

SEC. 12.24. CONDITIONAL USE PERMITS AND OTHER SIMILAR QUASI-JUDICIAL APPROVALS.

(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

A. Applicability. (Amended by Ord. No. 173,492, Eff. 10/10/00.) This section shall apply to the conditional use approvals listed in Subsections U, V and W and to the other similar quasi-judicial approvals listed in Subsection X. These procedures apply only to uses in zones when not permitted by right.

B. Application for Permit. To apply for a permit, an applicant shall file an application with the Department of City Planning, on a form provided by the Department, and include all information required by the instructions on the application and the guidelines adopted by the Director of Planning. The Director of Planning shall adopt guidelines which shall be used to determine when an application is deemed complete.

C. Initial Decision. Except as otherwise provided in Charter Section 564 and Section 12.36 of this Code, the initial decision on an application shall be made by the Zoning Administrator, the Area Planning Commission or the City Planning Commission, as prescribed in Subsections U, V, W and X.

For purposes of this section, the initial decision shall mean approval in whole or in part with or without conditions, or denial of the application.

D. Public Hearing and Notice. Upon receipt of a complete application, the initial decision-maker shall set the matter for public hearing at which evidence shall be taken and may conduct the hearing itself or may designate a hearing officer to conduct the hearing.

The Department shall give notice in all of the following manners:

1. **Publication.** By at least one publication in a newspaper of general circulation in the City, designated for that purpose by the City Clerk, no less than 24 days prior to the date of hearing; and

2. **Written Notice.**

(a) By mailing a written notice no less than 24 days prior to the date of the hearing to the applicant, the owner or owners of the property involved, and to the owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved, using for the purpose of notification, the last known name and address of owners as shown on the records of the City Engineer or the records of the County Assessor. Where all property within the 500-foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right-of-way or other easement, shall also be notified as set forth above; and **(Amended by Ord. No. 181,595, Eff. 4/10/11.)**

(b) By mailing a written notice no less than 24 days prior to the date of the hearing to residential, commercial and industrial occupants of all property within 500 feet of the exterior boundaries of the property involved. This requirement can be met by mailing the notice to "**occupant**"; and

(c) If notice pursuant to Paragraphs (a) and (b) above will not result in notice being given to at least 20 different owners of at least 20 different lots other than the subject property, then the 500-foot radius for notification shall be increased in increments of 50 feet until the required number of persons and lots are encompassed within the expanded area. Notification shall then be given to all property owners and occupants within the expanded area.

3. **Site Posting.** By the applicant posting notice of the public hearing in a conspicuous place on the property involved at least ten days prior to the date of the public hearing. If a hearing examiner is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, shall also post notice of the initial meeting of the decision-making body on the matter. This notice shall be posted in a conspicuous place on the property involved at least ten days prior to the date of the meeting. The Director of Planning may adopt guidelines consistent with this section for the posting of notices if the Director determines that those guidelines are necessary and appropriate.

E. Findings for Approval. (Amended by Ord. No. 182,095, Eff. 5/7/12.) A decision-maker shall not grant a conditional use or other approval specified in Subsections U., V., W., or X. of this Section without finding:

1. that the project will enhance the built 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 adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and
3. that the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The decision-maker shall also make any additional findings required by Subsections U., V., W. and X., and shall determine that the project satisfies all applicable requirements in those subsections.

F. Conditions of Approval. In approving a project, the decision-maker may impose conditions related to the interests addressed in the findings set forth 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. **(Amended by Ord. No. 182,095, Eff. 5/7/12.)**

G. Time to Act. (Amended by Ord. No. 173,492, Eff. 10/10/00.) The initial decision shall be made within 75 days of the date the application is deemed complete, or within an extended period as mutually agreed upon in writing by the applicant and the decision-maker. An initial decision shall not be considered made until written findings are adopted in accordance with Subsection E. Upon making its decision, the initial decision-maker shall transmit a copy of the written findings and decision to the applicant, to all owners of properties abutting, across the street or alley from, or having a common corner with the subject property and to all persons who have filed a written request for the notice with the Department of City Planning.

Notwithstanding any provisions of this section to the contrary, the initial decision-maker shall make its decision on any application for a hazardous waste storage, treatment, or disposal facility, as governed by Subdivisions 10 and 11 of Subsection U of this section, pursuant to the time limits as set forth in Article 8.7 of the California Health and Safety Code.

H. Failure to Act - Transfer of Jurisdiction.

1. If the initial decision-maker fails to act on an application within 75 days from the date of filing a complete application, or within a mutually agreed upon extension of time, the applicant may file a request for a transfer of jurisdiction to the designated appellate body for decision. The designated appellate body is the body to whom the matter would normally be appealable, pursuant to Subsections U, V, W and X. The Director of Planning shall prescribe the form and manner of filing requests for transfers of jurisdiction.

2. When the designated appellate body receives the applicant's request for a transfer of jurisdiction, the initial decision-maker shall lose jurisdiction. However, the body to whom the matter is transferred may remand the matter to the initial decision-maker who shall regain jurisdiction for the time and purpose specified in the remand action. In addition, upon receipt of a written request by the applicant for withdrawal of the transfer of jurisdiction prior to the matter being heard by the appellate body, the matter shall be remanded to the initial decision-maker.

3. If the matter is not remanded, the decision-maker to whom the matter has been transferred shall consider the application following the same procedures and subject to the same limitations as are applicable to the initial decision-maker, except that the body to which the matter has been transferred shall act within 45 days of the transfer of jurisdiction. The Department of City Planning, including the Office of Zoning Administration, shall make investigations and furnish any reports requested by the body to which the matter has been transferred.

I. Appeals.

1. **Effective Date of Initial Decision.** An initial decision becomes final and effective upon the close of the 15-day appeal period if not appealed, or as provided in this subsection if appealed.

2. **Filing of an Appeal.** An applicant or any other person aggrieved by the initial decision of the Zoning Administrator may appeal the decision to the Area Planning Commission. An applicant or any other person aggrieved by the initial decision of the Area Planning Commission or the City Planning Commission may appeal the decision to the City Council. The appeal

shall be filed within 15 days of the date of mailing of the initial decision on forms provided by the Department. The appeal shall set forth specifically the points at issue, the reasons for the appeal, and the basis upon which the appellant claims there was an error or abuse of discretion by the initial decision-maker. Any appeal not filed within the 15-day period shall not be considered by the appellate body. The filing of an appeal stays proceedings in the matter until the appellate body has made a decision. Once an appeal is filed, the initial decision-maker shall transmit the appeal and the file to the appellate body, together with any report if one was prepared by staff responding to the allegations made in the appeal.

3. Appellate Decision - Public Hearing and Notice. Before acting on any appeal, the appellate body shall set the matter for hearing, giving the same notice as provided for the original hearing. When considering an appeal from the decision of an initial decision-maker, the appellate body shall make its decision, based on the record, as to whether the initial decision-maker erred or abused his or her discretion.

4. Time for Appellate Decision. The appellate body shall act within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the appellate body. The failure of the appellate body to adopt a resolution within this time period shall be deemed a denial of the appeal.

5. Appellate Decision. The appellate body may, by resolution, reverse or modify, in whole or in part, any decision of the initial decision-maker. If the City Council is the appellate body, the resolution to reverse or modify, in whole or in part, shall only be adopted by at least a two-thirds vote of the whole Council. For all appellate bodies, any resolution to approve must contain the same findings required to be made by the initial decision-maker, supported by facts in the record.

6. Procedures and Effective Date of Appellate Decision.

(a) When a conditional use decision is appealed to the City Council and the Council either approves the conditional use or denies an appeal from an earlier approval, the matter together with the files and reports shall forthwith be transmitted to the Mayor. The Mayor may approve or disapprove the conditional use within ten days of its presentation to him or her. This action shall be based solely upon the administrative record and whether the Mayor believes the conditional use conforms with the requirements for approval set forth in this section. If the Mayor disapproves the conditional use, he or she shall return the matter to the City Clerk for presentation to the Council, together with the objections in writing. The Council within 60 days after the matter has been returned to it may override the disapproval:

(i) by a two-thirds vote if the Council had not modified the conditional use as approved by the initial decision-maker, or if the Council had made the initial approval of the conditional use by reason of the failure of the initial decision-maker to act; or

(ii) by a three-fourths vote if the Council had modified and approved the conditional use or reversed the action of the initial decision-maker and had approved the conditional use.

If the Council fails to override the Mayor's disapproval within the 60 days, the Mayor's disapproval shall constitute a denial of the conditional use. If the Mayor fails to return the matter to the City Clerk within ten days of its presentation to him or her, the approval of the conditional use shall become final.

(b) When a conditional use decision of the Zoning Administrator is appealed to an Area Planning Commission, the appellate decision of the Area Planning Commission shall be final and effective as provided in Charter Section 245.

J. (Deleted by Ord. No. 182,106, Eff. 5/20/12.)

K. Limitation upon Approval of Planned Residential Developments. Notwithstanding any other provision of this section, the approval of any planned residential development as a conditional use shall not be complete or effective until the approval and the conditions imposed have been approved by ordinance.

L. Existing Uses. Any lot or portion of a lot which is being lawfully used for any of the purposes enumerated in this section at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this section, shall be deemed to be approved for the conditional use and may be continued on the lot. Further, the conditions included in any special district ordinance, exception or variance which authorized the use shall also continue in effect.

Any lot or portion of a lot in the C2, C3, C4, CM or M1 Zones which was being used on June 1, 1951, for the temporary storage of abandoned, dismantled, partially dismantled, obsolete or wrecked automobiles, but not for the dismantling or wrecking of automobiles nor for the storage or sale of used parts, may continue to be so used.

Regulations governing yards, accessory buildings, parking, access, or any other internal features of mobilehome parks shall conform to the provisions of Title 25 of the California Administrative Code or any amendments. If yards, accessory buildings, parking, access, or any other internal features of mobilehome parks are not regulated by Title 25, they shall conform to all applicable provisions of this Code or any other conditions imposed by the City.

Any CM uses lawfully existing prior to March 22, 1981, in any portion of any building in the C5 Zone shall not be extended beyond that portion of the building except as provided by Section 12.24W of this Code.

M. Development of Uses. (Amended by Ord. No. 173,992, Eff. 7/6/01.)

1. **Development of Site.** On any lot or portion of a lot on which a deemed- approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended on an approved site, as permitted in Subsection L of this section, provided that plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at the time. The Zoning Administrator, the Area Planning Commission, or the City Planning Commission may deny the plans if the Zoning Administrator or the Commission finds that the use does not conform to the purpose and intent of the findings required for a conditional use under this section, and may specify the conditions under which the plans may be approved.

The Area Planning Commission and the City Planning Commission may delegate to the Director of Planning the authority to approve or disapprove, on their behalf, plans for the development of an approved or deemed-approved conditional use site. The Area Planning Commission and the City Planning Commission shall establish reasonable guidelines and policies to be followed in the exercise of the delegated authority.

EXCEPTIONS:

A plan approval shall not be required in the following instances:

(a) For buildings within mobilehome parks located in the M2 Zone, which existed in that zone on September 3, 1961, provided that the entire approval site is retained for mobilehome park use and there is no increase in the number of mobilehome sites.

(b) For temporary structures erected on the site of a place of worship in an A Zone, if:

(1) the structures are erected and maintained not more than five days in any one year;

(2) all structures, including temporary facilities, are located at least 40 feet from all exterior lot lines;

(3) the required permits are obtained from the Fire Department, and all structures are removed from the premises the next day following the closing of the event;

(4) no public address system in connection with the event is installed on the property unless it is modulated so as not to be disturbing to occupants of nearby dwelling units; and

(5) any lights used to illuminate the area are arranged to reflect the light away from any adjacent residentially used premises.

2. **Appeal.** An applicant submitting development plans or any other person aggrieved by the decision of the Zoning Administrator made relative to the approval or disapproval of a development plan may appeal the decision to the Area Planning Commission pursuant to this section and Section 19.00. An applicant submitting development plans or any other person aggrieved by the decision of the Area Planning Commission or the City Planning Commission made relative to the

approval or disapproval of a development plan may appeal the decision to the City Council pursuant to this section and Section 19.00.

N. Reduction of Site. So long as the conditional use is continued, the entire approved site shall be retained for the conditional use, and no portion shall be severed from the site or utilized for other purposes unless the plans for the reduced site are first submitted to and approved by the initial decision-maker.

The decision of an initial decision-maker on a proposed reduction of the area of an approved site shall be subject to the same appeal procedures as is provided for an application to establish the conditional use.

O. Findings and Conditions of Approval. In approving any conditional use plans, the initial decision-maker must find that the use conforms to the purpose and intent of the findings required for a conditional use under this section and may impose conditions on the same basis as provided for in this section for the establishment of new conditional uses. The initial decision-maker shall adopt written findings of fact supporting the decision based upon evidence in the record, including any investigations.

P. Change of Use. No conditional use may be changed to a different type of conditional use unless the new use is authorized in accordance with the procedure prescribed in this section for the establishment of a conditional use.

Q. Discontinuance of Use. If a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this section for the establishment of a conditional use.

R. Planned Residential Developments or Housing Projects Approved as Conditional Uses. No provision of Section 13.04 of this Code shall be construed as limiting or modifying the provisions of any conditional use approval, or any other right already existing, for a housing project or planned residential development granted prior to the effective date of that section. The provisions of this section shall continue to apply to those developments, and the Commission is authorized to perform all required administrative acts. Provided, however, if a conditional use for a housing project or planned residential development approved prior to the effective date of Section 13.04 is abandoned, or is discontinued for a continuous period of one year, it may not thereafter be re-established unless authorized as a Residential Planned Development Supplemental Use District. The planned residential development shall not be divided or separated in ownership unless authorized under supplemental use district procedures as a residential planned development.

S. As part of any conditional use approval, the initial decision-maker or the appellate body may approve changes to the parking requirements not to exceed 20% of the requirements otherwise required by the Code.

T. Vesting Conditional Use Applications.

1. **Application.** Whenever a provision of the Los Angeles Municipal Code requires the filing of an application for a conditional use permit, a vesting conditional use permit may be filed instead, in accordance with these provisions. If an applicant does not seek the rights conferred by this subsection, the filing of a vesting application shall not be required by the City for the approval of any proposed zone change, conditional use permit, permit for construction or work preparatory to construction.

2. Development Rights.

(a) The approval of a vesting application shall confer a vested right to proceed with a development in substantial compliance with the rules, regulations, ordinances, zones and officially adopted policies of the City of Los Angeles in force on the date the application is deemed complete, and with the conditions of approval imposed and specifically enumerated by the decision maker in its action on the vesting application case. These rights shall not include exemption from other applications or approvals that may be necessary to entitle a project to proceed (*i.e.*, subdivision, parcel map, zone variance, design review, *etc.*) and from subsequent changes in the Building and Safety and Fire regulations contained in Chapters V and IX of the Los Angeles Municipal Code found necessary by the City Council to protect the public health and safety and which are applicable on a citywide basis and policies and standards relating to those regulations or from citywide programs enacted after the application is deemed complete to implement State or Federal mandates.

(b) If the ordinances, policies, or standards described in the preceding paragraph are changed subsequent to the approval or conditional approval of a vesting application case, the applicant, or his or her successor or assignee, at any time prior to the expiration of the vesting application case, may apply, pursuant to Subdivision 4 of this subsection, for

an amendment to the vesting application case to secure a vested right to proceed with the changed ordinances, policies, or standards. An application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.

(c) Prior to final approval or signoff on a building permit filed pursuant to a vesting application, the Planning Department shall submit a copy of the final site plan to the office of the affected council district for informational purposes only.

3. Procedures.

(a) **Filing and Processing an Application.** A vesting conditional use permit application shall be filed on the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in Subsections B through Q for a conditional use permit except as provided below. The application shall specify that the case is for a vesting conditional use permit. If any rules, regulations or ordinances in force at the time of filing require any additional approvals (such as a variance or coastal development permit), the complete application for these additional approvals shall be filed prior to or simultaneously with the vesting conditional use permit to be processed pursuant to Section 12.36. In all vesting conditional use permit cases, a site plan and a rendering of the architectural plan of the building envelope shall be submitted with the application. The plans and renderings shall show the proposed project's height, design, size and square footage, number of units, the location of buildings, driveways, internal vehicular circulation patterns, loading areas and docks, location of landscaped areas, walls and fences, pedestrian and vehicular entrances, location of public rights-of-way and any other information deemed necessary by the Director of Planning.

(b) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** Vesting conditional use permits may be filed for the following conditional uses under the authority of the City Planning Commission, Area Planning Commission, and Zoning Administrator as described in Subsections U, V and W:

Airports or heliports in connection with an airport.

Auditoriums, stadiums and arenas with fewer than 25,000 seats in the MR1 Zone

Buildings over six stories or 75 feet in height within the Wilshire - Westwood Scenic Corridor Specific Plan Area

Churches/Houses of worship (except rescue missions or temporary revivals) in the R Zones, C1, C1.5, CM or M Zone

Correctional or penal institutions

Educational Institutions

Electrical power generating sites

Floor area ratio averaging in unified developments

Golf courses and facilities properly incidental to that use

Hazardous waste facilities in the M2 and M3 Zones where the principal use of the land is for the storage and/or treatment of hazardous waste as defined in California Health and Safety Code Section 25117.1

Hazardous waste facilities in the M3 Zone where the principal use of the land is for the disposal of hazardous waste as defined in California Health and Safety Code Section 25117.1

Hotels and apartment hotels, in the CR, C1, C1.5, C2, C4 and C5 Zones if within 500 feet of any A or R Zone or in the M1, M2, or M3 Zones when more than half of the lot is in a C Zone; hotels and motels in the R4 or R5 Zones

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

Land reclamation projects

"Major" development projects

Mixed Commercial/Residential Use Development

Mixed use developments in the R5 Zone located in an approved redevelopment area

Motion picture and television studios in the A, R or C Zones

Natural resources development

Various Uses in the **OS Open Space Zone**

Piers, jetties, man-made islands, floating installations

Various Uses in the **PF Zone**

Reduced on-site parking for housing developments occupied by persons 62 years of age or older in the RD, R3, R4 or R5 Zones

Research and development centers

Schools: public schools, elementary and high (kindergarten through 12th grade); private schools, elementary and high (kindergarten through 12th grade) in the A, RE, RS, R1, RU, RZ, RMP, RW1, R2, RD, RW2, R3, C1, C1.5 or M Zones; and private schools [other than elementary or high (kindergarten through 12th grade) or nursery schools] in the A, R, CR, C1 or C1.5 Zones.

Sea water desalinization facilities and sites where the principal use of the land is for the purposes of a sea water desalinization plant

Notwithstanding the above, hotels and motels with 35 or fewer guest rooms or any hotel or motel within the boundaries of the Specific Plan for Conditional Use Approval for Establishments for the Sale of Alcohol which are generally located in the South Central Area of the City (Ordinance No. 171,681), and stadiums and arenas and auditoriums with more than 25,000 seats, are not eligible for vesting privileges regulated by this subsection.

(c) Notwithstanding Paragraph 2(a) of this subsection, a vesting conditional use permit may be conditioned or denied if the decision-maker determines: **(Amended by Ord. No. 182,095, Eff. 5/7/12.)**

(1) that the condition is necessary in order to make all of the findings in Section 12.24 E.; or

(2) that one or more of the findings in Section 12.24 E. cannot be made.

If the appellate body does not adopt the findings and conditions of the initial decision maker, the appellate body shall make its own findings.

(d) **(Deleted by Ord. No. 182,106, Eff. 5/20/12.)**

4. Amendment of Vested Project Plans or Amendment of Vested City Regulations to Comply With Subsequent Regulation Changes.

(a) One or more of the owners or lessees of the subject property may file a verified application requesting an amendment of the City regulations as described in Paragraph 2(a) of this section vested by a conditional use permit issued pursuant to this subsection. They shall file the application with the Department of City Planning upon a form designated for this purpose, and accompany it with a fee as provided in Section 19.01 A. of this Code.

(b) The Area Planning Commission, the City Planning Commission, the Zoning Administrator or the Area Planning Commission or City Council on conditional use permit appeals may approve any changes to the set of City regulations to which the applicant's project has vested for a conditional use permit issued pursuant to this subsection. The Department's report shall be made within 40 calendar days of the date of the request or within any additional time as may be mutually agreed upon by the Department of City Planning and the applicant.

(c) The City Council, the Area Planning Commission, the City Planning Commission, or the Office of Zoning Administration prior to making a decision pursuant to this subdivision shall hold a public hearing. Written notice shall be mailed to the owners or tenants of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved.

U. Conditional Use Permits - City Planning Commission With Appeals to City Council. The following uses and activities may be permitted in any zone, unless restricted to certain zones or locations, if approved by the City Planning Commission as the initial decision-maker or the City Council as the appellate body. The procedures for reviewing applications for these uses shall be those in Subsections B. through Q. in addition to those set out below. **(First Para. Amended by Ord. No. 173,992, Eff. 7/6/01.)**

1. **Airports or heliports** in connection with an airport.
2. **Auditoriums, stadiums, arenas** and the like.
3. **(Deleted by Ord. No. 176,545, Eff. 5/2/05.)**
4. **(Deleted by Ord. No. 176,545, Eff. 5/2/05.)**
5. **Correctional or penal institutions.**
6. **Educational institutions.**
7. **Electric power generating sites, plants or stations**, fueled by any thermal power source or technology, provided that the facilities comply with all applicable state and federal regulations.
8. **Golf courses and facilities** properly incidental to that use.
9. The following **green waste and/or wood waste recycling uses** in the A1 and A2 Zones when conducted in accordance with the limitations after specified:

(a) **Types of uses:**

- (1) Chipping/grinding facility;
- (2) Composting facility;
- (3) Curing facility; and
- (4) Mulching facility;

(b) **Limitations:**

(1) Notwithstanding any provision of Sections 12.05 and 12.06, the uses set forth in Paragraph (a) of this subdivision shall be conducted wholly within an enclosed building, or where deemed appropriate by the City Planning Commission, within an area which is completely enclosed by a solid wall or solid fence which is at least eight feet in height with necessary solid gates of like height.

(2) Where, pursuant to Subparagraph (1) above, the required wall or fence has been erected in an area which adjoins a street, no material shall be stored within the enclosed area to a height greater than that of the wall or fence for a distance of up to 50 feet from such wall or fence, unless the height of the wall or fence is

ten feet or more in height. When the height of the wall or fence is ten feet or more, no material shall be stored within the enclosed area to a height greater than that of the wall or fence for a distance of 37 feet from the wall or fence. After the minimum setback of either 50 feet or 37 feet has been observed, materials may be stored over the height of the wall or fence as determined by the City Planning Commission.

(3) The property upon which any use enumerated in this subdivision is conducted shall be landscaped to a minimum distance of five feet measured at a right angle from the adjacent street, except for those areas which are necessary for ingress and egress.

(4) Hours of operation shall be tailored to and be compatible with adjoining uses.

(5) Signs displaying the name of the company and/or operator, address and hours of operation shall be posted at or near the main entrance gate to the recycling facility at all times.

(6) Wood waste and/or green waste recycling activities under this subdivision shall not exceed the noise level set forth in Section 111.03 of this Code as measured from any point on adjacent property which is located in any A, R, C, P or M Zone.

(7) All wood waste and/or green waste recycling uses shall comply with all necessary public safety requirements of Los Angeles Municipal Code Sections 57.08.01 through 57.08.13. These uses must not emit any odor or smell that is offensive to adjacent uses and must further satisfy all necessary requirements as set forth by applicable state and county agencies.

(8) No standing water shall be allowed to accumulate anywhere on the site.

(9) All leachates shall be collected, controlled, disposed of and shall not be allowed to remain at the site at any time.

(10) The minimum lot area requirements set forth in Sections 12.05 and 12.06 shall be complied with for any chipping and grinding, composting, curing or mulching facility located in the A1 or A2 Zone.

(11) In addition to the findings otherwise required by this section, before granting an approval the City Planning Commission shall find that adequate safeguards are provided to control impacts resulting from residual waste materials, airborne transmission of dust particles, or debris from stockpiles, storage areas or roadways located on the premises.

10. Hazardous Waste Facilities in the M2 and M3 Zones where the principal use of the land is for the storage and/or treatment of hazardous waste as defined in Section 25117.1 of the California Health and Safety Code. In making any finding required pursuant to this section the City Planning Commission shall consider whether the proposed use is consistent with the adopted County Hazardous Waste Management Plan and any additional siting criteria adopted by the City. In addition, in the case of those applications which are under the jurisdiction of Section 25199.7 of the California Health and Safety Code, time limits for City Planning Commission action shall be set forth in Article 8.7 of the California Health and Safety Code.

In connection with the implementation of these conditional uses, the Director of Planning shall issue administrative guidelines for the processing of these requests, including the levying of additional fees commensurate with the cost of notification and hiring of independent consultants to review the project as authorized by Section 25199.7 of the California Health and Safety Code.

11. Hazardous Waste Facilities in the M3 Zone where the principal use of the land is for the disposal of hazardous waste as defined in Section 25117.1 of the California Health and Safety Code. In making any finding required pursuant to this section, the City Planning Commission shall consider whether the proposed use is consistent with the adopted County Hazardous Waste Management Plan and any additional siting criteria adopted by the City. In addition, for those applications which come under the jurisdiction of Section 25199.7 of the California Health and Safety Code, time limits for City Planning Commission action shall be as set forth in Article 8.7 of the California Health and Safety Code.

In connection with the implementation of these conditional uses, the Director of Planning shall issue administrative guidelines for the processing of these requests, including the levying of additional fees commensurate with the cost of notification and the

hiring of independent consultants to review the project as authorized by Section 25199.7 of the California Health and Safety Code.

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.

13. **Land reclamation projects** through the disposal of rubbish, as the term rubbish is defined in Section 66.00 of this Code and operated or caused to be operated by any city, county, district, or public or municipal corporation.

14. **"Major" development projects**, otherwise permitted by right in the zone(s) in which they are located and in compliance with the limitations and regulations of this article.

(a) **Definitions. (Amended by Ord. No. 176,166, Eff. 10/4/04.)** For purposes of this Subdivision the following words and phrases are defined as follows:

Day Laborer means a person who offers himself or herself to be hired as a laborer for a day, or some other temporary basis. **(Added by Ord. No. 180,174, Eff. 10/5/08.)**

Economic Assistance Areas means the existing geographically defined areas: Five State Enterprise Zones, Federal Empowerment Zone, Federal Renewal Community Zone, thirty-seven Community Redevelopment Agency Project Areas, and Earthquake Project Areas, and a one-mile buffer surrounding each of the above-identified zones, as identified by the Community Development Department and as shown on the "Los Angeles Economic Assistance Areas" Map, dated January 2004, which is attached to Council File No. 00-1675 S2 and is on file in the Community Development Department, and which may be amended from time to time.

Home Improvement Store means a Major Development Project that contains 100,000 square feet or more in a building or structure, including the square footage of preexisting structures used as a part of the Home Improvement Store, that sells a large variety of goods, that may include, but are not limited to, the sale of hardware, lumber, plumbing supplies, electrical fixtures and supplies, windows, doors, garden supplies, plants and similar items, used in the maintenance, improvement or expansion of dwellings, buildings or sites. **(Added by Ord. No. 180,174, Eff. 10/5/08.)**

Major Development Project means the construction of, the addition to, or the alteration of, any buildings or structures, which create or add 250,000 square feet or more of warehouse floor area, 250 or more hotel/motel guest rooms, a Home Improvement Store, or 100,000 square feet or more of floor area in other nonresidential or non-warehouse uses in the C2, C4, C5, CM, M1, M2 and M3 Zones. **(First Sentence Amended by Ord. No. 180,174, Eff. 10/5/08.)** The above definition shall apply to the cumulative sum of related or successive permits which are part of a larger project, such as piecemeal additions to a building, or multiple buildings on a lot as determined by the Director of Planning. For the purpose of this subdivision, floor area shall be as defined in Section 12.03 of this Code.

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 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.

Sales Floor Area means the interior building space devoted to the sale of merchandise, but excludes restrooms, office space, storage space, automobile service areas, or open-air garden sales space. For the purpose of determining the total sales floor area of a single business establishment, the aggregate square footage of all adjacent stores that share common check stands, management of the business operation of such adjacent stores, controlling ownership interest in the business operation of such adjacent stores, warehouses, or distribution facilities shall be considered a single business establishment.

Superstore means a Major Development Project that sells from the premises goods and merchandise, primarily for personal or household use, and whose total Sales Floor Area exceeds 100,000 square feet and

which devote more than 10% of sales floor area to the sale of Non-Taxable Merchandise. This definition excludes wholesale clubs or other establishments selling primarily bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic assessment fee. This definition also excludes the sale or rental of motor vehicles, except for parts and accessories, and the sale of materials used in construction of buildings or other structures, except for paint, fixtures, and hardware.

(b) **Findings. (Amended by Ord. No. 182,095, Eff. 5/7/12.)** In addition to the findings set forth in Section 12.24 E., the City Planning Commission shall find:

(1) that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood;

(2) that the project complies with the height and area regulations of the zone in which it is located; and

(3) that the project is consistent with the City Planning Commission's design guidelines for Major Development Projects, if any.

(c) **Projects Exempt From Conditional Use Requirement:**

(1) Notwithstanding any provisions of this article to the contrary, any development project which received one or more still-valid discretionary approvals, including but not limited to those listed below, shall be exempt from the conditional use requirement set forth in this subdivision:

- (i) zone change;
- (ii) height district change;
- (iii) supplemental use district;
- (iv) conditional use approval;
- (v) variance or adjustment;
- (vi) parcel map;
- (vii) tentative tract map;
- (viii) coastal development permit;
- (ix) development agreement;
- (x) density bonus greater than the minimums pursuant to Government Code Section 65915;
- (xi) density transfer plan;
- (xii) exception from a geographically specific plan;
- (xiii) project permit pursuant to a moratorium or interim control ordinance or specific plan;
- (xiv) public benefit projects; or
- (xv) other similar discretionary approvals, as determined by the Director.

This exemption shall apply only if the applicable decision-making body determines in writing that the prior discretionary approval, and the required environmental review, considered significant aspects of the approved project's design (such as, but not limited to, building location, height, density, use, parking access) and that the

existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the present permit in light of the conditions specified in Section 21166 of the California Public Resources Code. The Department of City Planning may require supplements to the environmental documentation to maintain its currentness. The Director is hereby authorized to establish procedures to process decisions required under this paragraph.

(2) Any project within the boundaries of a designated Enterprise Zone, or Employment in Economic Incentive Zone provided that an Environmental Impact Report or Environmental Impact Statement was certified as part of the Zone designation process. The project shall instead require site plan review pursuant to Section 16.05.

(d) Superstores in Economic Assistance Areas. (Added by Ord. No. 176,166, Eff. 10/4/04.)

(1) **Additional Findings.** In addition to the findings otherwise required by this Section and set forth in Paragraph (b) of this Subdivision, prior to approval of a Superstore that is located in an Economic Assistance Area, the City Planning Commission or the City Council on appeal shall find, after consideration of all economic benefits and costs, that the Superstore would not materially adversely affect the economic welfare of the Impact Area, based upon information contained in an economic impact analysis report submitted by the applicant, any other information received or obtained by the Community Development Department or the Community Redevelopment Agency, a recommendation by the Community Development Department, or the Community Redevelopment Agency pursuant to Subparagraph (3) below, and any other information received before or at a public hearing required by this Section. The phrase "Impact Area" refers to a three mile radius surrounding the proposed location of the Superstore.

(2) **Procedures.** An application for approval of a Superstore pursuant to this paragraph shall follow the procedures for conditional use permits otherwise required by this Section. In addition, the applicant shall prepare and submit the economic impact analysis report referenced in Subparagraph (1) to the Community Development Department or to the Community Redevelopment Agency, where appropriate, for review in conjunction with its application to the Department of Planning. The economic impact analysis report shall be reviewed by the Department or Agency and/or a consultant, if deemed necessary by the Department or Agency and paid for in full by the applicant. The Community Development Department and the Community Redevelopment Agency shall complete its review of the report within 60 days after receipt of the report from the applicant. The report shall identify whether:

(i) Efforts to establish a market larger than 20,000 square feet within the Impact Area have been unsuccessful or whether the proposed use will have an adverse impact or economic benefit on grocery or retail shopping centers in the Impact Area;

(ii) The Superstore would result in the physical displacement of any businesses, and, if so, the nature of the displaced businesses or would create economic stimulation in the Impact Area;

(iii) The Superstore would require the demolition of housing, or any other action or change that results in a decrease of extremely low, very low, low or moderate income housing on site;

(iv) The Superstore would result in the destruction or demolition of any park or other green space, playground, childcare facility, community center;

(v) The Superstore would provide lower in cost and/or higher in quality goods and services to residents than currently available or that are currently unavailable from a cost benefit perspective within the Impact Area in which the project is proposed to be located;

(vi) The Superstore would displace jobs within the Impact Area or provide economic revitalization and/or job creation. For purposes of determining this impact, the applicant must identify the number of jobs displaced or created, the quality of the jobs, whether the jobs are temporary or permanent, and the employment sector in which the lost jobs are located;

(vii) The Superstore would have a fiscal impact either positive or negative on City tax revenue;

(viii) Any restrictions exist on the subsequent use of the property on which the Superstore is proposed to be located, including the provisions of a lease if applicable, which, in the event the owner or operator of the Superstore vacates the premises, would require the premises to remain vacant for a significant amount of time;

(ix) The Superstore will result in any materially adverse or positive economic impacts or blight on the Impact Area; and

(x) Any measures are available which will mitigate any materially adverse economic impacts, if any, identified by the applicant, if necessary.

(3) **Recommendation.** The Community Development Department, or the staff of the Community Redevelopment Agency if the Superstore is proposed to be located in a redevelopment area or in the surrounding one-mile buffer zone, shall review the economic impact analysis report and, after consideration of economic benefits and costs, make a written recommendation as to whether the proposed Superstore will result in a materially adverse economic impact on the Impact Area and, if so, whether conditions are available which will mitigate the economic impact. The written recommendation, including proposed mitigation measures, if any, shall be submitted to the Department of Planning by the Community Development Department, or the staff of the Community Redevelopment Agency, as appropriate, in accordance with the written procedures on file with the Department and the Agency.

(e) **Home Improvement Stores. (Added by Ord. No. 180,174, Eff. 10/5/08.)**

(1) The City Planning Commission, or the City Council on appeal, may require written Day Laborer operating standards in accordance with Subparagraph (2) of this paragraph to be submitted to the Department for review and approval within 30 days of the mailing of the determination as a condition of approval of any Home Improvement Store. The Day Laborer operating standards will not be required if the City Planning Commission or the City Council on appeal makes the following findings:

(i) There is no existing Day Laborer population in the vicinity of the site proposed for the Home Improvement Store;

(ii) A significant number of Day Laborers are not expected to congregate in and around the Home Improvement Store for the purpose of seeking employment;

(iii) The congregation of Day Laborers in and around the Home Improvement Store will not result in increased trash around the site, increased noise or impede vehicular and pedestrian access to and from the site, as well as throughout its parking lot and adjacent sidewalks;

(iv) The congregation of Day Laborers in and around the Home Improvement Store will not cause potential adverse traffic, trash and loitering impacts to the commercial and residential areas surrounding the site; and

(v) Public or private security is available or economically feasible to reduce or eliminate the potential adverse impacts related to the presence of Day Laborers seeking employment at the Home Improvement Store.

(2) The written Day Laborer operating standards may include, but not be limited to, the following:

(i) A suitable area located on site for Day Laborers seeking employment with customers at the Home Improvement Store (Day Laborer Site) that:

(a) is easily accessible and viewable to Day Laborers seeking employment, as well as potential employers of these individuals;

(b) is located so as not to impede or restrict vehicular or pedestrian access to or from the

Home Improvement Store, or throughout the parking lot and adjacent sidewalks;

(c) is designed to complement the overall design of structures located on the site and is integrated into the overall layout of the site;

(d) is equipped with a minimum level of easily accessible and convenient amenities, such as sources of drinking water, toilet and trash facilities, tables and seating, for use by Day Laborers seeking employment;

(e) is covered to provide adequate shelter from the weather;

(f) is open during the hours of operation of the Home Improvement Store.

(ii) A signage plan, indicating the location of signs at appropriate locations throughout the site directing Day Laborers either seeking employment or individuals seeking to employ Day Laborers to the Day Laborer Site.

(iii) A security plan, prepared in consultation with the Los Angeles Police Department.

15. **(Amended by Ord. No. 173,756, Eff. 3/8/01.) Motion picture and television studios** and related incidental uses that are located on a motion picture or television studio site, in the A, R, or C Zones, when not permitted by right. These incidental uses may include, but are not limited to, film, video, audio and other media production, recording and broadcasting, sound labs, film editing, film video and audio processing, sets and props production, computer design, computer graphics, animation, offices and ancillary facilities related to those activities.

16. **(Deleted by Ord. No. 173,756, Eff. 3/8/01.)**

17. **Natural resources development** (except the drilling or production of oil, gas or other hydrocarbon substances, or the production of rock and gravel), together with the necessary buildings, apparatus or appurtenances incident to that use.

18. **Onshore installations** required in connection with the drilling for or production of oil, gas or hydrocarbons when the installations are permitted by the conditions of the offshore oil drilling district which is to be served.

19. In the **OS Open Space Zone**:

(a) Recreation centers, senior citizen centers, community centers, clubhouses, community rooms, playgrounds, beaches, swimming pools, libraries, tennis courts, game courts, rest rooms, gyms and camping facilities.

(b) Golf courses.

(c) Museums.

(d) Appurtenant structures adjacent to reservoir use, such as water treatment facilities, pumping facilities, distribution facilities and water filtration plants.

(e) Nature preserves, subject to the approval of a detailed site plan and management program approved by the operating agency and by the City Planning Commission pursuant to the procedure set forth in Section 12.24M.

(f) Aquaria, observatories, planetaria and zoos.

(g) High voltage transmission lines (including towers).

(h) Any use set forth in Section 12.04.05B1 when located on land which:

(1) includes a lake, river or stream; or

(2) is designated as an historic or cultural landmark.

(i) Change of use from any of the uses listed above to any use described in Section 12.04.05B1.

20. **Piers, jetties, man-made islands, floating installations**, or the like in connection with the uses listed in Section 12.20.1B2(a), in the SL Ocean-Submerged Land Zone.

21. The following uses in the **PF Zone**: **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** convention and exhibition centers; government owned parking facilities; flood control facilities; sewage treatment facilities; covered reservoirs; appurtenant structures adjacent to covered and uncovered reservoirs, such as water treatment facilities, water pumping facilities, water distribution facilities, and water filtration plants; sanitary landfills; and any joint public and private development uses more intensive than those permitted in the most restrictive adjoining zones. The phrase "**adjoining zones**" refers to the zones of properties abutting, across the street or alley from, or having a common corner with, the subject property. In addition to the findings otherwise required by this subdivision, for any joint public and private development uses, the Commission shall find that benefits are provided to the public and that the benefit accruing from the project, whether as a result of additional taxes of the provision of public facilities, is sufficient to outweigh any impairment of the public interest that may be created by the public agencies' proposed use of the land.

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) An application for a conditional use shall be referred forthwith for review to the City Council member of the district in which the property is located. **(Amended and former subsec. (f) deleted, Ord. No. 182,095, Eff. 5/7/12.)**

23. **Research and development centers** for experimental or scientific investigation of materials, methods or products, except in the RA and R Zones.

24. **Schools**: **(Amended by Ord. No. 173,492, Eff. 10/10/00.)**

(a) Public schools, elementary and high (kindergarten through 12th grade);

(b) Private schools, elementary and high (kindergarten through 12th grade) in the A, RE, RS, RI, RU, RZ, RMP, RW1, R2, RD, RW2, R3, C1, C1.5, or M Zones;

(c) Private schools [other than elementary or high (kindergarten through 12th grade) or nursery schools] in the A, R, CR, C1, or C1.5 Zones.

25. **Sea Water Desalinization Facilities and sites** where the principal use of the land is for the purposes of a sea water desalinization plant, provided that the facilities comply with all applicable state and federal regulations.

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.** **(Added by Ord. No. 174,993, Eff. 1/15/03; Subdivision Title Amended by Ord. No. 179,681, Eff. 4/15/08.)**

(a) In addition to the findings set forth in 12.24 E., the City Planning Commission shall find: **(Amended by Ord. No. 182,095, Eff. 5/7/12.)**

(1) that the project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan;

(2) that the 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 project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.

(b) The payment of filing fees may be deferred pursuant to the provisions of Sections 19.01 O., 19.05 A.1. and 5. of this Code.

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. **(Amended by Ord. No. 182,095, Eff. 5/7/12.)**

In addition to the findings set forth in Section 12.24 E., the City Planning Commission shall find:

(a) that the project is consistent with and implements the affordable housing provisions of the General Plan's Housing Element; and

(b) that any residential building (including Apartment Hotels and mixed-use buildings) in the Central City Community Plan Area conforms with the Urban Design Standards and Guidelines for the Central City Community Plan Area.

28. Solid Waste Alternative Technology Processing Facilities in the M2, M3, and PF Zones. (Added by Ord. No. 181,272, Eff. 9/28/10.) In addition to the other findings required by this section, the City Planning Commission shall make all of the following findings:

(a) that the proposed location of the facility will not result in an undue concentration of solid waste alternative technology processing facilities in the immediate area, will not create a cumulative impact with special consideration given to the location of solid waste facilities already permitted and will support the equitable distribution of these facilities citywide;

(b) that an effort was made to locate the facility in close proximity to existing solid waste facilities, transfer stations, solid waste resource collection vehicle yards, material recovery facilities and green waste processing facilities;

(c) that the facility will not detrimentally affect nearby residential uses and other sensitive land uses, taking into consideration the number and proximity of residential buildings, churches, schools, hospitals, public playgrounds, nursing homes, day care centers, and other similar uses within a 1,500 foot radius of the proposed site;

(d) that the facility operator will provide a language appropriate quarterly newsletter and other benefits to businesses and residents likely to be impacted by this facility, taking into consideration the location of the proposed site and nearby uses;

(e) that the facility and the vehicles serving the facility are designed, constructed and operated to ensure that they will not create noise, odor, or visual blight that is detrimental to nearby uses;

(f) that access to the facility, on-site parking and vehicle storage will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets; and

(g) that hazardous waste and household hazardous waste as defined in the California Code of Regulations, Title 22,

Section 66260.10, universal waste as defined in the California Code of Regulations, Title 22, Section 66261.9, radioactive waste as defined in Section 114985 of the California Health and Safety Code and medical waste as defined in Section 117690 of the California Health and Safety Code, will not be received at the facility.

V. Conditional Use Permit - Area Planning Commission With Appeals to the City Council. (Amended by Ord. No. 182,095, Eff. 5/7/12.) The following uses and activities may be permitted in any zone, unless restricted to certain zones or locations, if approved by the Area Planning Commission as the initial decision-maker or the City Council as the appellate body. In addition to the requirements set forth below, the decision-maker shall follow the procedures set forth in Subsections B. through Q.

Mixed Commercial/Residential Use Developments

1. **Findings.** In addition to the findings set forth in Section 12.24 E., the Area Planning Commission shall find:

(a) that the project is consistent with and implements the affordable housing provisions of the General Plan's Housing Element;

(b) that the project will further the City's goal of achieving an improved jobs-housing relationship, which is needed to improve air quality in the City;

(c) that pursuant to an agreement entered into under Government Code Sections 65915-65918, the project will include the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus pursuant to Section 12.22 A.25. of this Code;

(d) that the affordability of all reserved lower income dwelling units will continue for a minimum of 30 years;

(e) that the construction and amenities provided for the reserved lower income dwelling units will be comparable to those provided for the market rate dwelling units in the development, including the average number of bedrooms and bathrooms per dwelling unit;

(f) that the approval of a mixed use development pursuant to this section will constitute an incentive under Government Code Section 65915; and

(g) that the approval of a mixed use development on the site will reduce the cost per unit of the housing development.

2. Only residential dwelling units shall be considered a residential use for purposes of this subdivision's provisions regarding mixed commercial/residential use developments.

3. In approving a mixed commercial/residential use development in Height District No. 1, the Area Planning Commission may permit a floor area ratio for the development not to exceed three times the buildable area of the lot.

4. In approving a mixed commercial/residential use development, the Area Planning Commission may permit a floor area ratio for the development not to exceed twelve times the buildable area of the lot, when the development is located:

(a) in Height District Nos. 2, 3 or 4;

(b) not more than 1,500 feet distant from the portal of a fixed rail transit or bus station or other similar transit facility; or

(c) within a Community Redevelopment Plan Area, an Enterprise Zone or a Centers Study Area, as described in Sections 12.21.3, 12.21.4, and 12.21.5.

5. Any floor area above the maximum allowed in the plan or the zone, whichever is less, shall be utilized solely for residential development.

6. The provisions of this subdivision may not be used in combination with the provisions of Subsection W.15., but may be used in combination with the provisions of Section 12.22 A.18.

W. Authority of the Zoning Administrator for Conditional Uses/Initial Decision. 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 procedures for reviewing applications for these uses shall be those in Subsections B. through Q. in addition to those set out below. **(First Para. Amended by Ord. No. 173,992, Eff. 7/6/01.)**

1. The sale or dispensing for consideration of alcoholic beverages, including beer and wine, for consumption on the premises or off-site of the premises in the CR, C1, C1.5, C2, C4, C5, CM, MR1, MR2, M1, M2 and M3 Zones, or as an incidental business in or accessory to the operation of clubs, lodges, hotels or apartment hotels, or as an incidental business in or accessory to a conditional use approved pursuant to the provisions of this section, provided that:

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

(1) that the proposed use will not adversely affect the welfare of the pertinent community;

(2) that the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area; and

(3) that the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

(b) **Notice to Councilmember.** Whenever an application for a conditional use has been filed pursuant to this subdivision, the Zoning Administrator shall give notice of this fact promptly to the councilmembers whose districts include portions of the area of the City involved.

(c) **Limitations.** The provisions of this subdivision shall not apply to the sale or dispensing for consideration of alcoholic beverages, including beer and wine, for consumption off-site of any premises located within the area of an operative specific plan which provides for conditional use approval for sale or dispensing. If that specific plan ceases to be operative, then a conditional use approval granted pursuant to the provisions of that specific plan for sale or dispensing may continue subject to the same rights and limitations as a conditional use granted pursuant to the provisions of this section.

(d) **Existing Uses.** The use of a lot for an establishment dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, for on-site or off-site consumption may not be continued or re-established without conditional use approval granted in accordance with the provisions of this section if, after September 13, 1997, there is a substantial change in the mode or character of operation of the establishment, including any expansion by more than 20 percent of the floor area, seating or occupancy, whichever applies; except that construction for which a building permit is required in order to comply with an order issued by the Department of Building and Safety to repair or remedy an unsafe or substandard condition is exempt from this provision. Any expansion of less than 20 percent of the floor area, seating or occupancy, whichever applies, requires the approval of plans pursuant to Subsection M of this section.

2. **Automotive fueling and service stations**, but not including automobile laundry or wash rack in the C1.5 and C4 Zone, subject to:

(a) The site shall abut a major or secondary highway;

(b) No service station activities, other than a public parking area, shall be located within 20 feet of an A or R Zone;

(c) The requirements of Paragraphs (a), (b), (c), (d) and (g) of Section 12.14A6 shall apply;

(d) Driveways shall be located and designed so as to minimize conflicts with pedestrian and vehicular traffic, and on a corner lot shall be located 25 feet or more from the intersection of the street lot lines;

(e) Display of merchandise for sale shall be permitted only within enclosed buildings, on the pump islands, in the open within three feet of the exterior walls of the main building, and in not more than two portable or semi-portable cabinets, provided each of the cabinets does not exceed six feet in height, nor 40 square feet in base area, and provided further that these cabinets are located not less than 50 feet from all street lines;

(f) There shall be no rental of equipment, trailers or vehicles;

(g) Storage of materials or equipment shall be permitted only within a completely enclosed building or within an area enclosed on all sides with a solid wall or fence, not less than six feet in height;

(h) Not more than two signs which are freestanding or which project more than two feet above the roof of a building to which they are attached, and not more than two portable signs, shall be permitted;

(i) One percent or more of the area of the lot shall be suitably landscaped and provision shall be made for maintenance of landscaped areas.

3. **Automotive repair** in the C4 Zone.

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. (Amended by Ord. No. 178,382, Eff. 3/24/07.)**

(a) **Standards.** In making a determination on an application for a conditional use filed pursuant to this subdivision, a Zoning Administrator may consider all of the applicable provisions of Section 12.22 A.28. of this Code as establishing minimum standards for the approval of automotive uses.

(b) **Findings. (Amended by Ord. No. 182,095, Eff. 5/7/12.)** In addition to the findings set forth in Section 12.24 E., the Zoning Administrator shall find:

(1) that project approval will not create or add to a detrimental concentration of automotive uses in the vicinity of the proposed automotive use;

(2) that based on data provided by the Department of Transportation or a licensed traffic engineer, ingress to, egress from and associated parking of the automotive use will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets;

(3) that any spray painting will be conducted within a fully enclosed structure located at least 500-feet away from a school or A or R zone, and that all spray painting will 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

(4) that the applicant has submitted an appropriate landscape plan setting forth all plant materials and irrigation systems, and a written maintenance schedule indicating how the landscaping will be maintained.

5. **Bovine feed or sales yards**, riding academies or the commercial grazing, breeding, boarding, raising or training of domestic animals in the A1 or A2 Zones; and the raising, grazing, breeding, boarding or training of equines, riding academies or stables in the RA, MR or M1 Zones.

6. **Cattle or goat dairies** in the A1 or A2 Zones.

7. The **change of use** of the whole or part of any building for which the original certificate of occupancy was issued prior

to September 17, 1971, and used in whole or in part for any use permitted in a C Zone to any residential use permitted in the R4 or R5 Zones, provided that the building is located in whole or in part on any lot located within the Central Business District Redevelopment Project Area, and provided that the density of the residential uses shall not exceed one dwelling unit per 125 square feet of lot area.

8. **Chipping and grinding facilities** in the M2 Zone where these facilities are not conducted within a wholly enclosed building.

9. **Churches** (except rescue mission or temporary revival) in the A, RE, RS, R1, RU, RZ, RMP, RW1, R2, RD, RW2, R3, C1, C1.5, CM or M Zones.

10. **Circus quarters or menageries** in the A Zones and MR2 Zone.

11. **CM uses** in the C1, C1.5, C2, C4, and C5 Zones where located within the boundaries of a community redevelopment project area and when the uses conform to the provisions of the applicable redevelopment plan.

12. **Columbariums, crematories or mausoleums**, other than in cemeteries, in the A, R, C (except CR), M1 and MR2 Zones.

13. **Community antenna facilities** franchised by the City of Los Angeles for cable television or radio service in the A, R, C1 or C1.5 Zones.

14. **Counseling and referral facilities** in the R3, R4 and R5 Zones; provided that, in addition to the findings otherwise required by this section, the Zoning Administrator shall also specifically find that:

(a) The facility will serve the immediate neighborhood in which it is to be located; and

(b) No commercially zoned property equally accessible to that neighborhood is reasonably available for the location of the facility.

15. **Developments Combining Residential and Commercial Uses in the R5 Zone when located outside the Central City Community Plan Area. (Amended by Ord. No. 182,452, Eff. 4/4/13.)** Any use or combination of uses in the CR, C1, C1.5, C2, C4, C5 or R5 Zones may be authorized. (For mixed use developments permitted by right, see Section 12.22 A.18. of this Code.)

16. **Drive-in theaters** in the A, R or C1 Zones.

17. **Drive-through fast-food establishments** in all C Zones, except the CR Zone, when located on a lot, the lot line of which adjoins, is across the street from, or separated only by an alley from, any portion of a lot or lots in a residential zone or use or the RA Zone. In addition to the findings otherwise required by this section, the Zoning Administrator shall also find:

(a) that residential uses in the vicinity of a proposed drive-through fast-food establishment will be adequately protected from any significant noise resulting from outdoor speakers, autos, or other sources of noise associated with the lot;

(b) that all stationary light generated on the lot is screened to avoid any significant adverse impact on nearby residential uses; and

(c) that trash storage, trash pickup hours, driveways, parking locations, screening walls, trees and landscaping are provided for and located so as to minimize disturbance to the occupants of nearby residential uses, and to enhance the privacy of those uses.

18. The following **entertainment uses** in the zones specified:

(a) Dance Halls in the C2, C4, C5, CM, M1, M2 or M3 Zones.

(b) Hostess dance halls in the C2, C5, CM, M1, M2 or M3 Zones.

(c) Massage parlors or sexual encounter establishments as both terms are defined in Section 12.70 in the C2, C5, CM, M1, M2 or M3 Zones and which otherwise comply with all requirements of Section 12.70.

19. Floor area ratio averaging and residential density transfer in unified developments. (Amended by Ord. No. 182,451, Eff. 4/4/13.)

(a) **Floor Area Ratio Averaging.** The averaging of floor area ratios may be permitted for buildings which will comprise a unified commercial, industrial, or mixed-use development in the C or M zones citywide or in the R5 zone within the Central City Community Plan Area, even if buildings on each individual parcel or lot would exceed the permitted floor area ratio. However, the floor area ratio for the unified development, when calculated as a whole, may not exceed the maximum permitted floor area ratio for the height district(s) in which the unified development is located.

(b) **Residential Density Transfer.** The transfer of residential density may be permitted for buildings which will comprise a unified mixed-use development in the C zones citywide or in the R5 zone within the Central City Community Plan Area, even if buildings on each individual parcel or lot would exceed the permitted density. However, the number of all dwelling units and guest rooms for the unified development, when calculated as a whole, may not exceed the maximum number permitted based on the minimum lot area per dwelling unit and guest room standards set forth in the zone(s) in which the unified development is located.

(c) **Definition.** A unified development for purposes of this subdivision shall mean a development which is:

- (1) a combination of functional linkages, such as pedestrian or vehicular connections;
- (2) in conjunction with common architectural and landscape features, which constitute distinctive design elements of the development;
- (3) is composed of two or more contiguous parcels, or lots of record separated only by a street or alley; and
- (4) when the development is viewed from adjoining streets appears to be a consolidated whole.

(d) **Finding.** In addition to the findings otherwise required by this section, before granting an approval, the Zoning Administrator shall find that the development, although located on separate parcels or lots of record, is a unified development as defined by this subdivision.

(e) **Procedures.** In addition to the requirements of subsection A. through Q. of this section, all persons with an ownership interest in the property requesting floor area ratio averaging, residential density transfer, or both, and all persons with mortgage interests, including those persons holding ground leases, must sign the application. A current title search shall be submitted with the application to ensure that all persons with an ownership interest in the property have signed the application.

(f) **Covenant.** If the Zoning Administrator approves the floor area ratio averaging or residential density transfer, then the applicants shall file a covenant running with the land with the Department of Building and Safety prior to the issuance of any building permits:

- (1) guaranteeing to continue the operation and maintenance of the development as a unified development;
- (2) indicating the floor area and, if applicable, density used on each parcel and the floor area and, if applicable, density potential, if any, that would remain;
- (3) guaranteeing the continued maintenance of the unifying design elements; and
- (4) specifying an individual or entity to be responsible and accountable for this maintenance and the fee for the annual inspection of compliance by the Department of Building and Safety, required pursuant to Section 19.11.

20. **Foundries** in the MR1 Zone.
21. **Fraternity or sorority houses** in the A, R1, RU, RZ, RMP, RW1, R2, RD, RW2 or R3 Zones.
22. **Garbage**, fat, offal, or dead animal reduction, or rendering in the M3 Zone, provided the site is located at least 500 feet from a more restrictive zone.
23. **Heliport** incidental to an office building, hospital or residential use.
24. **Hotels**.
 - (a) Hotels (including motels), apartment hotels, transient occupancy residential structures, or hostels in the CR, C1, C1.5, C2, C4, and C5 Zones when any portion of a structure proposed to be used as a hotel (including a motel), apartment hotel, transient occupancy residential structure or hostel is located within 500 feet of any A or R Zone.
 - (b) Hotels (including motels), apartment hotels, transient occupancy residential structures or hostels, in the M1, M2 and M3 Zones when more than half of the lot on which the use is located is in the CR, C1, C1.5, C2, C4, C5 or CM Zones. In approving a request for a use in the M1, M2 and M3 Zones, the Zoning Administrator, in addition to the findings otherwise required by this section, shall also find that approval will not displace viable industrial uses.
 - (c) Hotels, motels, apartment hotels, transient occupancy residential structures and hotels in the R4 or R5 Zones, unless expressly permitted by Sections 12.11 or 12.12. In the R5 Zone, incidental business may be conducted, but only as a service to persons living there, and provided that the business is conducted within the main building, that the entrance to the business is from the inside of the building and that no sign advertising the business is visible from outside the building. If the proposed use is to be established by the conversion of an existing apartment house, apartment hotel or single family dwelling, then a relocation assistance plan shall be drawn up and approved in a manner consistent with Section 12.95.2G.
 - (d) Hotels and motels in the M1 and M2 Zones when expressly permitted by the applicable community or district plan.
25. **Kennels or facilities for breeding and boarding of animals** (no outside keeping of animals - no open runs) in the M Zones where any portion of the parcel is located within 500 feet of any residential zone.
26. **Miniature or pitch and putt golf courses, golf driving tees or ranges, and similar commercial golf uses**, in the A, R, or C1 Zones.
27. **(Amended by Ord. No. 175,223, Eff. 6/30/03.) 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.
 - (a) **Standards.** In making a determination on an application for a conditional use filed pursuant to this subdivision, a Zoning Administrator may consider the provisions of Section 12.22 A.23. as establishing minimum standards for the approval of a Mini-Shopping Center or Commercial Corner Development, provided, however, that no building or structure shall exceed the height requirements set forth in Section 12.22 A.23.(a)(1).
 - (b) **Findings. (Amended by Ord. No. 182,095, Eff. 5/7/12.)** In addition to the findings set forth in 12.24 E., the Zoning Administrator shall find:
 - (1) that based on data provided by the City Department of Transportation or by a licensed traffic engineer, that ingress to and egress from the project will not create a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets; and

(2) that project approval will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.

28. **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 set forth in Section 12.24 E., the Zoning Administrator shall find that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood. **(Amended by Ord. No. 182,095, Eff. 5/7/12.)**

29. **Mortuaries or funeral parlors** in the C2, C4, C5, CM or M1 Zones.

30. **Nightclubs or other establishments** offering dancing or live entertainment in conjunction with a restaurant within the area governed by the Westwood Village Specific Plan.

31. **Nurseries**, including accessory buildings, necessary only for the growing of flowers, shrubs and trees, but not including any store or office building nor any retail sales on the premises, in the R, C1 and C1.5 Zones.

32. **Outdoor eating areas for ground floor restaurants** in the CR, C1, and C1.5 Zones if not permitted by right.

33. **Pawnshops** in the C2, C5, CM, M1, M2 and M3 Zones. **(Amended by Ord. No. 182,095, Eff. 5/7/12.)**

34. **Penny arcades** containing five or more coin or slug- operated or electrically, electronically or mechanically controlled game machines in the C2, C5, CM, M1, M2 or M3 Zones.

35. **Private clubs** in the A, R1, RU, RZ, RMP, RW1, R2, RD, RW2, R3 or R4 Zones.

36. **Professional uses** in the R4 or R5 Zones, provided the property fronts a major or secondary highway as these highways are shown on the Highways and Freeways Element of the General Plan, and provided further that these uses shall be conducted within a one or two-family dwelling, the residential character of which shall not be changed, and that no signs shall be permitted other than those specifically allowed in the zone or by a Zoning Administrator.

37. **Public parking** areas in the A or R Zones.

38. **(Amended by Ord. No. 178,063, Eff. 12/30/06.) Reduced on-site parking** for Senior Independent Housing, Assisted Living Care Housing, and/or a Housing Development Occupied By Disabled Persons in the RD, R3, RAS3, R4, RAS4, or R5 Zones, CR, C1, C1.5, C2, C4 or C5 Zones, provided that:

(a) For purposes of this subdivision, a disabled person is a person who has: (a) physical or mental disabilities, which seriously restricts that person from operating a motor vehicle; (b) is expected to be of long, continued and indefinite duration; (c) substantially impedes his or her ability to live independently; and (d) is of a nature that the ability to live independently could be improved by more suitable housing conditions.

(b) Parking spaces may be reduced to 25 percent of the number otherwise required by Section 12.21 A.4.(u).

(c) The reduced number of parking spaces provided for each development shall be determined by a Zoning Administrator on the basis of:

(1) anticipated parking needs of occupants, employees and visitors; and

(2) availability of public transit; and

(3) access from the site to medical facilities, shopping, commercial services and community facilities.

(d) Each application for reduction of parking spaces shall be referred promptly for review to the Councilmember of the district in which the property is located.

(e) When a reduction of parking spaces is approved, the owner of the land shall furnish and record an agreement

in the Office of the County Recorder of Los Angeles County, California, as a covenant running with the land for the benefit of the City of Los Angeles, providing that, should the use change, the owner will develop the parking spaces to meet the requirements of Sections 12.21 A.4. and 5.

39. **The rental, storage or storage for rental purposes** of household moving rental trucks and utility rental trailers including those which exceed a registered net weight of 5,600 pounds in the C2, C5, CM and MR1 Zones. When acting on an application, a Zoning Administrator shall consider, among other criteria, the following:

(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 use of adjacent properties.

40. **Restaurant (including cafe)** for the use of the general public in the MR1 and MR2 Zones.

41. **The sale of firearms and/or ammunition** in the C1, C1.5, C2, C4, C5, CM, M1, M2 and M3 Zones. In addition to the findings otherwise required by this section, the Zoning Administrator shall also consider whether the proposed use will result in an over-concentration of this use in the area, and the number of firearms available for sale at the site.

42. **The sale of merchandise:**

(a) From a privately owned vacant lot in the C1, C2, M2, and M3 Zones in the open;

(b) From a drive-in theater in the M2 and M3 Zones in the open; or

(c) At an indoor swap meet in the C1, C1.5, C2, C4, C5, M1, M2, and M3 Zones. For purposes of this paragraph, the following definitions shall apply:

(1) "**Indoor swap meet**" shall mean any event where new or secondhand goods are offered or displayed for sale or exchange by ten or more independent vendors within a completely enclosed building. An independent swap meet vendor is any individual, partnership, corporation, business association or other person or entity who is not an employee of the owner or lessee of the subject building; and

(i) A fee is charged by a swap meet operator for the privilege of offering or displaying new or secondhand goods for sale or exchange; or

(ii) A fee is charged to prospective buyers for admission to the area where new or secondhand goods are offered or displayed for sale or exchange.

(2) "**Mini-shopping center**" shall mean any development,

(i) with a lot area of less than forty-five thousand square feet, used for two or more retail sales, services or restaurants, or their combination;

(ii) with the structure or structures located in close proximity to the rear lot line and/or side lot line, and

(iii) with surface parking situated between the structure or structures and the street.

(3) A "**shopping center**" or "**industrial center**" is defined as a unit group of buildings used for commercial and/or industrial purposes together with open space and vehicle parking areas where the occupants of the buildings and their customers have a joint right to use the open space and vehicle parking areas.

EXCEPTIONS:

The provisions of this subdivision shall not apply to a retail store or shop in a "**mini-shopping center**", in a "**shopping center**" or in an "**industrial center**" as defined in Subparagraphs (2) and (3) above, unless that store or shop is being used as the location of an indoor swap meet as defined in Subparagraph (1) above.

43. **Second dwelling unit** in the A, RA, RE, RS, R1, RMP or RW1 Zones, provided that:

(a) In addition to the findings otherwise required by this section, a Zoning Administrator shall also make the following findings:

(1) that the second dwelling unit consists of a group of two or more rooms for living and sleeping purposes, one of which is a kitchen, and the second dwelling unit has a maximum floor area of 640 square feet;

(2) that the second dwelling unit is located on a lot having an area at least 50 percent larger than the minimum area required for a lot in the zone in which it is located, and in no event is the lot area less than 7,500 square feet;

(3) that the second dwelling unit meets the yard, lot coverage and height requirements applicable to the zone in which it is located; and

(4) that the primary dwelling unit and all other existing or proposed buildings meet the use, lot coverage, height, yard and other requirements applicable to the zone in which they are located.

(b) In determining whether to permit a second dwelling unit, a Zoning Administrator shall consider, but not be limited to, factors such as the impact of the second unit on traffic volume of existing streets and highways and the increased burden on water and sewer services.

(c) At least one covered or uncovered off-street automobile parking space shall be provided for the second dwelling unit, in addition to the off-street automobile parking spaces required by Section 12.21A4(a) for the principal dwelling; provided, however, that a Zoning Administrator may modify the dimensions of the parking facilities (as set forth in Section 12.21A(5)) by up to 20 percent, as may be necessary to facilitate vehicular movement on and to the subject property.

(d) A Zoning Administrator may reduce the width of required passageways [see Section 12.21C2(b)] to no less than five feet, unless the Fire Department determines that the reduction would result in a safety hazard.

(e) A Zoning Administrator shall require that a second dwelling unit be combined with or be attached to a main building containing only one dwelling unit unless:

(1) The second dwelling unit results from the conversion of a legally established, detached accessory living quarters, servants' quarters, or guest house which had been issued a certificate of occupancy prior to July 1, 1983; or

(2) The Zoning Administrator determines that a detached dwelling unit will be constructed in full compliance with setback, lot coverage, height and other requirements applicable to the zone, without adverse impacts on the character of the surrounding neighborhood.

(f) The architectural style of the second dwelling unit shall be compatible with that of the primary dwelling unit, and when viewed from the street frontage it shall appear that there is only one dwelling unit on the lot. Not more than one entrance to the dwellings shall be visible from the street frontage.

(g) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** A second dwelling unit shall not be located in a Hillside Area, as defined in Section 91.7003 of this Code, in an Equinekeeping District, along a Scenic Highway designated in the General Plan, or where the width of the adjacent street is below current standards as defined in Section 12.37H.

(h) No building nonconforming as to use may be converted to a second dwelling unit.

(i) A copy of each application for conditional use as a second dwelling unit shall be referred without unnecessary

delay for review to the councilmember of the district in which the property is located, and copies of any building permits issued for a second dwelling unit shall be sent to that councilmember.

44. **Second dwelling unit** on large lots in the RA, RS or R1 Zones provided that, in addition to the findings otherwise required by this section, a Zoning Administrator shall also find that:

(a) The lot has a depth of 180 feet or more;

(b) In the RA Zone, the lot has an area of 35,000 square feet or more; in the RS Zone the lot has an area of 15,000 square feet or more; and in the R1 Zone, the lot has an area of 10,000 square feet or more;

(c) One dwelling unit is on the front of the lot and one dwelling unit is on the rear of the lot, and the distance between the front and rear dwelling is at least 20 feet;

(d) The rear dwelling is located at least 50 feet from the rear lot line;

(e) Both dwellings are located so as to comply with all other area regulations of the zone in which the property is located;

(f) The lot is not located in a "H" Hillside or Mountainous area or in a "K" Equinekeeping District;

(g) The height and bulk of the dwelling units are reasonably compatible with that of the surrounding development;

(h) The second dwelling unit will not cause a significant adverse impact on traffic, sewer capacity or other public facilities or services; and

(i) Any necessary dedications or improvements have been provided.

45. **Stand for display or sale** of agricultural and farm products raised or produced on the same premises in the RA Zone.

46. **Swine keeping**, more than five, in the A1 Zone, and swine keeping in the A2 and RA Zones.

47. **Temporary geological exploratory core holes** in all zones except the M3 Zone. The Zoning Administrator may approve the use of a site for a period of time deemed necessary to drill, test and abandon temporary geological exploratory core hole(s) provided that the time period may not exceed 200 days unless the Zoning Administrator finds that the drilling activities cannot be completed within 200 days due to depth, or deviation, or number of temporary geological exploratory core hole(s) to be drilled. However, in no event shall the Zoning Administrator increase the time period beyond 200 days by more than an additional 165 days.

48. **Temporary storage** of abandoned, partially dismantled, obsolete or wrecked automobiles (not including the dismantling or wrecking of automobiles or the storage or sale of used parts) in the C2, C4, C5, CM, MR1, or M1 Zones.

49. **(Amended by Ord. No. 177,120, Eff. 12/26/05.) 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:

(a) In all zones, except the M1, M2 or M3 Zones;

(b) In the M1, M2, or M3 Zones when the property containing the facility is located across the street from, abutting, or adjoining a residential use or A or R Zone, including the RA Zone, and/or if the facility cannot meet the Wireless Telecommunication Facilities standards contained in Section 12.21 A.20. of this Code;

(c) In geographic specific plan areas, except for those located within scenic corridors, scenic parkway specific plan areas or upon roadways designated as scenic highways within specific plan areas, which shall all be subject to a Specific Plan Exception pursuant to Section 11.5.7 F. of this Code; and

(d) On the rooftops of buildings which are designated on the National Register of Historic Places, including Contributing Buildings in National Register Historic Districts, the California Register of Historic Resources, the City of Los Angeles List of Historic-Cultural Monuments, or a Contributing Structure located in an Historic Preservation Overlay Zone (HPOZ) that has been established pursuant to Section 12.20.3.

(e) **Findings. (Amended by Ord. No. 182,095, Eff. 5/7/12.)** In addition to the findings set forth in Section 12.24 E., the Zoning Administrator shall consider and balance the benefit of the project to the public with the facility's technological constraints, design, and location, as well as other relevant factors, and in doing so find 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.

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 external lot line closest to the A or R Zone. In addition to the findings set forth in Section 12.24 E., the Zoning Administrator shall find that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood. **(Amended by Ord. No. 182,095, Eff. 5/7/12.)**

51. **Child care facilities or nursery schools** in the A, RE, RS, R1, RU, RZ, RMP, RW, R2, R3, RAS3, or RD Zones, and in the CM and M Zones when providing care primarily for children of employees of businesses/industries in the vicinity. **(Added by Ord. No. 176,545, Eff. 5/2/05.)**

52. **Project(s) in Neighborhood Stabilization Overlay (NSO) Districts** in the R2, RD, R3, RAS, R4, R5, CR, C1, C1.5, C2, C4 C5, or CM zones that create at least one dwelling unit with five or more habitable rooms. **(Added by Ord. No. 180,219, Eff. 11/16/08.)**

(a) **Findings.** In addition to the findings otherwise required under this section relating to Conditional Use Permits, and the requirements of Section 12.21 A.4.(a) of this Code relating to Off-Street Automobile Parking, the Zoning Administrator shall make the following findings:

(1) That the Project provides additional on-site parking under Section 13.12 C.2. of this Code;

(2) That there is no detrimental concentration of large scale, campus serving housing within a one-thousand-foot radius of the proposed Project; and

(3) That the Project conforms to any applicable Historic Preservation Overlay Zone (HPOZ) or Specific Plan.

53. **Structures solely supporting solar energy systems not otherwise permitted.** A Zoning Administrator may, upon application, permit structures that solely support solar energy systems that deviate from any regulation in the zoning code, such as height, lot coverage, and location. **(Added by Ord. No. 182,110, Eff. 5/29/12.)**

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 otherwise 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. In addition to the findings set forth in Section 12.24 E., the Zoning Administrator shall make all applicable findings set forth below. Further, these uses and activities are subject to the procedures, regulations and limitations set forth below. **(Para. Amended by Ord. No. 182,095, Eff. 5/7/12.)**

1. **Adaptive Reuse Projects. (Amended by Ord. No. 175,588, Eff. 12/1/03.)** A Zoning Administrator may, upon application, permit Adaptive Reuse Projects pursuant to this subdivision. Except that, the provisions of this subdivision shall not apply to those areas set forth in the Adaptive Reuse Incentive Areas Specific Plan, Ordinance No. 175,038. Furthermore, the provisions of this subdivision shall not apply to the M Zones outside the Downtown Project Area. The boundaries of the Downtown Project Area are described in Section 12.22 A.26.(g) of the Code.

In conformance with Paragraph (b) below, the Zoning Administrator may permit Adaptive Reuse Projects in the M Zones inside the Downtown Project Area. Outside the Downtown Project Area, the Zoning Administrator may permit Adaptive Reuse Projects in the C and R5 Zones.

In conformance with Paragraph (c) below, the Zoning Administrator may permit Adaptive Reuse Projects in the C and R5 Zones in all or any portion of a building constructed on or after July 1, 1974, inside the Downtown Project Area.

In conformance with Paragraph (d) below, the Zoning Administrator may permit floor area averaging in unified Adaptive Reuse Projects in the C, M and R5 Zones inside the Downtown Project Area. Outside the Downtown Project Area, the Zoning Administrator may permit this floor area averaging in the C and R5 Zones.

(a) **Definitions.** The definition of "Adaptive Reuse Project" set forth in Section 12.22 A.26.(c) of the Code shall apply inside the Downtown Project Area. Outside the Downtown Project Area, the following definitions shall apply:

Adaptive Reuse Project is any change of an existing Non-Residential Use to new dwelling units, guest rooms, or joint living and work quarters in all or any portion of any eligible building.

Non-Residential Use means any use other than dwelling units, guest rooms, or joint living and work quarters. Except that, if all the dwelling units, guest rooms or joint living and work quarters in an eligible building were completely and continuously unoccupied from March 1, 2002, through and including the date an application for an Adaptive Reuse Project is filed pursuant to this subdivision, then those units, rooms or quarters shall be considered to be a Non- Residential Use.

(b) **C, M and R5 Zones.** The following shall apply to Adaptive Reuse Projects in the MR1, MR2, M1, M2 and M3 Zones inside the Downtown Project Area; and to Projects in the CR, C1, C1.5, C2, C4, C5, CM and R5 Zones outside the Downtown Project Area:

(1) **Eligible Buildings.** A Zoning Administrator shall only permit Adaptive Reuse Projects in the following buildings:

(i) Buildings constructed in accordance with building and zoning codes in effect prior to July 1, 1974. A Certificate of Occupancy, building permit, or other suitable documentation may be submitted as evidence to verify the date of construction.

(ii) Buildings constructed in accordance with building and zoning codes in effect on or after July 1, 1974, if: five years have elapsed since the date of issuance of final Certificates of Occupancy; and the Zoning Administrator finds that the building is no longer economically viable in its current use or uses.

In making this finding, the Zoning Administrator shall consider the building's past and current vacancy rate, existing and previous uses, and real estate market information. The Zoning Administrator may require the applicant to submit independently verified documentation.

(iii) Buildings designated on the National Register of Historic Places, the California Register of Historical Resources, or the City of Los Angeles List of Historic-Cultural Monuments. Contributing Buildings in National Register Historic Districts or Contributing Structures in Historic Preservation Overlay Zones (HPOZ) established pursuant to Section 12.20.3 of this Code are also eligible buildings.

(2) **Incentives and Exceptions.** The Zoning Administrator may grant, modify or deny some or all of the incentives set forth in Section 12.22 A.26.(h), or some or all of the exceptions set forth in Section 12.22 A.26.(j), to Adaptive Reuse Projects proposed pursuant to this subdivision. Furthermore, the Zoning Administrator shall have the authority to grant any other incentives or exceptions from the Code required to permit Adaptive Reuse Projects proposed pursuant to this subdivision, including but not limited to the authority to permit dwelling units, guest rooms and joint living and work quarters in Adaptive Reuse Projects, notwithstanding the nonconforming provisions of Section 12.23 of the Code.

(3) **Findings and Conditions for the C and R5 Zones.** If the Adaptive Reuse Project is in the CR, C1, C1.5, C2, C4, C5, CM or R5 Zones outside the Downtown Project Area, then the Zoning Administrator shall find that the Adaptive Reuse Project complies with the standards for dwelling units, guest rooms and joint

living and work quarters set forth in Section 12.22 A.26.(i). Exception: This finding is not required if the Zoning Administrator does not grant the density incentive set forth in Section 12.22 A.26.(h)(2).

Before approving a reduced parking incentive pursuant to Subparagraph (2) above, the Zoning Administrator shall also find that the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the site of the Adaptive Reuse Project.

(4) Findings and Conditions for the M Zones. If the Adaptive Reuse Project is in the MR1, MR2, M1, M2 or M3 Zones inside the Downtown Project Area, then the Zoning Administrator shall:

(i) Require that one or more signs or symbols of a size and design approved by the Fire Department are placed by the applicant at designated locations on the exterior of each Adaptive Reuse Project to indicate the presence of residential uses;

(ii) Limit the occupations permitted in joint living and work quarters to the following: accountants; architects; artists and artisans; attorneys; computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; insurance, real estate and travel agents; photographers and similar occupations;

(iii) Find that the Adaptive Reuse Project complies with the standards for dwelling units, guest rooms, and joint living and work quarters set forth in Section 12.22 A.26.(i);

(iv) Find that the uses of property surrounding the proposed location of the Adaptive Reuse Project will not be detrimental to the safety and welfare of prospective residents; and

(v) Find that the Adaptive Reuse Project will not displace viable industrial uses.

(c) Buildings constructed on or after July 1, 1974. The provisions of Section 12.22 A.26. shall apply to Adaptive Reuse Projects in all or any portion of a building constructed on or after July 1, 1974, in the CR, C1, C1.5, C2, C4, C5, CM, or R5 Zones inside the Downtown Project Area if: five years have elapsed since the date of issuance of final Certificates of Occupancy; and a Zoning Administrator finds that the building is no longer economically viable in its current use or uses.

In making this finding, the Zoning Administrator shall consider the building's past and current vacancy rate, existing and previous uses, and real estate market information. The Zoning Administrator may require the applicant to submit independently verified documentation.

(d) Floor Area Averaging. The following shall apply to applications to permit floor area averaging in unified Adaptive Reuse Projects in the CR, C1, C1.5, C2, C4, C5, CM, MR1, MR2, M1, M2, M3, or R5 Zones inside the Downtown Project Area; and to such applications in the CR, C1, C1.5, C2, C4, C5, CM, or R5 Zones outside the Downtown Project Area.

The Zoning Administrator may permit averaging of floor area in unified Adaptive Reuse Projects for purposes of determining compliance with the 750 square foot minimum average unit size standard for dwelling units and joint living and work quarters, as set forth in Section 12.22 A.26.(i). For purposes of this subdivision, a unified Adaptive Reuse Project means an Adaptive Reuse Project composed of two or more buildings, so long as the Project has all of the following characteristics: (a) functional linkages, such as pedestrian or vehicular connections; (b) common architectural and landscape features, which constitute distinctive design elements of the Project; and (c) a unified appearance when viewed from adjoining streets. Unified Adaptive Reuse Projects may include lots that abut or are separated only by an alley or are located across the street from any portion of each other.

Individual buildings may fall below the minimum average unit size standard, so long as the average size of all the dwelling units and joint living and work quarters in the unified Adaptive Reuse Project is at least 750 square feet, and no dwelling unit or joint living and work quarters is less than 450 square feet in area. The Zoning Administrator shall determine whether a Project meets the definition of a unified Adaptive Reuse Project as set forth above. All owners of the property requesting floor area averaging must sign the application. A current title search shall be submitted with the application to insure that all required persons have signed the application.

If the Zoning Administrator approves the floor area averaging, then all owners of the property requesting floor area averaging and all owners of each lot contained in the unified Adaptive Reuse Project shall execute and record an affidavit. A copy of each executed and recorded affidavit shall be filed with the Office of Zoning Administration. Each affidavit shall run with the land, be approved by the Zoning Administrator prior to the issuance of any building permits, and shall guarantee the following: (1) The use of any floor area converted to dwelling units or joint living and work quarters shall be maintained and not changed; and (2) The number of these units or quarters approved by the Zoning Administrator shall not be increased.

(e) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C.1., 2., and 3. However, the Zoning Administrator may waive the public hearing required in that section if the owners of all properties abutting, across the street or alley from, or having a common corner with the building have expressed in writing no objections to the Adaptive Reuse Project.

2. **Alcoholic Beverages.** A Zoning Administrator may, upon application, permit a restaurant, with seating on the premises for no more than 50 persons, to offer for sale or to dispense for consideration alcoholic beverages, including beer and wine, incidental to meal service.

(a) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for variances set forth in Section 12.27 C. except to the extent an additional appeal is permitted to City Council. If, however, the applicant submits with its application the written approval of owners of all properties abutting, across the street or alley from, or having a common corner with the subject corner, then the matter does not have to be set for public hearing.

(b) **Findings. (Amended by Ord. No. 182,095, Eff. 5/7/12.)** In addition to the findings set forth in Section 12.24 E., the Zoning Administrator shall also 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 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
- (5) that the hours of operation will not adversely affect the surrounding neighborhood.

(c) **Conditions.** The Zoning Administrator may impose any conditions necessary to assure that the premises continue to operate in a manner consistent with the findings. In addition, any application approved pursuant to this subdivision shall be subject to the following conditions and restrictions:

- (1) Alcoholic beverages, including beer and wine, may be sold or dispensed for consideration for consumption on the premises only, and only when served at tables or sit-down counters by employees of the restaurant.

EXCEPTION:

However, beer and wine may be sold or dispensed for consideration for consumption beyond the premises in a delicatessen (which is a restaurant having regular take-out service of prepared and unprepared foods), if and only if the sit-down food and beverage service area of the delicatessen occupies in excess of 50 percent of the floor area of the premises (exclusive of the kitchen, restroom, storage and utility areas);

- (2) Dancing or live entertainment shall not be permitted on the premises;
- (3) A separate cocktail lounge or bar shall not be located on the premises;

(4) Alcoholic beverages or beer or wine shall not be served in conjunction with the operation of any billiard or pool hall, bowling alley, or adult entertainment business as defined in Section 12.70; and

(5) Alcoholic beverages shall not be sold, dispensed, or allowed to be consumed on the premises between the hours of midnight and 6 o'clock a.m.

3. **Antennas.** A Zoning Administrator may, upon application, permit amateur radio transmission and receiving antennas on lots in A and R Zones which exceed the maximum height otherwise permitted by the provisions of Section 12.21.1.

(a) **Application.** The application shall include a plot plan, an elevation plan indicating the location and height of the proposed antenna and measures designed to minimize any adverse visual impacts from the antenna. These measures may include the construction of a retractable antenna, screening, painting or increased setbacks from property lines. Notice of the application shall be given to the Fire Department.

(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C.1., 2. and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. **(Amended by Ord. No. 173,992, Eff. 7/6/01.)**

(c) **Findings.** In addition to the findings otherwise required by this section, the Zoning Administrator shall also consider the uses to which the proposed antenna will be put, and may give special consideration to an application involving public service uses, such as participation in a radio amateur emergency network or

4. **(Repealed by Ord. No. 178,382, Eff. 3/24/07.)**

5. **Dwelling Adjacent to an Equinekeeping Use.**

(a) Notwithstanding any provision of this Code to the contrary, the Zoning Administrator shall determine that the City may issue a building permit for any residential building which has a habitable room closer than 35 feet from a legally established equine use, if the Zoning Administrator determines that the residential building cannot reasonably be constructed at a location 35 feet or greater from a legally established equine use. This determination may be made after giving consideration to:

- (1) Size and configuration of land parcel;
- (2) Environmental conditions, including but not limited to topography, geology, drainage and soil;
- (3) Public facilities and easements that restrict buildable area location;
- (4) Economic hardship; and
- (5) Feasibility of relocating the equine enclosure.

(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C.1., 2. and 3. However, notice of the pending application and of the hearing shall be given by mailing of notice at least five days prior to the date of the hearing to the owners of all property contiguous to the property involved in the application using for this purpose the last known name and address of those property owners as shown upon the records of the City Engineer or the records of the County Assessor. Provided, however, that if the owners of all the private property contiguous to the property involved in the application sign a waiver of having a public hearing, then no notice or hearing shall be required. **(Amended by Ord. No. 181,595, Eff. 4/10/11.)**

6. **Farmer's Markets.** A Zoning Administrator may, upon application, permit the operation of certified farmer's markets, as defined in Section 1392.2, Title 3, of the California Administrative Code, subject to these limitations:

- (a) Certified farmer's markets are allowed in the following zones:

- (1) An A Zone, including the RA Zone;
- (2) The C Zones, excluding the CM Zone;
- (3) The P Zone;
- (4) The M Zones, excluding the MR1 and MR2 zones;

(5) Any R Zone, provided the property is paved and fully improved and used as a main parking lot incidental to, and serving a church, school or philanthropic institution as defined in Section 12.03; and

(6) A public park, provided its use as a certified farmer's market has first been approved by the Board of Recreation and Park Commissioners of the City of Los Angeles.

(b) **Application.** Each application shall be referred for review to the Councilperson of the district in which the property is located. A Zoning Administrator shall approve an application only if the following requirements are met:

(1) The operation is conducted by one or more certified producers, by a nonprofit organization or by a local government agency; and

(2) If selling these products, the producer is authorized by the County Agricultural Commissioner to sell directly to consumers the products as fruits, nuts, or vegetables that are produced upon the land which the certified producer farms and owns, rents, leases or sharecrops; and

(3) If selling these products, the market operator and producer secure all necessary licenses, certificates and health permits which are required to sell directly to consumers eggs, honey, fish, and other seafood and freshwater products, live plants and other agricultural products, provided they are raised, grown or caught and processed, if necessary, in California.

(c) **Procedures. (Amended by Ord. No. 173,992, Eff. 7/6/01.)** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28C1, 2 and 3. A hearing is not required if the applicant submits with its application the written approval of the owners of all properties abutting, across the street or alley from or having a common corner with the subject property, and, in addition, the written approval of 60 percent of the owners of properties within a radius of 300 feet of the subject property.

(d) **Requirements.**

(1) All market activities shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m., except that necessary preparation of the site for sales activities and cleanup may be conducted for not more than one hour before and one hour after this period. Any light used at any time during market activities shall be adequately shielded so as not to shine directly or indirectly on adjacent property or streets.

(2) Adequate trash containers shall be provided during the hours of operation and adequate toilet facilities shall be provided.

(3) Signs advertising the market shall be permitted only if they conform with the regulations governing signs applicable to the zone in which the market is located, and these signs shall be compatible with the development in the immediate neighborhood.

(4) The level of noise resulting from any certified farmer's market, including noise resulting from the use of amplified sound equipment, shall not exceed the ambient noise levels applicable to an A or R Zone as set forth in Section 111.03 of the Municipal Code, at the property line of any adjacent A or R Zone.

(5) The lot or portion of the lot actually used for market activities shall be cleaned at the close of the day. For the purpose of this section only, "**cleaned**" shall include, but not be limited to, the removal of stalls, debris, trash, etc., used in conjunction with market activities.

(6) The operator of the market shall post a two hundred-dollar refundable, cleanup deposit with the Office of the City Clerk prior to the opening of business.

(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.

(f) **Violations.** The Zoning Administrator may consider revoking the grant for failure to maintain the site in a satisfactory manner.

(g) **Annual Review.** Each year, at least 30 days prior to the effective anniversary date of any grant made pursuant to this subdivision, the operator of a certified farmer's market shall submit to the Office of Zoning Administration a request for continued operation on a form prescribed for that purpose. The form shall contain all pertinent information which a Zoning Administrator may specify. Failure to submit this request shall automatically revoke this grant.

7. **Fences or Walls in A or R Zones.**

(a) A Zoning Administrator may, upon application, permit fences, walls or gates not to exceed eight feet in height, including light fixtures, in the required front yard, side yard or rear yard of any lot or on the side lot line along the street of a reversed corner lot in the A and R Zones.

(b) **Procedures. (Amended by Ord. No. 173,992, Eff. 7/6/01.)** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28C1, 2 and 3. A public hearing may not be required if the applicant submits with the application the written approval of the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. However, for requests for fences in the required front yard, (except for game court fences) only the written approval of the owners of properties abutting on the side or across the street from the subject property need be submitted.

(c) **Findings.** In addition to the findings otherwise required by this section, the Zoning Administrator shall consider the environmental effects and appropriateness of materials, design and location of any proposed fence or wall, including any detrimental effects on the view which may be enjoyed by the occupants of adjoining properties, and security to the subject property which the fence or wall would provide.

8. **Fences within 1,000 Feet of Public Beach.**

(a) A Zoning Administrator may, upon application, permit fences, walls or hedges, not exceeding six feet in height, in the required front yards of lots within groups of lots, provided all of the lots within a group are in an R Zone and are within 1,000 feet of a public beach, and further provided, that all of the lots are affected by the problems of lack of privacy, dogs being released upon the property by persons utilizing the public beaches, or refuse being strewn upon the property by persons utilizing the public beaches.

(b) **Procedures. (Amended by Ord. No. 173,992, Eff. 7/6/01.)** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28C1, 2 and 3. A public hearing may not be required if the applicant submits with the application the written approval of the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. However, for requests for fences in the required front yard, (except for game court fences) only the written approval of the owners of properties abutting on the side or across the street from the subject property need be submitted.

9. **Foster Care Homes.** Notwithstanding any other provision of this chapter, any person may, with the express written permission of a Zoning Administrator and subject to the following limitations, use a dwelling unit for the operation of:

(a) A foster care home occupied by a total of five or six children in the A, R, CR, C1 or C1.5 Zones; provided that the total number of persons (including servants) living in any dwelling unit used as a foster care home shall not exceed eight; or

(b) **Limitations.**

(1) The floor space of any dwelling unit used as a foster care home shall not be increased for that use and the floor space shall not be arranged so that it would reasonably preclude the use of the buildings for purposes otherwise permitted in the zone in which the property is located.

(2) No permission for the operation of a foster care home shall become valid unless it is licensed for foster care use by the State of California, or other agency designated by the State, and the operation shall not be valid for more than one year.

(c) **Procedures. (Amended by Ord. No. 173,992, Eff. 7/6/01.)** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28C1, 2 and 3.

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 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) 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.

(c) **Procedures. (Amended by Ord. No. 173,992, Eff. 7/6/01.)** An application for permission pursuant to this subdivision shall follow the procedures for slight modifications set forth in Section 12.28 C.1., 2. and 3.

(d) **Fees. (Amended by Ord. No. 173,992, Eff. 7/6/01.)** 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 19.01 U. when the public hearing has been waived pursuant to Section 12.28 C.2.(a).

11. **Hillside Area.** A Zoning Administrator may, upon application, permit Buildings and Structures on Lots in the A1, A2, and RD Zones which are located in a Hillside Area as defined in Section 12.03 of this Code to: **(Amended by Ord. No. 181,624, Eff. 5/9/11.)**

(1) exceed the maximum 36-foot height limitation required by Section 12.21 A.17.(c);

(2) reduce the front or side yards required by Section 12.21 A.17.(a) and (b);

(3) increase the maximum lot coverage limitations of Section 12.21 A.17.(f); and

(4) reduce the number of off-street parking spaces otherwise required by Section 12.21 A.17.(h). In addition to the findings required by this subsection, a Zoning Administrator shall find the following:

(a) **Height:**

- (1) 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) 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) 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) 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) 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.

(e) **Procedures. (Amended by Ord. No. 173,992, Eff. 7/6/01.)** An application for permission pursuant to this subdivision shall follow the procedures for slight modifications set forth in Section 12.28C1, 2 and 3.

12. **Historic Buildings.** A Zoning Administrator may, upon application, permit commercial uses in a building and/or permit reduced parking otherwise required in this Code, for a building that is designated on the National Register of Historic Places, including Contributing Buildings in National Register Historic Districts, the California Register of Historical Resources, the City of Los Angeles List of Historic-Cultural Monuments, or a Contributing Structure located in an Historic Preservation Overlay Zone (HPOZ) that has been established pursuant to Section 12.20.3.

If the commercial use and/or reduction in parking involves any changes to the exterior physical appearance of the building, then the applicant must submit the following with an application for permission. If the building is a Contributing Structure in an HPOZ, an approved Certificate of Appropriateness must be submitted with the application for permission. If the building is a nationally, State or locally designated historically significant building outside of an HPOZ, written clearance from the General Manager of the Department of Cultural Affairs, or his or her designee, that the project complies with the Secretary of the Interior's Standards for Rehabilitation must be submitted with the application for permission.

- (a) The Zoning Administrator may permit one or more of the following commercial uses with reduced parking in the A1, A2, RA, RE, RS, R1, RU, RZ, RW1, R2, RD, RW2, R3, R4, and R5 Zones:

(1) Bed and Breakfast Facilities, subject to the following limitations:

(i) The owner must reside within the building;

(ii) Food service shall be limited to registered guests only. No restaurant or cooking facilities within guest rooms shall be permitted; and

(iii) No amplified music, lawn parties, private parties, receptions, outdoor weddings, or similar activities shall be allowed, unless specifically permitted by the Zoning Administrator.

(2) Joint living and work quarters for the following occupations: accountants; architects; artists and artisans; attorneys; computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; insurance, real estate, and travel agents; photographers; and other similar occupations as determined by the Zoning Administrator.

(b) The Zoning Administrator may permit one or more of the following commercial uses with reduced parking in the RD, R3, R4, and R5 Zones:

(1) Full-service restaurants and cafes, subject to the following limitations:

(i) Seating capacity is limited to a maximum of 25 persons; and

(ii) Live entertainment is limited to one unamplified instrument and no amplification is used in conjunction with the entertainment, unless specifically permitted by the Zoning Administrator;

(2) Offices of civic and social organizations and philanthropic institutions;

(3) Offices for providers of professional services, including accountants; architects; attorneys; computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; insurance, real estate, and travel agents; photographers; and other similar occupations as determined by the Zoning Administrator; and

(4) Retail sales, limited to no more than 800 square feet of floor area of the following uses on condition that no exterior displays or lawn sales are permitted:

(i) Antiques;

(ii) Art gallery;

(iii) Collectibles;

(iv) Florist shops; and

(v) Rare books, except those regulated under Section 12.70.

(c) The Zoning Administrator shall have the authority to impose limitations on hours of operation, deliveries, and other restrictions and conditions necessary to ensure the compatibility of the commercial use with the surrounding area or HPOZ, or to protect the historic character of the building.

The Zoning Administrator may permit no more than one non-illuminated or non- neon wall sign or projecting sign. The sign must be made of wood and shall not exceed six square feet in area.

The Zoning Administrator may reduce or eliminate off-street automobile parking spaces required by this article if there is no area available for parking on the site, or if the provision of required parking would harm the historic character of the building.

(d) The Zoning Administrator may reduce or eliminate off-street automobile parking spaces required by this article

in connection with a change of use in the CR, C1, C1.5, C2, C4, C5 or CM Zones if there is no area available for parking on the site, or if the provision of required parking would harm the historic character of the building.

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

(1) The commercial use and/or reduced parking is compatible with, and will not adversely impact property within, the surrounding area or HPOZ; and

(2) 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.

For applications for properties within HPOZs, the Zoning Administrator shall take into consideration the relationship between the approved Preservation Plan and the proposed commercial use and/or reduced parking.

(f) When an application for permission pursuant to this subdivision has been received and deemed complete for a Contributing Structure in an HPOZ, the Zoning Administrator shall notify the applicable Historic Preservation Board. When an application for permission has been received and deemed complete for a building that is designated on the National Register of Historic Places, including Contributing Buildings in National Register Historic Districts, the California Register of Historical Resources, or the City of Los Angeles List of Historic-Cultural Monuments, the Zoning Administrator shall notify the Cultural Heritage Commission.

In the following cases, an application for permission pursuant to this subdivision shall be set for public hearing and notice shall be given in the same manner as required for a variance which is set for public hearing pursuant to Section 12.27C except to the extent an additional appeal is permitted to City Council:

(1) When it can reasonably be anticipated that approval of the application could have a significant adverse effect on adjoining properties or on the immediate neighborhood; or

(2) When the application is likely to evoke public controversy.

In all other cases an application pursuant to this subdivision may not be set for public hearing, unless the Chief Zoning Administrator determines that a hearing would further the public interest.

If the application is for a Contributing Structure in an HPOZ, a public hearing may not be required if the applicant secures and submits with the application the written approval of the applicable Historic Preservation Board. Alternatively, if the applicant submits with the application the written approval of owners of all properties abutting, across the street or alley from, or having a common corner with the subject corner, then the matter may not be set for public hearing.

13. Joint Living and Work Quarters. A Zoning Administrator may, upon application, permit joint living and work quarters for artists and artisans, including individual architects and designers, in commercial and industrial buildings in the CR, MR1, MR2, M1, M2, and M3 Zones, and permit joint living and work quarters with reduced parking in the C1, C1.5, C2, C4, C5 and CM Zones. **(Amended by Ord. No. 181,133, Eff. 5/11/10.)**

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

(1) that the uses of property surrounding the proposed location of the joint living and work quarters and the use of the proposed location will not be detrimental to the health, safety and welfare of prospective residents of the quarters; and

(2) that the proposed joint living and work quarters will not displace viable industrial uses and will not substantially lessen the likelihood that the property will be available in the future for industrial uses.

(b) **Requirements.** The Zoning Administrator shall also require:

(1) that the authorized use shall be of no force and effect unless and until satisfactory evidence is presented to the Zoning Administrator for review and attachment to the file that a business tax registration certificate has been issued to each tenant by the Office of Finance pursuant to Los Angeles Administrative Code Section 21.03 permitting those persons to engage in business as artists or artisans; and

(2) that one or more signs or symbols of a size and design approved by the Fire Department shall be placed by the applicant at designated locations on the exterior of each building approved as joint living and work quarters to indicate that these buildings are used for residential purposes.

(c) **Zoning Administrator Authority.** The Zoning Administrator has the authority to:

(1) Reduce or eliminate yards and setbacks required by this article if they cannot be provided;

(2) Reduce or eliminate off-street automobile parking spaces required by this article if there is no area available for parking on the site; and

(3) Waive the public hearing if the owners of all the properties abutting, across the street or alley from, or having a common corner with the building have expressed no objections to the quarters in writing. **(Added by Ord. No. 173,992, Eff. 7/6/01.)**

(d) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28C1, 2, and 3. However, the Zoning Administrator may waive the public hearing required in that section if the owners of all properties abutting, across the street or alley from, or having a common corner with the buildings have expressed in writing no objections to the quarters. **(Amended by Ord. No. 174,315, Eff. 12/20/01.)**

14. **Mixed Use Districts.** A Zoning Administrator may, upon application, permit Projects comprised exclusively of dwelling units on lots in the CR, C1, C1.5, C2, C4, or C5 Zones within Mixed Use Districts pursuant to Section 13.09C 3.

(a) **Procedures.** An application made pursuant to this subdivision shall follow the procedures for variances set forth in Section 12.27C except to the extent an additional appeal is permitted to City Council. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of owners of all properties abutting, across the street or alley from, or having a common corner with the subject property.

(b) **Findings.** In addition to the findings otherwise required by this section, a Zoning Administrator shall find that the character of the Mixed Use District shall not be adversely affected by the proposed Project and that the Project is appropriately integrated with the surrounding commercial uses.

15. **Model Dwellings Within Council-Approved Redevelopment Areas.** **(Amended by Ord. No. 173,992, Eff. 7/6/01.)** Prior or subsequent to the recordation of a final tract map, the Zoning Administrator may, upon application for a model dwelling, designate certain lots as sites for the construction of model dwellings, provided that the construction is occurring within the boundaries of a Council-approved Community Redevelopment Agency project area. In no case, however, shall more than 20 lots in a tract be designated as sites for the construction of models nor shall more than 15% of the lots in a tract or units and in no case shall more than 20 units in any proposed building be designated as model sites.

The Zoning Administrator may also permit the operation of one sales office within any of the designated model dwellings on the proposed site. In designating certain proposed lots for use as sites for model dwellings or sales offices, the Zoning Administrator may impose any conditions specified in Sections 12.22A10 and 12.22A11 or any other conditions which are appropriate to the particular model dwelling sites or sales offices being considered. In those cases where the Community Redevelopment Agency is the applicant, there shall be no fee for the designation of a site for the construction of model dwellings; in all other cases the fee, if any, shall be as set forth in this Code.

An application made pursuant to this subdivision shall follow the procedures for adjustments set forth in Subdivisions 1, 2 and 3 of Subsection C of Section 12.28.

16. **Nonconforming Rights Related to Earthquake Safety Ordinance.** A Zoning Administrator may, upon application,

permit a building, nonconforming as to use or yards which is demolished as a result of enforcement of the Earthquake Safety Ordinance (Division 68, Article 1, Chapter IX of the Los Angeles Municipal Code), to be reconstructed with the same nonconforming use or yards as the original building.

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

- (1) that neither the footing nor any portion of the replacement building encroaches into any area planned for widening or extension of existing or future streets; and
- (2) that reconstruction be commenced within two years of obtaining a permit for demolition and completed within two years of obtaining a permit for reconstruction; and
- (3) that the continued nonconforming use of the property or the continued maintenance of nonconforming yards will not be materially detrimental to the public welfare and will not have a substantial adverse impact on or be injurious to the properties or improvements in the vicinity.

(b) **Procedures.** An application pursuant to this subdivision involving a nonconforming use shall follow the procedures for variances set forth in Section 12.27 C. of this Code, except to the extent an additional appeal is permitted to City Council. The Zoning Administrator may waive the public hearing if the applicant has secured the approval for the reconstruction from the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. If that approval is obtained from the surrounding property owners, the Zoning Administrator may waive the public hearing if the administrator makes the following written findings: **(Amended by Ord. No. 177,103, Eff. 12/18/05.)**

- (1) that the nonconforming use will not have a significant adverse effect on adjoining property or on the immediate neighborhood; and
- (2) that the nonconforming use is not likely to evoke public controversy.

An application pursuant to this subdivision involving only a nonconforming yard may be set for a public hearing in accordance with the same procedures as above, if the Zoning Administrator determines that the public interest requires a hearing. However, when a public hearing is held, the notice shall be given in the same manner as required in Section 12.28C2 for an adjustment.

17. **Parking Requirements for Commercial or Industrial Uses With Parking Management Alternatives in the C and M Zones.**

(a) **Reduced On-Site Parking with Transportation Alternatives.**

(1) Notwithstanding any other provision of the Los Angeles Municipal Code, the Zoning Administrator may, upon application, authorize reduced on-site parking for commercial or industrial uses in the C or M Zones, involving arrivals at the site by at least 100 employees and/or tenants, if the number of the reduced parking spaces is no less than sixty percent of the number of parking spaces otherwise required by this Code. This authorization shall be known as the "**reduced on-site parking/transportation alternatives authorization**".

(2) Before approving this authorization, the Zoning Administrator shall find, based on the Parking Management Program Administrative Guidelines prepared by the City of Los Angeles and/or other standards acceptable to the City of Los Angeles Department of Transportation, that the Parking Management Plan submitted by the applicant pursuant to Subdivision (c) below will result in:

- (i) Sufficient on-site parking spaces and transportation alternatives to single- occupant automobiles (including carpools, vanpools, mass transit systems, buses or bicycles), provided by the owner or lessee for the employees and/or tenants, to accommodate anticipated parking demand; and
- (ii) No on-street parking created by the use in the area immediately surrounding the use; and

(iii) An achievable level of employee and/or tenant use of transportation alternatives.

(3) The areas in which the on-site parking spaces referred to in (i) above are located must be clearly posted for the sole use of employees and/or tenants of the use.

(4) The Zoning Administrator may impose additional conditions as are deemed necessary to protect the public health, safety or welfare of the adjacent area and to assure compliance with the objectives of this subsection.

(5) No change in the use of the transportation alternatives referred to in (i) above may be made until reviewed and approved by the Zoning Administrator.

(b) Reduced On-Site Parking with Remote Off-Site Parking.

(1) Notwithstanding any other provision of the Los Angeles Municipal Code, the Zoning Administrator may, upon application, authorize remote off-site parking at distances greater than those authorized by Section 12.21A4(g) and (i) for commercial or industrial uses, in the C or M Zones, involving arrivals at the site by at least 100 employees and/or tenants, if the remote off-site parking does not exceed seventy-five percent of the number of parking spaces otherwise required by this Code. This authorization shall be known as the "**reduced on-site parking/remote off-site parking authorization**".

(2) Before approving the authorization, the Zoning Administrator shall find, based on the Parking Management Program Administrative Guidelines prepared by the City of Los Angeles and/or other standards acceptable to the City of Los Angeles Department of Transportation, that the Parking Management Plan submitted by the applicant pursuant to Paragraph (c) will provide for:

(i) Remote off-site parking spaces used solely by the employees and/or tenants of the commercial or industrial use; and

(ii) An adequate form of transportation provided by the applicant or applicant's successor and used by employees and tenants between the remote off-site parking location and the commercial or industrial use to a level sufficient to transport all persons using the remote parking location.

(3) The Zoning Administrator may impose such additional conditions as are deemed necessary to protect the public health, safety or welfare of the adjacent area and to assure compliance with the objectives of this subsection.

(4) No change in the use of the form of transportation referred to in (ii) above may be made until reviewed and approved by the Zoning Administrator.

(c) Application. The application for a reduced on-site parking/transportation alternative authorization or a reduced on-site parking/remote off-site parking authorization shall be accompanied by a parking management plan. The plan shall include, but not be limited to the following information:

(1) The number of parking spaces on-site and the number of location of spaces off-site proposed to be maintained;

(2) The number and kinds of transportation alternatives proposed for the reduced on-site/transportation alternative authorization and the forms of transportation proposed between the commercial or industrial use and the remote off-site parking location for the reduced on-site parking/remote off-site parking authorization; and

(3) The level of employee and/or tenant use of transportation alternatives and forms of transportation identified in (2) above expected to be achieved and maintained.

(d) Annual Review. Each year, prior to the anniversary date of the approval of any authorization received

pursuant to this subdivision, the owner, subsequent owner or lessee shall submit a report and request for review to the Zoning Administrator containing the information regarding the implementation of the Parking Management Plan as the Zoning Administrator shall specify. Within thirty days of receiving this report, the Zoning Administrator shall approve, disapprove or conditionally approve the report, imposing any additional conditions to the authorization as deemed appropriate in light of information contained in the report. If the Zoning Administrator disapproves an annual report, a revised report shall be filed within thirty days for the Zoning Administrator's review. If the revised report is disapproved, the Zoning Administrator shall set the matter for revocation hearing in the manner set forth in Paragraph (f) below.

(e) **Limitations.** This subsection is not intended to mean nor shall be interpreted to authorize any development in excess of the density, including floor area, floor area ratio, dwelling units or guest rooms, otherwise permitted by an applicable zone, specific plan or other regulation.

(f) **Procedures.** An application made pursuant to this subdivision shall follow the procedures for conditional uses set forth in this section.

(g) **Violations.** If the owner, subsequent owner or lessee fails to submit the annual report and review request as specified in Paragraph (d) above, or if the Zoning Administrator determines that the owner, subsequent owner or lessee failed to comply with this subdivision, the Zoning Administrator may give notice to the owner, subsequent owner, or lessee of the use affected, to appear at a time and place fixed by the Zoning Administrator and to show cause why the authorization should not be revoked and parking developed on or off-site as provided in the site plan submitted. After the hearing at which evidence shall be taken, the Zoning Administrator may revoke the authorization granted pursuant to this subdivision. If the authorization is revoked, the owner, subsequent owner, or lessee shall commence development of the parking spaces required by this Code within sixty days and proceed diligently to completion in accordance with the site plan submitted.

18. **Parking Requirements for Showcase Theaters.** Where the off-street parking requirements of Section 12.21A4(e) and (g) cannot be met, a Zoning Administrator may, upon application, approve slight modifications from those paragraphs.

(a) Slight modifications from the number of parking spaces required shall not exceed 20 percent of the required parking;

(b) **Procedures. (Amended by Ord. No. 173,992, Eff. 7/6/01.)** An application made pursuant to this subdivision shall follow the procedures for slight modifications set forth in Section 12.28C1, 2 and 3. A \$50 filing fee shall accompany the filing of any application for slight modification.

19. **Reduction in parking.** A Zoning Administrator may, upon application, permit a reduction in the number of off-street parking spaces required by Section 12.21A4(e) for any auditorium or similar place of assembly without fixed seats which is located in the City of Los Angeles within a park under the control, operation or management of the Board of Recreation and Park Commissioners.

(a) **Limitations.**

(1) The number of parking spaces shall not be fewer than one parking space for each 200 square feet of floor area contained in the auditorium or similar place of assembly;

(2) Before approving a parking reduction pursuant to this subdivision, a Zoning Administrator shall find that the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the park site and that the reduction will not otherwise be materially detrimental to the public welfare or injurious to the properties or improvements in the surrounding area.

(b) **Procedures.** In the following cases, an application made pursuant to this subdivision shall follow the procedures for variances set forth in Section 12.27C except to the extent an additional appeal is permitted to City Council.

(1) When property classified in a multiple-residential zone, or an area which the Zoning Administrator determines is characterized by traffic or parking congestion, is located 500 feet or less from the exterior

boundary of the park site within which the auditorium or similar place of assembly is situated;

(2) When it can reasonably be anticipated that approval of the application could have a significant adverse effect on adjoining properties or on the immediate neighborhood; or

(3) When the application is likely to evoke public controversy.

(c) In all other cases, an application pursuant to this subdivision need not be set for public hearing unless the Zoning Administrator determines that a hearing would further the public interest.

(d) A copy of each application shall be promptly transmitted for review to the Councilmember of the district in which the property is located.

20. **Shared Parking.** A Zoning Administrator may, upon application, permit two or more uses to share their off-street parking spaces, if the Zoning Administrator determines that a lower total number of parking spaces than would otherwise be required will provide adequate parking for these uses.

(a) **Requirements.** The Zoning Administrator's determination shall be based on an analysis of parking demand. This analysis shall be conducted on an hourly basis, 24 hours per day, for seven consecutive days. The Zoning Administrator shall permit a reduced total parking requirement according to the greatest parking requirement of the shared uses, under the following conditions and circumstances:

(1) The maximum distance between each participating building or use and the nearest point of the shared parking facility shall be 750 feet, measured as provided in Section 12.21A4(g).

(2) The applicant and parties operating the shared parking facility shall submit written evidence in a form satisfactory to the Office of Zoning Administration which describes the nature of the uses, hours of operation, parking requirements, and the allocation of parking spaces, and which demonstrates that the required parking for each use will be available taking into account their hours of operation.

(3) Reserved or otherwise restricted spaces shall not be shared.

(4) Additional documents, covenants, deed restrictions, or other agreements shall be executed and recorded as may be deemed necessary by the Zoning Administrator, in order to assure the continued maintenance and operation of the shared spaces, under the terms and conditions set forth in the original shared parking arrangement.

(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for variances set forth in Section 12.27 C. except to the extent an additional appeal is permitted to City Council.

21. **Substandard Hillside Street, Street Access or Grading for Parking in Hillside.** (Amended by Ord. No. 174,652, Eff. 7/27/02.)

(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 and RD Zones, which: (Amended by Ord. No. 181,624, Eff. 5/9/11.)

(1) do not meet the requirements of Section 12.21 A.17.(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 12.21 A.17.(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 12.21 A.17.(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 Zoning Administrator shall find:

(1) 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; 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) that the site and/or existing improvements make strict adherence to Section 12.21 A.17.(e) or (h) impractical or infeasible.

(c) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C.1., 2. and 3.

22. **Transitional Height.**

(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 addition to the findings set forth in Section 12.24 E., the Zoning Administrator shall find that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood. **(Amended by Ord. No. 182,075, Eff. 5/7/12.)**

(b) **Procedures.** **(Amended by Ord. No. 173,992, Eff. 7/6/01.)** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C.1., 2. and 3.

23. **(Added by Ord. No. 173,756, Eff. 3/8/01.)** 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.** **(Amended by Ord. No. 182,095, Eff. 5/7/12.)** In addition to the findings set forth in Section 12.24 E., the Zoning Administrator shall also find 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.

(b) **Procedures.** An application for permission pursuant to this subdivision shall be set for public hearing; and notice shall be given in the same manner required for variances which are set for public hearing pursuant to Section 12.27 of this Code, unless the applicant has secured and submits with the application the written approval of the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property.

24. **Child care facilities.** **(Added by Ord. No. 176,545, Eff. 5/2/05.)** A Zoning Administrator may grant an application to permit a child care facility for 21 to 50 children in the R3 and RAS3 zones.

(a) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C.1., 2., and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application written approval of the proposed child care facility signed by the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

25. **Large Family Day Care Home.** **(Added by Ord. No. 176,545, Eff. 5/2/05.)**

(a) Pursuant to Section 12.22 A.3.(b)(3), a Zoning Administrator may grant an application to permit a Large Family Day Care Home within 300 feet of any existing Large Family Day Care Home. The application shall include information to show that the proposed use will meet the following standards:

(1) Drop-off and pick-up areas are provided, as are necessary to avoid interference with traffic and promote the safety of the children; and

(2) The day care home complies with all applicable State and local laws and requirements relating to child care facilities; and

(3) The use does not create an unreasonable level of disruption or interference with the peaceful enjoyment of the neighboring residents; and

(4) All play equipment and structures are located in the rear yard only; and

(5) No loudspeaker or public address system shall be installed or operated on any open portion of the premises, and any recorded music used in connection with any activity shall be significantly modulated to ensure that the use does not disturb the neighboring residents.

(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C.1., 2., and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of the proposed child care facility signed by the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

26. Retaining Walls in Hillside Areas. (Added by Ord. No. 176,445, Eff. 3/9/05.)

(a) A Zoning Administrator may, upon application, permit retaining walls that exceed the height or maximum number allowed in Section 12.21 C.8.(a) of this Code.

(b) **Procedures.** An application pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C.1. - C.5. of this Code.

27. Continuation of Nonconforming Use of Building. (Amended by Ord. No. 182,095, Eff. 5/7/12.) A Zoning Administrator may, upon application, permit the continuation of a nonconforming commercial use of a building or structure in an A or R Zone for an additional period of time as specified beyond the discontinuance date as established pursuant either to a previous grant or to Section 12.23 B.2. of this Code.

Any application for a continuation of a nonconforming use of a building or structure must be filed with the Department of City Planning within 90 days following the service of an order to comply by the Department of Building and Safety upon an owner of a nonconforming use, or, in those instances where the Department is unable with reasonable effort to serve the owner, then within 90 days after the service by the Department of the order by leaving it with an occupant of the nonconforming use. If the application is not filed within 90 days, it shall not be considered pursuant to this subdivision.

An application pursuant to this subdivision shall be set for public hearing and notice shall be given in the same manner as required in Section 12.24 of this Code unless the applicant has secured approval for the continuance of the nonconforming use from the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. If approval is obtained from the surrounding property owners, the Zoning Administrator may waive the public hearing if he or she makes written findings that 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.

The Department of City Planning shall process these applications for continuation in accordance with Section 12.24 of this Code, except that the time limits prescribed for the making of a decision by a Zoning Administrator shall not apply. Appeals from a Zoning Administrator's decision approving or disapproving the continuation of a nonconforming use of a building or structure may be taken to the Area Planning Commission pursuant to Section 12.24 I. of this Code. No further appeal shall be permitted.

Failure of the Area Planning Commission to act within 60 days of the filing of an appeal from the Zoning Administrator's decision approving or disapproving a continuation, or within any additional period as may be mutually agreed upon by the applicant and the Commission, shall be deemed to be a denial of the appeal.

No fee shall be required for the initial application for a continuation. A fee shall be required for the second and subsequent requests for continuation pursuant to Section 19.01 F. of this Code.

28. **Single-Family Zones in Hillside Area. (Added by Ord. No. 181,624, Eff. 5/9/11.)** A Zoning Administrator may, upon application, grant the deviations outlined in Paragraph (a) of this Subdivision 28. on Lots in the R1, RS, RE, and RA Zones which are located in a Hillside Area as defined in Section 12.03 of this Code.

(a) **Zoning Administrator Authority.** If an owner seeks relief, a Zoning Administrator has the authority to grant the following deviations:

(1) **Setback Requirements.** A reduction of the Front and Side Yard setback requirements outlined in Paragraph (a) of Subdivision 10. of Subsection C. of Section 12.21 of this Code for Lots fronting on a Substandard Hillside Limited Street; however, in no event shall the Side Yard be less than 4 feet.

(2) **Additions to Structures Existing Prior to August 1, 2010.** Any additions made after August 1, 2010, to a One-Family Dwelling existing prior to that date for which permits have been previously obtained which exceed the requirements of Paragraph (b) of Subdivision 10. of Subsection C. of Section 12.21 of this Code, provided:

(i) the total cumulative Residential Floor Area of all such additions does not exceed 1,000 square feet; and

(ii) the resulting Building does not exceed the height of the original Building or the height permitted in Paragraph (d) of Subdivision 10. of Subsection C. of Section 12.21 of this Code, whichever is greater; and

(iii) at least two off-street covered parking spaces are provided.

(3) **Height.** Exceed the maximum envelope height requirements required by Paragraph (d) of Subdivision 10. of Subsection C. of Section 12.21 of this Code; however, the increase in height may not result in a Building or Structure which exceeds an overall height of 45 feet. The overall height shall be measured from the lowest Elevation point, within 5 horizontal feet of the exterior walls of a Building or Structure, to the highest elevation point of the roof Structure or parapet wall.

(4) **Lot Coverage.** Increase the maximum Lot coverage limitations as outlined in Paragraph (e) of Subdivision 10. of Subsection C. of Section 12.21 of this Code, up to a maximum of 50% of the Lot area.

(5) **Grading.**

(i) Grading in excess of the maximum "by-right" Grading quantities listed in Subparagraph (1) of Paragraph (f) of Subdivision 10. of Subsection C. of Section 12.21 of this Code, but in no event shall the quantities exceed the true value of 500 cubic yards plus the numeric value equal to 5% of the total Lot size in cubic yards.

(ii) For a property which fronts onto a Standard Hillside Limited Street of Larger, as defined in Section 12.03 of this Code, increase the maximum quantity of earth import or export greater than 500 cubic yards, and increase the maximum quantity of export greater than 1,000 cubic yards; calculated pursuant to Subparagraph (2) of Paragraph (f) of Subdivision 10. of Subsection C. of Section 12.21 of this Code.

For a property which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03 of this Code, increase the maximum quantity of earth import greater than 375 cubic yards, and increase the maximum quantity of earth export greater than 750 cubic yards; calculated pursuant to Subparagraph (2) of Paragraph (f) of Subdivision 10. of Subsection C. of Section 12.21 of this Code.

(6) **Off-Street Parking.** Reduce the number of off-Street parking spaces required by Subparagraph (2) of Paragraph (g) of Subdivision 10. of Subsection C. of Section 12.21 of this Code.

(7) **Street Access.** The construction of Buildings and Structures on Lots in the R1, RS, RE, and RA Zones which:

(i) **Adjacent Minimum Roadway Width.** Do not meet the requirements of Subparagraph (2) of Paragraph (i) of Subdivision 10. of Subsection C. of Section 12.21 of this Code because they front on a Substandard Hillside Limited Street improved to a roadway width of less than 20 feet.

(ii) **Minimum Roadway Width (Continuous Paved Roadway).** Do not meet the requirements of Subparagraph (3) of Paragraph (i) of Subdivision 10. of Subsection C. of Section 12.21 of this Code 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.

(b) **Findings.** 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, and that the approval is consistent with the following applicable findings:

(1) **Setback Requirements.** That the reduction in yards will not be materially detrimental to the public welfare or injurious to the adjacent property or improvements.

(2) **Additions to Structures Existing Prior to August 1, 2010.** That the increase in Residential Floor Area will result in a Building or Structure which is compatible in scale with existing Structures in the vicinity; and that the approval is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

(3) **Height.** That the increase in height will result in a Building or Structure which is compatible in scale with existing Structures in the vicinity; and that the approval is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

(4) **Lot Coverage.** 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 that the increase will not result in a loss of privacy or access to light enjoyed by adjacent properties.

(5) **Grading.**

(i) That Grading in excess of the absolute maximum Grading quantities listed in Subparagraph (1) of Paragraph (f) of Subdivision 10. of Subsection C. of Section 12.21 of this Code is done in accordance with the Department of City Planning - Planning Guidelines Landform Grading Manual (adopted by the City Council on June 1983), and is used to reflect original landform and result in minimum disturbance to natural terrain. Notching into hillsides is encouraged so that projects are built into natural terrain as much as possible.

(ii) That the increase in the maximum quantity of earth import or export will not lead to the significant alteration of the existing natural terrain, that the hauling of earth is being done in a manner that does not significantly affect the existing conditions of the Street improvements and traffic of the Streets along the haul route, and that potentially significant impacts to the public health, safety, and welfare of the surrounding community are being mitigated to the fullest extent feasible.

(6) **Off-Street Parking.** That the reduction of the parking requirements will not create an adverse impact on Street access or circulation in the surrounding neighborhood; and that the reduction will not be materially detrimental or injurious to the property or improvements in the vicinity in which the Lot is located.

(7) **Street Access.**

(i) 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; and

(ii) That the Building or Structure will not be materially detrimental or injurious to the adjacent property or improvements; and

(iii) That the Building or Structure will not have a materially adverse safety impact on the surrounding neighborhood.

(iv) That the site and/or existing improvements make strict adherence to Paragraph (i) of Subdivision 10. of Subsection C. of Section 12.21 of this Code impractical or infeasible.

(c) **Procedures.** An application pursuant to this Subdivision 28. shall follow the procedures set forth in Section 12.28 C.1., 2. and 3. of this Code. Except that public hearings for fences, walls, and retaining walls within required yards may not be required if the applicant submits with the application the written approval of the owners of all properties abutting, across the Street or alley from, or having a common corner with the subject property.

(1) **Import/Export (Haul Route) Review.** Upon filing an application pursuant to this Subdivision 28. for the import or export of earth materials pursuant to the authority granted in Subparagraph (5) of Paragraph (a) of this Subdivision, the Zoning Administrator shall request that the General Manager of the Department of Transportation investigate the circumstances of the proposed import or export of earth materials and the effect thereof upon the public health, safety, and welfare. The Zoning Administrator shall request the City Engineer to determine the effect of any import or export on the structural integrity of the public Streets and to determine the effect on public safety relative to Street alignment, width, and Grade.

In taking action on such Zoning Administrator Determination, the Zoning Administrator shall impose conditions of approval to mitigate any detrimental effects of the hauling operations necessary to import or export earth, including but not limited to: limiting truck weight, length and/or speed; and other conditions of approval as may be necessary to ensure repair of damages to public Streets along the hauling route that may reasonably be expected to be caused by hauling operations. Such additional conditions may include a condition that the developer shall file a bond for the benefit of the City. Any such bond shall be in a form approved by the City Attorney, executed by the developer and a corporate surety authorized to do business in the State in an amount sufficient to cover the repair of any damage to the public Streets reasonably expected to be caused by the hauling operations. The conditions of the bond shall guarantee to indemnify the City for all costs and expense in repairing the damaged Streets or other public facilities. In lieu of a surety bond, the developer may file a cash bond with the Department upon the same terms and conditions and in an amount equal to that which would be required in the surety bond. The deposit submitted may be in the form of cash or negotiable United States securities. The term of such effect until the completion of the hauling operations and subsequent inspection of the affected public Streets by the Department of Public Works.

(d) **Conditions for Approval.** In approving the uses and activities authorized in this Subdivision, the Zoning Administrator may impose those conditions he or she deems necessary to remedy a disparity of privileges and that are necessary to protect the public health, safety or welfare and assure compliance with the objectives of the General Plan and the purpose and intent of the zoning.

29. **Historical Vehicle Collection. (Added by Ord. No. 182,095, Eff. 5/7/12.)** A Zoning Administrator may allow the maintenance of a Historic Vehicle Collection as an accessory use. In addition to the findings set forth in Section 12.24 E., the Zoning Administrator shall find:

(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 lots comprising 10,000 square feet or less, or 70 percent of the area of the lot for lots comprising more than 10,000 square feet.

(c) 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;

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

(e) 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.

30. Reduced Parking in a Modified Parking Requirement (MPR) District. (Added by Ord. No. 182,242, Eff. 10/9/12.) A Zoning Administrator may, upon application, reduce the number of off-street parking spaces required by Section 12.21 A.4. of this Code, provided that the project is located within a Modified Parking Requirement (MPR) District established through the application of Section 13.15 of this Code, and provided further that the MPR District authorizes the Zoning Administrator to reduce the number of off-street parking spaces.

Y. Special Permission for Reduction of Off-Street Parking Spaces by the Director. (Amended by Ord. No. 173,492, Eff. 10/10/00.) A reduction in the number of off-street parking spaces required by Section 12.21 A.4. may be permitted by the Director as the initial decision-maker or by the Area Planning Commission as the appellate body. The procedures for decisions on these uses shall be the same as those for variances as provided in Section 12.27 B. in addition to those set out below, except that the initial decision-maker shall be the Director, there is only one level of appeal and the findings necessary to grant the reduction shall be that the action 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.

If the Director finds that a commercial or industrial building is located on a lot not more than 1,500 feet distant from the portal of a fixed rail transit station, or bus station, or other similar transit facility, then the required number of parking spaces for that commercial or industrial building shall be decreased by ten percent of the number otherwise required by Section 12.21 A.4.(c). If the Director makes this finding, then no more than 90 percent of the parking spaces required by Section 12.21 A.4.(c) of this subdivision are required to be provided on the lot. The 1,500-foot distance shall be measured as specified in Section 12.21 A.4.(g). A portal shall be defined as the street-level entrance, exit or escalator of a transit station.

A station may be used as the basis of a reduction if the Director decides that it is currently in use; that a full funding contract for a proposed station's location and portals have been signed by all funding partners; or that a resolution to fund a preferred alignment has been adopted by the Los Angeles County Transportation Commission by a resolution detailing specific stations and portal locations. Before approving a parking reduction application filed pursuant to this subdivision, a Director shall find that the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the lot, and that the reduction will not otherwise be materially detrimental to the public welfare or injurious to the properties or improvements in the surrounding area.

In the following cases, an application pursuant to this subsection shall be set for public hearing and notice shall be given pursuant to Section 12.27 C.:

(i) when it can reasonably be anticipated that approval of the application could have a significant adverse effect on adjoining properties or on the immediate neighborhood; or

(ii) when the application is likely to evoke public controversy. In all other cases an application pursuant to this subdivision need not be set for public hearing, unless the Director determines that a hearing would further the public interest.

A copy of each application shall be promptly submitted to the Councilmember of the district in which the property is located.

Z. Revocation. (Amended by Ord. No. 173,492, Eff. 10/10/00.) If the conditions of any conditional use or other similar quasi-judicial approvals granted pursuant to this section have not been complied with, the Director, or the City Planning Commission if the approval or conditional use was granted by the City Planning Commission, upon knowledge of the fact of non-compliance, may give notice to the record owner or lessee of the real property affected to appear at a time and place fixed by the City Planning Commission or Director and show cause why the decision granting the approval or conditional use should not be repealed or rescinded, as the case may be. The City Planning Commission may delegate its authority in this matter to the Director. After the hearing, the City Planning Commission or the Director may revoke the conditional use or other similar quasi-judicial approval. An appeal from this revocation action may be taken to the City Council in the same manner prescribed in Subsection I. The City Council's decision on appeal shall be reviewable as an approval of a conditional use or other similar quasi-judicial approval in the manner prescribed in Subsection I.6.

After revocation, the property affected shall be subject to all the regulations of the zone in which the property is located, as provided

in this article.

AA. Additional Revocation Authority. The Director may require the modification, discontinuance, or revocation of any conditional use or other similar quasi-judicial approval granted in accordance with the procedure in this section in the manner prescribed in Section 12.27.1. In the event of a revocation, the property affected by the revocation shall be subject to all the regulations of the zone in which the property is located, as provided in this article.

SEC. 12.24.1. LAND USE DETERMINATION BY CITY PLANNING COMMISSION.

(Title Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

A. Purpose. The principal objective of the Land Use Element of the General Plan is to provide for the proper location of all types of land use. Among those land use categories which are necessary to the public health, safety, welfare and convenience are Public, Quasi-Public, Public/Quasi-Public Use, Other Public and Open Space. Physical development in these areas is intended to be used in a manner consistent with such designated purposes. This principle also applies to property shown, on the land use map of the General Plan as having existing lakes, waterways, reservoirs, debris basins, or similar facilities, or as the location of a freeway right-of-way; and to any property annexed to the City of Los Angeles where a Plan amendment was not adopted as part of the annexation proceedings. Any other use of these parcels requires special consideration as to its appropriateness in relation to adjacent uses, to the development of the community, and to the various Elements of the General Plan. Therefore, the development of such locations shall be regulated by the following provisions of this section.

B. Scope. This section shall apply to any property designated by the land use map of the applicable Community or District Plan for a land use category of Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space, and to property shown on such map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities, or as the location of a freeway right-of-way. This section shall also apply to any property which was annexed to the City of Los Angeles where a Plan amendment was not adopted as part of the annexation proceedings.

Notwithstanding the above, this section shall not apply to any of the following:

1. The issuance of a building permit for any alteration, remodeling or repair of an existing building or structure if such alteration does not increase the height, floor area, number of occupants, dwelling units, guest rooms, or parking previously existing for said building or structure and does not change the use;
2. A use consisting of one single-family dwelling, including accessory uses;
3. A residential use consisting of more than one dwelling units, including accessory uses, which does not exceed 10% of the density permitted by the zoning on said lot;
4. A nonresidential use permitted by the zoning of a lot, provided that such, use (including all buildings, driveways, roadways, or other paved or impermeable surfaces) does not cover more than 20% of the lot area, and that any proposed buildings or structures do not exceed two stories or 25 feet in height;
5. Any valid conditional use, which has not expired;
6. Any tentative tract where a determination of consistency with the General Plan was adopted or approved after January 1, 1979, and has not expired, provided such action was taken subsequent to the adoption of the Community or District Plan land use designation for the area involved;
7. Uses expressly exempted from the provisions of this section by an ordinance changing the zone classification of a lot;
8. A use permitted by an ordinance establishing a Supplemental Use District pursuant to Section 13.00*et seq.* of this Code;
9. Developments where a final determination of consistency with the General Plan was made prior to June 1, 1988, pursuant to Sections 5 or 6 of Ordinance No 159,748, the Interim Permit Consistency Ordinance;
10. Parks, playgrounds or community centers, owned and operated by a federal state or local governmental agency;

11. **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** Projects subject to Section 15.00 of this Code;

12. Property within the boundaries of the adopted Port of Los Angeles District Plan and subject to the provisions of the adopted Port Master Plan, which is a local coastal program implementing the provisions of the California Coastal Act of 1976; and

13. Property for which a written determination of exception by the Director of Planning pursuant to Subsection H. of this section has been obtained.

C. Authority of City Planning Commission. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) If the City Planning Commission finds that a lot is within the scope of this section, as set forth in Subsection B., then the City Planning Commission may approve a use permitted by the zoning of the lot if it finds that the proposed use at the proposed location will be proper in relation to adjacent uses, desirable to the public convenience or welfare and that the use and location will be consistent with the objectives of the various elements of the General Plan. In making a determination of consistency, the City Planning Commission shall consider whether the density, intensity, (*i.e.*, floor area), height and use of the proposed development are permitted by and compatible with the designated use, density, intensity, height (or range of uses, densities, intensities or heights) set forth for adjacent and surrounding properties on the land use map of the applicable community or district plan and as those designations are further explained by any footnotes on the map and the text of the plan.

D. Conditions of Approval. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) In granting an approval of a use pursuant to this section, the City Planning Commission may impose conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood, to assure that the proposed use will be compatible with land uses, zoning classifications, and other restrictions of adjacent and surrounding properties, and to secure an appropriate development in harmony with the objectives of the General Plan.

E. Procedure and Appeal. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) The procedures for approval and appeal of any land use determination pursuant to this section shall be by the City Planning Commission as the initial decision-maker or the Council as the appellate body. The procedures for reviewing deciding on applications shall be those in Section 12.24 B. through Q. of this Code. A land use determination made pursuant to this section shall be deemed a conditional use for and subject to the provisions of Sections 12.24 U., 12.24 Z., and 12.24 AA. of this Code.

F. Existing Uses. For any lot or portion thereof being lawfully used at the time this section becomes effective, such use shall be deemed to be an approved use for purposes of this section. Further, the conditions included in any special district ordinance, exception or variance which authorizes such use shall also continue in effect.

G. Development, Change or Discontinuance of Uses.

1. **Development of Site. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** On any lot or portion of a lot on which a use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended on an approved site, provided plans are submitted to and approved by the City Planning Commission.

The City Planning Commission may delegate to the Director of Planning the authority to approve on behalf of the City Planning Commission plans for the development of an approved use site. If this authority is delegated, the City Planning Commission shall establish reasonable guidelines and policies to be followed in the exercise of this delegated authority. **(Para. Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)**

Any person submitting development plans, or any other person aggrieved by a determination of the Director or his duly authorized representative made relative to the approval or disapproval of a development plan may appeal said determination to the City Planning Commission. Such appeal shall be in writing upon forms provided by the Department of City Planning. Such appeal shall set forth specifically the basis of the appeal and the reasons why the determination should be reversed or modified. Such appeal shall be filed within 15 days from the date of mailing of the director's determination.

2. **Reduction of Site. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** So long as the use permitted by this section is continued, the entire approved site shall be retained for that use, and no portion of the site shall be severed or utilized for other purposes unless the plans for the reduced site are first submitted to and approved by the City Planning Commission.

The determination of the City Planning Commission on a proposed reduction of the area of an approved site shall be subject to the same appeal as is provided for an application to establish the use. **(Para. Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)**

3. **Conditions of Approval.** **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** In connection with the approval of use plans, the City Planning Commission may impose conditions on the same basis as provided for in this section for the establishment of new uses.

4. **Change of Use.** No use approved under this section may be changed to a different type of use unless the new use is authorized in accordance with the procedure prescribed in this section for the establishment of a use.

5. **Discontinuance of Use.** If a use is abandoned, or is discontinued for a period of one year, it may not thereafter be reestablished unless authorized in accordance with the procedure prescribed in this section for the establishment of a use.

H. Exception. Notwithstanding any provisions of this section to the contrary, a lot is excepted from the provisions of this section if the Director of Planning, pursuant to an application therefor, makes the following findings:

1. that the General Plan/Zoning Consistency Program has been completed for the subject property;
2. that the subject property is designated on the applicable Community or District Plan land use map as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space; that the density, intensity (*i.e.*, floor area), height and use of the proposed development are permitted by and consistent with the designated use, density, intensity, height set forth for all adjacent and surrounding properties on the land use map of the applicable Community or District Plan, and as such designations are further explained by any footnotes on the map and the text of such Plan; and
3. that the density, intensity (*i.e.*, floor area), height and use of the proposed development are permitted by and consistent with the designated use, density, intensity, height set forth for all adjacent and surrounding properties on the land use map of the applicable Community or District Plan, and as such designations are further explained by any footnotes on the map and the text of such Plan; and
4. that at the time of the completion of the General Plan/Zoning Consistency Program, the subject property was not owned or operated by any federal, state, or local governmental agency.

The Director shall also make a finding as to the use of the subject property at the time of the completion of the General Plan/Zoning Consistency Program for the subject property. If the Director finds that the property was vacant or undeveloped land or was being used for any of the following uses, then the Director shall disapprove the exception request:

- (i) Park;
- (ii) Recreation Site;
- (iii) School, including College;
- (iv) Golf Course, or Club;
- (v) Natural Resource Preserve;
- (vi) Public or Private Beach;
- (vii) Lake, Waterway, Reservoir; Debris Basin, or Similar Facilities;
- (viii) Freeway rights-of-way;
- (ix) Street ; or
- (x) Public Utility rights-of-way (not including railroad rights-of-way).

I. Map Symbol. A pound symbol, "#", or other appropriate designation, may be placed on the Zoning Map at the conclusion of the General Plan/Zoning Consistency Program for a Community or District Plan area. A pound symbol on the Zoning Map indicates that the Director of Planning has determined the properties so marked are designated by the land use map of the applicable Community or District Plan, for Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space use. A pound symbol may also indicate that the Director has determined the properties so marked are shown on such District or Community Plan maps as being lakes, waterways, reservoirs, debris basins, or similar facilities, or as the location of a freeway right-of-way.

The purpose of this symbol is to provide assistance to the public and appropriate City agencies in the administration of this section. It does not change the zoning classification of the parcel.

However, if the Director determines that a pound symbol has been placed on the Zoning Map as a result of an error, then he shall make a written finding to that effect and authorize such correction to the map as may be necessary. The fact that a property or use comes within an exception under Subsection B. of this section does not require the removal of a pound symbol from the Zoning Map.

A property which is designated on a District or Community Plan in a manner which causes it to be subject to the provisions of this section shall be governed by this section whether or not the Zoning Map bears a pound symbol for that property.