

Print

Los Angeles Municipal Code

**SEC. 14.00. PUBLIC BENEFIT PROJECTS.**

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

**A. Public Benefit Projects and Performance Standards.** Where not permitted by right or by Conditional Use Permit pursuant to Subsections U, V or W of Section 12.24, the following public benefit uses are permitted in any zone, unless restricted to certain zones or locations. The uses shall meet the following performance standards or alternative compliance measures approved pursuant to Subsection B. **(First Para. Amended by Ord. No. 173,992, Eff. 7/6/01.)**

**1. Cemeteries.**

**(a) Performance Standards:**

(1) All buildings on the site are at least 300 feet from any adjoining street or any A or R zoned property or residential use;

(2) Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties;

(3) There is a solid, decorative, masonry or wrought iron wall or fence at least eight feet in height, or the maximum height permitted by the zone, whichever is less. The wall or fence encircles the periphery of the property and does not extend into the required front yard setback;

(4) The front yard setback is at least as deep as the setback required by the zone;

(5) The property is improved with a ten foot landscaped buffer along the periphery of the property which is maintained and is equipped with an automatic irrigation system;

(6) The site has only one double-faced monument sign, with a maximum of 20 square feet per side;

(7) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence;

(8) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** All streets, alleys or sidewalks adjoining the property meet standard street dimensions;

(9) **(Added by Ord. No. 173,492, Eff. 10/10/00.)** The use meets the parking requirements of Section 12.21 A; and

(10) **(Added by Ord. No. 173,492, Eff. 10/10/00.)** The property has sufficient areas for assembly.

(b) **Purposes: (Amended by Ord. No. 173,492, Eff. 10/10/00.)** The purposes of these Performance Standards are to provide landscaping, open space, scale, bulk, height, yards and setbacks, particularly with regard to the main building, which are similar to those in the adjacent properties in the neighborhood. Signage, where permitted by city regulations, should not exceed in size or number those located on the same block or across the street from the site. The noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. Sufficient off-street parking should be provided so as to preclude the need for utilization of on-street parking by the use allowed on the site. Assembly areas for funeral services should be located so as not to block the City streets. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current level of service. Ingress and egress to the main buildings or uses on the site should be sufficient to accommodate expected usage by the public and/or occupants of the facility. Access to and from the site should be sufficient to meet police and fire safety needs beyond the explicit requirements of City codes as determined by the Police, Fire and Building and Safety Departments. Lighting on the site should be located so as to not reflect on adjoining residential uses. A decorative wall or fence should be located to ensure protection for the site and adjacent uses. Graffiti should be prevented and eliminated when it is found on the site.

**2. Density increase for a Housing Development Project to provide for additional density in excess of that permitted in Section 12.22 A.25. (Subdivision Title Amended by Ord. No. 179,681, Eff. 4/15/08.)**

**(a) Performance Standards:**

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

(2) The development project complies with the standards contained in the Affordable Housing Incentives Guidelines approved by the City Planning Commission;

(3) The use is conducted in conformance with the City's noise regulations pursuant to Chapter 11 of this Code;

(4) No buildings are higher than any main building on adjoining property;

(5) All portions of the required front yard not used for necessary driveways and walkways, including decorative walkways, are landscaped and maintained, not otherwise paved, and equipped with an automatic irrigation system;

(6) The development meets the open space requirements of Section 12.21G;

(7) Only one identification sign is displayed on the site and it is on the building face. The sign does not exceed 20 square feet, does not extend more than two feet beyond the wall of the building, and does not project above the roof ridge or parapet wall (whichever is higher) of the building;

(8) Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties;

(9) Yards, at a minimum, should meet Code requirements or those prevalent on adjoining or abutting properties, whichever is the most restrictive;

(10) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence;

(11) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** Parking areas are landscaped pursuant to the requirements of Section 12.21A6;

(12) **(Added by Ord. No. 173,492, Eff. 10/10/00.)** All streets, alleys and sidewalks adjoining the property meet standard street dimensions;

(13) **(Amended by Ord. No. 177,103, Eff. 12/18/05.)** A solid, decorative, masonry or wrought iron wall or fence at least six feet in height, or the maximum height permitted by the zone, whichever is less. The wall or fence encircles the periphery of the property and does not extend into the required front yard setback; and

(14) **(Added by Ord. No. 173,492, Eff. 10/10/00.)** There are no outdoor public telephones on the site.

(b) **Purposes:** **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** The purposes of these Performance Standards are to provide for landscaping, open space, scale, bulk, height, yards and setbacks, particularly with regard to the main buildings,

which are similar to those in the adjacent properties in the neighborhood. Signage, where permitted by City regulations, should not exceed in size or number those located on the same block or across the street from the site. The noise levels created on the site should not increase the ambient noise level so as to be disturbing to persons on adjoining or abutting properties after completion of the project. Public telephones on the site should be located to discourage loitering. Sufficient off-street parking should be provided to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed in a manner that will minimize the generation of loitering of individuals on or adjacent to the site. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current level of service. Access to and from the site should be sufficient to meet police and fire safety needs beyond the explicit requirements of City codes as determined by the Police, Fire and Building and Safety Departments. Lighting on the site should not reflect on adjoining residential uses. Walls, fences, or other visible security devices should be similar to those on the adjoining properties. Graffiti should be prevented and eliminated when it is found on the site. The use should encourage the availability of affordable housing.

3. **Libraries, museums, fire or police stations or governmental enterprises** which are controlled by this article.

(a) **Performance Standards:**

(1) The use is conducted in conformance with the City's noise regulations pursuant to Chapter 11 of this Code;

(2) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** There are no outdoor public telephones on the site;

(3) No buildings are higher than any structure on adjoining property;

(4) No guard dogs are used to patrol at night;

(5) There is no use of barbed, razor or concertina wire;

(6) Security lighting is provided in parking areas;

(7) Setbacks are at least as deep as required for institutions by Section 12.21C3;

(8) The property is improved with a ten foot landscaped buffer along the periphery of the property which is maintained and is equipped with an automatic irrigation system;

(9) Parking areas are landscaped pursuant to the requirements of Section 12.21A6;

(10) Only one identification sign is displayed on the site and it is on the building face. The sign does not exceed 20 square feet, and does not extend more than two feet beyond the wall of the building, and does not project above the roof ridge or parapet wall (whichever is higher) of the building;

(11) Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties;

(12) All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence;

(13) The use meets the parking requirements of Section 12.21A;

(14) The site is a corner site;

(15) The majority of the frontage is on a major or secondary highway;  
and

(16) All streets, alleys and sidewalks adjoining the property meet standard street dimensions.

(b) **Purposes:** The purposes of these Performance Standards are to provide for landscaping, open space, scale, bulk, height, yards and setbacks, particularly with regard to the main buildings, which are similar to those in the adjacent properties in the neighborhood. Signage, where permitted by city regulations, should not exceed in size or number those located on the same block or across the street from the site. The noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. Public telephones on the site should be located to discourage loitering. Sufficient off-street parking should be provided to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed in a manner that will minimize the generation of loitering of individuals on or adjacent to the site. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current level of service. Ingress and egress to the main buildings or uses on the site are sufficient to accommodate expected usage by the public and/or occupants of the facility. Access to and from the site should be sufficient to meet police and fire safety needs beyond the explicit requirements of City codes as determined by the Police, Fire and Building and Safety Departments. Lighting on the site should not reflect on adjoining residential uses. Walls,

fences, or other visible security devices should be similar to those on the adjoining properties. Graffiti should be prevented and eliminated when it is found on the site.

4. **Mobile home parks where any trailer or mobile home is permitted** to remain longer than one day, and which were lawfully in existence on December 6, 1986.

(a) **Performance Standards:**

(1) No buildings are higher than any main building on adjoining property or across a street or alley from the use.

(2) The use is conducted in conformance with the City's noise regulations pursuant to Chapter 11 of this Code.

(3) There is a solid, decorative, masonry or wrought iron wall/fence at least eight feet in height, or the maximum height permitted by the zone, whichever is less. The wall/fence encircles the periphery of the property and does not extend into the required front yard setback.

(4) The front yard is at least as deep as the setback required by the zone.

(5) The property is improved with a ten foot landscaped buffer along the periphery of the property, which is maintained and is equipped with an automatic irrigation system.

(6) Parking areas are landscaped pursuant to the requirements of Section 12.21A6.

(7) All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.

(8) Only one identification sign is displayed on the site and it is on the building face. The sign does not exceed 20 square feet, and does not extend more than two feet beyond the wall of the building, and does not project above the roof ridge or parapet wall (whichever is higher) of the building.

(9) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** The use meets the parking requirements of Section 12.21 A;

(10) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** All streets, alleys or sidewalks adjoining the property meet standard street dimensions;

(11) **(Added by Ord. No. 173,492, Eff. 10/10/00.)** There are no outdoor public telephones on the site; and

(12) **(Added by Ord. No. 173,492, Eff. 10/10/00.)** Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties.

(b) **Purposes:** The purposes of these Performance Standards are to provide for landscaping, open space, scale, bulk, height, yards and setbacks, particularly with regard to the main buildings, which are similar to those in the adjacent properties in the neighborhood. Signage, where permitted by City regulations, should not exceed in size or number those located on the same block or across the street from the site. The noise levels created on the site should not increase the ambient noise level so as to disturb persons on adjoining or abutting properties after completion of the project. Public telephones on the site should be located to discourage loitering. Sufficient off-street parking should be provided to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed in a manner that will minimize the generation of loitering of individuals on or adjacent to the site. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current existing level of service. Ingress and egress to the main buildings or uses on the site are sufficient to accommodate expected usage by the public and/or occupants of the facility. Access to and from the site should be sufficient to meet police and fire safety needs beyond the explicit requirements of City codes as determined by the Police, Fire and Building and Safety Departments. Lighting on the site should not reflect on adjoining residential uses. Walls, fences, or other visible security devices should be similar to those on the adjoining properties. Graffiti should be prevented and eliminated when it is found on the site.

5. **Parks, playgrounds, or recreational or community centers** in the A, R or C1 Zones.

(a) **Performance Standards:**

(1) The outdoor play/recreational area is at least 100 feet away from any A or R zones or residential use;

(2) There are no outdoor public telephones on the site;

(3) There is no public address system or amplified sound on the site;

(4) The use is conducted in conformance with the City's noise regulations set forth in Chapter 11 of this Code;

(5) The hours of operation are restricted to between 7 a.m. and 10 p.m. of every day;

(6) There is no outdoor activity from dusk to dawn;

(7) No buildings are higher than any main building on adjoining property or across the street or alley from the use;

(8) The property is improved with a ten foot landscaped buffer along the periphery of the property, which is maintained and is equipped with an automatic irrigation system;

(9) Only one identification sign is displayed on the site and it is on the building face. The sign does not exceed 20 square feet, does not extend more than two feet beyond the wall of the building, and does not project above the roof ridge or parapet wall (whichever is higher) of the building;

(10) Parking areas are landscaped pursuant to the requirements of Section 12.21A6;

(11) The use meets the parking requirements of Section 12.21A;

(12) The site is a corner site;

(13) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** The majority of the frontage is on a major or secondary highway;

(14) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** All streets, alleys or sidewalks adjoining the property meet standard street dimensions;

(15) **(Added by Ord. No. 173,492, Eff. 10/10/00.)** Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties; and

(16) **(Added by Ord. No. 173,492, Eff. 10/10/00.)** All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.

(b) **Purposes: (Amended by Ord. No. 173,492, Eff. 10/10/00.)** The purposes of these Performance Standards are to provide for landscaping, open space, scale, bulk, height, yards and setbacks, particularly with respect to the main buildings, which are similar to those in other properties in the neighborhood. Signage, where permitted by City regulations, should not exceed in size or number those



located on the same block or across the street from the site. The noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. When adjacent to residential uses, the site should not be used at times or in a manner that would be disturbing to neighbors. Public telephones should not be located in places where they would encourage loitering. Sufficient off-street parking should be provided to preclude the need for utilization of on-street parking by the use allowed on the site.

The proposed use should be designed so that loitering of individuals on or adjacent to the site will not be generated by the use. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current level of service. Ingress and egress to the main building(s) or uses on the site should be sufficient to accommodate expected usage by the public and/or occupants of the facility. Access to and from the site should be sufficient to meet police and fire safety needs beyond the explicit requirements of City codes as determined by the Police, Fire and Building and Safety Departments. Lighting on the site should be located so that it does not reflect on adjoining residential uses. Graffiti should be prevented or eliminated when it is found on the site.

**6. Public utilities and public services uses and structures, except wireless telecommunication facilities and radio or television transmitters in the A, R, C or MR Zones.**

**(a) Performance Standards:**

- (1) Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties;
- (2) The use is conducted in conformance with the City's noise regulations pursuant to Chapter 11 of this Code;
- (3) There are no outdoor public telephones on the site;
- (4) No buildings are higher than any building on adjoining property;
- (5) No guard dogs are used to patrol at night;
- (6) There is no use of barbed, razor or concertina wire;
- (7) Security lighting is provided in parking areas;
- (8) The property is improved with a ten foot landscaped buffer along the periphery of the property which is maintained and is equipped with an automatic irrigation system;

(9) Parking areas are landscaped pursuant to the requirements of Section 12.21A6;

(10) Only one identification sign is displayed on the site and it is on the building face. The sign does not exceed 20 square feet, and does not extend more than two feet beyond the wall of the building, and does not project above the roof ridge or parapet wall (whichever is higher) of the building;

(11) All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence;

(12) The use meets the parking requirements of Section 12.21A;

(13) The site is a corner site;

(14) Yards, at a minimum, should meet Code requirements or those prevalent on adjoining properties, whichever is the most restrictive;

(15) The majority of the frontage is on a major or secondary highway; and

(16) All streets, alleys or sidewalks adjoining the property meet standard street dimensions.

(b) **Purposes:** The purposes of these Performance Standards are to provide for landscaping, open space, scale, bulk, height, yards and setbacks, particularly with regard to the main buildings, which are similar to those in the adjacent properties in the neighborhood. Signage, where permitted by City regulations, should not exceed in size or number of those located on the same block or across the street from the site. The noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. Public telephones on the site should be located to discourage loitering. Sufficient off-street parking should be provided to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed in a manner that will minimize the generation of loitering of individuals on or adjacent to the site. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current level of service. Ingress and egress to the main buildings or uses on the site are sufficient to accommodate expected usage by the public and/or occupants of the facility. Access to and from the site should be sufficient to meet police and fire safety needs beyond the explicit requirements of City codes as determined by the Police, Fire and Building and Safety Departments. Lighting on the site should not reflect on adjoining residential

uses. Walls, fences, or other visible security devices should be similar to those on the adjoining properties. Graffiti should be prevented and eliminated when it is found on the site.

7. **Recreational vehicle parks and mobile home parks** in the A, R or C Zones where any trailer, mobile home or recreational vehicle is permitted to remain longer than one day and which were lawfully created after the effective date of the ordinance adding this use to the Code.

(a) **Performance Standards:**

(1) No buildings are higher than any main building on adjoining property or across a street or alley from the use;

(2) The use is conducted in conformance with the City's noise regulations pursuant to Chapter 11 of this Code;

(3) There is a solid decorative masonry or wrought iron wall/fence at least eight feet in height, or the maximum height permitted by the zone, whichever is less. The wall/fence encircles the periphery of the property and does not extend into the required front yard setback;

(4) The front yard setback is at least as deep as the setback required by the zone;

(5) The property is improved with a ten foot landscaped buffer along the periphery of the property, which is maintained and is equipped with an automatic irrigation system;

(6) Parking areas are landscaped pursuant to the requirements of Section 12.21A6;

(7) Only one identification sign is displayed on the site and it is on the building face. The sign does not exceed 20 square feet, and does not extend more than 2 feet beyond the wall of the building, and does not project above the roof ridge or parapet wall (whichever is higher) of the building;

(8) All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence;

(9) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** The use meets the parking requirements of Section 12.21 A;

(10) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** All streets,

alleys or sidewalks adjoining the property meet standard street dimensions;

(11) **(Added by Ord. No. 173,492, Eff. 10/10/00.)** There are no outdoor public telephones on the site; and

(12) **(Added by Ord. No. 173,492, Eff. 10/10/00.)** Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties.

(b) **Purposes:** The purposes of these Performance Standards are to provide for landscaping, open space, scale, bulk, height, yards and setbacks, particularly with regard to the main buildings, which are similar to those in the adjacent properties in the neighborhood. Signage, where permitted by City regulations, should not exceed in size or number those located on the same block or across the street from the site. The noise levels created on the site should not increase the ambient noise level so as to be disturbing to persons on adjoining or abutting properties after completion of the project. Public telephones on the site should be located to discourage loitering. Sufficient off-street parking should be provided to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed in a manner that will minimize the generation of loitering of individuals on or adjacent to the site. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the existing level of service. Ingress and egress to the main buildings or uses on the site are sufficient to accommodate expected usage by the public and/or occupants of the facility. Access to and from the site should be sufficient to meet police and fire safety needs beyond the explicit requirements of City codes as determined by the Police, Fire and Building and Safety Departments. Lighting on the site should not reflect on adjoining residential uses. Walls, fences, or other visible security devices should be similar to those on the adjoining properties. Graffiti should be prevented and eliminated when it is found on the site.

8. **Shelters for the homeless** (as defined in Section 12.03) containing not more than 30 beds are permitted by right in the R3, M1, M2 and M3 Zones with reduced parking requirements.

(a) **Performance Standards:**

(1) There no other shelters for the homeless within 300 feet of the subject property;

(2) The use is conducted in conformance with the City's noise regulations pursuant to Chapter 11 of this Code;

- (3) There are no outdoor public telephones on the site;
- (4) No signs are present on the property relating to its use as a shelter for the homeless;
- (5) No outdoor toilets are present on the site;
- (6) All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence;
- (7) At least ten percent of the number of parking spaces otherwise required by Section 12.21A4 are provided, and in no event are fewer than two spaces provided; and
- (8) All streets, alleys or sidewalks adjoining the property meet standard street dimensions.

(b) **Purposes:** Shelters should be separated from one another a sufficient distance to avoid too many in one neighborhood. Noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. In order to avoid attracting persons hostile to the occupants, the site should be designed to remain anonymous. Sufficient off-street parking should be provided so as to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed so that loitering of individuals on or adjacent to the site will not be generated by the use. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current level of service. Public telephones should be located so as to avoid loitering. Measures should be taken to protect public health by preventing and eliminating graffiti when it is found on the site.

9. The installation and maintenance of **trailers for use as temporary accommodations for homeless persons**. The term “**temporary accommodations**” shall have the same meaning that it has in the definition of “**shelter for the homeless**” in Section 12.03. The height and area regulations contained in other provisions of this chapter shall not apply to trailers permitted pursuant to this subdivision. Parking spaces otherwise required by this Code for the trailers permitted pursuant to this subdivision shall not be required.

(a) **Performance Standards:**

- (1) The installation and maintenance of no more than six trailers for use as temporary accommodations for homeless persons is carried out and maintained by a religious or philanthropic institution on the site of the institution; or by a government unit, agency or authority on each

individual property owned by the government unit, agency or authority;

(2) There are no shelters for the homeless within 300 feet of the public property;

(3) **(Amended by Ord. No. 173,374, Eff. 8/3/00.)** There is a solid, decorative, masonry or wrought iron wall or fence at least eight feet in height, or the maximum height permitted by the zone, whichever is less. The wall or fence encircles the periphery of the property and does not extend into the required front yard setback;

(4) The use is conducted in conformance with the City's noise regulations pursuant to Chapter 11 of this Code;

(5) No signs are present on the property relating to its use as a shelter for the homeless;

(6) No outdoor toilets are present on the site;

(7) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence;

(8) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** All streets, alleys or sidewalks adjoining the property meet standard street dimensions; and

(9) **(Added by Ord. No. 173,492, Eff. 10/10/00.)** The use shall not be within 500 ft. of a residential zone or use.

(b) **Purposes: (Amended by Ord. No. 173,492, Eff. 10/10/00.)** Shelters should be separated from one another a sufficient distance to avoid too many in one neighborhood. Noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. In order to maintain appropriate quality of the neighborhood and safety to occupants, the site should be designed to remain anonymous. The proposed use should be designed so that loitering of individuals on or adjacent to the site will not be generated by the use. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the level of service. Public telephones should be located so as to avoid loitering. Graffiti should be prevented and eliminated when it is found on the site. The proposed use should protect the integrity of the surrounding neighborhood.

#### **B. Alternative Compliance Procedures for Public Benefit Projects.**

1. **Applicability.** If a proposed public benefit project does not comply with the performance standards delineated in Subsection A, the applicant may apply for approval of alternative compliance measures pursuant to the following procedures.

2. **Application for Permit.** To apply for an alternative compliance approval for a public benefit project listed in Subsection A, an applicant shall file an application, on a form provided by the Department of City Planning, and include all information required by the instructions on the application and the guidelines adopted by the Director of Planning. The application shall include a description of how the proposed alternative compliance measures meet the goals set forth in Subsection A. The Director of Planning shall adopt guidelines which shall be used to determine when an application is deemed complete.

3. **Initial Decision.** The initial decision on an application shall be made by the Director.

4. **Public Hearing and Notice.** Upon receipt of a complete application, the Director shall set the matter for public hearing, unless otherwise provided in Subsection A, and shall conduct a hearing at which evidence shall be taken.

The Department shall give notice to the applicant of the time, place and purpose of the hearing by mailing a written notice no less than 24 days prior to the date of the hearing. No further notice is required in connection with applications for public utilities and public service uses or structures, or governmental enterprises, including libraries, museums, fire or police stations. In connection with all other applications, unless otherwise provided in Subsection A, notice of the hearing shall also be given in all of the following manners:

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

(b) **Written Notice.**

(1) By mailing a written notice no less than 24 days prior to the date of the hearing to 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 names and addresses 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.)**

(2) 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

(3) If notice pursuant to this Subdivision 4(b)(1) and (2) will not result in notice being given to at least 20 different owners of at least 20 different lots other than the subject property, and at least 50 different persons, 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; and

(c) **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. 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.

**5. Findings for Approval. (Amended by Ord. No. 173,492, Eff. 10/10/00.)** In approving any public benefit project, the Director shall find that the proposed project substantially meets the purposes of the performance standards set forth in Subsection A. The Director shall adopt written findings of fact supporting the decision based upon evidence in the record, including staff investigations. All projects approved pursuant to this Section shall also be subject to the regulations in Subsections L through Q of Section 12.24.

**6. Conditions for Approval. (Amended by Ord. No. 173,492, Eff. 10/10/00.)** In approving any alternative compliance measures for a public benefit project pursuant to this section, the Director shall impose conditions to secure compliance with the applicable performance standards and purposes set forth in Subsection A and with any alternative methods of compliance approved pursuant to this procedure.

**7. Time to Act.** 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 Director. An initial decision shall not be considered made until written findings are adopted in accordance with Subdivision 5. Upon making a decision, the Director 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.

**8. Failure to Act -Transfer of Jurisdiction.**



(a) If the Director fails to act on an application within the time provided in Subdivision 7, the applicant may file a request for a transfer of jurisdiction to the City Planning Commission for decision. The Director of Planning shall prescribe the form and manner of filing requests for transfers of jurisdiction.

(b) When the City Planning Commission receives the applicant's request for a transfer of jurisdiction, the Director shall lose jurisdiction; provided, however, that in a transfer of jurisdiction from the Director, the City Planning Commission may remand the matter to the Director, who shall regain jurisdiction for the time and purpose specified by the City Planning Commission. Upon receipt of a written request for withdrawal of the transfer of jurisdiction, the City Planning Commission shall remand the matter to the Director.

(c) If no remand or written request for withdrawal of the transfer occurs, the City Planning Commission shall consider the application following the same procedures and subject to the same limitations as are applicable to the Director, except that the City Planning Commission shall act within 45 days of the transfer of jurisdiction. The Department of City Planning, shall make investigations and furnish any reports as the City Planning Commission may request.

## 9. Appeals.

(a) **Effective Date of Initial Decision.** An initial decision becomes final and effective upon the close of the 15-day appeal period if no appeal is filed, or as provided in this subdivision, if an appeal is filed.

(b) **Appeals from Initial Decision.** An applicant or any other person aggrieved by an initial decision of the Director may appeal the decision to the City Planning Commission. 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, and the reasons for the appeal. Any appeal not filed within the 15-day period shall not be considered by the City Planning Commission. The filing of an appeal stays proceedings in the matter until decision by the City Planning Commission. Once an appeal is filed, the Director shall transmit the appeal and the file to the City Planning Commission, together with a report responding to the allegations made in the appeal. Notwithstanding the above, the City Council shall be the appellate body instead of the City Planning Commission, if:

(i) the City Planning Commission was the initial decision-maker for an initial decision taken prior to July 1, 2000; and

(ii) an appeal was filed, but no action on the appeal was taken prior to July 1, 2000.

(c) **Appellate Decision - Hearing and Notice.** When considering an appeal from the decision of the Director, the City Planning Commission shall make its decision within 75 days after the expiration of the appeal period. This period may be extended by mutual written consent of the applicant and the City Planning Commission. Before acting on any appeal, the City Planning Commission shall set the matter for hearing, giving the same notice as provided for the original hearing.

(d) **Time for Appellate Decision.** The City Planning Commission shall act within 75 days after the expiration of the appeal period or within any additional period as may be agreed upon by the applicant and the City Planning Commission. The failure of the City Planning Commission to adopt a resolution within this time period shall be deemed a denial of the appeal.

(e) **Appellate Decision.** The City Planning Commission may reverse or modify, in whole or in part, any decision of the Director.

(f) **Procedures and Effective Date of Appellate Decision.** If the City Planning Commission makes a decision on an appeal pursuant to this subdivision, the appellate decision shall be final and effective as provided in Charter Section 245.

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

11. **Fee Deferral for Density Increase for Affordable Housing Pursuant to Section 14.00 A.2.** The payment of filing fees may be deferred pursuant to the provisions of Sections 19.01 O. and 19.05 A.1. and 5.

12. **Exception to Time Limits.** Where alternative compliance measures have been approved for a governmental enterprise use, no time limit to utilize the privilege shall apply provided that all of the following conditions are met:

(a) The property involved is acquired or legal proceeding for its acquisition is commenced within one year of the effective date of the approval.

(b) A sign is immediately placed on the property indicating its ownership and the purpose to which it is to be developed, as soon as legally possible after the effective date of the permit. This sign shall have a surface area of at least 20 square feet.

(c) The sign is maintained on the property in good condition until the conditional use privileges are utilized.

13. **Exceptions to Notice and Hearing Requirements in Subdivision 4.**

(a) **Shelter for the Homeless Pursuant to Subsection A.8.** An application for approval of an alternative compliance measure for a shelter for the homeless as defined in Section 12.03 shall be set for public hearing, and notice shall be given in the same manner as provided for in Section 12.27 C. However, in the M1, M2, M3 Zones, the Director may waive the public hearing if the applicant submits with the application the written approval of all of the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

(b) **Temporary Accommodations for Homeless Persons Pursuant to Subsection A.9.** An application for approval of an alternative compliance measure for temporary accommodations for homeless persons as defined in Section 12.03 need not be set for public hearing. The application shall be submitted on a form and shall be accompanied by information as required by the Director. There shall be no filing fee and no appeal fee in connection with an application.

Before approving an application pursuant to this section, the Director shall notify all adjacent property owners of the pendency of the application and shall provide them an opportunity to present their comments. After making a decision pursuant to this subdivision, the Director shall notify, in writing, the applicant and owners of all properties located within 300 feet of the subject property, of his or her decision.

14. **Revocation. (Added by Ord. No. 173,492, Eff. 10/10/00.)** The revocation procedure that applies to conditional uses and other similar quasi-judicial approvals in Section 12.24Z shall also apply to revocations of public benefits that were granted pursuant to the alternative compliance procedures in this section.