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DATE: February 24, 2023

TO: Interested Parties
Los Angeles City Planning Staff

FROM: Vincent P. Bertoni, AICP
Director of Planning
Los Angeles City Planning

SUBJECT: **TOLLING AND THE CONCLUSION OF THE COVID-19 LOCAL EMERGENCY ORDER**

The following Memo summarizes former Mayor Eric Garcetti's March 21, 2020 COVID-19 Public Order, and what will happen when the Local Emergency Period ends on February 28, 2023.

Background

On **March 21, 2020**, former Mayor Eric Garcetti issued a public order under the City of Los Angeles Emergency Authority to toll, or pause, deadlines that are prescribed in the Los Angeles Municipal Code (LAMC), including, but not limited to provisions in community, specific, or other similar plans, pertaining to public hearings and decisions made by legislative bodies, zoning administrators, the Director of Planning, including expiration dates for utilization of existing approvals, and time limits in the City's Cultural Heritage Ordinance.

With respect to the Department of City Planning, the public order:

- Tolloed the time to act on legislative actions and entitlement applications prescribed in the Los Angeles Municipal Code, with the exception subdivision requests and Coastal Development Permits, which are regulated by State law;
- Tolloed the time limits prescribed in the Cultural Heritage Ordinance; and
- Tolloed and extended time limits for term-limited grants for and the effectuation and utilization of all entitlements, excluding subdivisions and Coastal Development Permits.

Effective **February 28, 2023**, in accordance with Mayor Bass' Executive Directive No. 1 and the end of the State of California COVID-19 emergency, the City's public order on tolling and time limits will be rescinded. On March 1, 2023, the City's time to act on legislative actions, entitlement applications, appeals, as well as timelines prescribed under the Cultural Heritage Ordinance will begin, with no grace period. In addition, the time limits for the effectuation and utilization of all entitlements will commence, with extensions available to qualifying entitlements, as described herein.

Implications for Projects/Cases

Time to Act

Beginning March 1, 2023, previously-tolled planning items requiring the City's action within 75 days must be acted on by the appropriate decision maker by May 12, 2023. Items requiring the City's action within 90 days must be acted on by May 26, 2023.

For pending entitlement appeals to the City Council, excluding subdivision appeals and Coastal Development Permit appeals, and General Plan Amendments that have been tolled, the City Council will have until May 12, 2023 to formally act on the matter. For pending zone change ordinances or historic cultural monument designations that have been tolled and pending the City Council's decision, the Council will have until May 26, 2023 to formally act on the matter. These time limits do not preclude any extensions of time permitted by the LAMC. The failure of the Council to act within the appropriate 75- or 90-day period shall constitute a denial of the pending action.

Cultural Heritage Ordinance

Beginning March 1, 2023, all time limits prescribed by the Cultural Heritage Ordinance, Los Angeles Administrative Code (LAAC) Section 22.171.10, will go into effect. This includes time limits for the Cultural Heritage Commission and the City Council to act on pending Historic-Cultural Monument designations. This does not preclude any extensions of time permitted by the LAAC Section 22.171.10.

Time Limits for Term-Limited Grants and the Effectuation and Utilization of all Entitlements

Beginning March 1, 2023, previously tolled time limits for term-limited grants and the effectuation and utilization of all entitlements, excluding subdivisions and Coastal Development Permits, will be eligible for one of two following Tolling and Time Extensions:

I. Mayor's Tolling and Time Extension

The Mayor's COVID-19 Public Order became effective on **March 21, 2020** and will end on **February 28, 2023 (1,075 days total)**. For the purposes of the Mayor's Tolling and Time Extension:

- This above-referenced timeframe is considered the **Tolling Period**.
- A "valid entitlement" is considered an entitlement for which a Letter of Determination (LOD) has been issued prior to or during the Tolling Period, and the term-limited grant, or time to effectuate or utilize the grant, has not expired as of the start of the Tolling Period.

This time extension is available for all valid entitlements, excluding subdivisions and Coastal Development Permits, which are regulated by State law.

Valid entitlements approved prior to the start of the Tolling Period that expired during or after the Tolling Period shall add the full time of the Tolling Period plus **six months** to the original entitlement expiration date.

Examples

New Deadline to Effectuate and Utilize the Grant:

*(Expires During) Entitlement became effective on July 1, 2017 and expires on July 1, 2020
July 1, 2020 (Original Expiration) + 1,075 (Tolling Period) + 6 months (Time Extension) =
December 11, 2023*

*(Expires After) Entitlement became effective on July 1, 2020 and expires on July 1, 2023
July 1, 2023 (Original Expiration) + 1,075 (Tolling Period) + 6 months (Time Extension) =
December 10, 2026*

Valid entitlements which became effective during the Tolling Period shall add the portion of the tolling period from the effective date of the entitlement, plus **six months** to the original entitlement expiration date.

Example

Entitlement became effective on July 1, 2022 and expires July 1, 2025

New Deadline to Effectuate and Utilize the Grant:

*July 1, 2025 (Original Expiration) + (July 1, 2022 [Effective Date] to February 28, 2023 = 243 days) + 6 months = **September 1, 2026***

Term-limited grants which expired during the Tolling Period shall add the full time of the Tolling Period plus **six months** to the original term-limited grant expiration date.

Examples

(Expires During) Entitlement became effective on July 1, 2017 and has a term-limited grant of 5 years within which time the applicant must apply for a Plan Approval, or by July 1, 2022

New Deadline to File a Plan Approval:

*July 1, 2022 (Original Deadline to File) + 1,075 days (Tolling Period) + 6 months (Time Extension) = **December 10, 2025***

(Expires After) Entitlement became effective on July 1, 2013 and has a term-limited grant of 10 years within which the applicant must return to apply for a Plan Approval, or by July 1, 2023

Not Eligible for Tolling and Extension. Must file for Plan Approval by July 1, 2023.

Note that the Mayor's Tolling and Time Extension is automatic and a Tolling and Time Extension letter is not required in order to honor the new expiration date applied as a result of the Mayor's Public Order. It can, however, be offered as a courtesy to Owners, Applicants and/or Representatives, when requested. To apply for the Mayor's Tolling and Time Extension, applicants are asked to submit a request through the Google Form link titled *Mayor's Tolling and Time Extension*, which will be available on City Planning's [Forms webpage](#) on or after March 1, 2023. No fee will be required.

II. Local Emergency Temporary Regulations ([Ordinance No. 187.096](#)) (LEO), Time Limit Extension pursuant to LAMC Section 16.02.1 C.2

The Mayor's Local Emergency Declaration became effective on **March 4, 2020** and will end on **February 28, 2023 (1,092 days total)**. For the purposes of the LEO Tolling and Time Extension:

- This above-referenced timeframe is considered the **Tolling Period**.
- A "valid entitlement" is considered any quasi-judicial approval pursuant to LAMC Section 12.24¹, and concurrent approvals, for which an LOD has been issued prior to or during the Tolling Period, and the term-limited grant, or time to effectuate or utilize the grant, has not expired as of the start of the Tolling Period.

This time extension is available for all valid entitlements, excluding subdivisions and Coastal Development Permits, which are regulated by State law; and any business or properties that are subject to revocations proceedings that resulted in corrective conditions or revocation not eligible for a time extension.

Valid entitlements approved prior to the start of the Tolling Period that expired during or after the Tolling Period shall add the full time of tolling period plus **12 months** to the original entitlement expiration date.

Examples

New Deadline to Effectuate and Utilize the Grant:

*(Expires During) Entitlement became effective on July 1, 2017 and expires on July 1, 2020 July 1, 2021 (Original Expiration) + 1,092 (Tolling Period) + 12 months (Time Extension) = **June 28, 2024***

*(Expires After) Entitlement became effective on July 1, 2021 and expires on July 1, 2024 July 1, 2024 (Original Expiration) + 1,092 (Tolling Period) + 12 months (Time Extension) = **June 28, 2028***

Valid entitlements that became effective during the Tolling Period shall add the portion of the tolling period from the effective date of the entitlement, plus **12 months** to the original entitlement expiration date.

Example

Entitlement became effective on July 1, 2022 and expires July 1, 2025

New Deadline to Effectuate and Utilize the Grant:

*July 1, 2025 (Original Expiration) + (July 1, 2022 [Effective Date] to February 28, 2023 = 243 days) + 12 months = **March 1, 2027***

Term-limited grants which expired during the Tolling Period shall add the full time of the Tolling Period plus **12 months** to the original term-limited grant expiration date.

¹ This excludes any quasi-judicial approvals related to fossil fuel extraction, production, or storage; and/or hazardous waste facilities which include but are not limited to LAMC Sections 12.24 U.10, 11, 17, 18, 29, and 47.

Example

(Expires During) Entitlement became effective on July 1, 2016 and has a term-limited grant of 5 years within which time the applicant must apply for a Plan Approval, or by July 1, 2021

New Deadline to File a Plan Approval:

*July 1, 2021 (Original Deadline to File) + 1,092 days (Tolling Period) + 12 months (Time Extension) = **June 27, 2025***

(Expires After) Entitlement became effective on July 1, 2013 and has a term-limited grant of 10 years within which the applicant must return to apply for a Plan Approval, or by July 1, 2023

Not Eligible for Tolling and Extension. Must file for Plan Approval by July 1, 2023.

To apply for the LEO Tolling and Time Extension, submit the *Local Emergency Order Tolling and Time Extension* (CP-7844) through the [Online Application System](#) (OAS) portal, the link for which will be available on City Planning's [Forms webpage](#) on or after March 1, 2023. A fee pursuant to [LAMC Section 19.01 J](#) (Time Extension for Planning and Zoning Matters other than Maps) will be required at the time of filing.

Notes:

- *The LEO provisions shall expire 12 months after the termination date of the emergency declaration, or on **February 28, 2024.***
- *Any entitlements eligible for tolling and the time extensions allowed under the Mayor's Public Order, Local Emergency Ordinance pursuant to LAMC Section 16.02.1, and/or the time extensions permitted by Assembly Bill (AB) 1561 shall be limited to the longest individual time extension for which they are eligible. Combining these time extensions shall not be permitted.*

Implications for Policies / Land Use Ordinances

Community Plan Updates

Per LAMC Section 11.5.6.E, for any proposed Community Plan Update that has been transmitted to the City Council for consideration, the Council will have 75 days to approve, deny or propose changes to the Plan. The failure of the Council to act within the 75-day period shall constitute a disapproval of the Plan amendment. Proposed Community Plan Updates that are deemed to be disapproved may be reinitiated; however, the update process would need to begin anew.

Land Use Ordinances

Per LAMC Section 12.32, for any proposed land use ordinance that has been transmitted to the City Council for consideration, the Council will have 90 days to approve or disapprove the ordinance.

Questions regarding tolling may be directed to Mindy Nguyen at (213) 833-8093 or mindy.nguyen@lacity.org.