanged because many entitlements require that project specific findings be met. For example, a conditional use to permit auto-related uses in commercial zones requires that a finding be met to ensure that any spray painting is conducted within a fully enclosed structure at least 500-feet away from a school. Since these findings pertain to project specific reviews, none of them are proposed for deletion, although several have been reworded for clarity.

Moved Findings

Seven findings pertaining to a Historic Vehicle Collection are relocated from the "Definitions" Section to the "Other Quasi-judicial Processes". These findings support a process to assess the appropriate location for an historic vehicle collection, and their current location in the "Definition" Section is not consistent with the code.

Deleted Findings

What happened to the 37 deleted findings?

- 18 are replaced by a new core finding that requires compatibility with neighboring properties
- 6 are redundant of zoning regulations
- 5 are replaced by a new core finding that requires conformance with the General Plan
- 3 are replaced by a new core finding that requires a project to enhance the neighborhood
- 3 are redundant of CEQA
- 2 are replaced by a new core finding that requires a project's design to conform to its surroundings

After a complete analysis of current findings, 37 findings are identified to be redundant or duplicative and are removed from the code. Three of these findings refer to CEQA (or mitigation measures). Since state law mandates project compliance with CEQA, these findings are redundant and unnecessary. Six of these findings are redundant of existing zoning regulations and are unnecessary.

The remaining 28 deleted findings are replaced by one of four new "core" findings. Because of redundant or imprecise language in the existing findings, the comprehensive core findings are more appropriate.

Rewritten Findings

How were the 39 rewritten findings modified?

- 11 are replaced by a new core finding that requires conformance with the General Plan
- 6 are replaced by a new core finding that requires compatibility with neighboring properties
- 5 are replaced by a new core finding that requires a project's design to conform to its surroundings
- 5 are replaced by a new core finding that standardizes the adjustment finding language
- 4 are synchronized with existing variance findings
- 3 are replaced by a new core finding that requires a project to not increase traffic
- 3 are replaced by a new core finding that requires conformance to affordable housing requirements
- 2 are replaced by a new core finding that requires a project to enhance the neighborhood

The proposed ordinance rewrites 39 findings to increase the clarity and consistency of the zoning code language. The purpose of four of these findings is already mandated through the City Charter's variance findings. These are rewritten for additional consistency. To remove internal repetition, 35 of the rewritten findings are replaced by one of seven "core" findings listed below.

The Seven Core Findings

The proposed ordinance consolidates findings that have the same intent and are located in the Zoning Code more than once into seven commonly used "core" findings. This consolidation removes duplication and organizes various sections more coherently.

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."

This finding replaces five findings that require, in different phrasing, that a project must enhance the neighborhood. This finding provides clear language that a new conditional use must not only be compatible with the neighborhood but must enhance it as well. This revised language targets more than the five original common findings by ensuring that a project will contribute to the overall well-being of its community.

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.”

This enhanced finding replaces 24 common findings that all require, in different phrasing, that a project must be compatible with neighboring properties. This revised finding goes further than simply requiring that a project be compatible with its surroundings by requiring that it also not further degrade its surroundings. The “further degrade” phrasing has been added to this finding to further ensure that the project will not harm the community. For example, although some projects may be compatible with their neighboring properties, those neighboring properties may contain negative characteristics that should not be condoned or exacerbated.

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.”

This new finding replaces 16 existing findings that require, in differing phrasing, that a project must comply with the General Plan. This revised finding will now also include language that the project must comply with the community plan and any applicable specific 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.”

This new finding replaces five existing findings that standardize the adjustment finding language for the general zoning adjustment, specific plan adjustment, and the substandard hillside street widening relief.

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.”

This new finding replaces seven existing findings that require a project’s spatial arrangement (including height, bulk and setbacks) to conform to those of the surrounding neighborhood. It goes further than the Project Compatibility Core Finding to examine the urban design relationship between a project and its surroundings.

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.

7. The Housing Element Core Finding

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

This finding standardizes three findings that require that projects comply with the affordable housing requirements set forth in the Housing Element of the City’s General Plan.

Conclusion

The Planning Department processes more than 2,000 entitlements each year, all requiring that land use findings be met. This large volume of cases coupled with multiple findings requires considerable staff time be dedicated to lengthy (and sometimes repetitive) staff reports. The Department’s current reduced staffing has furthered the need to examine how the Department can best reduce its processing time without reducing its proficiency.

Concise determination reports with findings that clearly explain the progression from facts to the decision make for a transparent planning process. These more focused, precise findings will provide better platforms for decision makers allowing them to build stronger bridges connecting facts to decisions. This ordinance, in consortium with the other five code reform ordinances, advances the Department’s goals of streamlining the development process.



DEPARTMENT OF CITY PLANNING
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APPENDIX A- PROPOSED ORDINANCE

APPENDIX A

ORDINANCE NO. _____

An ordinance amending Sections 11.5.7, 12.03, 12.24, 12.28, 12.81, 13.03, 13.07, 14.3.1, 16.01, and 16.05 of the Los Angeles Municipal Code to update common findings for conditional uses, adjustments, and other quasi-judicial land use approvals to provide a better framework for analyzing the merits of proposed development projects and eliminate redundancy in case processing.

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

Section 1. Subdivision 2 or Subsection C of Section 11.5.7 of the Los Angeles Municipal Code is amended to read:

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

(a) ~~That the project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan the project is in substantial conformance with the purpose, intent and provisions of the General Plan and applicable community and specific plan; and.~~

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

Sec. 2. Subdivision 3 of Subsection E of Section 11.5.7 of the Los Angeles Municipal Code is amended to read:

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

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

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

project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan;

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

(d) ~~That the project incorporates mitigation measures, monitoring of measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible. that the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the specific plan regulations impractical or infeasible, the project conforms with the intent of those regulations.~~

Sec. 3. Subdivision 2 of Subsection F of Section 11.5.7 of the Los Angeles Municipal Code is amended to read:

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

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

(b) ~~That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area; that there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same specific plan;~~

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

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

(e) ~~That the granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.~~ that the granting of the exception will not adversely affect the specific plan.

Sec. 4. The definition of "Accessory Use" in Section 12.03 of the Los Angeles Municipal Code is amended to read:

ACCESSORY USE. A use, which is customarily incidental to that of the main building or the main use of the land and which is located in the same zone or a less restrictive zone and on the same lot with a main building or main use. The relationship between the more restrictive zones and the less restrictive zones shall be determined by the sequence of zones set forth in Section 12.23 B of this Code.

The garaging, maintaining or storage of any commercial vehicle on private property which exceeds a registered net weight of 5,600 pounds shall not be considered an accessory use in the "R" Zones. The rental, storage, or storage for rental purposes of a commercial vehicle which exceeds a registered net weight of 5,600 pounds shall not be considered an accessory use in any zone more restrictive than the MR-1 Zone, except as approved by conditional use.

~~Notwithstanding the above, an accessory use shall also include the maintenance of an Historic Vehicle Collection as defined by Section 12.03 of this Code if the Zoning Administrator finds that all of the following conditions are met:~~

~~(a) all the historic vehicles and parts maintained in outdoor storage, whether currently licensed or unlicensed, or whether operable or inoperable constitute an Historic Vehicle Collection;~~

~~(b) the Historic Vehicle Collection occupies less than 50 percent of the area of the lot for the first 10,000 square feet of the lot area plus 20 percent of additional lot area for lots in excess of 10,000 square feet;~~

~~(c) the Historic Vehicle Collection is maintained in such manner as not to constitute a health or safety hazard;~~

~~(d) the Historic Vehicle Collection is fully screened from ordinary public view by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means;~~

~~(e) no portion of the Historic Vehicle Collection is located within five feet of any building or within any sideyards required by this Code; and~~

~~(f) plans for the maintenance of the Historic Vehicle Collection have been submitted to and approved by the Zoning Administrator in accordance with the procedures in Section 12.28 C.1, 2 and 3 and subject to the same fees as in Section 19.01 E. for relief from fence height limitation.~~

~~An approval of an Historic Vehicle Collection and any use allowed by this Code shall be subject to conditions not in conflict with this Code which the Zoning Administrator may deem necessary or advisable to impose in order to protect the peace and quiet of occupants of contiguous property.~~

Sec. 5. Subsection E of Section 12.24 of the Los Angeles Municipal Code is amended to read:

E. Findings for Approval. In approving any conditional use or other quasi-judicial approval specified in Subsections U, V, W, or X of this Section, 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.~~

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; and

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

In addition, the decision-maker shall make any further findings required by Subsections U, V, W and X and shall determine that the proposed conditional use satisfies any applicable requirements for the use set forth in those sections. The decision-maker shall adopt written findings of fact supporting the decision based upon evidence in the record, including decision-maker or staff investigations.

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

F. Conditions of Approval. In approving the location of any conditional use, the decision-maker may impose those conditions, based upon ~~written findings, which it deems necessary to protect the best interests of the surrounding property or neighborhood, to ensure that the development is compatible with the surrounding properties 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 the findings made in Subsection E. The decision may state that the height and area regulations required by other provisions of this chapter shall not apply to the conditional use approved.~~

Sec. 7. Paragraph (b) of Subdivision 14 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(b) **Findings.** ~~In addition to the other findings required by this section, the~~ The City Planning Commission shall make the following findings find:

~~(1) the Major Development Project conforms with any applicable specific and/or redevelopment plan;~~

~~(2) (1) the Major Development Project provides a compatible arrangement of uses, buildings, structures, and improvements in relation to neighboring properties; 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;~~

~~(3) —the Major Development Project complies with the height and area regulations of the zone in which it is located;~~

~~(4) (2) 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; and.~~

~~(5) the Major Development Project would have no material adverse impact on properties, improvements or uses, including commercial uses, in the surrounding neighborhood.~~

Sec. 8. Paragraph (e) of Subdivision 22 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is deleted:

22. The following **recycling uses** in the zones listed below, subject to the limitations indicated.

(a) The depositing of glass, cans, papers, plastic, beverage containers, and similar Recyclable Materials, Recycling Collection or Buyback Centers, and Mobile Recycling Centers, in the C2, C5, CM, P, PB, MR1, M1, or MR2 Zones, provided that the facility complies with all of the conditions set forth in Section 12.21 A.18.(d), except when the conditions are specifically modified by the City Planning Commission.

(b) The depositing of glass, cans, papers, plastic, beverage containers, and similar Recyclable Materials, Recycling Collection or Buyback Centers,

and Mobile Recycling Centers, in the M2 or M3 Zones when the facility is not in compliance with all of the conditions set forth in Section 12.21 A.18.(d).

(c) Recycling Materials Processing Facilities in the M2 and M3 Zones when the facility is not in compliance with all of the conditions set forth in Section 12.21 A.18.(f).

(d) Recycling Materials Sorting Facilities in the M and MR Zones when the facility is not in compliance with all of the conditions set forth in Section 12.21 A.18.(e).

~~(e) In approving an application for a conditional use pursuant to this subdivision, in addition to the findings required pursuant to this section, the City Planning Commission shall find that the location of the proposed recycling use will not be materially detrimental to the public welfare or injurious to the properties or improvements in the affected community. An application for a conditional use shall be referred forthwith for review to the Councilperson of the district in which the property is located.~~

(f) An administrative fine of \$250.00 may be collected by the Department of Building and Safety, pursuant to the procedures set forth in Section 12.21 A.18.(g) for any violation of a condition or other action of the City Planning Commission in approving any recycling use pursuant to this subdivision.

Sec. 9. Subdivision 26 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read:

26. Density Bonus for a Housing Development Project in which the density increase is greater than the maximum permitted in Section 12.22 A.25.

(a) ~~In addition to the other findings required by this section, the~~ The City Planning Commission shall make the following findings find:

(1) ~~that the development project is consistent with and implements the Housing Element of the General Plan, which includes objectives to encourage the availability of affordable units; that the project implements the affordable housing provisions of the Housing Element of the General Plan;~~

(2) that the development project contains the requisite number of affordable and/or senior citizen units as set forth in California Government Code Section 65915(b); and

(3) that the development project addresses the policies and standards contained in the Affordable Housing Incentives Guidelines approved by the City Planning Commission.

Sec. 10. Subdivision 27 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read:

27. Floor area bonus for a residential (including Apartment Hotel and mixed-use) building in the Greater Downtown Housing Incentive Area where the floor area bonus exceeds that permitted pursuant to Section 12.22 A.29 of this Code.

(a) ~~In addition to the other findings required by this section, the~~ The City Planning Commission shall make the following findings: find:

(1) ~~That the residential (including Apartment Hotel and mixed-use) building is consistent with and implements the Housing Element of the General Plan, which includes objectives to encourage the availability of affordable dwelling units; that the project implements the affordable housing provisions of the Housing Element of the General Plan; and~~

~~(2) That the residential (including Apartment Hotel and mixed-use) building is consistent with the applicable community plan; and~~

~~(3)~~ (2) ~~That~~ that a residential (including Apartment Hotel and mixed-use) building in the Central City Community Plan area conforms with Urban Design Standards and Guidelines for the Central City Community Plan Area once those guidelines have been approved by the City Planning Commission.

Sec. 11. Subdivision 2 of Subsection V of Section 12.24 of the Los Angeles Municipal Code is amended to read:

2. Mixed Commercial/Residential Use Development.

(a) **Findings.** ~~Prior to approving a development pursuant to this section, the~~ The Area Planning Commission shall make all of the following findings find:

(1) ~~that the proposed development is consistent with the purposes and intent of the Housing Element of the General Plan and will provide needed lower income housing units in keeping with the goals of the plan; and that the project implements the affordable housing provisions of the Housing Element of the General Plan;~~

(2) that the proposed development will further the City's goal of achieving an improved jobs-housing relationship which is needed to improve air quality in the City; ~~and~~

~~(3)~~ that approval of the development will be in substantial conformity with public necessity, convenience, general welfare and good zoning practice; and

~~(4)~~ (3) that the developer has agreed, pursuant to Government Code Sections 65915-65918, to construct the development with the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus, pursuant to Section 12.22 A.25. of this Code; and

~~(5)~~ (4) that the developer has further agreed to ensure the continued affordability of all reserved lower income units for a minimum of 30 years; and

~~(6)~~ (5) that the developer has also agreed to ensure that the construction and amenities provided for any dwelling unit reserved pursuant to this subdivision shall be comparable to other dwelling units in the development including the average number of bedrooms and bathrooms per dwelling unit; and

~~(7)~~ (6) that approval of the development, pursuant to this section, constitutes the additional incentive required by Government Code Section 65915; and

~~(8)~~ (7) that the approval of a mixed use development on this site will reduce the cost per unit of the housing development.

Sec. 12. Paragraph (b) of Subdivision 4 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

4. Automotive Uses in the C Zones that Do Not Comply with the Development Standards and Operating Conditions Enumerated in Sections 12.22 A.28 or in the M Zones that do not comply with Section 12.17.6 of this Code.

(b) **Findings.** ~~In addition to the findings otherwise required by this section, prior to approval of an automotive repair or automotive spray painting use, a~~ The Zoning Administrator shall make all of the following findings find:

(1) that there is not a detrimental concentration of automotive uses in the vicinity of the proposed automotive use; and

~~(2) that any new or remodeled structure is designed to reflect the scale and character of the surrounding commercial area; and~~

~~(3) (2) that access and ingress to, egress from and associated parking of the automotive use not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets, create an adverse impact on street access or~~

circulation in the surrounding neighborhood based on data provided by the Department of Transportation or by a licensed traffic engineer; and

~~(4) that the automotive use is not located in an identified pedestrian oriented, commercial and artcraft, community design overlay, historic preservation overlay, or transit oriented district area or zone, or, that the use would be consistent with the district, area, or zone; and~~

~~(5)~~ (3) that any spray painting is conducted within a fully enclosed structure and that the structure is located at least 500-feet away from a school or A or R zone. In addition, that all spray painting shall be conducted in full compliance with the provisions of Article 7, Chapter 5 of this Code, as well as South Coast Air Quality Management District Rules 1132 and 1151, regulating these installations; and

~~(6)~~ (4) that a landscape plan is submitted setting forth all plant materials, irrigation system, and a written maintenance schedule, which indicates how the landscaping will be maintained; and

~~(7)~~ (5) that the automotive use substantially complies with the minimum standards set forth in Section 12.26 I.3 of this Code.

Sec. 13. Paragraph (b) of Subdivision 27 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

27. Mini-Shopping Centers in the C, M1, M2, or M3 Zones and Commercial Corner Developments in any C or M zone, the lot line of which adjoins, is separated only by an alley, or is located across the street from any portion of a lot zoned A or R which: (1) contain a commercial use not otherwise subject to conditional use approval which operates between the hours of 11 p.m. and 7 a.m.; (2) contain an amusement enterprise as enumerated in Section 12.14 A.3. of this Code; (3) contain an automobile laundry or wash rack; and/or (4) do not comply with the requirements and conditions enumerated in Section 12.22 A.23. of this Code.

(b) **Findings.** ~~In addition to the findings otherwise required by this section, prior to approval of a Mini-Shopping Center or Commercial Corner Development, a~~ The Zoning Administrator shall make all of the following findings find:

~~(1) that the Mini-Shopping Center or Commercial Corner Development use is consistent with the public welfare and safety;~~

~~(2) (1) that access, ingress and egress to the Mini-Shopping Center or Commercial Corner Development will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets, that it will not create an adverse impact on street~~

access or circulation in the surrounding neighborhood based on data provided by the City Department of Transportation or by a licensed traffic engineer; and

~~(3) (2)~~ that there is not a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed Mini-Shopping Center or Commercial Corner Development; and,

~~(4) that the Mini-Shopping Center or Commercial Corner Development is not located in an identified pedestrian-oriented, commercial and artcraft, community design overlay, historic preservation overlay, or transit-oriented district, area or zone, or, if the lot or lots are located in the identified district, area or zone, that the Mini-Shopping Center or Commercial Corner Development would be consistent with the district, area or zone.~~

Sec. 14. Subdivision 28 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

28. To permit two or more development incentives pursuant to Section 13.09 E.4 for a Mixed Use Project in a Mixed Use District. In addition to the findings otherwise required by this section, ~~prior to approving two or more development incentives pursuant to Section 13.09 E.4.,~~ the Zoning Administrator shall ~~make the following findings:~~ find 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.

~~(a) The Project provides a compatible arrangement of buildings, structures and improvements in relation to neighboring properties; and~~

~~(b) The Project conforms with any applicable specific and redevelopment plans.~~

Sec. 15. Subdivision 33 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

33. **Pawnshops** in the C2, C5, CM, M1, M2 and M3 Zones. ~~In addition to the findings otherwise required by this section, the Zoning Administrator shall also find:~~

~~(a) that its operation would provide an essential service or retail convenience to the immediate residential neighborhood or a benefit to the community; and~~

~~(b) that its operation will be reasonably compatible with and not be detrimental to the public welfare or injurious to the improvements and uses of adjacent properties.~~

Sec. 16. Paragraph (e) of Subdivision 49 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

49. **Wireless telecommunication facilities**, including radio and television transmitters citywide, other than wireless antennas and associated equipment cabinets on the rooftops of buildings in the C and M Zones, including geographic specific plan areas, which conform to the provisions of Section 12.21 A.21 of this Code:

(e) **Findings.** ~~In making the findings in Section 12.24 E of this Code, to allow any variations from the Wireless Telecommunication Facilities Standards, the Zoning Administrator shall consider and balance the benefit to the public with the technological constraints, the design, the location of the facility, as well as other relevant factors. In addition to the findings otherwise required by this section, in approving a conditional use a Zoning Administrator shall also make the following findings:~~ In approving a conditional use, the Zoning Administrator shall consider and balance the benefit to the public with the technological constraints, the design, the location of the facility, as well as other relevant factors and also find

(1) that the project is consistent with the general requirements of the Wireless Telecommunication Facilities Standards set forth in Section 12.21 A.20 of this Code and meets the Approval Criteria of Section 12.21 A.20.(c) of this Code; ~~and,~~

~~(2) that the use would have no substantial adverse impact on properties or improvements in the surrounding neighborhood.~~

Sec. 17. Subdivision 50 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

50. Storage buildings for household goods, including truck rentals, in the C2, C5 and CM Zones; and in the M1, M2 and M3 Zones when within 500 or fewer feet from an A or R Zone or residential use, as measured from the lot lines. In addition to the required findings, the Zoning Administrator shall also find that 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 similar pertinent improvements, which is or will be compatible with existing and future development on neighboring properties.~~ provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood.

Sec. 18. Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

X. Further Authority of the Zoning Administrator for Other Similar Quasi-Judicial Approvals. The following uses and activities may be permitted in any zone, unless restricted to certain zones or locations, if approved by the Zoning Administrator as the initial decision-maker or the Area Planning Commission as the appellate body. ~~The Zoning Administrator shall find that approval of any use in this subsection is in conformity with the 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.~~ Further these uses and activities are subject to the procedures, regulations and limitations set forth below.

Sec. 19. Paragraph b of Subdivision 2 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(b) **Findings.** ~~In addition to the findings otherwise required by this section, a~~ The Zoning Administrator shall require and make all of the following findings find:

(1) that the restaurant contains a kitchen as defined in Section 12.03;

(2) that the primary use of the restaurant premises is for sit-down service to patrons;

(3) that any take-out service is only incidental to the primary sit-down use;

~~(4) that parking is provided at the rate of at least one space per 500 square feet of gross floor area, except when located in the Downtown Business District as delineated in Section 12.21 A.4.(i). When located in the Downtown Business District, parking shall be provided as required by Section 12.21 A.4.(i)(3);~~

~~(5)~~ (4) that the restaurant is not located within 600 feet of a hospital, church, school (including day-care center), public park or playground, or youth facility; and

~~(6) that the use will not be detrimental to the public health, safety or welfare;~~

~~(7) that the use will be compatible with the surrounding neighborhood; and~~

(8) (5) that the hours of operation will not negatively impact adversely affect or further degrade the surrounding neighborhood.

Sec. 20. Paragraph e of Subdivision 6 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is deleted:

12.24 X 6 – Farmer's Markets

~~(e) — **Findings.** In addition to the findings otherwise required by this section, a Zoning Administrator shall find that the proposed location of a certified farmer's market will not have a significant adverse effect on adjoining properties or on the immediate neighborhood by reason of noise and traffic congestion.~~

Sec. 21. Paragraph (a) of Subdivision 10 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

10. **Height and Reduced Side Yards.** A Zoning Administrator may, upon application, permit buildings and structures on a lot or group of lots in the RA, RE20, RE15, RE11, RE9, RS, R1 and R2 Zones where the lot is not located in a Hillside Area or Coastal Zone, to exceed the maximum height or number of stories otherwise permitted by the provisions of Section 12.21.1; or to reduce the required side yards otherwise required in this Code.

~~(a) **Findings, for Height.** In addition to the findings otherwise required by this section, a The Zoning Administrator shall find:~~

~~(1) that the increase in height shall not result in a building or structure that exceeds an overall height of 45 feet;~~

~~(2) that the increased height will result in a building or structure which is compatible in scale with existing structures and uses in the same zone and vicinity; and~~

~~(3) 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.~~

~~(b) **Findings for Reduced Yards.** In addition to the findings otherwise required by this section, a Zoning Administrator shall find:~~

~~(1) (2) that the reduction will not result in side yards of less than three feet; and~~

~~(2) that the reduction 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.~~

(3) 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.

~~(e)~~ **(b) Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for slight modifications set forth in Section 12.28C1, 2 and 3.

~~(d)~~ **(c) Fees.** Fees for these determinations shall be those provided pursuant to Section 19.01 U of this Code when a public hearing is required and one-half the amount of that provided under Section 19.01U when the public hearing has been waived pursuant to Section 12.28C2(a).

Sec. 22. Subdivision 11 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

11. **Hillside Area.** A Zoning Administrator may, upon application, permit buildings and structures on lots in the A1, A2, RA, RE, RS, R1 and RD Zones which are located in a Hillside Area as defined in Section 12.03 to:

~~(1)~~ exceed the maximum 36-foot height limitation required by Section 12.21A17(c);

~~(2)~~ reduce the front or side yards required by Section 12.21A17(a) and (b);

~~(3)~~ increase the maximum lot coverage limitations of Section 12.21A17(f); and

~~(4)~~ reduce the number of off-street parking spaces otherwise required by Section 12.21A17(h). ~~In addition to the findings required by this subsection, a~~ The Zoning Administrator shall find the following:

~~(a)~~ **Height:**

~~(1)~~ ~~(a)~~ that the increase in height will not result in a building or structure which exceeds an overall height of 45 feet; and

~~(2)~~ that the increase in height will result in a building or structure which is compatible in scale with existing structures in the vicinity; and

~~(3)~~ that the grant is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the area.

~~(b)~~ **Yards:**

~~(1)~~ ~~(b)~~ that the reduction in yards will not result in side yards of less than four feet; and

~~(2) that the reduction in yards will not be materially detrimental to the public welfare or injurious to the adjacent property or improvements.~~

~~(c) Lot Coverage:~~

~~(1) (c) that the increase in lot coverage will not result in a total lot coverage in excess of 50 percent of the lot area;~~

~~(2) 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; and~~

~~(3) (d) that the increase in lot coverage will not result in a loss of privacy or access to light enjoyed by adjacent properties;~~

~~(d) Off-Street Parking:~~

~~(1) (e) that the reduction of the parking requirements will not create an adverse impact on street access or circulation in the surrounding neighborhood; and~~

~~(2) 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.~~

(f) that the grant is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the area.

Sec. 23. Paragraph (e) of Subdivision 12 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(e) ~~In addition to the findings required by this section, the~~ The Zoning Administrator shall also make the following findings before granting an application pursuant to this subdivision: find:

(1) ~~The commercial use and/or reduced parking is compatible with, and will not adversely impact property within, the surrounding area or HPOZ; and~~ that it will not create an adverse impact on street access or circulation in the surrounding neighborhood

(2) ~~The~~ that the commercial use and/or reduced parking is reasonably necessary to provide for the continued preservation of the historically significant building and is compatible with its historic character.

Sec. 24. Paragraph b of Subdivision 21 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

21. Substandard Hillside Street, Street Access or Grading for Parking in Hill-sides.

(a) Requirements. If an owner seeks relief, a Zoning Administrator may, permit the grading and construction of buildings and structures on lots in the A1, A2, RA, RE, RS, R1 and RD Zones, which:

(1) do not meet the requirements of Section 12.21A17(e)(2), because they front on a Substandard Hillside Limited Street improved to a roadway width of less than 20 feet,

(2) do not meet the requirements of Section 12.21A17(e)(3), because they do not have vehicular access from streets improved with a minimum 20 foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area; or

(3) providing parking in compliance with Section 12.21A17(h) requires the grading of more than 1,000 cubic yards of earth.

(b) Findings. ~~In addition to the findings otherwise required by this section,~~ a The Zoning Administrator shall find:

(1) ~~that the vehicular traffic associated with the building or structure project will not create an adverse impact on street access or circulation in the surrounding neighborhood; and~~

~~(2) that the building or structure will not be materially detrimental or injurious to the adjacent property or improvements; and~~

~~(3) that the building or structure will not have a materially adverse safety impact on the surrounding neighborhood; and~~

(4) (2) that the site and/or existing improvements make strict adherence to Section 12.21 A.17 (e) or (h) impractical or infeasible. that the granting of the relief recognizes that while site characteristics or existing improvements make strict adherence to the hillside regulations in Section 12.21 A.17 (e) or (h) impractical or infeasible, the project conforms with the intent of those regulations.

Sec. 25. Paragraph (a) of Subdivision 22 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(a) **Requirements.** A Zoning Administrator may, upon application, permit buildings and structures on lots in C and M Zones to exceed the maximum heights otherwise permitted by the provisions of Section 12.21.1 A.10. In making a determination pursuant to this subdivision, a Zoning Administrator shall find that ~~such permission will result in a building or structure which is compatible in scale with existing adjoining and nearby structures and uses, as well as adopted plans.~~ 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.

Sec. 26. Paragraph (a) of Subdivision 23 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

23. To permit in the Commercial zones uses which support motion picture and television production and other entertainment industries and are not on, or integrated with a motion picture and television studio site. Support uses may include, but are not limited to, sound labs, film editing, film video and audio processing, sets and props production, computer design, computer graphics, animation, offices and ancillary facilities.

(a) **Findings.** ~~In addition to the findings otherwise required by this section,~~ a The Zoning Administrator shall also find:

(1) that the use is conducted so that its products or services are intended to be utilized by the motion picture, television, video or radio industry or other entertainment industries; and

~~(2) that the use will not have a detrimental effect on neighboring properties; and~~

~~(3)~~ (2) that the use does not violate the separation and distance requirements of regulated adult entertainment uses as defined and set forth in this Code.

Sec. 27. A new Subdivision 28 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is added to read:

28. Historical Vehicle Collection. The maintenance of a Historic Vehicle Collection shall be considered an accessory use if the Zoning Administrator finds:

(a) that all the historic vehicles and parts maintained in outdoor storage, whether currently licensed or unlicensed, or whether operable or inoperable constitute an Historic Vehicle Collection;

(b) the Historic Vehicle Collection occupies less than 50 percent of the area of the lot for the first 10,000 square feet of the lot area plus 20 percent of additional lot area for lots in excess of 10,000 square feet;

(c) the Historic Vehicle Collection is maintained in such manner as not to constitute a health or safety hazard;

(d) the Historic Vehicle Collection is fully screened from ordinary public view by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means;

(e) no portion of the Historic Vehicle Collection is located within five feet of any building or within any sideyards required by this Code; and

(f) plans for the maintenance of the Historic Vehicle Collection have been submitted to and approved by the Zoning Administrator in accordance with the procedures in Section 12.28 C.1, 2 and 3 and subject to the same fees as in Section 19.01 E. for relief from fence height limitation.

Sec. 28. Subdivision 4 of Subsection C of Section 12.28 of the Los Angeles Municipal Code is amended to read:

4. Findings for Approval of Adjustments. Before granting an application for an adjustment the Zoning Administrator ~~must find:~~ shall make the findings in Section 12.24 E of this Code and also find that the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project conforms with the intent of those regulations.

~~(a) That the granting of an adjustment will result in development compatible and consistent with the surrounding uses.~~

~~(b) That the granting of an adjustment will be in conformance with the intent and purpose of the General Plan of the City.~~

~~(c) That the granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.~~

~~(d) That there are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.~~

~~(e) That the site and/or existing improvements make strict adherence to zoning regulations impractical or infeasible.~~

Sec. 29. Subsection A of Section 12.81 of the Los Angeles Municipal Code is amended to read:

A. Notwithstanding any provisions of this article to the contrary, during any period or periods, not totaling more than 120 days between November 1 and March 31, for which the Mayor and/or the City Council has declared a shelter crisis within the meaning of Government Code Section 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2, and M3 Zones without regard to the number of beds or number of persons served, if the shelter is operated by a non-profit, charitable organization and the shelter is located on property owned or leased by that organization. Before a shelter may be established or operated, the City Council, or a City official or body authorized to do so by resolution of the Council, must find that:

1. an emergency exists which affects the health and safety of homeless persons;
2. a shelter for the homeless in the proposed location would contribute to the alleviation of the effects of the shelter crisis;
3. ~~the project is consistent with the various elements and objectives of the General Plan;~~ the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan;
4. ~~the project would have no substantial adverse impact on properties or improvements in the surrounding neighborhood;~~ 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;
5. there is not an over-concentration of shelters for the homeless in the surrounding area; and
6. the land uses and development in the immediate vicinity of the subject site will not constitute an immediate or potential hazard to occupants of the shelter.

Sec. 30. Subsection G of Section 13.03 of the Los Angeles Municipal Code is amended to read:

G. Findings. A Permit shall be approved if the Commission or Council finds that:

1. The project complies with the Act and with the policies of the State Board for Surface Mining Operations; and
2. Minerals described in the application are available; and
3. The proposed Surface Mining Operations will not be detrimental to the public health, safety, and welfare; and

4. The proposed Surface Mining Operations can be conducted in accordance with the provisions of this section; and

5. ~~The proposed Surface Mining Operations are consistent with the elements and objectives of the General Plan, in particular the open space and conservation elements that the project is in substantial conformance with purposes, intent and provisions of the Open Space and Conservation Elements of the General Plan;~~ and

6. The site analysis, operations analysis, Reclamation plan, and any conditions of approval have been signed by the applicant, Operator, and/or Owner; and

7. The drainage and erosion control plan is adequate to protect the public health, safety, and welfare; and

8. ~~The vehicular access plan is adequate to protect the public health, safety, and welfare; and that it will not create an adverse impact on street access or circulation in the surrounding neighborhood;~~

9. ~~The proposed Surface Mining Operations are consistent with the General Plan; and that the project is in substantial conformance with purposes, intent and provisions of the General Plan and applicable community and specific plan;~~

10. A written response to the state Department of Conservation has been prepared, describing the disposition of major issues raised by the Department of Conservation. Where the City's position differs from the recommendations and objections raised by the state Department of Conservation, the response has addressed, in detail, why specific comments and suggestions were not accepted; and

11. In regard to the Reclamation plan, that:

(a) ~~The the Reclamation plan complies with the Act and with the policies of the State Board for Reclamation practice; and~~

(b) ~~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; and~~

(c) ~~The the Reclamation plan is compatible with future projected uses in the area; and~~

(d) ~~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~~ 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;

(e) (d) The the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible, and blends in, with the surrounding natural environment, topography, and other resources; or that suitable off-site development will compensate for related disturbance to resource value; and

(f) (e) The the Reclamation plan will restore the Mined Lands to a usable condition which is readily adaptable for alternative land uses ~~consistent with the General Plan and applicable resource plan; in particular, the open space and conservation elements.~~ that are in substantial conformance with the purposes, intent and provisions of the Open Space and Conservation Elements of the General Plan.

Sec. 31. Paragraph (e) of Subdivision 1 of Subsection F of Section 13.07 of the Los Angeles Municipal Code is amended to read:

1. Determination. The Director or the Director's designee shall make a determination of approval or conditional approval within 25 days of the Department's acceptance of an application. Notice of the Director's determination shall be mailed to the applicant, the Councilmember in whose District the project is located, and to all owners and lessees of property within a radius of 500 feet of the project. The determination by the Director shall include written findings in support of the determination. In order to approve a proposed construction project pursuant to this subsection, the Director must find that:

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

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

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

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

(e) The the project is consistent in substantial conformance with the purposes, intent and provisions of with the General Plan and applicable community and specific plan.

Sec. 32. Subsection E of Section 14.3.1 of the Los Angeles Municipal Code is amended to read:

E. Findings for Approval. In order to grant the approval, the Zoning Administrator must find that the strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. The Zoning Administrator must also find that ~~the Eldercare Facility:~~

1. ~~Will not be materially detrimental or injurious to properties or improvements in the immediate area; 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; and~~
2. ~~Will that it will~~ provide services to the elderly such as housing, medical services, social services, or long term care to meet the citywide demand; and
3. ~~Will that it will~~ not create an adverse impact on street access or circulation in the surrounding neighborhood; and
4. ~~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 pertinent improvements, which is or will be compatible with existing and planned future development on neighboring properties; 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; and~~
5. ~~Is in conformance with any applicable provision of the General Plan. that it is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.~~

Sec. 33. Paragraph 2 of Subsection A of Section 16.01 of the Los Angeles Municipal Code is amended to read:

A. Authority of the Zoning Administrator. Notwithstanding any other provision of this Code to the contrary, the Zoning Administrator shall have the authority to approve the use of a lot in any zone for the temporary use of property which will aid in the immediate restoration of an area adversely impacted by a severe fire, storm, earthquake, similar natural disaster, or a civil or military disturbance, and declared by the Governor as an emergency area if the Zoning Administrator finds:

1. ~~That that~~ the nature and short duration of the proposed temporary use assures that the proposed use will not be materially detrimental to the character of development in the immediate neighborhood;

~~2. That the proposed use will not adversely affect the implementation of the General Plan or any applicable specific plan; that the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan; and~~

~~3. That that the proposed use will contribute in a positive fashion to the reconstruction and recovery of areas adversely impacted during the emergency.~~

Sec. 34. Subsection F of Section 16.05 of the Los Angeles Municipal Code is amended to read:

F. In granting an approval, the Director, or the Area Planning Commission on appeal, shall ~~adopt written findings, and shall grant site plan approval only upon finding that the development project meets all of the following requirements~~ find:

~~1. That the project complies with all applicable provisions of this Code and any applicable Specific Plan. that the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan;~~

~~2. That the project is consistent with the General Plan.~~

~~3. That the project is consistent with any applicable adopted Redevelopment Plan.~~

~~4. 2. That that 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; and~~

~~5. 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.~~

~~6. 3. That that any project containing residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate.~~

Sec. 35. The City Clerk shall certify ...



DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT



ATTACHMENT 1- ORDINANCE FINDINGS

ATTACHMENT 1 – ORDINANCE FINDINGS

LAND USE FINDINGS

The Department of City Planning recommends that the City Planning Commission find:

1. In accordance with Charter Section 556, the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan. Specifically, the proposed ordinance implements Economic Development Objective 7.4 to “Improve the provision of governmental services, expedite the administrative processing of development applications” in order to “develop and maintain a streamlined development review process to assure the City’s competitiveness within the ... region” (policy 7.4.1) by eliminating duplicative and obsolete findings. Eliminating these findings will lead to clearer and shorter staff reports. The proposed ordinance also implements Objective 7.8, to “maintain and improve municipal service levels throughout the city to support current residents’ quality of life and enable Los Angeles to be competitive when attracting desirable new development” by synchronizing and consolidating findings. This will lead to more consistent report language and more transparent report writing since many findings will become standardized and more easily recognizable. These revised findings will enable decision makers to be more succinct in their determinations and will provide a more consistent platform for all neighborhood councils and other stakeholders to participate in the various land use processes.
2. In accordance with Charter Section 558 (b) (2), the proposed ordinance (Appendix A) is in substantial conformance with public necessity, convenience, general welfare and good zoning practice. Consistent with City policy that will expedite the administrative processing of the development application and will encourage “a streamlined development review process” (Framework policy 7.4.1) this ordinance will improve the quality of development citywide by providing a better framework for analyzing the merits of proposed projects that require discretionary reviews.

ENVIRONMENTAL FINDING

In accordance with the California Environmental Quality Act (CEQA), a Negative Declaration (ENV-2010-1573-ND) was published on September 9, 2010. On all measures the proposed ordinance (Appendix A) will have either no or a less than significant effect on the environment. The proposed ordinance makes no changes to existing zoning, any specific plans, or other land use regulations that affect the physical environment.



DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT



ATTACHMENT 2- CHART OF FINDINGS

Core Findings Report

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
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1	11.5.7 C 2 (a) - Project Permit Compliance Review - Director w/ Appeals to APC	To allow development in compliance with a specific plan	That the project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan	That the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "General Plan" finding
2	11.5.7 C 2 (b) - Project Permit Compliance Review - Director w/ Appeals to APC	To allow development in compliance with a specific plan	That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.	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.	Delete	Redundant of CEQA
3	11.5.7 E 3 (a) - Project Permit Adjustments - Director w/ Appeals to APC	To allow projects with minor adjustments from the specific plan regulations	That there are special circumstances applicable to the project or project site which make the strict application of the specific plan regulation(s) impractical	That the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "Adjustment" finding
4	11.5.7 E 3 (b) - Project Permit Adjustments from the specific plan regulations	To allow projects with minor adjustments from the specific plan regulations	That in granting the Project Permit Adjustment, the Director has imposed project requirements and/or decided that the proposed project will substantially comply with all applicable specific plan regulations	That the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "General Plan" finding
5	11.5.7 E 3 (c) - Project Permit Adjustments - Director w/ Appeals to APC	To allow projects with minor adjustments from the specific plan regulations	That in granting the Project Permit Adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights-of-way	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.	Rewrite	to be consistent with new core "Project Compatibility" finding
6	11.5.7 E 3 (d) - Project Permit Adjustments - Director w/ Appeals to APC	To allow projects with minor adjustments from the specific plan regulations	That the project incorporates mitigation measures, monitoring of measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible	That the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the specific plan regulations impractical or infeasible, the project conforms with the intent of those regulations.	Rewrite	to delete CEQA redundancy and synchronize with core adjustment finding
7	11.5.7 F 2 (a) - Exceptions from Specific Plans - APC w/ Appeals to City Council	To allow projects with exceptions from specific plan regulations	That the strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan	That the strict application of the provisions of the specific plan regulations would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the specific plan.	Rewrite	synchronize with Variance findings

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
8 11.5.7 F 2 (b) - Exceptions from Specific Plans - APC w/ Appeals to City Council	To allow projects with exceptions from specific plan regulations	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	That there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same specific plan.	Rewrite	synchronize with Variance findings
9 11.5.7 F 2 (d) - Exceptions from Specific Plans - APC w/ Appeals to City Council	To allow projects with exceptions from specific plan regulations	That the granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property	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.	Rewrite	synchronize with Variance findings
10 11.5.7 F 2 (e) - Exceptions from Specific Plans - APC w/ Appeals to City Council	To allow projects with exceptions from specific plan regulations	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	That the granting of the exception will not adversely affect any element of the specific plan.	Rewrite	synchronize with Variance findings
11 12.03 (c) - Definition of Accessory Use - Historical Vehicle Collection	Defines land uses	the Historic Vehicle Collection is maintained in such manner as not to constitute a health or safety hazard		Move	This ZA process is not a definition
12 12.03 - Definition of Historical Vehicle Collection	Defines land uses	...out-of-production vehicles of historical importance, as determined by the Zoning Administrator...		Move	This ZA process is not a definition
13 12.03 (a) - Definition of Accessory Use - Historical Vehicle Collection	Defines land uses	all the historic vehicles and parts maintained in outdoor storage, whether currently licensed or unlicensed, or whether operable or inoperable constitute an Historic Vehicle Collection		Move	This ZA process is not a definition
14 12.03 (b) - Definition of Accessory Use - Historical Vehicle Collection	Defines land uses	the Historic Vehicle Collection occupies less than 50 percent of the area of the lot for the first 10,000 square feet of the lot area plus 20 percent of additional lot area for lots in excess of 10,000 square feet		Move	This ZA process is not a definition
15 12.03 (d) - Definition of Accessory Use - Historical Vehicle Collection	Defines land uses	the Historic Vehicle Collection is fully screened from ordinary public view by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means		Move	This ZA process is not a definition
16 12.03 (e) - Definition of Accessory Use - Historical Vehicle Collection	Defines land uses	no portion of the Historic Vehicle Collection is located within five feet of any building or within any sideyards required by this Code		Move	This ZA process is not a definition

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
17 12.03 (f) - Definition of Accessory Use - Historical Vehicle Collection	Defines land uses	plans for the maintenance of the Historic Vehicle Collection have been submitted to and approved by the Zoning Administrator in accordance with the procedures in Section 12.28 C.1., 2. and 3.		Move	This ZA process is not a definition
18 12.24 E 1 - CUP - Findings	The core findings necessary to approve all conditional uses	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 ... [continued below]	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.	Rewrite	to be consistent with new core "Neighborhood Enhancement" finding
19 12.24 E 2 - CUP - Findings	The core findings necessary to approve all conditional uses	[continued from above] ... character of development in the immediate neighborhood, and will be in harmony with the various elements and objectives of the General Plan.	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.	Rewrite	to be consistent with new core "Project Compatibility" finding
20 12.24 E 3 - CUP - Findings	The core findings necessary to approve all conditional uses		That the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "General Plan" finding
21 12.24 F - Conditions for Approval	Additional findings necessary to approve all conditional uses	...the decision-maker may impose those conditions, based upon written findings, which it deems necessary to protect the best interests of the surrounding property or neighborhood, to ensure that the development is compatible with the surrounding...	...based upon the findings made in Subsection E...	Rewrite	to be consistent with new core findings
22 12.24 U 14 (b)(1) - CUP - Major Projects	To approve a Major Development Project	the Major Development Project conforms with any applicable specific and/or redevelopment plan		Delete	to be consistent with new core "General Plan" finding
23 12.24 U 14 (b)(2) - CUP - Major Projects	To approve a Major Development Project	the Major Development Project provides a compatible arrangement of uses, buildings, structures, and improvements in relation to neighboring properties	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.	Rewrite	to be consistent with new core "Project Design" finding
24 12.24 U 14 (b)(3) - CUP - Major Projects	To approve a Major Development Project	the Major Development Project complies with the height and area regulations of the zone in which it is located		Delete	to remove zoning redundancy
25 12.24 U 14 (b)(5) - CUP - Major Projects	To approve a Major Development Project	the Major Development Project would have no material adverse impact on properties, improvements or uses, including commercial uses, in the surrounding neighborhood		Delete	to be consistent with new core "Project Compatibility" finding

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
26 12.24 U 22 (e) - Conditional Use Permits - CPC w/ Appeals to City Council - Recycling Centers	To allow recycling centers in permitted zones	In approving an application for a conditional use pursuant to this subdivision... the City Planning Commission shall find that the location of the proposed recycling use will not be materially detrimental to the public welfare ...		Delete	to be consistent with the new core "Compatibility" finding
27 12.24 U 26 (a)(1) - CUP - Density Bonus	To allow a Density Bonus greater than what is allowed by-right	that the development project is consistent with and implements the Housing Element of the General Plan, which includes objectives to encourage the availability of affordable units	That the project implements the affordable housing provisions of the Housing Element of the General Plan.	Rewrite	to be consistent with new core "Housing Element" finding
28 12.24 U 27 (a)(1) - CUP - Floor Area Bonus	To allow a floor area bonus greater than what is allowed by-right	That the residential (including Apartment Hotel and mixed-use) building is consistent with and implements the Housing Element of the General Plan, which includes objectives to encourage the availability of affordable dwelling units	That the project implements the affordable housing provisions of the Housing Element of the General Plan.	Rewrite	to be consistent with new core "Housing Element" finding
29 12.24 U 27 (a)(2) - CUP - Floor Area Bonus	To allow a floor area bonus greater than what is allowed by-right	That the residential (including Apartment Hotel and mixed-use) building is consistent with the applicable community plan		Delete	to remove zoning redundancy
30 12.24 V 2 (a)(1) - CUP - Mixed Commercial/Residential Use Development in any zone	To permit a Mixed Commercial/Residential Use Development in any zone	that the proposed development is consistent with the purposes and intent of the Housing Element of the General Plan and will provide needed lower income housing units in keeping with the goals of the plan	That the project implements the affordable housing provisions of the Housing Element of the General Plan.	Rewrite	to be consistent with new core "Housing Element" finding
31 12.24 V 2 (a)(3) - CUP - Mixed Commercial/Residential Use Development in any zone	To permit a Mixed Commercial/Residential Use Development in any zone	that approval of the development will be in substantial conformity with public necessity, convenience, general welfare and good zoning practice		Delete	to be consistent with new core "Neighborhood Enhancement" finding
32 12.24 W 27 (b)(1) - CUP - Commercial Corners	To approve deviations to a Mini-Shopping Center or Commercial Corner Development	that the Mini-Shopping Center or Commercial Corner Development use is consistent with the public welfare and safety		Delete	to be consistent with the new core "Project Compatibility" finding
33 12.24 W 27 (b)(2) - CUP - Commercial Corners	To approve deviations to a Mini-Shopping Center or Commercial Corner Development	that access, ingress and egress to the Mini-Shopping Center or Commercial Corner Development will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent	That it will not create an adverse impact on street access or circulation in the surrounding neighborhood...	Rewrite	to be consistent with new core "Traffic" finding
34 12.24 W 27 (b)(4) - CUP - Commercial Corners	To approve deviations to a Mini-Shopping Center or Commercial Corner Development	that the Mini-Shopping Center or Commercial Corner Development is not located in an identified pedestrian oriented, commercial and artwork, community design overlay,		Delete	to remove zoning redundancy

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
35 12.24 W 28 (a) - CUP - Mixed Use Project	To permit a Mixed Use Project in a Mixed Use District	The Project provides a compatible arrangement of buildings, structures and improvements in relation to neighboring properties	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.	Rewrite	to be consistent with new core "Project Design" finding
36 12.24 W 28 (b) - CUP - Mixed Use Project	To permit a Mixed Use Project in a Mixed Use District	The Project conforms with any applicable specific and redevelopment plans		Delete	to be consistent with new core "General Plan" finding
37 12.24 W 33 (a) - CUP - Pawn Shops	To allow a pawnshop in permitted zones	that its operation would provide an essential service or retail convenience to the immediate residential neighborhood or a benefit to the community		Delete	to be consistent with new core "Neighborhood Enhancement" finding
38 12.24 W 33 (b) - CUP - Pawn Shops	To allow a pawnshop in permitted zones	that its operation will be reasonably compatible with and not be detrimental to the public welfare or injurious to the improvements and uses of adjacent properties		Delete	to be consistent with new core "Project Compatibility" finding
39 12.24 W 4 (b)(2) - CUP - Automotive Uses in the C Zones	To permit automotive uses in C zones that otherwise do not comply with the code	that any new or remodeled structure is designed to reflect the scale and character of the surrounding commercial area		Delete	to be consistent with the new core "Project Compatibility" finding
40 12.24 W 4 (b)(3) - CUP - Automotive Uses in the C Zones	To permit automotive uses in C zones that otherwise do not comply with the code	that access and ingress to, egress from and associated parking of the automotive use not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation	That access... not create an adverse impact on street access or circulation in the surrounding neighborhood...	Rewrite	to be consistent with new core "Traffic" finding
41 12.24 W 4 (b)(4) - CUP - Automotive Uses in the C Zones	To permit automotive uses in C zones that otherwise do not comply with the code	that the automotive use is not located in an identified pedestrian oriented, commercial and artcraft, community design overlay, historic preservation overlay, or transit-oriented district... or that the use would be consistent with the district, area, or zo		Delete	to remove zoning redundancy
42 12.24 W 49 (e)(2) - CUP - Wireless	To approve any zoning variations from the Rooftop Wireless Communications Facilities Standards	that the use would have no substantial adverse impact on properties or improvements in the surrounding neighborhood		Delete	to be consistent with new core "Project Compatibility" finding
43 12.24 W 50 - CUP - Storage buildings for household goods, including truck rentals	To permit storage buildings for household goods, including truck rentals in permitted zones	arrangement of buildings and structures... and other similar pertinent improvements, which is or will be compatible with existing and future development on neighboring properties.	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.	Rewrite	to be consistent with new core "Project Design" finding

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
44 12.24 X - Further Authority of the ZA for Other Similar Quasi-Judicial Approvals	Determines additional uses and activities allowable with Zoning Administrator approval	is in conformity with the 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.		Delete	to be consistent with new core findings
45 12.24 X 10 (a)(2) - ZAD - Height	To allow buildings and structures in certain zones to exceed the maximum height otherwise required in the zoning code	that the increased height will result in a building or structure which is compatible in scale with existing structures and uses in the same zone and vicinity		Delete	to be consistent with new core "Project Compatibility" finding
46 12.24 X 10 (b)(2) - ZAD - Reduced Side Yards	To reduce the side yard requirement otherwise regulated in the zoning code	that the reduction 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		Delete	to be consistent with new core "Project Compatibility" finding
47 12.24 X 11 (a)(2) - ZAD - Hillside - Height	To allow buildings and structures in hillside areas of certain zones to exceed maximum height limitations	that the increase in height will result in a building or structure which is compatible in scale with existing structures in the vicinity		Delete	to be consistent with new core "Project Design" finding
48 12.24 X 11 (b)(2) - ZAD - Hillside - Yards	Reduces the side yard requirement in Hillside Areas	that the reduction in yards will not be materially detrimental to the public welfare or injurious to the adjacent property or improvements		Delete	to be consistent with new core "Project Compatibility" finding
49 12.24 X 11 (c)(2) - ZAD - Hillside - Lot Coverage	Increases allowable lot coverage in Hillside Areas	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		Delete	to be consistent with new core "Project Design" finding
50 12.24 X 11 (d)(2) - ZAD - Hillside - Off Street Parking	Allows a reduction in off-street parking in Hillside Areas	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		Delete	to be consistent with new core "Project Compatibility" finding
51 12.24 X 12 (e)(1) - ZAD - Historic Buildings	To allow commercial uses or reduced parking in Historic Buildings	The commercial use and/or reduced parking is compatible with, and will not adversely impact property within, the surrounding area or HPOZ	that it will not create an adverse impact on street access or circulation in the surrounding neighborhood	Rewrite	to be consistent with new core "Project Compatibility" finding
52 12.24 X 2 (b)(4) - CUJE (Exception) - Alcohol in small restaurants	To permit a restaurant with no more than 50 seats to serve alcohol	that parking is provided at the rate of at least one space per 500 square feet of gross floor area, except when located in the Downtown Business District as delineated in Section 12.21 A.4.(f). When located		Delete	to remove zoning redundancy

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
53 12.24 X 2 (b)(6) - CUE (Exception) - Alcohol in small restaurants	To permit a restaurant with no more than 50 seats to serve alcohol	that the use will not be detrimental to the public health, safety or welfare		Delete	to be consistent with new core "Project Compatibility" finding
54 12.24 X 2 (b)(7) - CUE (Exception) - Alcohol in small restaurants	To permit a restaurant with no more than 50 seats to serve alcohol	that the use will be compatible with the surrounding neighborhood		Delete	to be consistent with new core "Project Compatibility" finding
55 12.24 X 21 (b)(1) - ZAD - Substandard Hillside Street	Permits the construction on hillside lots of certain zones that otherwise are not in compliance with zoning requirements	that the vehicular traffic associated with the building or structure will not create an adverse impact on street access or circulation in the surrounding neighborhood	That the project... [same text]	Rewrite	to be consistent with new core "Traffic" finding
56 12.24 X 21 (b)(2) - ZAD - Substandard Hillside Street	Permits the construction on hillside lots of certain zones that otherwise are not in compliance with zoning requirements	that the building or structure will not be materially detrimental or injurious to the adjacent property or improvements		Delete	to be consistent with new core "Project Compatibility" finding
57 12.24 X 21 (b)(3) - ZAD - Substandard Hillside Street	Permits the construction on hillside lots of certain zones that otherwise are not in compliance with zoning requirements	that the building or structure will not have a materially adverse safety impact on the surrounding neighborhood		Delete	to be consistent with new core "Project Compatibility" finding
58 12.24 X 21 (b)(4) - ZAD - Substandard Hillside Street	Permits the construction on hillside lots of certain zones that otherwise are not in compliance with zoning requirements	that the site and/or existing improvements make strict adherence to Section 12.21 A.17 (e) or (h) impractical or infeasible	That the granting of the relief recognizes that while site characteristics or existing improvements make strict adherence to the hillside regulations in Section 12.21 A impractical or infeasible, the project conforms with the intent of those regulations.	Rewrite	to be consistent with new core "Adjustment" finding
59 12.24 X 22 (a) - ZAD - Transitional Height	To approve development that exceeds the maximum height otherwise permitted	that such permission will result in a building or structure which is compatible in scale with existing adjoining and nearby structures and uses, as well as adopted plans	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.	Rewrite	to be consistent with new core "Project Design" finding
60 12.24 X 23 (a)(2) - ZAD - Uses which support motion picture and television production	To permit uses in C zones that support motion picture production	that the use will not have a detrimental effect on neighboring properties		Delete	to be consistent with new core "Project Compatibility" finding

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
61 12.24 X 27 (b) 3rd paragraph - ZAD - Continuation of Nonconforming Use of Building	Imposes time limits on continuations if necessary	the nonconforming use will not have a significant adverse effect on adjoining property or on the immediate neighborhood, and that the nonconforming use is not likely to evoke public controversy		Delete	to be consistent with new core "Project Compatibility" finding
62 12.24 X 6 - Farmers Markets	To permit operation of certified farmers markets	That the proposed location of a certified farmer's market will not have a significant adverse effect on adjoining properties or on the immediate neighborhood by reason of noise and traffic congestion.		Delete	to be consistent with new core "Project Compatibility" finding
63 12.28 C 4 (a) - Adjustments and Slight Mods	To approve adjustments and slight modifications otherwise restricted by code	That the granting of an adjustment will result in development compatible and consistent with the surrounding uses.		Delete	to be consistent with new core "Project Compatibility" finding
64 12.28 C 4 (b) - Adjustments and Slight Mods	To approve adjustments and slight modifications otherwise restricted by code	That the granting of an adjustment will be in conformance with the intent and purpose of the General Plan of the City		Delete	to be consistent with new core "General Plan" finding
65 12.28 C 4 (c) - Adjustments and Slight Mods	To approve adjustments and slight modifications otherwise restricted by code	That the granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City	That the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project conforms with the intent of those regulations.	Rewrite	to be consistent with new core "Adjustment" finding
66 12.28 C 4 (d) - Adjustments and Slight Mods	To approve adjustments and slight modifications otherwise restricted by code	That there are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated		Delete	to be consistent with the new core "Project Compatibility" finding
67 12.28 C 4 (e) - Adjustments and Slight Mods	To approve adjustments and slight modifications otherwise restricted by code	That the site and/ or existing improvements make strict adherence to zoning regulations impractical or infeasible	That the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project conforms with the intent of those regulations.	Rewrite	to be consistent with new core "Adjustment" finding
68 12.81 A 3 - Homeless Shelters	Allows for the establishment of emergency homeless shelters in certain zones	the project is consistent with the various elements and objectives of the General Plan	That the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "General Plan" finding
69 12.81 A 4 - Homeless Shelters	Allows for the establishment of emergency homeless shelters in certain zones	the project would have no substantial adverse impact on properties or improvements in the surrounding neighborhood	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.	Rewrite	to be consistent with new core "Project Compatibility" finding

Section and Title	Purpose	Current Finding	Proposed Finding	Disposition	Reason
70 13.03 G 11 (b) - Surface Mining Operations District - reclamation plan	Plans the reclamation of surface mining lands	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		Delete	Redundant of CEQA
71 13.03 G 11 (d) - Surface Mining Operations District - reclamation plan	Plans the reclamation of surface mining lands	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	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.	Rewrite	to be consistent with new core "Project Compatibility" finding
72 13.03 G 11 (f) - Surface Mining Operations District - reclamation plan	Plans the reclamation of surface mining lands	The Reclamation plan will restore the Mined Lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan; in particular, the open space and conservation elements.	The Reclamation plan will restore the Mined Lands to a usable condition which is readily adaptable for alternative land uses that are in substantial conformance with the purpose, intent and provisions of the General Plan	Rewrite	to be consistent with new core "General Plan" finding
73 13.03 G 5 - Surface Mining Operations District	To approve surface mining operations	The proposed Surface Mining Operations are consistent with the elements and objectives of the General Plan, in particular the open space and conservation elements	The proposed Surface Mining Operations are in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "General Plan" finding
74 13.03 G 9 - Surface Mining Operations District	To approve surface mining operations	The proposed Surface Mining Operations are consistent with the General Plan	That the project is in substantial conformance with the purpose, intent and provisions of the General Plan	Rewrite	to be consistent with new core "General Plan" finding
75 13.07 F 1 (e) - Ped oriented District - Director's Determination	To approve a pedestrian oriented project that may not comply with development standards listed in the zoning code	The project is consistent with the General Plan.	That the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "General Plan" finding
76 14.3.1 E 1 - Eldercare Facility Unified Permit	A unified permit to allow multiple deviations for an Eldercare Facility	Will not be materially detrimental or injurious to properties or improvements in the immediate area	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.	Rewrite	to be consistent with new core "Project Compatibility" finding
77 14.3.1 E 4 - Eldercare Facility Unified Permit	A unified permit to allow multiple deviations for an Eldercare Facility	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 pertinent improvements	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.	Rewrite	to be consistent with new core "Project Design" finding
78 14.3.1 E 5 - Eldercare Facility Unified Permit	A unified permit to allow multiple deviations for an Eldercare Facility	Is in conformance with any applicable provision of the General Plan	Is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "General Plan" finding

Section and Title **Purpose** **Current Finding** **Proposed Finding** **Disposition** **Reason**

79 16.01 A 2 - Long Term Temporary Uses	To approve a temporary use of land in response to an emergency	That the proposed use will not adversely affect the implementation of the General Plan or any applicable specific plan	That the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "General Plan" finding
80 16.05 F 1 - Site Plan Review	Approval for projects with 50 units or 50,000 square feet or more	That the project complies with all applicable provisions of this Code and any applicable Specific Plan	That the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plan.	Rewrite	to be consistent with new core "General Plan" finding
81 16.05 F 2 - Site Plan Review	Approval for projects with 50 units or 50,000 square feet or more	That the project is consistent with the General Plan		Delete	to be consistent with new core "General Plan" finding
82 16.05 F 3 - Site Plan Review	Approval for projects with 50 units or 50,000 square feet or more	That the project is consistent with any applicable adopted Redevelopment Plan		Delete	to remove zoning redundancy
83 16.05 F 5 - Site Plan Review	Approval for projects with 50 units or 50,000 square feet or more	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		Delete	Redundant of CEQA