



# DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT



**CITY PLANNING COMMISSION**  
**DATE:** June 14, 2012  
**TIME:** after 8:30 a.m.\*  
**PLACE:** Los Angeles City Hall  
200 North Spring Street  
Room 350  
Los Angeles, CA 90012

**CASE NO:** CPC-2012-665-CA  
**COUNCIL FILES:** 10-0595  
**CEQA:** ENV-2012-666-CA  
**LOCATION:** Citywide  
**COUNCIL DISTRICT:** All  
**PLAN AREAS:** All

### PUBLIC HEARING HELD

**SUMMARY:** A proposed ordinance (Appendix A) amending the Los Angeles Municipal Code (LAMC) to categorize low-intensity medical service uses as *medical service professional offices*; update parking requirements for such uses; bring the LAMC into compliance with the Americans with Disabilities Act; delete obsolete use terms; and make other technical corrections.

### RECOMMENDED ACTIONS:

1. **Adopt** the staff report as its report on the subject.
2. **Adopt** the findings in Attachment 1.
3. **Adopt** the Categorical Exemption (Attachment 2) 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 272, 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 agendized herein, or in ritten 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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## **SUMMARY**

In recent decades, medical service providers such as psychotherapists, acupuncturists, chiropractors and physical therapists have proliferated. However, the Los Angeles Municipal Code (LAMC) continues to regulate these uses individually, rather than as a cohesive class. The result is patchwork of regulations which lacks clarity and may arbitrarily treat similar medical services differently. Additionally, the LAMC does not explicitly address parking requirements for low-intensity medical service uses, so it has been interpreted to impose on them the same stringent parking requirements which apply to high-intensity medical uses such as clinics and doctors' and dentists' offices.

These stringent parking requirements have been applied to psychotherapists and other medical service providers despite the lower parking demand generated by such uses. Clinics and doctors' offices generate substantial demand for parking. The combination of waiting rooms, emergency visits, and larger staffs generates high trip volumes and demands relatively high parking requirements. Other medical services such as psychotherapists, acupuncturists, chiropractors, and physical therapists generate less demand for parking. These medical professionals serve a narrower client base, tend to require appointments, and involve extended one-on-one sessions with the practitioner.

The proposed ordinance clearly distinguishes between low-intensity medical service uses, categorized as *medical service professional offices*, and higher-intensity ones such as clinics and doctors' and dentists' offices. By treating *medical service professional offices* as a class and applying uniform standards, the proposed ordinance provides clear and predictable regulations. The proposed ordinance maintains existing parking requirements for higher-intensity medical uses while updating parking requirements for lower-intensity uses.

At the same time, the proposed ordinance addresses other issues by (1) clarifying the zoning for medical service uses, (2) bringing the LAMC into compliance with the Americans with Disabilities Act, and (3) deleting obsolete use terms.

## **REQUEST**

On November 10, 2008, the City Council adopted Motion 08-2069 (Rosendahl) directing the Department of City Planning to clarify the parking requirement for psychotherapy offices. The motion requested the Department explore the feasibility of reclassifying psychotherapy offices from a medical use to a broader commercial use.

## **BACKGROUND**

While researching the LAMC's treatment of psychotherapy offices, the Department noted several issues with the LAMC. Instead of regulating medical services as a single class of similar uses, the LAMC addresses some, but not all, individually. This disjointed approach has created arbitrary distinctions between similar uses. For example, opticians, but not necessarily optometrists, qualify as "neighborhood services" in a Pedestrian Oriented District. Similarly, chiropractors, but not necessarily physical therapists, qualify as "non-taxable merchandise" for the purpose of calculating the floor area of a *superstore*.

The LAMC does not explicitly address parking requirements for low-intensity medical service uses such as psychotherapists, acupuncturists and chiropractors. However, it has been interpreted to impose on them the same stringent parking requirements that apply to higher-intensity medical uses such as clinics and doctors' and dentists' offices – one space per 200 square feet of floor area. In contrast, commercial offices must provide one space per 500 square feet of floor area. As discussed in Councilmember Rosendahl's motion, requiring low-intensity medical services such as psychotherapists to satisfy the same parking requirements as clinics and doctors' offices may restrict low-intensity uses to medical office buildings built to the higher standard. This creates an artificially tight rental market, inflating rental prices for all medical professionals.

Additionally, this proposed ordinance amends a provision of the LAMC that is inconsistent with the Americans with Disabilities Act, which restricts hospitals from treating persons addicted to drugs or alcohol within 600 feet of a school. The ordinance also removes obsolete use terms such as "sanitarium" and "convalescent home", and addresses unclear organization of certain LAMC provisions. These are discussed in greater depth below.

Recognizing an opportunity to simplify and modernize the LAMC while clarifying parking requirements for various medical service uses, the Department now seeks to address these issues in a single ordinance. After researching and drafting the ordinance, the Department of City Planning held a public hearing on April 26, 2012.

## **DISCUSSION**

### **Categorizing Low-Intensity Medical Service Uses as *Medical Service Professional Offices***

Because the LAMC addresses medical services individually, rather than as a class of uses, some provisions arbitrarily distinguish between similar medical services. The proposed ordinance addresses this inconsistent treatment by categorizing various medical service uses as *medical service professional offices*.

The definition includes licensed acupuncturists, chiropractors, clinical social workers, marriage and family therapists, occupational therapists, opticians, optometrists, physical therapists, psychologists, and psychiatrists. Psychiatrists' offices are included in the definition because, though psychiatrists are certified physicians, the nature of their practice is similar to lower-intensity medical services.

These professions are categorized as a single class because their practices are similar and because they are clearly distinguished from more intense medical uses such as clinics and doctors' offices. Psychologists and other low-intensity medical service providers offer extended one-on-one appointments with clients and tend to have minimal support staff. In contrast, clinics and doctors' and dentists' offices tend to have larger staffs, queues in waiting rooms, and accommodate emergency visits. Thus, the professionals categorized as *medical service professionals* are collectively distinct from clinics and doctors' offices.

The definition of *medical service professional office* includes safeguards to prevent higher-intensity uses from falling under the definition. First, doctors' and dentists' offices are excluded from the definition. Second, *medical service professional offices* may not provide overnight board or lodging. Third, the number of practitioners within an office is capped at *three* to exclude de facto clinics.

The proposed ordinance includes two similar definitions – *medical service professional* and *medical service professional office*. Two definitions were needed because the LAMC addresses medical services in two contexts; some provisions relate to practitioners as individuals, while others relate to the use. Where the LAMC refers to a practitioner, the proposed ordinance replaces it with *medical service professional*. Where the LAMC refers to a use, the proposed ordinance replaces it with *medical service professional office*.

### **Updating Parking Requirements for *Medical Service Professional Offices***

Though the LAMC does not explicitly address parking requirements for medical service uses, it has been interpreted to require that lower-intensity medical service uses such as psychotherapists and physical therapists satisfy the same stringent parking requirements as higher-intensity medical uses such as clinics and doctors' offices.

Clinics and doctors' offices tend to generate considerable demand for parking. The combination of waiting rooms, emergency visits, and larger staffs generates high trip volumes and demands relatively high parking requirements. Currently, such uses must provide one parking space per 200 square feet of floor area. The proposed ordinance maintains this requirement.

Other medical services such as acupuncturists, chiropractors, physical therapists and psychologists do not require such steep parking requirements. These medical professionals frequently require appointments, dispersing clients throughout the day and flattening parking demand. They serve a narrower client base than doctors, dentists, and clinics. Their professions are characterized by relatively long, one-on-one sessions with the practitioner. Because such medical services generate fewer trips and disperse these trips more evenly throughout the day, they require fewer parking spaces than more intensive medical uses. The proposed ordinance categorizes these uses as Medical Service Professional Offices and parks them at the same rate as general commercial and industrial uses -- one space per 500 square feet of floor area.

### **Other Issues**

The proposed ordinance deletes a provision restricting hospitals or clinics within 600 feet of a school from serving persons addicted to drugs or alcohol. Because persons recovering from addiction are legally disabled, this provision is inconsistent with the Americans with Disabilities Act by treating disabled persons less favorably than the general population. The ordinance deletes this provision to bring the LAMC into compliance with the ADA.

Obsolete terms such as "sanitarium" and "convalescent home" are scattered throughout the LAMC. The term "sanitarium" has fallen out of use; persons with mental health conditions are treated at psychiatric hospitals, which must be treated like other hospitals under the ADA. Convalescent homes are now categorized as *skilled nursing, assisted living, Alzheimer's/dementia, or eldercare* facilities. The proposed ordinance deletes these outdated terms.

The proposed ordinance clarifies that uses categorized as *medical service professional offices* are already allowed in RAS3 and RAS4 Zones. The RAS Zones are primarily residential zones, which permits certain ground-floor commercial uses deemed to be compatible in a residential neighborhood. The RAS Zones allow "business or professional [offices]" which has been interpreted to include low-intensity medical service uses but exclude doctors, dentists and clinics. The proposed ordinance does not expand the type or intensity of uses permitted in RAS3 or RAS4 Zones.

The proposed ordinance also includes minor organizational changes to parking provisions. These changes are intended to provide a clearer and more intuitive organization of the LAMC. For example, the proposed ordinance lists parking requirements for doctors' and dentists' offices under the "Commercial and Industrial" rather than "Institutional" heading.

Finally, the proposed ordinance clarifies which licensed professionals are exempt from the definition of *massage parlor*. A *massage parlor* must obtain a Conditional Use Permit (CUP). Currently, a *massage parlor* is defined as any establishment where a client's body is manipulated for consideration, unless the manipulation is performed by a "chiropractor, acupuncturist, physical therapist or similar professional persons licensed by the State of California." The ordinance replaces this phrase with *medical service professional*. This change clarifies that a podiatrist, for example, is also exempt from the CUP requirement, creating uniform treatment of low-intensity medical uses throughout the LAMC.

### **CONCLUSION**

The proposed ordinance amends the Los Angeles Municipal Code to clarify and modernize provisions relating to low-intensity medical service uses. By categorizing all such uses as *medical service professional offices*, the proposed ordinance applies more appropriate parking requirements and replaces the existing disjointed provisions with clear, consistent standards.

## APPENDIX A

### ORDINANCE NO. \_\_\_\_\_

A proposed ordinance amending Sections 12.03, 12.10.5, 12.12, 12.13, 12.14, 12.16, 12.17.1, 12.17.16, 12.20, 12.21, 12.24, 12.70, 13.07 and 16.03 of the Los Angeles Municipal Code to categorize low-intensity medical service uses as *medical service professional offices*; update parking requirements for such uses; bring the LAMC into compliance with the Americans with Disabilities Act; delete obsolete use terms; and make other technical corrections.

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

**Section 1.** Section 12.03 of the Los Angeles Municipal Code is amended by adding the following definitions in alphabetical order:

**MEDICAL SERVICE PROFESSIONAL.** A person licensed by the State of California as an acupuncturist, chiropractor, clinical social worker, marriage and family therapist, occupational therapist, optician, optometrist, physical therapist, psychologist, psychiatrist or similar profession. This does not include dentists or physicians except psychiatrists.

**MEDICAL SERVICE PROFESSIONAL OFFICE.** An office that is primarily engaged in providing services for health maintenance, pain, mental health, injury, physical condition, or diagnosis or treatment of human disease that does not provide overnight board or lodging, and where treatment is provided by no more than three (3) Medical Service Professionals. This does not include offices of dentists or physicians except psychiatrists.

An office where four (4) or more Medical Service Professionals provide treatment shall be deemed a clinic.

**Sec. 2.** Section 12.03 of the Los Angeles Municipal Code is amended to read:

**PHILANTHROPIC INSTITUTION.** A nonprofit, charitable institution devoted to the housing, training or care of children, or of aged, indigent, handicapped or underprivileged persons, but not including the following: office buildings, except as an accessory to and located on the same lot with an institutional activity, as listed above; hospitals, clinics ~~or sanitariums~~, correctional institutions, ~~institutions or homes for the insane or those of unsound mind~~; ~~lodging houses or dormitories~~ providing temporary quarters for transient unemployed persons; organizations devoted to collecting and salvaging new or used materials, or organizations devoted principally to distributing food, clothing or supplies on a charitable basis.

**Sec. 3.** Paragraph ff of Subdivision 2 of Subsection A of Section 12.10.5 of the Los Angeles Municipal Code is added to read:

(ff) Medical Service Professional Office.

**Sec. 4.** Paragraph ff of Subsection 2 of Subsection A of Section 12.11.5 of the Los Angeles Municipal Code is added to read:

(ff) Medical Service Professional Office.

**Sec. 5.** Subdivision 5 of Subsection A of Section 12.12 of the Los Angeles Municipal Code is amended to read:

5. Hospitals ~~or sanitariums~~ (except animal hospitals), with yards as required in Sec. 12.21 C.3.

**Sec. 6.** Subparagraph 13 of Paragraph (a) of Subdivision 2 of Subsection A of Section 12.13 of the Los Angeles Municipal Code is amended to read:

(13) Hospital, ~~sanitarium~~ or clinics (except animal hospitals).

**Sec. 7.** Subdivision 17 of Subsection A of Section 12.14 of the Los Angeles Municipal Code is amended to read:

17. Hospitals, ~~sanitariums~~ or clinics, except animal hospitals, when located as required by Section 12.21D.

**Sec. 8.** Subdivision 37 of Subsection A of Section 12.14 of the Los Angeles Municipal Code is amended to read:

37. Massage parlor, where massage, alcohol rub, formentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered by a Medical Service Professional or physician ~~medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State of California~~, and including an athletic club, health club, school, gymnasium, state licensed cosmetology or barber establishment, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**Sec. 9.** Paragraph (g) of Subdivision 2 of Subsection A of Section 12.16 of the Los Angeles Municipal Code is amended to read:

(g) Hospital ~~or sanitarium~~.

**Sec. 10.** Paragraph (d) of Subdivision 1 of Subsection A of Section 12.17.1 of the Los Angeles Municipal Code is amended to read:

(d) ~~hospitals or sanitariums~~ unless approved pursuant to the provisions of Section 12.24;

**Sec. 11.** Subdivision 2 of Subsection A of Section 12.17.6 of the Los Angeles Municipal Code is amended to read:

2. Any commercial use permitted in the C2 Zone except ~~sanitariums and hospitals~~, provided that these uses are conducted in accordance with all building enclosure and fence enclosure limitations of the C2 Zone.

**Sec. 12.** Paragraph (c) of Subdivision 1 of Subsection A of Section 12.20 of the Los Angeles Municipal Code is amended to read:

(c) ~~Hospitals or sanitariums~~, except animal hospitals.

**Sec. 13.** Paragraph (c) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(c) **For Commercial and Industrial Buildings.** ~~Except as otherwise provided in Subparagraphs (1) through and including (7) below, there shall be at least one automobile parking space for each 500 square feet of combined floor area contained within all the office, business, commercial, research and development buildings, and manufacturing or industrial buildings on any lot.~~ Office, business, commercial, research and development, manufacturing and industrial buildings shall provide at least one automobile parking space per 500 square feet of floor area, except as otherwise provided below in Subparagraphs (1) through (8).

A specific plan may impose less restrictive parking requirements, if it expressly states that the specific plan's parking provisions are intended to supersede the standards set forth in this paragraph.

~~In the case of buildings where bicycle parking spaces are required by Subdivision 16 of this subsection, the minimum number of required automobile parking spaces may be reduced by the same number as the number of bicycle spaces required for the building.~~ Bicycle parking spaces required by Subdivision 16 of this subsection reduce the minimum number of required automobile parking spaces by the number of bicycle spaces required.

**Sec. 14.** Subparagraph 8 of Paragraph (c) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is added and shall read:

(8) Doctors' offices, dentists' offices and clinics shall provide at least one automobile parking space per 200 square feet of floor area.

**Sec. 15.** Subparagraph 9 of Paragraph (c) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is added to read:

(9) Medical Service Professional Offices shall provide at least one automobile parking space per 500 square feet of floor area.

**Sec. 16.** Paragraph (d) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

~~(d) For Institutions. There shall be at least one automobile parking space for each 500 square feet of floor area contained within any philanthropic institution, governmental office building, or similar use. Institutions which provide medical services, such as hospitals, sanitariums, convalescent homes, clinics, medical office buildings and other medical service facilities shall make the following provisions for off-street automobile parking.~~

**Sec. 17.** Subparagraphs 2 and 3 of Paragraph (d) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code are amended:

~~(2) Sanitariums and convalescent homes shall provide one automobile parking space for each 500 square feet of floor area, or 0.2 automobile parking spaces per patient bed, for which the facility is licensed, whichever provides the greater number of automobile parking spaces. Philanthropic institutions, government office buildings, or similar uses shall provide at least one automobile parking space per 500 square feet of floor area.~~

~~(3) Clinics, as defined in Health and Safety Code Section 1202, medical office buildings and other medical service facilities shall provide one automobile parking space per 200 square feet of total floor area.~~

**Sec. 18.** Subsection D of Section 12.21 of the Los Angeles Municipal Code is deleted:

~~D.—Location Of Hospitals. No hospital, sanitarium or clinic for mental, or drug or liquor addict cases shall be established or maintained on any property within 600 feet of the property on which an elementary or high school is being maintained.~~

**Sec. 19.** The fifth unnumbered paragraph of Paragraph (a) of Subdivision 14 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read:

Non-taxable Merchandise means products, commodities, or items not subject to California state sales tax. For purposes of this ordinance, the definition of non-taxable merchandise shall not include, without limitation, Sales Floor Area devoted to any of the following categories: services, including the services of a Medical Service Professional, ~~chiropractor, optometrist, optician,~~ physician, surgeon, ~~podiatrist,~~ dentist, spa, gym, nail salon, and travel accommodation services; theaters and other entertainment uses; and food products sold through vending machines.

**Sec. 20.** The thirteenth unnumbered paragraph of Paragraph (b) of Subdivision 3 of Subsection T of Section 12.24 of the Los Angeles Municipal Code is amended to read:

~~Hospitals or sanitariums~~ in the A, R, CR, C1, C1.5, CM or M Zones

**Sec. 21.** Subdivision 12 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read:

12. ~~Hospitals or sanitariums~~ in the A, R, CR, C4, CM or M Zones, and in the C1 or C1.5 Zones if not permitted by right.

**Sec. 22.** Subdivision 8 of Subsection B of Section 12.70 of the Los Angeles Municipal Code is amended to read:

8. “Massage Parlor” – An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a Medical Service Professional, physician ~~medical practitioner, chiropractor, acupuncturist, physical therapist~~ or similar professional persons licensed by the State of California. This definition does not include an athletic club, health club, school, gymnasium, state licensed cosmetology or barber establishment, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**Sec. 23.** Subdivision 12 of Subsection B of Section 12.70 of the Los Angeles Municipal Code is amended to read:

12. “Sexual Encounter Establishment” – An establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with “specified

sexual activities” or the exposure of “specified anatomical areas.” This definition does not include an establishment where a Medical Service Professional or physician, ~~medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California~~ engages in sexual therapy.

**Sec. 24.** The seventh unnumbered paragraph of Subsection C of Section 13.07 of the Los Angeles Municipal Code is amended to read:

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

Barber shop or beauty parlor;

Blueprinting;

Child care facility;

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

Copying services;

Custom dressmaking;

Dry cleaner;

Financial services;

Laundry or self-service laundromat;

Locksmith;

~~Optician~~ Medical Service Professional Office;

Photographer;

Shoe repair;

Tailor: and

Other similar services as determined by the Zoning Administrator.

**Sec. 25.** The twelfth unnumbered paragraph of Subsection B of Section 16.03 of the Los Angeles Municipal Code is amended to read:

~~Hospitals or sanitariums~~

**Sec. 26.** The City Clerk shall certify...

## ATTACHMENT 1

### Land Use Findings

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

1. In accordance with Charter Section 556, that the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent and provisions of the General Plan in that it supports the principle of “clear and consistent rules” identified in Chapter 1 by increasing predictability for medical service uses.
2. In accordance with Charter Section 558 (b) (2), that the proposed ordinance (Appendix A) is in substantial conformance with the public necessity, convenience, general welfare and good zoning practice, in that it will provide clear and consistent rules which increase predictability for certain medical service uses, facilitating economic development and promoting fair treatment of similar uses.

### Environmental Finding

In accordance with the California Environmental Quality Act (CEQA), this ordinance meets the criteria of a Categorical Exemption pursuant to Article 19, Sections 15060(c)(2), 15301, and 15305. A Categorical Exemption, ENV-2012-666-CE, is attached (Attachment 2). The proposed ordinance (Appendix A) collapses multiple medical uses into one definition and clarifies parking requirements; it has no potential for causing a significant impact on the environment.

## ATTACHMENT 2

### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NARRATIVE:

#### ENV 2012-666-CE

#### I. PROJECT DESCRIPTION

A proposed ordinance (Appendix A) amending the Los Angeles Municipal Code to categorize low-intensity medical service uses as *medical service professional offices*; update parking requirements for such uses; bring the LAMC into compliance with the Americans with Disabilities Act; delete obsolete use terms; and make other technical corrections.

#### II. PROJECT HISTORY

In 1973, parking requirements were established for “institutions which provide medical services.” The ordinance provided that “clinics..., medical office buildings and other medical service facilities shall provide one automobile parking space per 200 square feet of total floor area.”

Over the past forty years, the proliferation of medical services has created uncertainty whether such services are classified with more traditional medical uses or with general commercial uses. To add to the confusion, the code has addressed the growth of medical services in a haphazard manner, treating chiropractors, acupuncturists, physical therapists, psychologists and opticians individually.

On November 10, 2008, the City Council adopted Motion 08-2069 (Rosendahl) directing the Department of City Planning to clarify the parking requirement for psychotherapy offices. The motion requested the Department explore the feasibility of explicitly classifying psychotherapy offices as a commercial use in order to remove any uncertainty regarding parking requirements. In response, staff has conducted research and identified additional unclear and obsolete provisions regarding medical uses. The Department now proposes an ordinance to remedy these issues.

#### III. ENVIRONMENTAL REVIEW UNDER CEQA

Staff has concluded that the following CEQA exemptions are appropriate for the proposed ordinance:

A. 14 California Code of Regulations (“State CEQA Guidelines”) Section 15060(c)(2) exempts an activity that “*will not result in a direct or reasonably foreseeable indirect physical change in the environment*”; and

City of Los Angeles Environmental Quality Act Guidelines, Article II, Section 2, Class m consists of “*the adoption of ordinances that do not result in impacts on the physical environment.*”

The ordinance simplifies the code by collapsing a multitude of medical service uses into a single definition while maintaining existing restrictions on such uses. Simplification makes the code more navigable and provides clearer standards for medical service uses; it will not result in an impact on the physical environment. The ordinance also clarifies that *medical service professional offices* are parked at the same rate as general commercial or office uses. This will have no impact on the physical environment.

B. 14 California Code of Regulations (“State CEQA Guidelines”) Section 15301 consists of “*the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination*”; and

City of Los Angeles Environmental Quality Act Guidelines, Article III, Class 1 consists of “*the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing.*”

The ordinance clarifies that *medical service professional offices* may operate within existing private structures where such offices are already allowed by-right, but where operation may be precluded by unclear parking requirements. Because the proposed ordinance merely clarifies the parking requirements for the operation of *medical service professional offices*, it solely impacts “the operation... of existing... private structures... involving negligible or no expansion of use beyond that” “existing at the time of the lead agency’s determination” or “previously existing.”

C. State CEQA Guidelines Section 15305 consists of “*minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density...*”; and

City of Los Angeles Environmental Quality Act Guidelines, Article III, Class 5 consists of “*minor alterations in land use limitations in areas with less than a 20% slope which do not result in any changes in land use or density...*”

Categorizing certain medical service uses as *medical service professional offices* is a less than minor alteration in land use limitation in areas with less than 20% slope. Similarly, the ordinance clarifies parking requirements for *medical service professional offices* in zones where such Offices are already permitted by right,

which is less than a minor alteration in land use limitations, in areas with less than a 20% slope.

#### **IV. EXCEPTIONS TO THE USE OF CATEGORICAL EXEMPTIONS**

Planning staff evaluated all the potential exceptions to the use of Categorical Exemptions for the proposed project and determined that none of these exceptions apply as explained below:

Location: *The exception applies to Class 4 Categorical Exemptions where the project is located in a particularly sensitive environment.*

The City of Los Angeles designates, precisely maps and officially adopts areas of special resources and hazards in the Safety Element of the General Plan, adopted in 1996. The proposed ordinance reorganizes code provisions regarding medical uses and clarifies parking requirements for *medical service professional offices*, which are permitted in the RAS3 and RAS4 Zones. One or more of these zones is included in each of the maps in the Safety Element. Per the Los Angeles CEQA Thresholds Guide, Chapter 4, Section F Hazards, which identifies the thresholds at which there is a significant impact, each designated and adopted map of the Safety Element has been reviewed. The resulting analysis per each map is as follows:

Alquist-Priolo Special Study Zones and Fault Rupture Study Areas Map: Clarifying parking requirements for *medical service professional offices* and categorizing certain medical service uses does not impact the Alquist-Priolo Earthquake Fault Zone, or any other Fault Rupture Study Area.

Areas Susceptible to Liquefaction: Clarifying parking requirements for *medical service professional offices* and categorizing certain medical service uses does not significantly impact areas susceptible to liquefaction.

Landslide Inventory and Hillside Areas: Clarifying parking requirements for *medical service professional offices* and categorizing certain medical service uses does not negatively impact landslide and hillside areas.

Selected Wildfire Hazard Areas: Clarifying parking requirements for *medical service professional offices* and categorizing certain medical service uses does not significantly impact Selected Wildfire Hazard Areas.

Oil Field and Oil Drilling Areas: Clarifying parking requirements for *medical service professional offices* and categorizing certain medical service uses does not impact Oil Field and Oil Drilling Areas.

100-Year and 500-Year Flood Plains: Clarifying parking requirements for *medical service professional offices* does not significantly impact 100-Year and 500-Year Flood Plains.

Inundation and Tsunami Hazard Areas: Clarifying parking requirements for *medical service professional offices* and categorizing certain medical service uses does not impact Inundation and Tsunami Hazard Areas.

Critical Facilities and Lifeline Systems: Clarifying parking requirements for *medical service professional offices* and categorizing certain medical service uses does not impact Critical Facilities and Lifeline Systems.

*Cumulative Impact:* *The exception applies when, although a particular project may not have a significant impact, the impact of successive projects, of the same type, in the same place, over time is significant.*

The ordinance resolves an isolated ambiguity in parking requirements and collapses multiple use terms into a single definition. There are no successive projects of the same type planned for the City of Los Angeles.

*Significant Effect:* *This exception applies when, although the project may otherwise be exempt, there is a reasonable possibility that the project will have a significant effect due to unusual circumstances. Examples include projects which may affect scenic or historical resources.*

There is no reasonable possibility that this project will have a significant effect due to unusual circumstances. All other regulations governing historic preservation, parking requirements and land use still apply; collapsing multiple use terms into one definition and clarifying parking requirements will have no significant effect due to usual circumstances.

*Scenic Highway:* *Projects that may result in damage to scenic resources within a duly designated scenic highway*

The project does not affect what type of buildings can or cannot be built and will therefore not damage scenic resources within a duly designated scenic highway. *Medical service professional offices* may only be located in RAS3 and less restrictive zones, which are generally not located near scenic highways.

*Hazardous Waste Site:* *Projects located on a site or facility listed pursuant to California Government Code 65962.5.*

The project does not supersede any existing regulation on hazardous material site.

*Historical Resources: Projects that may cause a substantial adverse change in the significance of an historical resource.*

The proposed project would not cause an adverse change in the significance of a historical resource as defined in State CEQA 15064.5. Regulation regarding historically designated landscapes would not be superseded by this proposed ordinance.