Electronically FILED by Superior Court of California, County of Los Angeles on 01/22/2021 01:12 PM Sherri R. Carter, Executive Officer/Clerk of Court, by R. Sanchez,Deputy Clerk

FRED GAINES, ESQ. (State Bar No. 125472)
LISA A. WEINBERG, ESQ. (State Bar No. 130091)
KIMBERLY A. RIBLE, ESQ. (State Bar No. 216861)
GAINES & STACEY LLP
16633 Ventura Boulevard, Suite 1220
Encino, CA 91436
Telephone: (818) 933-0200
Facsimile: (818) 933-0222

Attorneys for Petitioner
SNOWBALL WEST INVESTMENTS, L.P.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

SNOWBALL WEST INVESTMENTS, L.P., a California limited partnership,

Petitioner and Plaintiff,

v.

CITY OF LOS ANGELES; CITY OF LOS ANGELES DEPARTMENT OF CITY PLANNING; and DOES 1 through 10, inclusive

Respondents and Defendants.

CASE NO. 20STCP00771

[Assigned for all purposes to Hon. Mitchell Beckloff, Dept. 86]

PETITIONER'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PETITION FOR WRIT OF MANDATE, AND EXHIBITS THERETO

[Opening Brief in Support of Petition for Writ of Mandate Filed Concurrently Herewith]

Date: March 24, 2021
Time: 9:30 a.m.
Dept. 86

Action Filed: February 24, 2020

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Evidence Code § 452(b) and (d), Petitioner SNOWBALL WEST INVESTMENTS, L.P. ("Snowball") requests that the Court take judicial notice of the following:

A. City of Los Angeles Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan (the "Community Plan"), a true and correct copy of which is attached as Exhibit A. Immediately following the Community Plan is a true and correct copy of the Community Plan's General Plan Land Use Map ("Land Use Map"). Additionally, since the oversized original is illegible at a reduced 8.5x11 size, the last two (2) pages of Exhibit A contain enlarged, but otherwise unchanged, excerpts from the Land Use Map of the following: the color-coded chart displaying land use designations with corresponding zones, and Footnotes 4 and 20.

B. Decision by the Hon. James Chalfant in *District Square, LLC v. City of Los Angeles*, LASC Case No. 20STCP00654, dated September 24, 2020, a true and correct copy of which is attached as Exhibit B.

C. City of Los Angeles Municipal Code §12.32, a true and correct copy of which is attached as Exhibit C.

D. Rules of the Los Angeles City Council as Amended (January 2019), a true and correct copy of which is attached as Exhibit D.

Items A, C and D are subject to judicial notice as regulations and legislative enactments of a public entity. Evid. Code § 452(b). *See also, Honig v. San Francisco Planning Dept.* (2005) 127 Cal.App.4th 520, 524 n. 3 (taking judicial notice of San Francisco municipal code provisions); *Melton v. San Pablo* (1967) 252 Cal.App.2d 794, 802 (Court may take judicial notice of local zoning ordinances under Evid. Code §452(b).) Item B is subject to judicial notice as a record of a court of this state. Evid. Code §452(d). *See also, Flores v. Arroyo* (1961) 56 Cal.2d 492, 496.

DATED: January 22, 2021

FRED GAINES
LISA A. WEINBERG
KIMBERLY A. RIBLE
GAINES & STACEY, LLP

BY: *Fred Gaines*
FRED GAINES
Attorneys for Petitioners SNOWBALL WEST INVESTMENTS, L.P.

Exhibit A

SUNLAND-TUJUNGA-LAKE VIEW TERRACE-SHADOW HILLS-EAST LA TUNA CANYON

Community Plan

TABLE OF CONTENTS

ACTIVITY LOG

COMMUNITY MAPS

COMMUNITY PLAN

I. Introduction
II. Function of the Community Plan
III. Land Use Policies and Programs
IV. Coordination Opportunities for Public Agencies
V. Urban Design

SUNLAND-TUJUNGA-LAKE VIEW TERRACE-SHADOW HILLS-EAST LA TUNA CANYON

ACTIVITY LOG

ADOPTION DATE	PLAN	CPC FILE NO.	COUNCIL FILE NO.
Nov. 18, 1997	**Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan Update**	**95-0358 CPU**	**97-0703**
Sept. 6, 1995	**Foothill Boulevard Corridor Specific Plan**	**89-0180 SP**	**93-0033 S3**

ADOPTION	AMENDMENT	CPC FILE NO.	COUNCIL FILE NO.
Sept. 7, 2016	Mobility Plan 2035 Update	CPC-2013-910-GPA-SPCA-MSC	15-0719

SUNLAND-TUJUNGA-LAKE VIEW TERRACE-SHADOW HILLS-EAST LA TUNA CANYON

Community Plan

Chapter I
INTRODUCTION

COMMUNITY BACKGROUND

PLAN AREA

The Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan Area lies in the northeast quadrant of the City of Los Angeles. It is approximately fifteen miles from downtown Los Angeles. Surrounding areas include: the Angeles National Forest, Little Tujunga Canyon, Big Tujunga Canyon, Kagel Canyon, the Deukmejian Wilderness Park, and portion of the Verdugo Mountains. The community lies adjacent to the cities of Glendale and Burbank, and to the Los Angeles communities of Sun Valley and Arleta-Pacoima.

According to the 1990 U.S. Census, the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon community had a population of 52,919 and a housing stock of 19,305 dwelling units.

The street pattern in the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon plan area includes a grid oriented on the primary compass points in the flatlands of Sunland and Tujunga, a grid oriented on the diagonal in most of Lake View Terrace, and a curvilinear pattern in the surrounding hillside areas and Shadow Hills. The 210 (Foothill) Freeway and Foothill Boulevard both bisect the area from southeast to northwest. Big Tujunga Canyon Road and Sunland Boulevard project through the area in a southwesterly direction. La Tuna Canyon Road bisects the Verdugo Mountains from east to west.

Hansen Dam Park, Orcas Park, Verdugo Hills High School, and the Verdugo Hills Golf Course are situated within the plan area. Tujunga Canyon Wash and natural resource preserve areas are also located in the community, as are flood plains draining into the region from the San Gabriel Mountains.

The planning area is predominately comprised of open space/vacant land with Low Density Residential stretching across the center. Foothill Boulevard provides a shallow corridor of commercial land with concentrations of multiple family residential intermixed with commercial uses.

The Foothill Boulevard Corridor Specific Plan was established in 1995 to ensure that land uses and development in the Corridor occur in a manner that is compatible with or compliments the surrounding community. The intent of the Specific Plan is to have Foothill Boulevard function as a vibrant commercial area with multiple-family housing opportunities.

COMMUNITY HISTORY

Originally inhabited by Tuhunga Indians, commonly called Gabrielinos, the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon area was first developed in the 1880s. Sunland was developed from 2,300 acres of the original Rancho Tujunga tract, initially subdivided in 1884. This area was promoted as a health community, named Monte Vista. When the housing market boom of the 1880s ended, area residents planted orchards and vineyards. The Western Empire group came in 1910 and the Little Lands Colony followed in 1913. The "Little Landers" as they were called, established a farm cooperative on the last 273 acres of the old Spanish Land Grant, which is now the community of Tujunga. Incorporated in 1925, the City of Tujunga voted to consolidate into the City of Los Angeles on January 5, 1932.

Bolton Hall is the most significant structure in the area both for its architectural style and its cultural importance. Bolton Hall was the civic and cultural center of the community for the first half of the 20th Century. The McGroarty building, which is now an art center, is another influential architectural and cultural landmark. The area possesses numerous architecturally significant homes, many built with stone and rock from the Tujunga Wash.

COMMUNITY PARTICIPATION

The State of California requires citizen participation in the preparation of the General Plan. Government Code Section 65351 reads "During the preparation or amendment of the General Plan, the planning agency shall provide opportunities for involvement of citizens, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the city or county deems appropriate."

Community participation occurred through focus group meetings and through the open house and pubic hearing process to assist in identifying community issues and formulating land use policies and objectives.

COMMUNITY ISSUES AND OPPORTUNITIES

The following summarizes the most significant planning and land use issues and opportunities identified in the community.

RESIDENTIAL

Issues

- Need to preserve single family neighborhoods.
- Need to preserve and enhance existing housing stock.
- Need to limit expansion of multi-family designated areas.

- Need for more affordable housing.
- Need for regulation of hillside development.
- Need for housing, jobs and services in mutual proximity.

Opportunities

- Citizen awareness and active participation in community affairs.
- Access and proximity to employment.
- Potential for residential and mixed use development along commercial corridors.
- Undeveloped or underdeveloped land allowing opportunities for clustered development.
- Potential for establishing design guidelines for new residential development.

COMMERCIAL

Issues

- Lack of continuity of complementary uses and cohesiveness along commercial frontages.
- Unsightliness of new construction due to the lack of landscaping, architectural character and scale.
- Need to support and maintain the existing commercial environment along Foothill Boulevard and Commerce Avenue.
- Inadequate transition between commercial and residential uses.
- Lack of a cohesive and pedestrian- oriented identity.

Opportunities

- Establish appropriate transitions between commercial and residential uses.
- Create pedestrian-friendly shopping areas through use of street trees, benches, convenient parking/access, and maintaining retail frontage at ground level.
- Upgrade commercial areas on Foothill Boulevard and Commerce Avenue through the Foothill Boulevard Specific Plan.
- Create an arts-oriented neighborhood on Commerce Avenue featuring antique shops, cafes, artist studios and live/work space.
- Foster access and proximity to employment throughout the plan area.

TRANSPORTATION

Issues

- Need for the preservation, maintenance, and management of the streets and freeways network in the community.

- Need to provide adequate funding for transportation management and for the efficient operation of the transportation network.

Opportunities

- Potential to prevent traffic circulation problems in the area by ensuring street improvements and parking for multiple-family housing where existing infrastructure is inadequate.
- Use of public transit and other alternative means of transportation through the implementation of transportation demand management programs.

NEIGHBORHOOD CHARACTER

Issues

- Scale, density, and character of buildings that complement surrounding uses.
- Effects of residential development on commercial corridors.
- New hillside buildings blocking views or presenting an unsightly view from below.
- The need to preserve and rehabilitate areas with sensitivity to the character of established neighborhoods.

Opportunities

- Efforts aimed at preservation of the low density, rural character and of the equestrian lifestyle.
- Potential development of large parcels provide opportunities to enhance community identity.

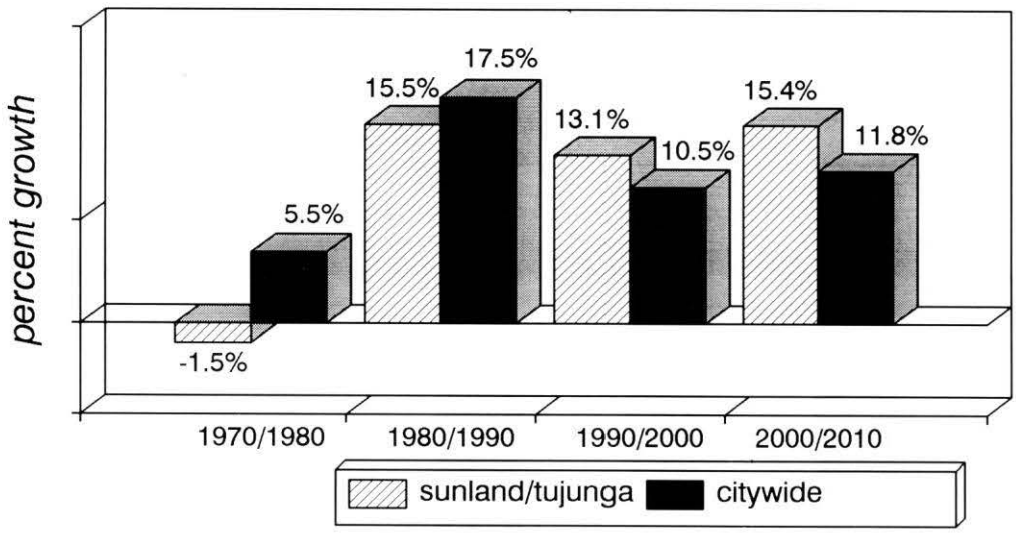
COMMUNITY PROFILE

The Community Profile provides an overview of population, housing and socio/demographics for the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan Area and compares it to the rest of the City. The following tables contain the statistical data for previous census dates and rates of growth.

SUNLAND/TUJUNGA/LAKEVIEW TERRACE/SHADOW HILLS
COMMUNITY PROFILE

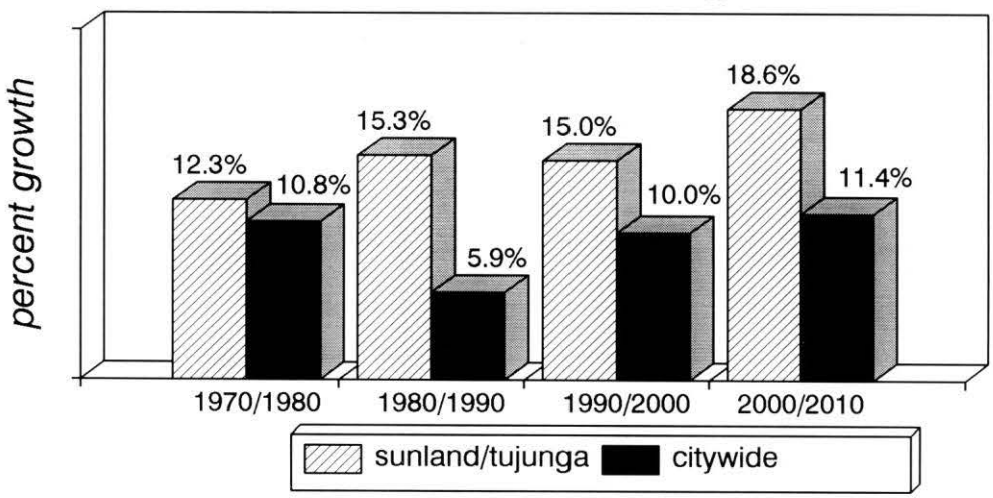
	estimated data (from U.S. Census)			projections (from SCAG) *	
total population	**1970**	**1980**	**1990**	**2000**	**2010**
sunland/tujunga	46529	45819	52919	59843	69032
citywide	2811801	2966850	3485398	3852993	4306564
growth rate		**1970 to 1980**	**1980 to 1990**	**1990 to 2000**	**2000 to 2010**
sunland/tujunga		−1.5%	15.5%	13.1%	15.4%
citywide		5.5%	17.5%	10.5%	11.8%

population growth rate comparison
(includes group quarters population) **



total households	**1970**	**1980**	**1990**	**2000**	**2010**
sunland/tujunga	14367	16127	18600	21393	25365
citywide	1024873	1135491	1203052	1323882	1474514
growth rate		**1970 to 1980**	**1980 to 1990**	**1990 to 2000**	**2000 to 2010**
sunland/tujunga		12.3%	15.3%	15.0%	18.6%
citywide		10.8%	5.9%	10.0%	11.4%

household growth rate comparison
(occupied dwelling units only)



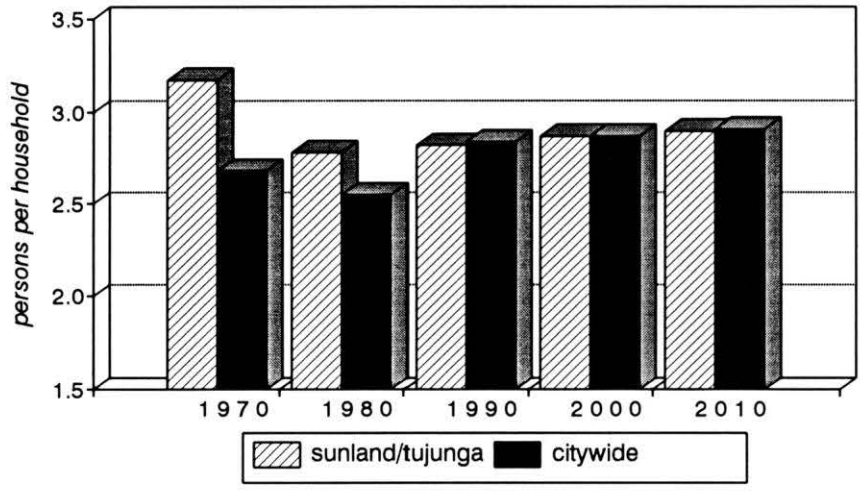
* Southern California Association of Governments; a regional council of county and municipal governments that includes Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties.

** Population in group quarters includes institutionalized individuals, students in dormitories, and persons in emergency shelters, migrant worker housing, halfway houses, nursing homes, military quarters, etc.

SUNLAND/TUJUNGA – COMMUNITY PROFILE

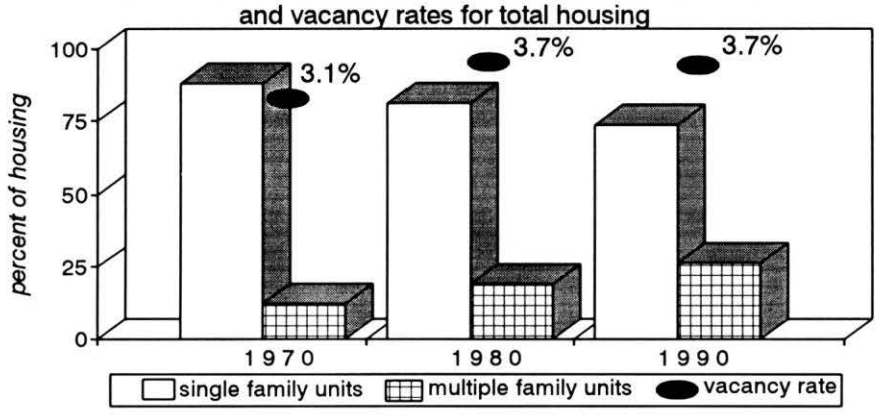
household size (persons per dwelling unit) *	estimated data (from U.S. Census) 1970	1980	1990	projections (from SCAG) 2000	2010
sunland/tujunga	3.17	2.78	2.82	2.87	2.90
citywide	2.68	2.55	2.84	2.87	2.91

household size comparison



housing splits / vacancy factors ** (sunland/tujunga only)	1970	1980	1990
single family dwellings	88%	81%	74%
multiple family dwellings	12%	19%	26%
vacancy rate (total housing)	3.1%	3.7%	3.7%

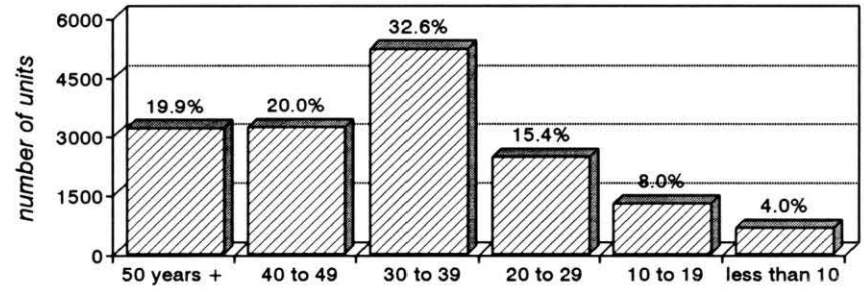
single family dwelling units, multiple family dwelling units, and vacancy rates for total housing



age of housing as of 1994 ***

total dwellings in sunland/tujunga (includes vacant and occupied units).

age of housing



* Count of all persons in occupied dwellings. Does not include group quarters population.

** Housing splits are defined by the presence of a common wall between two or more dwelling units. Typical multiple family units include condominiums and apartments. Typical single family units include detached structures.

*** Source of this information is the Los Angeles County Assessor. Data derived from the Assessors LUPAMS (Land Use Planning and Management Subsystem) file. File date is mid 1994.

SUNLAND/TUJUNGA – COMMUNITY PROFILE

HOUSING and OCCUPANCY FACTORS

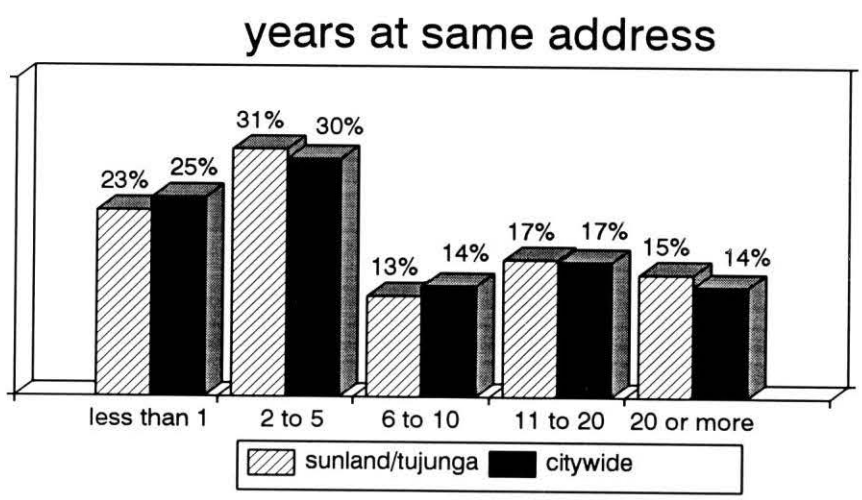
1990 census data;

cost of housing (as a percent of income) *	20% or less	20% to 29%	30% or more
owner occupied housing units	43.0%	25.0%	32.0%
renter occupied housing units	23.3%	24.0%	52.7%

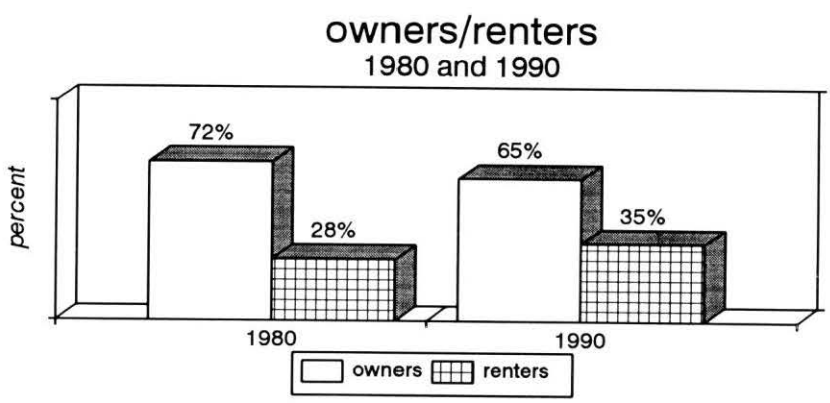
cost of housing (owner occupied units) (value estimated by owner)	under $100,000	$100,000 to $200,000	$200,000 to $300,000	$300,000 to $500,000	$500,000 or more
sunland/tujunga	4.8%	37.5%	38.6%	16.6%	2.5%
citywide	8.4%	28.5%	25.9%	21.4%	15.8%

cost of housing (renter occupied units) (monthly cost estimated by resident)	under $300	$300 to $500	$500 to $750	$750 to $1,000	$1,000 or more
sunland/tujunga	7.8%	24.3%	45.1%	16.9%	5.8%
citywide	10.9%	29.9%	38.3%	13.1%	7.9%

stability indicator (percent) ** (length of time in the community)	less than 1 year	2 to 5 years	6 to 10 years	11 to 20 years	20 years or more
sunland/tujunga	23.4%	31.1%	12.8%	17.2%	15.4%
citywide	25.1%	30.3%	13.7%	16.9%	14.1%



residential tenure (ownership status)



NOTE: All information included on this sheet calculated on basis of householders response to census questionaire.

* Sums to 100% by type of housing. This is a distributed calculation of all householders who responded to census questions about cost of housing. Approximately 90% of all householders responded.

** Describes length of time living at the same location. Owners and renters combined.

SUNLAND/TUJUNGA – COMMUNITY PROFILE
SOCIO/DEMOGRAPHICS

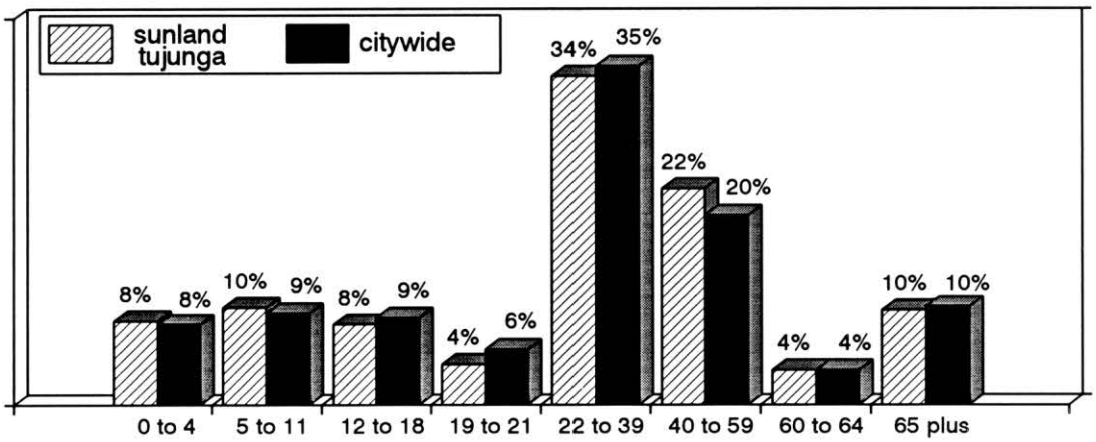
1990 census data;

employment (percent) *	
females employed	43.7%
males employed	56.3%
employment participation rate	70.8%
(citywide rate)	67.3%

household income (1989) **	
average	$50,162
(citywide)	$45,701
poverty (percent)	9.3%
(citywide)	18.9%

education (percent) ***	high school	beyond high school	college graduate
sunland/tujunga	78.1%	53.4%	19.1%
citywide	67.0%	47.8%	23.0%

age of the general population

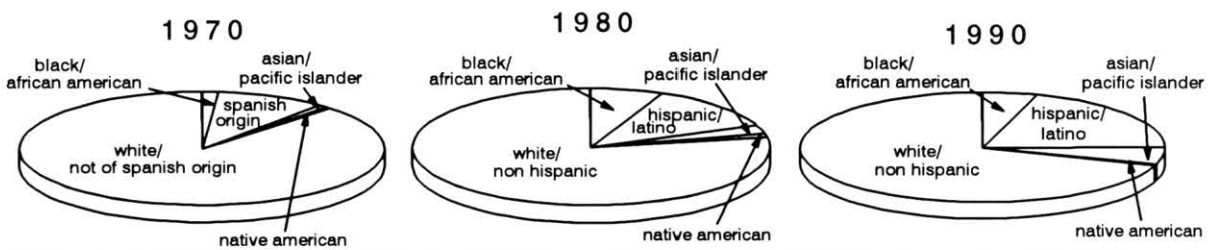


language and citizenship (percent) ****	foreign language spoken at home: spanish	asian	other language	foreign born
sunland/tujunga	14.5%	3.6%	7.3%	24.4%
citywide	24.3%	6.0%	5.6%	44.9%

means of transportation to work (percent) *****	drive alone	vanpool/ carpool	public transit	other means
sunland/tujunga	76.2%	15.5%	2.0%	6.3%
citywide	65.2%	15.4%	10.5%	10.5%

head of household ******	live alone	married with children	married no children	single parent	single non family
sunland/tujunga	23.8%	29.3%	28.4%	9.9%	8.6%
citywide	31.0%	24.3%	22.0%	12.7%	10.0%

race/ethnicity (percent) *******	1970	1980	1990
asian/pacific islander	0.9%	2.4%	5.0%
black/african american	1.4%	6.6%	4.9%
hispanic/latino	9.6%	12.1%	20.0%
native american	0.4%	1.1%	0.6%
white–non hispanic	87.7%	77.8%	69.5%



NOTE: All information included on this sheet calculated on basis of householders response to census questionaire.

* Civilian persons 16 years or older. Employment participation measures only persons eligible to work; therefore, students, retirees, housewives, military personnel, etc. are not included in this calculation.

** See the note above. Poverty is calculated on the basis of all persons surveyed (98% of citywide population).

*** Only persons 25 years or older are included in this calculation.

**** Persons 5 years or older (except for foreign born which excludes anyone under the age of 18).

***** Total workers 16 years of age or older. Includes military personnel.

****** Adult person acknowledged as representing the household in response to census questionaire. Household may consist of any number of persons or families.

******* Census definition of hispanic/latino persons changed after 1970. Previously described as "spanish origin".

Chapter II
FUNCTION OF THE COMMUNITY PLAN

Chapter 2 of the Plan Text contains the statutory requirement for the Community Plan outlining the mandatory elements that must be addressed. The Chapter contains the explanations of the Role, Purpose, and Organization of the Community Plan. Chapter 2 shows the relationship to other General Plan elements and provides for Plan Monitoring and Consistency.

STATUTORY REQUIREMENTS

California State law (Government Code Section 65300) requires that each city prepare and adopt a comprehensive, long-term general plan for its development. It must contain seven mandatory elements including land use, circulation, housing, conservation, open space, noise, and safety. In the City of Los Angeles thirty-five Community Plans comprise the City's Land Use Element.

State of California law requires that the Land Use Element be prepared as part of the City's General Plan, and that the Land Use Element be correlated with the Circulation Element.

The Land Use Element has the broadest scope of the General Plan elements required by the State. Since it regulates how land is to be utilized, many of the issues and policies contained in all other plan elements are impacted and/or impact this element.

Government Code Section 65302(a) requires a land use element which designates the proposed general distribution and general location and extent of uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the Plan.

The Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Plan consists of this text and the accompanying map. The Community Plan text states the goals, objectives, policies and programs. The Community Plan Map, footnotes and legend outline the arrangement and intensities of land uses, the street system, and the locations and characteristics of public service facilities.

ROLE OF THE COMMUNITY PLAN

The General Plan is the fundamental policy document of the City of Los Angeles. It defines the framework by which the City's physical and economic resources are to be managed and utilized over time. Decisions by the City with regard to the use of its land, design and character of buildings and open spaces, conservation of existing and provision of new housing, provision of supporting infrastructure and public and human services, protection of environmental resources, protection of residents from natural and man-caused hazards are guided by the Plan.

The Community Plan is intended to promote an arrangement of land uses, streets, and services which will encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community. The plan is also intended to guide development in order to create a healthful and pleasant environment. Goals, objectives, policies and programs are created to meet the existing and future needs and desires of the community through the year 2010. The plan is intended to coordinate development among the various parts of the City of Los Angeles and adjacent municipalities in a fashion both beneficial and desirable to the residents of the community.

The General Plan clarifies and articulates the City's intentions with respect to the rights and expectations of the general public, property owners, and prospective investors and business interests. Through the Community Plan, the City can inform these groups of its goals, policies and development standards, thereby communicating what is expected of City government and the private sector to meet its objectives.

The Community Plan ensures that sufficient land is designated which provides for the housing, commercial, employment, educational, recreational, cultural, social and aesthetic needs of the residents of the plan area. The Plan identifies and provides for the maintenance of any significant environmental resources within the Plan Area. The Plan also seeks to enhance community identity and recognizes unique neighborhoods within the Plan Area.

PURPOSE OF THE COMMUNITY PLAN

The last comprehensive update of the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan was completed in 1980. Since that time, considerable growth has occurred, new issues have emerged, and new community objectives regarding the management of new development and community preservation have evolved. Consequently, it is necessary to update the Community Plan to not only reflect current conditions, but to accurately reflect the prevailing visions and objectives of the area's residents and property and business owners. The Plan sets forth objectives, policies, and programs, and designates a potential population capacity of approximately 72,330, which is larger than is anticipated to be built during the life of the Plan (2010).

This Community Plan sets forth goals to maintain the community's individuality by:

- Preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of compatible new housing opportunities.
- Improving the function, design and economic vitality of the commercial corridors.
- Preserving and enhancing the positive characteristic of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance.
- Planning the remaining commercial and industrial development opportunity sites for needed job producing uses that improves the economic and physical condition of the community.

ORGANIZATION AND CONTENT OF COMMUNITY PLAN

This plan sets forth goals, objectives, policies, and programs that pertain to Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon. Broader issues, goals, objectives, and policies are provided by the Citywide General Plan Framework.

The Plan is organized and formatted to facilitate periodic updates. The State recommends that the entire plan be comprehensively reviewed every five years to reflect new conditions, local attitudes, and technological advances.

The principal method for the implementation of the Land Use Map is the Zoning Ordinance. The City's Zoning Map must be updated to remain consistent with the adopted Land Use Map. Together, the Zoning Ordinance and the Zoning Map will identify specific types of land use, intensity of use and development standards applicable to specific areas and parcels of land within the community.

RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS

The City of Los Angeles has the responsibility to maintain and implement the City's General Plan. Since State Law requires that the General Plan have internal consistency, the Community Plan must be consistent with the other Elements and components of the General Plan.

The General Plan Framework is a long range, citywide, comprehensive growth strategy. It is a special element of the general plan which looks to the future as required by law and replaces Concept Los Angeles and the Citywide Elements (adopted in 1974). Because it looks at the city as a whole, the Framework provides a citywide context within which local planning takes place. Both the benefits and challenges of growth are shared.

Because it is citywide, the Framework cannot anticipate every detail. Therefore, the community plans must be looked to for final determinations as to boundaries, land use categories, intensities and heights that fall within the ranges described by the Framework.

The Citywide General Plan Framework Element neither overrides nor supersedes the Community plans. The Framework is flexible, suggesting a range of uses within its land use definitions. Precise determinations are made in the Community Plans.

The proposed General Plan Framework forecasts the following population, housing and employment levels for the community for the year 2010:

Population (2010) projection	*69,032*
Employment (2010) projection	*11,968*
Housing (2010) projection	*25,797*

The above population, employment and housing numbers are provided as reference during the Community Plan update. It needs to be recognized, however, that these figures are only best estimates and are derived from regional data which are disaggregated to the City and then the community level. Population, jobs and housing could grow more quickly, or slowly, than anticipated depending on economic trends.

Regional forecasts do not always reflect the adopted community plan land use capacity or build out estimated from planned land use. Plan capacity or build out is also an imprecise estimate and depends on specific assumptions about future density of development and household size, which may be more, or less, than actually occur. It should also be noted that the community plan capacity does not include housing in commercial districts nor the current residential vacancy rate.

In addition to the seven state mandated elements, the City's General Plan includes a service system element, a cultural element, a major public facilities areas element, and an air quality element. All the provisions and requirements of the General Plan elements apply to the Community plan.

Neighborhood plans involve the preparation of special plans which blend both policy and implementation functions for unique neighborhoods within a community. In addition to these neighborhood plans, overlay zones also combine policy and implementation functions to address issues peculiar to a specific neighborhood.

PLAN CONSISTENCY

Each Plan category indicates the corresponding zones permitted by the Plan unless further restricted by the Plan text, footnotes, adopted Specific Plans or other specific limitations on discretionary approvals. The Plan recognizes that achieving the full residential densities and the commercial and industrial intensities depicted on the Plan map will not occur due to Plan restrictions and economic limitations.

For each plan category, the Plan permits all identified corresponding zones, as well as those zones which are more restrictive, as referenced in Section 12.23 of the Los Angeles Municipal Code (LAMC). Any subsequent action that modifies the Plan or any monitoring review that results in changes to the Plan must make new Plan consistency findings at the time of the decision.

City actions on most discretionary projects require a finding that the action is consistent or in conformance with the General Plan. In addition to the required general finding, decision-makers acting on certain projects in the Plan area shall refer to each of the applicable additional findings that the Plan identifies as programs in Chapter 3 of the Plan. To further substantiate the consistency findings, decision makers may cite other programs, policies or objectives which would be furthered by a proposed project. In addition, Chapter 5 of the Plan requires a decision maker to make a finding of conformance with applicable design standards for discretionary projects.

PLAN MONITORING

The Plan has a land use capacity greater than the projected development likely to occur during the Plan period. During the life of the Plan, growth will be monitored and reported in the City's Annual report on Growth and Infrastructure, which will be submitted to the City Planning Commission, Mayor, and City Council. In the fifth year following Plan adoption (and every five years thereafter), the Director shall report to the Commission on the relationship between population, employment, and housing growth and plan capacities. If growth has occurred faster than projected, a revised environmental analysis will be prepared and appropriate changes recommended to the Community Plan and zoning. These Plan and zoning changes, and any related moratoria or interim control ordinances, shall be submitted to the Planning Commission, Mayor, and City Council as specified in the LAMC.

Chapter III
LAND USE POLICIES AND PROGRAMS

Chapter 3 contains Goals, Objectives, Policies, and Programs for all appropriate land use issues, such as residential, commercial, and industrial, as well as public and institutional service system categories. The Planning Department has responsibility for the goals, objectives, policies, and the initiation and direct implementation of the programs contained in Chapter 3.

RESIDENTIAL

Residential land use patterns vary greatly according to local conditions in the areas which comprise the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan. Topography, population characteristics, housing markets, age of housing and degree of existing development have a great influence on the density of development throughout the community. Much of the existing density in the community was established by natural controls such as topography, large amounts of existing available land and infrastructure.

There have been varying degrees of pressure for development in the Plan area. Some new development has been inconsistent with existing development. Some areas have experienced development pressure for higher density housing.

Some vacant land has been left undeveloped or underdeveloped, creating opportunity areas that require sensitive consideration so that their development becomes an asset to the community. Existing land use patterns, infrastructure, street systems, urban design, architectural features, and historical resources should be considered when new development occurs. Other opportunities are afforded to rehabilitate the housing stock and create additional livable units.

Historically, the majority of the community was planned for residential purposes. The 1980 Plan designated more than half of the total land area for residential use (58.6%). The Plan policies provide for the preservation of existing residential neighborhoods throughout the community, retaining single family and multi-family areas.

The Plan designates residential land use densities as indicated in the following table. The table depicts the reasonable expected population and dwelling unit count for the year 2010, using the midpoint of the range for the dwelling units per net acre category. The midpoint represents a reasonable factor to use, as new development within each category is not likely to occur at one or the other extreme of the range, but rather throughout the entire range.

PLAN POPULATION AND DWELLING UNIT CAPACITY

Residential Land Use Category	Dwelling Units Per Net Acre Midpoint (Range)	Number of Dwelling Units	Net Acres	Persons Per Dwelling Unit (2010)	Reasonable Exp. Population (2010)
Minimum	0.5 (0 to 1)	2,245	4,489	3.07	6,891
Very Low I	2.0 (1 + to 3)	1,148	574	3.07	3,524
Very Low II	3.5 (3 + to 4)	994	284	3.07	3,052
Low	6.5 (4+ to 9)	11,583	1,782	2.97	34,402
Low Medium I	13.5 (9+ to 18)	2,390	177	2.52	6,023
Low Medium II	23.5 (18+ to 29)	3,572	152	2.52	9,001
Medium	42.0 (29+ to 55)	3,654	87	2.52	9,208
TOTALS		**25,586**	**7,545**		**72,101**

The Community Plan encourages the preservation of low-density, single-family areas. Single-family residential neighborhoods should be protected from encroachment by incompatible uses.

Additional low- and moderate-income housing is needed throughout the City. The Plan proposes that a range of housing choices should be made available to persons of all social, economic and ethnic backgrounds. While providing a range of housing for all economic levels, the supply of low-income housing in the Community Plan area should not exceed it's fair share allocation.

The community includes large areas of open space and natural landforms. It is one of the more rural areas of the City and supports a substantial equestrian-oriented population. It is a policy of the Plan to protect these areas from encroachment by incompatible uses.

GOAL 1

A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE COMMUNITY.

Objective 1-1

To provide for the preservation of existing and the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

Policies

1-1.1 Designate land for single and multi-family residential development.

Program: The Plan Map identifies specific areas where single family and multi-family residential development is permitted.

1-1.2 Protect existing single family residential neighborhoods from encroachment by higher density residential and other incompatible uses.

Program: The Plan Map identifies areas where only single-family residential development is permitted; it protects these areas from encroachment by designating, where appropriate, transitional residential densities which serve as buffers. Expansion of multiple-family land use designation in the Plan should be restricted.

1-1.3 Require that new single and multi-family residential development be designed in accordance with the Urban Design Chapter.

Program: The Plan includes an Urban Design Chapter which outlines Design Standards for residential development.

1-1.4 The City should promote neighborhood preservation in existing residential neighborhoods.

Program: The Neighborhood Preservation Program, administered by the City's Housing Department provides financial resources to rehabilitate single-family homes and multi-family rental housing.

Program: Homeowners' Encouragement Loan Program (HELP), administered by the Housing Department, provides rehabilitation loans to owners of small residential buildings (one to four units) to correct code violations and assist handicapped homeowners.

Program: Residential land use categories, zone changes, subdivisions, parcel maps, variances, conditional uses, specific plans, community and neighborhood revitalization programs for residential projects shall be consistent with Plan recommendations.

Objective 1-2 To locate new housing in a manner which reduces vehicular trips and which increases accessibility to services and facilities.

Policies

1-2.1 Locate higher residential densities near commercial centers, and major bus routes where public service facilities, utilities, and topography will accommodate this development.

Program: The Plan designates lands for higher residential densities within and adjacent to transit convenient locations.

1-2.2 Locate senior citizen housing projects in neighborhoods within reasonable walking distance of health and community facilities, services, and public transportation.

Program: The Plan designates lands for higher residential densities which could accommodate senior citizen housing within transit convenient locations and pedestrian oriented areas.

Objective 1-3 To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.

Policies

1-3.1 Consider factors such as neighborhood character and identity, compatibility of land uses, impacts on livability, impacts on services and public facilities, impacts on traffic levels, and environmental impacts when changes in residential densities are proposed.

Program: The decision-maker should adopt a finding which addresses these factors as part of any decision relating to changes in planned residential densities.

1-3.2 Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

Program: The Plan includes Design Guidelines which establish design standards for residential development to implement this policy.

1-3.3 Preserve existing views of hillside and mountainous areas.

Program: Retention of the low density rural character of the community and height limitations, scenic highway designations, implementation of the Citywide Hillside Ordinance and the 15% Slope Density Ordinance will contribute to the preservation of these views.

Objective 1-4 To preserve and enhance structures that have a distinctive and significant historical character.

Policies

1-4.1 Protect and encourage reuse of the area's historic resources.

Program: Protect the City's Historic/Cultural Monuments in the community and seek future designation for appropriate additional sites.

Objective 1-5 To promote and insure the provision of adequate housing for all persons regardless of income, age or ethnic background.

Policies

1-5.1 Promote greater individual choice in type, quality, and location of housing.

Program: Establishment of residential design standards, allocation of lands for a variety of residential densities, and the promotion of housing in mixed-use projects.

Program: Develop incentives for the construction of residential projects in conjunction with new commercial projects to encourage mixed-use development.

1-5.2 Promote housing in mixed use projects in transit intensive locations.

Program: Provide a bonus in floor area and height for such projects.

Objective 1-6 To limit residential density and minimize grading in hillside areas.

Policies

1-6.1 Ensure the availability of adequate sewers, drainage facilities, fire protection services and facilities and other public utilities to support development within the hillside areas.

Program: A decision-maker should adopt a finding which addresses the availability of these services and utilities as part of any decision relating to hillside residential development.

1-6.2 Consider the steepness of the topography and the suitability of the geology in any proposal for development within the Plan area.

Program: The Plan designates hillside areas in the Minimum and Very Low Densities of the General Plan land use designations and corresponding zones.

Program: Continue implementation of the Citywide Hillside Ordinance and the 15% Slope Density Ordinance.

1-6.3 Require that grading be minimized to reduce the effects on environmentally sensitive areas.

Program: Compliance with the California Environmental Quality Act (CEQA) requires that local and state governmental agencies consider and disclose potential environmental effects of a project before rendering a decision, and provide methods to mitigate those impacts.

Objective 1-7 To insure compatibility between equestrian and other uses found in the RA Zone.

Policies

1-7.1 Place a high priority on the preservation of horsekeeping areas.

Program: A decision-maker involved in a discretionary review should make a finding that the zone variance, conditional use, or subdivision does not endanger the preservation of horsekeeping uses within the Community.

Objective 1-8

To promote and protect the existing rural, single-family equestrian oriented neighborhoods in RA zoned areas and "K" Districts. To caution against possible precedent-setting actions including zone variance, conditional use, or subdivision that might endanger the preservation of horsekeeping uses.

Policies

1-8.1 Protect existing single-family equestrian oriented neighborhoods and horsekeeping districts from encroachment by higher density residential and other incompatible uses.

Program: New development within these areas should be designed to encourage and protect the equestrian keeping lifestyle.

1-8.2 Horsekeeping areas should be developed at Minimum to Very Low densities appropriate to such use.

Program: The Plan Map identifies areas for lower residential densities.

1-8.3 New horsekeeping districts should be expanded where appropriate and feasible.

Program: The Plan Map identifies lower density residential areas appropriate for such districts.

Objective 1-9

To provide adequate wastewater collection in existing residential neighborhoods.

Policies

1-9.1 Upgrade the wastewater collection system to mitigate existing deficiencies.

Program: Develop procedures to eliminate septic tanks in existing residential neighborhoods.

COMMERCIAL

The commercial land use pattern is mainly strip commercial along Foothill Boulevard, with nodes of varying sizes at specific intersections. The traditional strip commercial development with limited parking to the rear and with buildings which have been built up to the sidewalk has given way in some locations to newer mini-malls with parking in front of the buildings, adjacent to the street.

The area along Foothill Boulevard between Langmuir Avenue and Wyngate Street should be encouraged to develop as a Community Center serving on a community-wide basis. This area contains the Municipal Building, Library, and Fire Station - all community-serving governmental uses. The existing K-Mart Store provides a larger retail radius for citizens living throughout the Plan area.

The Foothill Boulevard Corridor Specific Plan was created to ensure that land uses and development in the corridor occur in a manner that is compatible and compliments the surrounding community. One purpose of the Specific Plan is to create a vibrant commercial environment along

Foothill Boulevard and Commerce Avenue by encouraging appropriate uses, building design, landscaping, screening of unsightly views, minimizing uninteresting blank walls, and proper site designs. The Specific Plan also establishes coordinated and comprehensive standards for parking, vehicle and pedestrian circulation, outdoor storage, building height, building design, building mass, landscape, and signs.

GOAL 2 ***A STRONG AND COMPETITIVE COMMERCIAL SECTOR WHICH BEST SERVES THE NEEDS OF THE COMMUNITY THROUGH MAXIMUM EFFICIENCY AND ACCESSIBILITY WHILE PRESERVING THE UNIQUE CHARACTER OF THE COMMUNITY.***

Objective 2-1 To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

Policies

2-1.1 New commercial uses should be located primarily in existing established commercial areas or existing shopping centers.

Program: The Community Plan retains commercial land use designations to conform with existing commercial centers.

2-1.2 Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and developed in accordance with design standards.

Program: The Plan includes an Urban Design chapter which establishes Design Standards for commercial development which addresses this policy.

Program: The Foothill Boulevard Corridor Specific Plan establishes standards and guidelines for commercial development.

Objective 2-2 To enhance the community identity in distinctive commercial districts.

Policies

2-2.1 Improve security and parking standards in commercial areas.

Program: The Plan includes an Urban Design component which establishes Design Standards for commercial development to implement this policy.

2-2.2 Require that mixed-use projects be designed with commercial uses on the ground floor and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses.

Program: The Plan includes an Urban Design component which implements this policy in its Design Standards for mixed use projects.

2-2.3 Require that any proposed development be designed to enhance and be compatible with adjacent development.

Program: Continue the implementation of the Foothill Boulevard Corridor Specific Plan and implement conformance with applicable design standards identified in the Design Guidelines of the Plan.

2-2.4 Preserve community character, scale and architectural diversity.

Program: Consider the formation of a Business Improvement District(s) along Foothill Boulevard.

Program: The Plan Map establishes height limits. Design standards for commercial areas are included in the Design Guidelines of the Plan.

2-2.5 Create a vibrant commercial environment along Commerce Avenue by encouraging an arts-oriented neighborhood commercial corridor featuring antique shops, cafes, artist studios, and live/work space.

Program: Consider the establishment of a Los Angeles Neighborhood Initiative (LANI) district.

Program: Continue the implementation of the Foothill Boulevard Corridor Specific Plan and implement conformance with applicable design standards identified in the Design Guidelines of the Plan.

Objective 2-3 To enhance the appearance of commercial districts.

Policies

2-3.1 Improve the landscaping of commercial properties.

Program: Implementation of the Design Policies established in the Urban Design Chapter.

2-3.2 Landscaped corridors should be created and enhanced through the planting of street trees.

Program: Consider the formation of a business improvement district along Foothill Boulevard.

Program: The Urban Design standards include a section which establishes guidelines for community design and landscaping. These guidelines are intended to serve as a reference to other City Department and public agencies and any private entities who participate in projects which involve improvements to public spaces and rights-of-ways including streetscape and landscaping.

2-3.3 Require that any proposed development be designed to enhance and be compatible with adjacent development.

Program: Implement conformance with applicable design standards identified in the Design Guidelines of the Plan.

2-3.4 Improve safety and aesthetics of parking areas in commercial areas.

Program: Design standards for parking areas established in the Design Guidelines implement this policy.

INDUSTRIAL

The Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan, has one of the lowest concentrations of

industrially designated land in the city, occupying approximately 29 acres or less than 1% of the entire area. Although the percentage of land use is low, industrial uses provide needed employment opportunities and economic benefits and should be encouraged when impacts to surrounding land uses can be mitigated.

GOAL 3 ***SUFFICIENT LAND FOR A VARIETY OF INDUSTRIAL USES WITH MAXIMUM EMPLOYMENT OPPORTUNITIES FOR THE COMMUNITY'S WORKFORCE WHICH ARE SAFE FOR THE ENVIRONMENT AND WHICH HAVE MINIMAL ADVERSE IMPACT ON ADJACENT USES.***

Objective 3-1 To provide for the retention of existing industrial uses and promote future industrial development which contributes to job opportunities and minimizes environmental and visual impacts.

Policies

3-1.1 The City should utilize land use, zoning, and financial incentives to preserve the economic viability of the Plan's existing industries.

Program: The Community Plan provides for the retention of existing industrial development.

3-1.2 Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses in accordance with design standards.

Program: The Plan includes an Urban Design component which establishes Design Standards for industrial development to implement this policy.

3-1.3 Adequate mitigation should be achieved through design treatments and compliance with environmental protection standards, for industrial uses where they adjoin residential neighborhoods and commercial uses.

Program: The Plan establishes design standards for industrial development. The decision-maker for specific projects should condition any approval with these in mind. Environmental protection standards and health and safety requirements are enforced by other public agencies.

Objective 3-2 To encourage the conservation and strengthening of viable industrial development throughout the plan area.

Policies

3-2.1 Industrially planned parcels located in predominantly industrial areas should be protected from development by other uses which do not support the industrial economic base of the City and the community.

Program: The Community Plan and City's Planning and Zoning Code administered by the Department of City Planning and the Department of Building and Safety contain provisions to maintain industrially designated areas for industrial uses.

PUBLIC AND INSTITUTIONAL LAND USE

Public facilities such as fire stations, libraries, schools, parks, flood control channels, power transmission lines, as shown on the Community Plan map are to be developed in substantial conformance with the standards of need, site area, design and general locations identified in the Service Systems Element and the Safety Element of the General Plan. Such development shall be sequenced and timed to provide an efficient and adequate balance between land use and public services. In addition, Open Space (OS) and Public Facilities (PF) zones have been enacted to reflect both current and future public uses in the Community Plan area.

There is a continued need for modernizing of public facilities in order to improve services and accommodate changes in the Community Plan area. However, the amenities and environmental quality of the community must be adequately protected. Cost and equitable distribution are major issues in the provisions of public facilities. It is essential that priorities be established and new and different sources of revenue be found. Furthermore, public and private development must be fully coordinated, in order to avoid expensive duplication and to assure a balance among needs, services and costs.

The Plan intends to utilize the location, characteristics, and timing of public facility and utility development as a tool in achieving planned land use patterns. Further, the intent is to achieve economy and efficiency in the provision of services and facilities consistent with standards for environmental quality.

RECREATION AND PARK FACILITIES

In the Community Plan area, public parks and recreation areas are managed by the City of Los Angeles Recreation and Parks Department. The City classifies parks according to three types: Regional, Community, and Neighborhood.

GOAL 4 ***ADEQUATE RECREATION AND PARK FACILITIES WHICH MEET THE NEEDS OF THE RESIDENTS IN THE COMMUNITY.***

Objective 4-1 To conserve, maintain and better utilize existing recreation and park facilities which promote the recreational experience.

Policies

4-1.1 Preserve and improve the existing recreational facilities and park space.

Program: These sites area designated in the Open Space (OS) Zone, which provides such protection.

4-1.2 Better utilization and development of recreational facilities at existing parks.

Program: The Los Angeles Unified School District, and the City's Department of Recreation and Parks should develop programs to fully utilize each of their respective sites.

Objective 4-2 To provide facilities for specialized recreational needs within the community, with consideration given to utilizing existing public lands such as flood control channels, utility easements, or Department of Water and Power property.

Policies

4-2.1 Flood control channels and other appropriate public lands should be considered for open space purposes. Hiking, bicycle and equestrian trails in the area should connect these facilities with the local and regional system.

Program: Implement the proposed hiking, bicycle, and equestrian trails shown on the Community Plan Map.

Objective 4-3 To expand and improve local parks throughout the Plan area on an accelerated basis, as funds and land become available.

Policies

4-3.1 Develop new neighborhood and community parks to help offset the Community Plan areas parkland deficiency for its current population and its projected year 2010 population.

Program: The Plan proposes six new Neighborhood and two Community Parks.

OPEN SPACE

In the Community Plan area, open space areas exist which are not part of the City's Department of Recreation and Parks land inventory. Open space is important due to its role in both physical and environmental land use protection. Open space locations in the community include the Tujunga Wash, Angeles National Forest, the Verdugo Mountains, and the former Lopez Canyon Landfill site now known as Lopez Canyon Restoration Project.

Open Space is generally defined as land which is essentially free of structures and buildings or is natural in character and which functions in one or more of the following ways:

1. Recreational and educational opportunities.

2. Scenic, cultural and historic values.

3. Public health and safety.

4. Preservation and creation of community identity.

5. Rights-of-way for utilities and transportation facilities.

6. Preservation of natural resources or ecologically important areas.

The Plan designates most of the Tujunga Wash as a Natural Resource Preserve, to be utilized primarily for flood control purposes and secondarily for open space and recreational purposes. The Plan also recognizes the Conservation Plan identification of the Tujunga Wash as a rock and gravel resource area.

The objective of the classification and designation process required by the Surface Mining and Reclamation Act of 1975 is to assist local government in preserving for the future essential mineral resources that otherwise might be unavailable when needed. The State Mining and Geology Board has classified the Tujunga Wash area as a “Mineral Resource Zone - 2" which indicates significant mineral deposits are present. The natural resource preserve designation used in this plan is consistent with the objective of the Surface Mining and Reclamation Act in that it is intended to preclude development that would prevent future mining. The need to mine in the wash is not anticipated during the life of this plan and it is the intent of the plan to prohibit such mining through the year 2025.

The Plan designates the former Lopez Canyon Landfill Site as Open Space. The State of California requirements for closing a landfill site involve preparation of a postclosure maintenance plan. This plan mandates that the site be maintained and monitored for not less than thirty (30) years after the last shipment of waste to the site. The plan requires the detection and monitoring of methane gas and its migration underground during this time. In addition, a 30-year restoration project, entailing slope stabilization and landscaping, is proposed for the site. Closed organic waste landfill sites in

the County of Los Angeles have not been reused for residential purposes. The Plan proposes that the site be designated a future recreational area.

The Plan designates Stonehurst Avenue, La Tuna Canyon Road, Lopez Canyon Road, Wentworth Street, Big Tujunga Canyon Road, Sunland Boulevard and the Foothill Freeway as Scenic Highways. Scenic Highways are roadways which merit special controls for the protection and enhancement of scenic resources. The land area visible from, and normally contiguous to a Scenic Highway is known as a Scenic Corridor. The Plan proposes that protective land use controls be established for these corridors.

GOAL 5 ***A COMMUNITY WITH SUFFICIENT OPEN SPACE IN BALANCE WITH NEW DEVELOPMENT TO SERVE THE RECREATIONAL, ENVIRONMENTAL, HEALTH AND SAFETY NEEDS OF THE COMMUNITY AND TO PROTECT ENVIRONMENTAL AND AESTHETIC RESOURCES.***

Objective 5-1 To preserve existing open space resources and where possible develop new open space.

Policies

5-1.1 Encourage the retention of passive and visual open space which provides a balance to the urban development of the Community.

Program: The Plan Map designates areas to be preserved for open space.

5-1.2 Protect significant environmental resources from environmental hazards.

Program: The Plan Map designates areas for open space.

Program: Implementation of State and Federal environmental laws and regulations such as The California Environmental Quality Act (CEQA), the National Environmental Protection Act (NEPA), the Clean Air Quality Act, and the Clean Water Quality Act.

Program: Implementation of SCAG's and SCAQMD's Regional Air Quality Management Plan, and SCAG's Growth Management Plan.

Program: A minimum 100-foot buffer zone should be designated from the top of channel bank for all riparian habitats.

Program: Projects that affect wetlands or natural waterways should comply with requirements of the California Department of Fish and Game and U.S. Army Corps of Engineers.

5-1.3 Accommodate active park lands, and other open space uses in areas designated and zoned as Open Space.

Program: The Plan Map designates lands for open space as appropriate.

5-1.4 Preserve as much of remaining undeveloped hillside land, as feasible, for open space and recreational uses.

Program: The City should encourage continuing efforts by the County, State and Federal agencies to acquire vacant lands for publicly-owned open space.

5-1.5 Protect Scenic Corridors by establishing development controls in harmony with each corridor's individual scenic character.

Program: Plans for the development of Scenic Corridors should be prepared and implemented. The plans should include:

1. Roadway design;
2. Location and development of view sites and recreational areas;
3. Controls on use and intensity of use of lands within and/or adjacent to the Scenic Corridor;
4. Prohibition and/or control of signs and billboards; and
5. Location of other necessary public facilities.

SCHOOLS

In the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Plan area, public schools are administered by the Los Angeles Unified School District (LAUSD). There are seven elementary schools, one middle school, and one high school.

The Plan encourages shared use of existing school facilities for the general public after hours and on weekends. School grounds should be made available so as to facilitate after hour recreational uses.

GOAL 6

APPROPRIATE LOCATIONS AND ADEQUATE FACILITIES FOR SCHOOLS TO SERVE THE NEEDS OF THE EXITING AND FUTURE POPULATION.

Objective 6-1

To site schools in locations complimentary to existing land uses, recreational opportunities and community identity.

Policies

6-1.1 Encourage compatibility in school location, site layout and architectural design with adjacent land uses and community character and, as appropriate, use schools to create a logical transition and buffer between different uses.

Program: The decision-maker involved in discretionary review of proposed schools should make a finding which supports the application of this policy.

6-1.2 Site schools in a manner which complements existing single family and multiple family residential neighborhoods.

Program: The decision-maker involved in a discretionary review of proposed schools should make a finding which supports the application of this policy.

6-1.3 Proximity to noise sources should be avoided whenever possible or the school design should buffer classrooms from such noise.

Program: Implement appropriate provisions of the City's Noise Element.

Program: Incorporate noise mitigation measures to reduce adverse environmental impacts in order to comply with CEQA.

LIBRARIES

The Community Plan area is currently served by the Sunland-Tujunga Branch Library. In 1995, a 10,500 square-foot library was constructed, replacing the existing 4,500 square-foot library. Library area needed for the Community Plan should be approximately 26,000 square feet.

GOAL 7

ENSURE THAT ADEQUATE LIBRARY FACILITIES ARE PROVIDED FOR THE COMMUNITY'S RESIDENTS.

Objective 7-1

To encourage the City's Library Department to provide adequate library service which responds to the needs of the community.

Policies

7-1.1 Provide construction of new libraries when the need is identified and funding is available.

Program: The community and the City have identified the need for a new library in the Lake View Terrace area. Funds are now being identified and several sites are being considered.

7-1.2 Encourage flexibility in siting libraries in mixed-use projects, shopping malls, pedestrian-oriented areas, office buildings, and similarly accessible facilities.

Program: Through the inclusion of this policy the Plan supports such utilization when the Library Department and decision-makers review and approve sites for new libraries.

POLICE PROTECTION

The City of Los Angeles Police Department's Foothill Division Station provides police protection services for area's residents. As of 1990, the Foothill Division provides only one police officer per 868 residents. Based on the national standard of 4 officers per 1,000 population, the Community Plan area is grossly underpolicied and its geographic isolation further intensifies the problem. Officers who patrol the community are based at the Foothill station located some distance away. There is a need for a substation in the community available to officers on a 24-hour basis where administrative tasks could be performed without driving back to Foothill headquarters.

GOAL 8 ***A COMMUNITY WITH ADEQUATE POLICE FACILITIES AND SERVICES TO PROTECT THE COMMUNITY'S RESIDENTS FROM CRIMINAL ACTIVITY, REDUCE THE INCIDENCE OF CRIME AND PROVIDE OTHER NECESSARY LAW ENFORCEMENT SERVICES.***

Objective 8-1 To provide adequate police facilities and personnel to correspond with population and service demands in order to provide adequate police protection.

Policies

8-1.1 Consult with the Police Department as part of the review of new development projects and proposed land use changes to determine law enforcement needs and demands.

Program: The decision-maker should include a finding as to the impact on police protection service demands of the proposed project or land use change. Currently, the Police Department is consulted with regard to the impacts of plan amendments on law enforcement needs and demands by the plan amendment review process of the General Plan Advisory Board.

Objective 8-2 To increase the community's and the Police Department's ability to minimize crime and provide security for all residents, buildings, sites, and open spaces.

Policies

8-2.1 Insure that landscaping around buildings be placed so as not to impede visibility.

Program: Discretionary land use reviews and approvals by the Department of City Planning with consultation from the Los Angeles Police Department.

8-2.2 Insure adequate lighting around residential, commercial, and industrial buildings in order to improve security.

Program: Discretionary land use reviews and approvals by the Department of City Planning with consultation from the Los Angeles Police Department.

8-2.3 Insure that recreational facilities in multiple-family residential complexes are designed to provide adequate visibility security.

Program: Discretionary land use reviews and approvals by the Department of City Planning with consultation from the Los Angeles Police Department.

FIRE PROTECTION

Fire protection services for the Community Plan area are provided by the Los Angeles City Fire Department. The Community Plan area has two City Fire Stations - Fire Station No. 24 and Fire Station No. 74. Station No. 24 is located at 9411 Wentworth Street and Station No. 74 is located at 777 Foothill Boulevard.

GOAL 9 ***PROTECT THE COMMUNITY THROUGH A COMPREHENSIVE FIRE AND LIFE SAFETY PROGRAM.***

Objective 9-1 To ensure that fire facilities and fire protection services are sufficient for the existing and future population and land use.

Policies

9-1.1 Coordinate with the Fire Department as part of the review of significant development projects and General Plan Amendments affecting land use to determine the impact on service demands.

Program: Require a decision maker to include a finding as to the impact on fire service for all Plan amendments within 5 years of Plan adoption.

This coordination with the Fire Department is currently in effect for projects which are subject to the subdivision process and for plan amendments which must be reviewed by the General Plan Advisory Board which includes representation from the Fire Department.

TRANSPORTATION

TRANSPORTATION IMPROVEMENT AND MITIGATION PROGRAM [TIMP]

The community is not adequately provided with an appropriate range of transportation improvements and programs. This circumstance may be partially the result of the area's historical geographic isolation from other portions of the City. For example, the community is not connected to the ATSAC system of signalization, the City does not operate a DASH service, no Metrorail or Metrolink lines are existing (or planned), no transit centers are existing (or planned), and there are no Transportation Management Associations.

The Transportation Improvement and Mitigation Program [TIMP], was prepared for the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La

Tuna Canyon Community Plan through an analysis of the land use impacts on transportation. The TIMP establishes a program of specific measures which are recommended to be undertaken during the anticipated life of the Community Plan.

The TIMP document provides an implementation program for the circulation needs of the Plan area: roadway improvements, roadway redesignations, and bus service improvements. Additional transportation improvement recommendations are paratransit or shuttle bus service, and transportation system management improvements such as the Automated Traffic Surveillance and Control (ATSAC) system. Other proposals include peak hour parking restrictions, the creation of neighborhood traffic control plans, and a transportation demand management program which includes creating bikeways, forming transportation management associations, a trip reduction ordinance, and continued participation by the City in regional transportation management programs.

The TIMP establishes a program of specific measures which are recommended to be undertaken during the life of the Community Plan. Due consideration should be given to individual recommendations regarding any potential adverse impacts on existing commercial activities in the immediate area. Any proposed Capital Improvements, specifically street widenings, signing and striping improvements and prohibitions on peak hour parking should be weighed against the preservation of the commercial viability of the immediate areas impacted by the proposed mitigation measures.

PUBLIC TRANSPORTATION

The Los Angeles County Metropolitan Transportation Authority (MTA) operates 5 regularly scheduled bus transit lines serving the area. Scheduled bus service (both local and express) is run predominantly on Foothill Boulevard. Sunland Boulevard and several streets in the Lake View Terrace area are also served.

The City of Los Angeles Department of Transportation (LADOT) operates "Cityride", a city-wide demand-responsive paratransit program for senior citizens aged 65 or older and persons with mobility impairments. Cityride registrants may obtain a low-cost book of transit scrip each quarter which can be exchanged for MTA monthly bus passes and discounts on taxi, private lift-van and Cityride lift-van Dial-A-Ride services.

GOAL 10

DEVELOP A PUBLIC TRANSIT SYSTEM THAT IMPROVES MOBILITY WITH CONVENIENT ALTERNATIVES TO AUTOMOBILE TRAVEL.

Objective 10-1

To encourage improved local and express bus service throughout the Community Plan area, and encourage park-and-ride facilities to interface with freeways, high occupancy vehicle (HOV) facilities, and rail facilities.

Policies

10-1.1 Coordinate with MTA and LADOT to improve express and local bus service to and within the Community Plan area.

Program: Transit improvements (TIMP):

Use of a community-based shuttle to serve Foothill Boulevard and adjacent residential areas.

10-1.2 Encourage the provision of safe, attractive and clearly identifiable transit stops with user friendly design amenities.

Program: The Plan includes an Urban Design chapter that outlines design guidelines for transit stops.

10-1.3 Encourage the expansion of programs aimed at enhancing the mobility of senior citizens, disabled persons, and the transit-dependent population.

Program: Transit improvements (TIMP):

Use of a community-based shuttle to serve Foothill Boulevard and adjacent residential areas.

10-1.4 Coordinate with MTA and LADOT to develop an intermodal public transportation plan to implement linkages to rail service.

Program: Restructure existing bus lines to provide more direct service to the Sylmar/San Fernando Metrolink Station.

Program: Develop new local service to connect with the Burbank Metrolink Station.

Program: Develop a community-based shuttle to serve the Foothill Boulevard Park and Ride lot.

TRANSPORTATION DEMAND MANAGEMENT (TDM)

It is the City's objective that the traffic level of service (LOS) on the street system in the community not exceed LOS E. Transportation Demand Management (TDM) is a program designed to encourage people to change their mode of travel from single occupancy vehicles to other transportation modes. People are given incentives to utilize TDM measures such as public transit, ridesharing, modified work schedules, van pools, telecommuting, and non-motorized transportation modes such as the bicycle.

A TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM

1. The City should implement a bikeways development program as specified in the Plan as part of an overall transportation demand management.

2. The City should encourage the formation of Transportation Management Associations (TMA's) in order to assist employers in creating and managing trip reduction programs.

3. Participation in Regional Transportation Management Programs. The City will continue to participate in local and regional TDM programs being implemented by other agencies and adjacent jurisdictions and

coordinate its TDM program with those of other communities, agencies and jurisdictions.

4. TDM Ordinance. The Citywide Ordinance on TDM and trip reduction measures will continue to be implemented for the Community Plan area. This Ordinance calls for several measures to be taken in developments to achieve trip reduction targets (LADOT is responsible for monitoring the current Citywide TDM Ordinance.)

GOAL 11

ENCOURAGE ALTERNATIVE MODES OF TRANSPORTATION TO THE USE OF SINGLE OCCUPANT VEHICLES (SOV) IN ORDER TO REDUCE VEHICULAR TRIPS.

Objective 11-1

To pursue transportation management strategies that can maximize vehicle occupancy, minimize average trip length, and reduce the number of vehicle trips.

Policies

11-1.1 Encourage non-residential development to provide employee incentives for utilizing alternatives to the automobile (i.e., carpools, vanpools, buses, flex time, telecommuting, bicycles, and walking, etc.).

Program: TDM Ordinance (TIMP):

The Citywide Ordinance on TDM and trip reduction measures will continue to be implemented for the Community Plan area. This Ordinance calls for several measures to be taken by non-resident developments to achieve necessary trip reduction targets.

11-1.2 Require that proposals for major new non-residential development projects include submission of a TDM Plan to the City.

Program: The decision-maker should include TDM Plans in approval of projects.

TRANSPORTATION SYSTEM MANAGEMENT (TSM)

Transportation System Management (TSM) is the optimization of the transportation system by improving traffic flow with low capital cost projects and minor construction that can be implemented in a short time frame. TSM incorporates features such as computer based traffic signal timing facilities, intersection improvements, preferential parking areas for high occupancy vehicles, park and ride facilities, anti-gridlock measures, and parking management programs.

There are currently 25 signalized street intersections in the study area. The City intends to extend implementation of the ATSAC system, currently controlling approximately half of the traffic signals in the city, throughout the entire city within the next 10 years. This includes the 25 signals within the study area.

GOAL 12 ***A WELL MAINTAINED, SAFE, EFFICIENT FREEWAY AND STREET NETWORK.***

Objective 12-1 To ensure that the Community Plan area's signalized intersections are integrated with the City's Automated Traffic Surveillance and Control (ATSAC) system by the year 2010.

Policies

12-1.1 Install ATSAC equipment when funding becomes available. ATSAC is a computerized system that directs traffic control operations based on the data collected at each signalized intersection.

Program: Transportation Systems Management (TSM) Strategies (TIMP)

Automated Traffic Surveillance and Control [TIMP]:

ATSAC is recommended to be installed by the year 2010 at all new and existing traffic signals.

12-1.2 Signalize problem intersections to provide increased capacity and improve safety.

Program: Additional analysis should be undertaken to determine if the installation of a traffic signal is warranted at Foothill Boulevard and Saluda Avenue.

Program: Undertake an operational study to assess whether left turn signals are warranted at Foothill Boulevard and Tujunga Canyon Boulevard.

FREEWAYS AND STREETS

The roadway system in the Sunland and Tujunga area follows a grid pattern oriented along the primary compass points while in the Lake View Terrace area the grid is oriented diagonally. In the Shadow Hills and La Tuna Canyon areas the street system is generally irregular and curvilinear. Foothill Boulevard parallels the Foothill Freeway and runs through the length of Sunland, Tujunga and Lake View Terrace. The entire portion of Foothill Boulevard within the Community Plan boundary has been relinquished by the State of California to the City, and a repair project is being undertaken for paving, traffic signal synchronization, landscaping, street lighting improvements and installation of wheelchair ramps.

The Community Plan area is served by the Foothill Freeway (I-210) which bisects the area from southeast to northwest. Arterials that are designated as Boulevards on the Plan include a portion of Van Nuys Boulevard. Avenues include Foothill Blvd., Sunland Blvd., Honolulu Avenue, La Tuna Canyon Road, Terra Bella Street, Wentworth Street, Big Tujunga

Canyon Road, and portions of Apperson Street, Osborne Street, Van Nuys Boulevard, and Tujunga Canyon Boulevard.

Streets should be developed in accordance with standards and criteria contained in the Mobility Plan, an element of the General Plan and the City's Standard Street Dimensions except where environmental issues and planning practices warrant alternate standards consistent with street capacity requirements.

GOAL 13

TO THE EXTENT FEASIBLE AND CONSISTENT WITH THE MOBILITY PLAN 2035'S AND COMMUNITY PLANS' POLICIES PROMOTING MULTI-MODAL TRANSPORTATION AND SAFETY, A SYSTEM OF FREEWAYS, AND STREETS THAT PROVIDES A CIRCULATION SYSTEM WHICH SUPPORTS EXISTING, APPROVED, AND PLANNED LAND USE WHILE MAINTAINING A DESIRED LEVEL OF SERVICE AT INTERSECTIONS.

Objective 13-1

To the extent feasible and consistent with the Mobility Plan 2035's and the Community Plans' policies promoting multi-modal transportation and safety, comply with Citywide performance standards for acceptable levels of service (LOS) and insure that necessary road access and street improvements are provided to accommodate traffic generated by new development.

Policies

13-1.1 To the extent feasible and consistent with the Mobility Plan 2035's and the Community Plans' policies promoting multi-modal transportation (e.g., walking, bicycling, driving, and taking public transit) and safety, maintain a satisfactory LOS for streets that should not exceed LOS "D" for Boulevards, Avenues, and Collector Streets. If existing levels of service are LOS "E" or LOS "F" on a portion of a arterial or collector street, then the level of service for future growth should be maintained at LOS "E" if feasible and consistent with the Mobility Plan.

Program: Improve, to their designated standard specifications, substandard segments of those arterials which are expected to experience heavy traffic congestion by the year 2010. (This program should be consistent with community goals and desires with respect to street widenings).

***Program*:** Highway Improvements (TIMP) (to be implemented to the extent feasible and consistent with the Mobility Plan)

1. Proposed roadway extensions (unfunded):Big Tujunga Canyon Road from Oro Vista Avenue to Foothill Boulevard, is proposed to be located along the southeastern boundary of the Tujunga Wash. When constructed, this should relieve some of the through-traffic now utilizing residential sections of Oro Vista Avenue.
2. Roadway restriping: Restripe Foothill Boulevard to provide an additional peak hour travel lane and prohibit street parking in the peak hour.
3. Roadway widening:Widen Tujunga Canyon Boulevard from two lanes to four lanes between Honolulu Avenue/La Tuna Canyon Road and Foothill Boulevard.

13-1.2 Street dedications shall be developed in accordance with standards and criteria contained in the Mobility Plan, an

Element of the General Plan and the City's Standard Street Dimensions, except where environmental issues and planning practices warrant alternate standards consistent with capacity requirements.

Program: Implementation of the Mobility Plan supports this policy.

13-1.3 New development projects shall be designed to minimize disturbance to existing flow with proper ingress and egress to parking.

***Program*:** Decision-makers should require that new development projects incorporate adequate driveway access to prevent auto queuing.

Objective 13-2

To ensure that the location, intensity and timing of development is consistent with the provision of adequate transportation infrastructure utilizing the City's streets standards.

Policies

13-2.1 No increase in density and intensity shall be effectuated by zone change, variance, conditional use, parcel map or subdivision unless it is determined that the transportation system can accommodate the increased traffic generated by the project.

Program: The decision-maker should adopt a finding which addresses this factor as part of any decision.

Program: The decision-maker should require that new development projects incorporate TSM and/or TDM programs and/or transit improvements consistent with the Citywide Land Use-Transportation Policy.

13-2.2 Driveway access points onto arterials, and collector streets should be limited in number and be located to insure the smooth and safe flow of vehicles and bicycles.

Program: The decision-maker should require that new development projects incorporate such considerations.

NON-MOTORIZED TRANSPORTATION

The Plan provides for various modes of non-motorized transportation/circulation such as equestrian and bicycle riding. The Mobility Plan 2035 identifies a backbone bicycle network and support routes through the Community Plan area. The Community Plan establishes policies and standards to facilitate the development of a bicycle route system which is intended to compliment other transportation modes.

The Citywide Major Equestrian and Hiking Trails Plan identifies existing and proposed equestrian trails in the community and establishes trail standards and criteria. Existing equestrian trails are identified on the Community Plan Map. A system of trails is proposed, with the Hansen Dam area serving as a focal point, which will serve both recreational and circulation needs. The system should incorporate elements of the Rim of the Valley Corridor to connect important natural, historical and recreational areas. The Rim of the Valley Corridor is an interlocking system of hiking and equestrian trails connecting parks and open space lands around the San Fernando and La Crescenta Valleys.

GOAL 14 ***A SYSTEM OF SAFE, EFFICIENT AND ATTRACTIVE BICYCLE, PEDESTRIAN AND EQUESTRIAN FACILITIES.***

Objective 14-1 To promote an adequate system of safe bikeways for commuter, school and recreational use.

Policies

14-1.1 Plan for and encourage funding and construction of bicycle facilities connecting residential neighborhoods to schools, open space areas and employment centers.

Program: The Plan map identifies existing and proposed bicycle facilities. The Mobility Plan addresses concerns regarding bicycle use issues.

14-1.2 Identify bicycle facilities along arterials in the community.

Program: The City should implement the Mobility Plan.

14-1.3 Assure that local bicycle facilities are linked with the facilities of neighboring areas of the City.

Program: The Plan map identifies bicycle facilities which link with the bicycle facilities of adjacent communities.

14-1.4 Encourage the provision of changing rooms, showers, and bicycle storage at new and existing non-residential developments and public places.

Program: Through the inclusion of this policy in the Plan text, the Plan supports the provision of bicycle facilities particularly in pedestrian- oriented areas. This policy should be considered by decision makers when reviewing projects requiring discretionary action.

Objective 14-2 To provide for the maintenance, linkage and development of equestrian trails for recreational use.

Policies

14-2.1 Designate existing and proposed equestrian trails on the Plan Map as the community's backbone trail system to connect equestrian areas together to form a major trails system.

Program: The Plan Map depicts these trails and districts.

14-2.2 Existing unimproved roads should be considered for future equestrian trail inclusion when they are located in "equestrian" ("K") districts and in "RA" zoned areas that are developed in an equestrian oriented manner.

Program: Equestrian trails may occupy a part of street rights-of-way, being substituted for sidewalks along one side of the roadway.

14-2.3 Encourage the development of equestrian trails through residential areas appropriate for horsekeeping.

Program: All future subdivisions should provide access to the equestrian trail system in these areas.

Program: Equestrian trails may occupy a part of street rights-of-way, being substituted for sidewalks along one side of the roadway.

14-2.4 Existing trails should be protected from encroachment by incompatible land uses. New trails should be expanded where appropriate and feasible.

Program: Implement the proposed equestrian trails shown on the Community Plan Map.

Program: Implement the standards and criteria as indicated in the Major Equestrian and Hiking Trails Plan.

PARKING

The Plan recommends that efforts be made to develop City-owned (off-street) parking facilities in the Community Plan area so that an adequate supply of parking can be provided to meet the demand. City-owned parking lots should be located in or near commercial areas.

GOAL 15 ***A SUFFICIENT SYSTEM OF WELL-DESIGNED AND CONVENIENT ON-STREET PARKING FACILITIES THROUGHOUT THE PLAN AREA.***

Objective 15-1 To provide parking in appropriate locations in accord with Citywide standards and community needs.

Policies

15-1.1 Consolidate parking, where appropriate, to eliminate the number of ingress and egress points onto arterials.

Program: The Plan contains an Urban Design chapter which outlines guidelines for parking facilities.

15-1.2 New parking lots and garages should be developed in accordance with design standards.

Program: The Plan contains an Urban Design Chapter which outlines guidelines for parking facilities.

HISTORIC AND CULTURAL RESOURCES

This section provides a basis for preserving, enhancing, and maintaining sites and structures which have been deemed architecturally and historically significant. The City has designated two sites in the Community as Historic Cultural Monuments. These are Bolton Hall and McGroarty Home, which are identified on the Plan map.

GOAL 16 ***PRESERVATION AND RESTORATION OF CULTURAL RESOURCES, NEIGHBORHOODS, AND LANDMARKS WHICH HAVE HISTORICAL AND/OR CULTURAL SIGNIFICANCE.***

Objective 16-1 To ensure that the community's historically significant resources are protected, preserved, and/or enhanced.

Policies

16-1.1 Encourage the preservation, maintenance, enhancement, and reuse of existing historically significant buildings and the restoration of original facades.

Program: Continue identification of appropriate City designated historic and cultural monuments and preservation of those existing.

Program: Consider the need to establish a Historic Preservation Overlay Zone.

Objective 16-2 To encourage private owners of historic properties/resources to conserve the integrity of such resources.

Policies

16-2.1 Assist private owners of existing and future historic resources to maintain and/or enhance their properties in a manner that will preserve the integrity of such resources in the best possible condition.

Program: Adherence to the City's historic properties preservation ordinances and Cultural Heritage Board requirements for preservation and design. Implementation of design standards contained in the Urban Design chapter.

Program: Utilize City historic properties restoration programs which provide funding for renovating and/or reusing historic structures.

Chapter IV
COORDINATION OPPORTUNITIES FOR PUBLIC AGENCIES

Chapter 4 identifies actions which are recommended to be promoted by the City through the appropriate city departments and through other agencies including Federal, State and private sector entities to further the goals of the Plan. These are objectives or goals that the Planning Department does not have control over, but which involve issues that should be identified in the community plan and which help to reinforce the intent of the goals and objectives found in Chapter 3.

RECREATION AND PARK FACILITIES

1. The City Department of Recreation and Parks should work within the Los Angeles Unified School District to develop a program for shared use of school sites for both educational and recreation and park opportunities.

2. Encourage continuing efforts by County, State, and Federal agencies to acquire vacant land for publicly-owned open space.

3. Ensure that parks are adequately illuminated for safe use at night, as appropriate.

4. Coordinate with the Department of Recreation and Parks and the Police Department to insure adequate police patrols and "defensible space", where feasible, in the design of recreation and park facilities.

5. Promote the supervision of park activities and enforcement of codes restricting illegal activity.

6. Improve the utilization and development of recreational facilities at existing parks, as needed, and as funds become available.

7. Coordinate with City Departments, neighboring cities, and County, State, and Federal agencies to utilize existing public lands such as flood control channels, utility easements, and Department of Water and Power properties for such recreational uses as hiking, biking, and horseback riding where possible.

8. Plan and design the expansion of existing facilities and the acquisition of new sites to minimize the displacement of housing and the relocation of the residents.

9. Target the provisions of park and recreation facilities in areas with the greatest deficiencies.

10. Pursue resources to activate land that could be used for public recreation.

SCHOOLS

Consider large vacant parcels as a first alternative to accommodate the demand for new schools, if they are needed, prior to the displacement of existing uses.

LIBRARIES

1. Seek additional resources to maintain and expand library services to satisfy service demands to the Year 2010.

2. Develop a Citywide policy for locating non-English language permanent collections.

3. Support the efforts of the Library Department and the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon community to increase the service levels of the libraries so they are appropriate for the population.

POLICE PROTECTION

Support and encourage community-based crime prevention efforts such as Neighborhood Watch, regular interaction and coordination with existing community based policing, foot and bicycle patrols, and regular communication with neighborhood and civic organizations.

FIRE PROTECTION

Ensure that an adequate number and type of fire station and fire service personnel are maintained by periodically evaluating population growth, level of service, (response time and staffing) and fire hazards in the City.

HISTORIC PRESERVATION

Assist private owners of historic properties/resources to maintain and/or enhance their properties in a manner that will conserve the integrity of such resources in the best possible condition.

HOUSING

1. Locate senior citizen housing projects in neighborhoods within reasonable walking distance of health and community facilities, services, and public transportation.

2. Maintain and preserve the character and integrity of existing neighborhoods and encourage participation in self-help preventive maintenance to promote neighborhood conservation, beautification, and rehabilitation.

3. Improve the coordination of public services to support neighborhood conservation activities.

4. Ensure that the location of low and moderate income housing is equitably distributed throughout the Plan area predicated on a fair share basis in relationship to all other planning areas.

5. Encourage new and alternative housing concepts, as well as alternative materials and methods of construction, which are compatible with City Codes.

6. Allow for the assembly and trade of public land in order to encourage the construction of housing in appropriate locations within the Plan area.

7. Ensure that the development of housing units and emergency shelters is appropriately located.

8. Encourage the development of housing types intended to meet the special needs of senior citizens and the physically challenged.

INDUSTRIAL

1. Encourage and assist economic revitalization and reuse of older industrial properties for industrial uses through City, State, and Federal programs.

2. Assist in the aggregation of smaller, older sites to facilitate revitalization or reuse, where appropriate.

UTILITIES

Install utilities underground through assessment districts or other funding, when feasible.

EMPLOYMENT

1. Encourage businesses to participate in job training programs for local residents.

2. Develop employment opportunities for a wide range of jobs, skills, and wages.

3. Encourage and assist economic revitalization and the reuse of older industrial properties for industrial uses through City, State and Federal programs.

PUBLIC TRANSPORTATION

1. Coordinate with the Metropolitan Transportation Authority (MTA) to improve local bus service to and within the Community Plan area.

2. Coordinate with the City of Los Angeles Department of Transportation (LADOT) to improve commuter bus service and initiate community-based shuttle service.

3. Encourage the expansion of transit programs, wherever feasible, aimed at enhancing the mobility of senior citizens, disabled persons, and the transit-dependent population.

NON-MOTORIZED TRANSPORTATION

Encourage funding and construction of bicycle facilites connecting neighborhoods to schools, open space areas, and employment centers.

NATURAL DISASTERS

Natural disasters such as the 1971 Sylmar-San Fernando and the 1994 Northridge earthquakes, floods, and fires have and will continue to impact the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon community. City government, other governmental agencies, the private

sector, disaster relief agencies, and the citizens of the community should be encouraged to work together to minimize the impacts of a disaster in terms of land development practices, providing essential services, preventing transportation and communication blockages and to ensure that recovery will proceed as expeditiously as possible.

EARTHQUAKE PREPAREDNESS

The 1994 Northridge earthquake damaged portions of the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon area. The magnitude 6.8 (Richter Scale) earthquake caused extensive and widespread property damage to residences, businesses, nonprofit organizations, public facilities, and infrastructure including freeways, water lines, power lines, and natural gas lines. Recovery and rebuilding efforts have already begun following the Northridge earthquake and will continue over the next several years.

The Community Redevelopment Agency of the City of Los Angeles (CRA), as directed by the City Council in July 1994, established an Earthquake Disaster Assistance Program redevelopment plan. In the Community Plan area, the project area extends along Foothill Boulevard from Van Nuys Boulevard to Kagel Canyon Street. The five-year Plan provides disaster and recovery assistance in helping the community to rehabilitate from the effects of the January 1994 Northridge earthquake. The Project facilitates the redevelopment of properties; develops and implements job revitalization job creation, retention, and training; and encourages business attraction, retention, and expansion. The Plan requires that these redevelopment activities be consistent with the existing community plan but does not modify or broaden in any way existing City development and land use controls.

Chapter V
URBAN DESIGN

The Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan is made up of neighborhoods with distinctive characteristics. The purpose of this chapter is to lay out policies and standards for multiple residential, commercial and industrial projects, and for community design. This chapter is divided into three sections. The Design Policies section is directed at individual projects. The Community Design and Landscaping Guidelines section is directed at a community's use of streetscape improvements and landscaping in public spaces and rights-of-way. The Special and Unique Design Features section is directed at scenic highways.

The purpose of the document is to provide standards, designs, and guidelines to carry out the policies of this chapter for individual projects. It is intended for use by City staff in reviewing plans for development prior to the issuance of building permits.

The Design Policies in this chapter establish the minimum level of design that shall be observed in multiple-residential, commercial and industrial projects within the entire Plan Area. They also address design issues for parking and landscaping.
The administration of the policies and standards found in this chapter can be accomplished with the establishment of Community Design Overlay Districts (CDO'S), or Pedestrian-Oriented Districts (POD's), per the Supplemental Use District Section of the Zoning Code LAMC (Section 13.00).

GOALS AND PURPOSES

These design policies and standards are to ensure that residential, commercial and industrial projects and public spaces and rights-of-way incorporate specific elements of good design. The intent is to promote a stable and pleasant environment. In commercial corridors, the emphasis is on the provision and maintenance of the visual continuity of streetscapes and the creation of an environment that encourages pedestrian and economic activity. In multiple-family residential areas, the emphasis is on the promotion of architectural design that enhances the quality-of-life, living conditions and neighborhood pride.

The Design Policies in this chapter do not supersede the Design Provisions within the Foothill Boulevard Corridor Specific Plan. All projects within the Specific Plan boundary shall conform to the design requirements identified in the Specific Plan. These policies are complimentary to those implemented in the Specific Plan.

DESIGN POLICIES FOR INDIVIDUAL PROJECTS

COMMERCIAL

Site Planning

Structures shall be oriented toward the main commercial street where a parcel is located and shall avoid pedestrian/ vehicular conflicts by:

1. Locating surface parking to the rear of structures.

2. Minimizing the number of driveways providing access from arterials.

3. Maximizing retail and commercial service uses along street level frontages of commercial developments.

4. Providing front pedestrian entrances for businesses fronting on main commercial streets.

5. Providing through-arcades from the front of buildings to rear parking for projects with frontages.

6. Providing landscaping strips between driveways and walkways which access the rear of properties.

7. Providing speed bumps for driveways paralleling walkways for more than 50 linear feet.

8. Requiring site plans which include ancillary structures, service areas, pedestrian walkways, vehicular paths, loading areas, drop off and landscaped areas.

9. Providing where feasible, the undergrounding of new utility service.

Height and Building Design

The mass, proportion and scale of all new buildings and remodels shall be at a pedestrian scale. The design of all proposed projects shall be articulated to provide variation and visual interest, and enhance the streetscape by providing continuity and avoiding opportunities for graffiti. Building materials shall be employed to provide relief to untreated portions of exterior building facades. The purpose of these provisions is to ensure that a project does not result in large sterile expanses of building walls, is designed in harmony with the surrounding neighborhood, and create a stable environment with a pleasant and desirable character. Accordingly, the following policies are proposed:

1. Limiting height of structures to that required in the Specific Plan.

2. Requiring the use of articulations, recesses, surface perforations and/or porticoes to break up long, flat building facades and free standing walls.

3. Providing accenting and complementary building materials to building facades.

4. Maximizing the applications of architectural features or articulations to building facades.

5. Designating architecturally untreated facades for signage.

6. Screening of mechanical and electrical equipment from public view.

7. Screening of all rooftop equipment and non-architectural building appurtenances from public view.

8. Requiring the enclosure of trash areas for all projects.

Parking Structures

Parking structures shall be integrated with the design of the buildings they serve through:

1. Designing parking structure exteriors to match the style, materials and color of the main building.

2. Landscaping to screen parking structures not architecturally integrated with the main building(s).

3. Utilizing decorative walls and landscaping to buffer residential uses from parking structures.

4. Maximizing commercial uses on ground floors.

Surface Parking Landscaping

1. Requiring landscaping of surface parking lots as required in the Specific Plan.

2. Providing a landscaped buffer along public streets and/or adjoining residential uses.

Light and Glare

1. Installing on-site lighting along all pedestrian walkways and vehicular access ways.

2. Shielding and directing on-site lighting onto driveways and walkways, directed away from adjacent residential uses.

MULTIPLE RESIDENTIAL

Site Planning

All multiple residential projects of five or more units shall be designed around a landscaped focal point or courtyard to serve as an amenity for residents. Toward that goal, the following policies are proposed:

1. Providing a pedestrian entrance at the front of each project.

2. Requiring useable open space for outdoor activities, especially for children.

Design

The design of all buildings shall be of a quality and character that improves community appearances by avoiding excessive variety and monotonous repetition. Achievement of this can be accomplished through:

1. Requiring the use of articulations, recesses, surface perforations and/or porticoes to break up long, flat building facades.

2. Utilizing complementary building materials on building facades.

3. Incorporating varying design to provide definition for each floor.

4. Integrating building fixtures, awnings, security gates, into design of building(s).

5. Screening of all roof top equipment and building appurtenances from adjacent properties.

6. Requiring decorative, masonry walls to enclose trash.

Parking Structures

Parking structures shall be integrated with the design of the buildings they serve through:

1. Designing parking structure exteriors to match the style, materials and color of the main building.

2. Landscaping to screen parking structures not architecturally integrated with the main building.

3. Utilizing decorative walls and/or landscaping to buffer residential uses from parking structures.

INDUSTRIAL

Structures

1. Designing the site and building(s) to convey visual interest and to be visually compatible with adjacent uses.

2. Treating large expanses of blank walls and tilt-up concrete walls visible from the public right-of-way with contrasting complementary colors, building plane variation, murals, planters and/or other landscape elements to create visual interest.

3. Screening of mechanical and electrical equipment from public view.

4. Screening of all rooftop equipment and building appurtenances from public view.

5. Requiring the enclosure of trash areas for all projects.

6. Requiring freestanding walls to conform to the requirements of Section A.2b above.

Lighting

Directing exterior lighting onto the project site and locating flood lighting so as not to impact any surrounding residential uses.

COMMUNITY DESIGN AND LANDSCAPING STANDARS

In addition to the establishment of Design Standards for individual projects, a community's identity can be enhanced through improvements to the streetscape and landscaping of public spaces and rights-of-way. It is the intent of this section to establish a set of guidelines that will serve to improve the environment, both aesthetically and physically, as opportunities in the Community Plan area occur which involve public improvements or other public and/or private projects that affect public spaces and rights-of-way.

A sense of entry should be created for the community from adjacent cities and communities, that serves to define boundaries, edges, and unique attributes. Public spaces and rights- of-way should capitalize on existing physical access to differentiate the community as a unique place in the City.

The presence or absence of street trees is an important ingredient in the aesthetic quality of an area. Consistent use of appropriate street trees provides shade during hot summer months, emphasizes sidewalk activity by separating vehicle and pedestrian traffic, and creates an area-wide identity which distinguishes neighborhoods within the Community Plan area from each other.

The following improvements are recommended:

ENTRYWAY IMPROVEMENTS

Provide improvements along principal streets and at major identified intersections and edges which clearly distinguish these locations as major streetscapes and entries. Such improvements may include elements such as signage, landscaping, vertical pylons and/or other distinctive treatments.

STREETSCAPE

1. Provide for coordinated streetscape design at identified entries to the Plan Area that includes street lighting, street furniture, and sidewalk/crosswalk improvements in the public right-of-way.

2. Establish a comprehensive streetscape and landscape improvement program for identified corridors and districts that will set standards and priorities for the selection and installation of the following:

a. Street trees

b. Street lighting

c. Streetscape elements (sidewalk/cross walk paving, street furniture)

d. Public signage

3. Identify locations for, and develop landscaped median strips within commercial streets, provided that there is adequate space, traffic flow, site access, and the proper street cross section to insert the medians.

STREET TREES

Select species which:

1. Enhance the pedestrian character, and convey a distinctive high quality visual image for the streets.

2. Are drought and smog tolerant, and fire resistant.

3. Complement the existing street trees.

Establish a hierarchy for street trees which shall include:

1. Major Accent Trees. These trees should be located at entry location, intersections, and activity centers.

2. Street Trees. Select specific species to be the common tree for street frontages. A single flowering species may be selected for all residential neighborhoods and commercial districts or different species selected to distinguish one neighborhood, district, or street from another. In residential neighborhoods, the trees should be full, to provide shade and color. In commercial districts, the trees should provide shade, but be more transparent to promote views of store fronts and signs.

3. Ornamental or Special Plantings. At special areas along street frontages, such as linkages to pedestrian walkways and plazas and outdoor dining areas, ornamental trees providing shade and color should be utilized to emphasize and focus attention on those places.

STREET FURNITURE

Install street furniture that encourages pedestrian activity or physical and visual access to buildings and which is aesthetically pleasing, functional and comfortable. Street furniture may include such elements as bus and pedestrian benches, bus shelters, kiosks, trash receptacles, newspaper racks, bicycle racks, public telephones, landscaped planters, drinking fountains, and bollards. Priority should be given to pedestrian-oriented areas.

1. Install new street lights in commercial districts which are attractively designed, and compatible with facades and other street furniture, to

provide adequate visibility, security, and a festive night time environment.

2. Establish a consistent street lighting type utilizing a light standard that is compatible with the overall street furniture and graphics/signage program.

3. Any new street lighting or pedestrian lighting system built in the public right-of-way must be designed to currently adopted City standards. Equipment must be tested and approved by the Bureau of Street Lighting.

4. New lighting systems will be designed to minimize glare and "light trespass".

5. No new or replacement street tree shall be planted closer than 20' from an existing or proposed streetlight. Exceptions will be considered by the Bureau of Street Lighting after reviewing mature tree characteristics.

6. All new or replacement lighting systems require due process. Street lighting is installed through the formation of special assessment districts. Where any increase in special assessment is anticipated, public hearings are required.

7. Ornamental or historic poles can not be removed without the prior approval of the City's Cultural Affairs Commission.

SIDEWALKS/PAVING

1. Repave existing sidewalks and crosswalks where feasible and appropriate with brick pavers, concrete, or other safe, non-slip materials to create a distinctive pedestrian environment; and, for crosswalks, to visually and physically differentiate these from vehicle travel lanes and promote continuity between pedestrian sidewalks.

2. Develop sidewalk "pull-outs" at intersections, where they do not adversely impact traffic flow or safety, by extending the sidewalk to the depth of a parking stall to accommodate landscaping and street furniture and reduce the crosswalk width.

SIGNAGE

1. Establish a consistent design for all public signage, including fixture type, lettering, colors, symbols, and logos designed for specific areas or pathways.

2. Provide for distinctive signage which identifies principal entries to unique neighborhoods, historic structures, and public buildings and parks.

3. Assure that public signage complements and does not detract from adjacent commercial and residential uses.

4. Provide for signage which uniquely identifies the principal commercial areas.

PUBLIC OPEN SPACE AND PLAZAS

Establish public open space standards that will guide the design of new public plazas and open spaces. These standards should include the following:

1. Consideration of the siting of open space to maximize pedestrian accessibility and circulation.

2. Solar exposure or protection.

3. Adjacency to pedestrian routes and other open spaces.

4. Appropriate plant and hardscape materials.

SPECIAL AND UNIQUE DESIGN FEATURES

SCENIC HIGHWAYS

The Plan designates scenic highways which merit special controls for protection and enhancement of scenic resources. Stonehurst Avenue, La Tuna Canyon Road, Lopez Canyon Road, Wentworth Street, Big Tujunga Canyon Road, Sunland Boulevard and the Foothill Freeway are designated as Scenic Highways on the City's Scenic Highways Plan. These highways offer views of the San Gabriel Mountains, the Verdugo Mountains, the Tujunga Wash, Hansen Dam, and horse ranches.

The preservation and protection of these scenic corridors should be an integral part of the design of buildings and structures that are concentrated adjacent to or near these highways in order to maintain their existing, panoramic scenic views. Height restrictions, landscaping buffers, special landscape treatments, tree height limits, and sign controls may need to be imposed by discretionary land use decision-makers and by the Department of Building and Safety in order to maintain the integrity of these scenic highways.

Plans for development of the Scenic Corridors indicated in this Plan should also be prepared and implemented. These plans should include:

1. Roadway design.

2. Location and development of view sites and recreational areas.

3. Controls on use and intensity of use of lands within and/or adjacent to the Scenic Corridor.

4. Prohibition and/or control of signs and billboards.

5. Location of other necessary public facilities.

RICHARD RIORDAN, Mayor

James Kenneth Hahn, City Attorney

Rick Tuttle, Controller

CITY COUNCIL

John Ferraro, President

Richard Alarcon

Richard Alatorre

Hal Bernson

Laura Chick

Michael Feuer

Ruth Galanter

Jackie Goldberg

Mike Hernandez

Nate Holden

Cindy Miscikowski

Mark Ridley-Thomas

Rudy Svorinich, Jr.

Joel Wachs

Rita Walters

CITY PLANNING COMMISSION

Peter M. Weil, President

Robert L. Scott, Vice-President

Marna Schnabel

Nicholas H. Stonnington

Jorge Jackson

DEPARTMENT OF CITY PLANNING

Con Howe, Director of Planning

Franklin Eberhard, Deputy Director

Gordon B. Hamilton, Deputy Director

Robert H. Sutton, Deputy Director

COMMUNITY PLAN UPDATE

COMMUNITY PLANNING

Jack Sedwick, Principal City Planner

Frank Fielding, Senior City Planner

Phil Garofalo, City Planner

Ron Maben, City Planner

Joey Vasquez, City Planning Associate

GEOGRAPHIC INFORMATION SYSTEMS

Paul Burns, GIS Supervisor I

Carmen Miraflor, GIS Supervisor I

Daniel Garcia, GIS Specialist

Cecelia Hernandez, GIS Specialist

PUBLICATION

Gary Booher, City Planner

Jae H. Kim, Planning Assistant

Nelson Larios, Clerk Typist

P:\DIVISION\Commplan\PlnBk-PA\WPC Formatted Text\Sunland-Tujunga CPU.wpd

Updated May 2001

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
CITY PLANNING COMMISSION
—
MABEL CHANG
PRESIDENT
DAVID L. BURG
VICE-PRESIDENT
JOY ATKINSON
ERNESTO CARDENAS
SUSAN CLINE
MARY GEORGE
MICHAEL MAHDESIAN
BRADLEY MINDLIN
THOMAS E. SCHIFF
—
GABRIELE WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA

JAMES K. HAHN
MAYOR

EXECUTIVE OFFICES

CON HOWE
DIRECTOR
(213) 978-1271
FRANKLIN P. EBERHARD
DEPUTY DIRECTOR
(213) 978-1273
GORDON B. HAMILTON
DEPUTY DIRECTOR
(213) 978-1272
ROBERT H. SUTTON
DEPUTY DIRECTOR
(213) 978-1274
FAX: (213) 978-1275
INFORMATION
(213) 978-1270
www.lacity.org/PLN

April 21, 2005

All Interested Parties:

RAS INTERPRETATION TO COMMUNITY PLAN FOOTNOTES
DIRECTOR'S INTERPRETATION

Attached is a copy of the Department of City Planning's interpretation of Ordinance 174,999, effective January 15, 2003, which established the RAS Zones. This published interpretation becomes final and effective 20-days from the date of this communication unless an appeal to the City Planning Commission is filed within this time period. Appeals shall be filed in duplicate on forms provided at any of the following public offices of the Department of City Planning, along with the required filing fee:

Planning Department – Public Counter
201 North Figueroa Street, 3rd Floor
Los Angeles, CA 90012
Phone: (213) 482-7077

San Fernando Valley Office
6262 Van Nuys Boulevard
Van Nuys, CA 91401
Phone: (818) 374-5050

If you have any questions regarding this case, please contact Jane Blumenfeld at (213) 978-1372 of myself at (213) 978-1274.

Sincerely,

CON HOWE
Director of Planning

ROBERT H. SUTTON
Deputy Director

CH/RHS:hkt

Attachment

cc: Council Planning Deputies
Ray Chan, Building and Safety Department
David Kabashima, Department of City Planning
Jane Blumenfeld, Department of City Planning

April 21, 2005

RAS RELATIONSHIP TO COMMUNITY PLAN FOOTNOTES
DIRECTOR'S INTERPRETATION

All Interested Parties:

SUBJECT:

Inquiries have been made regarding potential conflicts between Footnotes on the Community Plans and the RAS 3 and RAS 4 (hereafter referred to as RAS) Zones.

BACKGROUND:

The Residential/Accessory Services Zones (RAS) allow a greater floor area than commercial zones and greater height than otherwise allowed in height district 1VL.

> "An example is:
> Where a traditional C2-1VL with a Commercial plan designation is limited to a 1.5:1 FAR and a 45 height limit, the RAS 3-1VL and RAS 4-1VL shall not exceed a 3:1 FAR and 50 feet in height in accordance with the LAMC 12.10.5, 12.11.5 and 12.21.1."

The Community Plans as recommend by the City Planning Commission and adopted by City Council are a general guide to development for the community and city as a whole. Rarely do the Community Plans specify special planning rights or restrictions for particular parcels.

Some community plan maps contain footnotes regarding height and floor area. Footnotes appear on the map legend next to the commercial land use categories or in some cases on specific properties or areas. The footnotes that are attached to the commercial land use categories generally relate in a broad-brushed manner to all areas of the plan designated for that particular use. Typically such footnotes are not site specific, and as such, do not relate to specific locations, blocks, or parcels within the community plan area.

> "An example of such a footnote which appears in most Community Plans reads:
> Footnote 1: 'Height District 1VL'
> This means all properties within the commercial land use category that have this footnote are limited to an FAR of 1.5:1 with a 45-foot height limit."

DISCUSSION:

When the City Council adopted the RAS Zones in 2002, their purpose was to promote mixed use development in the city's commercial zones, particularly in the commercial corridors which provide the greatest access to transit. In their adoption of the RAS Zones, the City Council recognized that

the additional floor area and height allowed by the RAS zones are necessary to make such primarily residential projects viable. However to protect the integrity of the Community Plans, the Council limited the residential density permitted in the RAS 3 and RAS 4 Zones to correspond to the residential densities permitted in the R3 and R4 Zones, respectively. Thus, they permitted RAS 3 and RAS 4 Zones in Plans that permit R4 and higher zoning but only permitted the RAS 3 Zone (and not RAS 4) in Plans that previously had R3 as the highest zoning category.

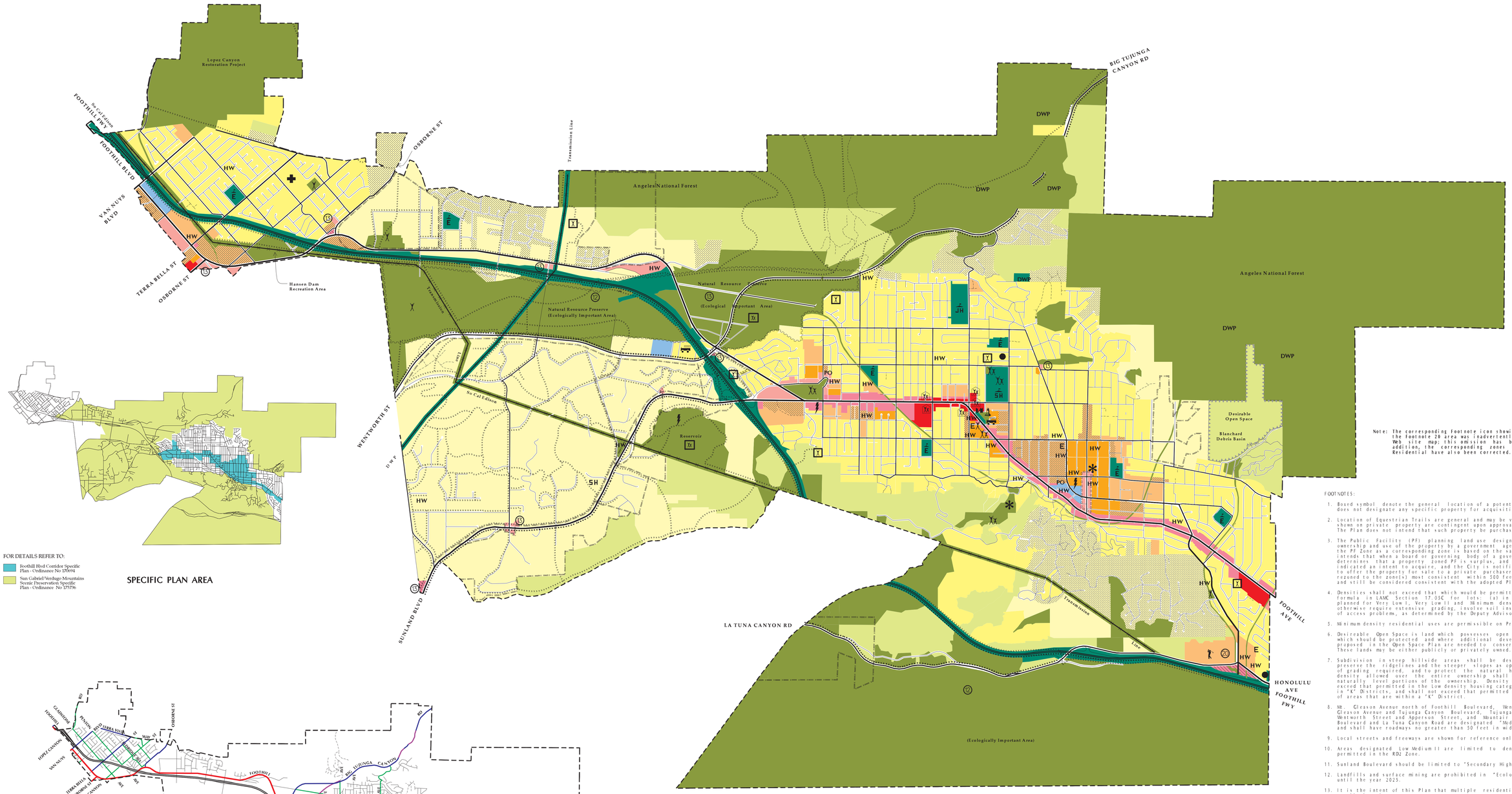
In one particular plan, the Plan Footnote on a Neighborhood Commercial area states:

"Floor Area Ratio 1:1."

In this specific situation it cannot be the intent of Council to allow a 3:1 FAR since they knowingly restricted the property to a 1:1 FAR.

INTERPRETATION:

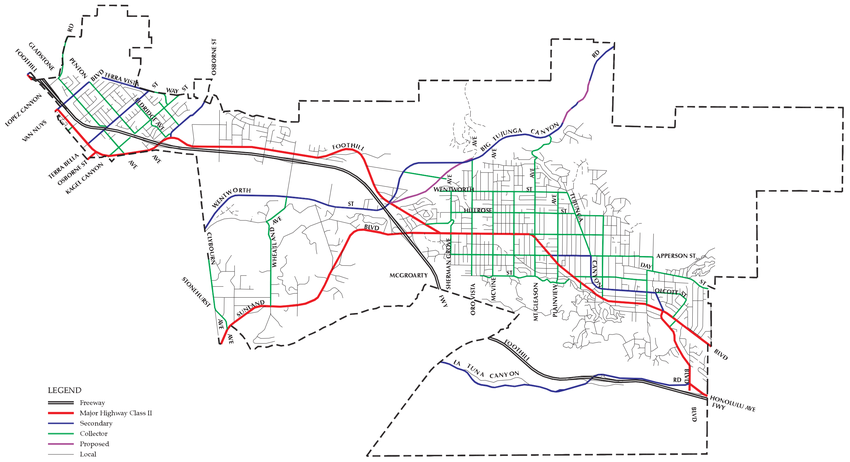
It is hereby interpreted that the RAS Zones can exceed a Community Plan Footnote when that footnote is general in nature and generally refers to all parcels under that plan category. Where there is a specific footnote that refers to (a) specific parcel(s) that is more restrictive, the RAS Zone would not be permitted without a corresponding Plan Amendment.



FOR DETAILS REFER TO:

- Foothill Blvd Corridor Specific Plan - Ordinance No 170694
- San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan - Ordinance No 175796

SPECIFIC PLAN AREA



GENERALIZED CIRCULATION
(See Note 'D')

Note: The corresponding Footnote icon showing the location of the Footnote 20 area was inadvertently omitted from the Web site map; this omission has been corrected. In addition, the corresponding zones for Low Medium I Residential have also been corrected.

FOOTNOTES:

1. Boxed symbol denote the general location of a potential facility. The symbol does not designate any specific property for acquisition.
2. Location of Equestrian Trails are general and may be varied as required. Trails shown on private property are contingent upon approval of the property owners. The Plan does not intend that such property be purchased by the City.
3. The Public Facility (PF) planning land use designation is premised on the ownership and use of the property by a government agency. The designation of the PF Zone as a corresponding zone is based on the same premise. The Plan also intends that when a board or governing body of a government agency officially determines that a property zoned PF is surplus, and no other public agency has indicated an intent to acquire, and the City is notified that the agency intends to offer the property for sale to a private purchaser, then the property may be rezoned to the zone(s) most consistent, within 300 feet of the property boundary and still be considered consistent with the adopted Plan.
4. Densities shall not exceed that which would be permitted using the slope density formula in LAMC Section 17.05C for lots: (a) in areas of steep topography planned for Very Low I, Very Low II and Minimum density; and, (b) which would otherwise require extensive grading, involve soil instability, erosion problems of access problems, as determined by the Deputy Advisory Agency.
5. Minimum density residential uses are permissible on Privately-owned open space.
6. Desireable Open Space is land which possesses open space in characteristics which should be protected and where additional development controls such as proposed in the Open Space Plan are needed to conserve such characteristics. These lands may be either publicly or privately owned.
7. Subdivision in steep hillside areas shall be designed in such a way as to preserve the ridgelines and the steeper slopes as open space, limit the amount of grading required, and to protect the natural hillside views. The total density allowed over the entire ownership shall be clustered in the more naturally level portions of the ownership. Density in the clusters shall not exceed that permitted in the Low density housing category for areas that are not in "K" Districts, and shall not exceed that permitted in the Very Low I category of areas that are within a "K" District.
8. Mt. Gleason Avenue north of Foothill Boulevard, Wentworth Street between Mt. Gleason Avenue and Tujunga Canyon Boulevard, Tujunga Canyon Boulevard between Wentworth Street and Apperson Street, and Mountain Avenue between Foothill Boulevard and La Tuna Canyon Road are designated "Modified Collector" streets and shall have roadways no greater than 50 feet in width.
9. Local streets and freeways are shown for reference only.
10. Areas designated Low Medium II are limited to density no greater than that permitted in the RD2 Zone.
11. Sunland Boulevard should be limited to "Secondary Highway" standards.
12. Landfills and surface mining are prohibited in "Ecologically Important" areas until the year 2025.
13. It is the intent of this Plan that multiple residential zoning not be permitted at this location.
14. Equinekeeping "K" Districts are for the purpose of fostering the preservation of horsekeeping areas. These districts should facilitate the keeping and riding of horses through the minimization of sidewalks and the provision of separated riding trails connected to equestrian Centers.
15. Development located between the Sunland-Tujunga-Lake View Terrace- Shadow Hills-La Tuna Canyon Community Plan boundary line on the south, the DWP right-of-way on the northeast, and Sunland Boulevard on the northwest having a natural average grade of 2:1 or steeper shall be limited to Minimum Density.
16. Height District No. 1VL.
17. Height District No. 1L.
18. Existing mobilehome parks are consistent with the Plan. Future mobilehome parks shall be consistent with the Plan when developed in the RMP Zone.
19. There shall be no grading of the principal ridge lines within the Plan boundaries. Designation of principal ridge lines shall be determined by the Advisory Agency.
20. Development should be limited to no greater than that permitted by the RD5 Zone and shall be detached housing. Slope density regulations shall apply to areas of this site having a 15% or greater slope.
21. The location and improvement of Big Tujunga Canyon Road from Oro Vista Avenue to Foothill Boulevard, presently shown along the southeast boundary of the Tujunga Wash, shall be determined by the final determination of CPC Nos. 96-0241 CU and 96-0241 CUB or its successor.
22. In Equinekeeping "K" District lots shall be 20,000 square feet or larger in size for new subdivisions or parcel maps.
23. Each Plan category permits all indicated corresponding zones as well as those zones referenced in the Los Angeles Municipal Code (LAMC) as permitted by such zones unless further restricted by adopted Specific Plans, specific conditions and/or limitations of project approval, Plan footnotes or other Plan map or text notations.

    Zones established in the LAMC subsequent to the adoption of the Plan shall not be deemed as corresponding to any particular Plan category unless the Plan is amended to so indicate.

    It is the intent of the Plan that the entitlements granted shall be one of the zone designations within the corresponding zones shown on the Plan, unless accompanied by a concurrent Plan Amendment.

* Bikeways are shown on the Citywide Bikeways System maps contained in the City's Bicycle Plan, a part of the Transportation Element of the General Plan, which was adopted by the City Council on August 6, 1996.

LAND USE

RESIDENTIAL

LOW DENSITY	CORRESPONDING ZONES
MINIMUM	OS,A1,A2,RE40
VERY LOW I	RE20,RA
VERY LOW II	RE15,RE11
LOW	RE9,RS,R1, RU

MULTIPLE FAMILY	CORRESPONDING ZONES
LOW MEDIUM I	R2,RD3,RD4,RD5,RD6 RZ3,RZ4,RU,RV1
LOW MEDIUM II [10]	RD1.5,RD2,RW2 RZ2.5
MEDIUM	R3

COMMERCIAL

NEIGHBORHOOD [15]	C1,C1.5,C2, C4,RAS3
LIMITED [16]	CR,C1,RAS3, P
GENERAL [16,17]	C1.5,C2,C4, RAS3
COMMUNITY [16,17]	CR,C2,C4, RAS3

INDUSTRIAL

LIMITED	CM,MR1,M1

OPEN SPACE/ PUBLIC FACILITIES

OPEN [4] SPACE	OS,A1
PUBLIC [3] FACILITIES	PF

CIRCULATION

- Scenic Freeway [9]
- Scenic Major Highway II
- Scenic Secondary Highway
- Major Highway II
- Secondary Highway
- Collector Street [8]
- Local Street [9]
- Private Street
- Equestrian Trail [2]

SPECIAL BOUNDARY

- Natural Resources Preserve
- Desirable Open Space [6]
- Commercial Area
- Horsekeeping Districts
- Transmission Line

ADMINISTRATIVE BOUNDARY

- Community Boundary
- City Boundary

NOTES:

[1] Proposed

SERVICE SYSTEMS [1]

SCHOOL SITES

- E — Public Elementary School
- JH — Public Junior High School
- SH — Public Senior High School
- E — Private Elementary School
- SH — Private Senior High School

RECREATIONAL SITES

- Neighborhood Park
- Community Park
- Public Golf Course

OTHER FACILITIES

- Community Center
- Branch Administrative Center
- Community Library
- Fire Station
- Health Center/ Medical Facility
- HW — House Of Worship
- Water Tank
- Cultural and Historical Site
- PO — Post Office
- DWP — Water and Power Property
- Power Distribution Station

Notes :

A. The text of the Community Plan can be accessed on the City Of Los Angeles' Web Page (www.lacity.org/PLN).
B. Other Special Area Maps may not be included on this document.
C. Parcel level information (plan designation and zoning) can be found on the City Of Los Angeles' ZIMAS Map Automation Web Site.
D. Generalized Circulation is for reference only. For detailed information, see the "Street and Highway Designation" maps prepared and maintained by Public Works/Bureau of Engineering.

Disclaimer : The City Of Los Angeles is neither responsible nor liable for any inaccuracies, errors or omissions with respect to the material contained on this map. This map and all materials contained on it are distributed and transmitted "as is" without warranties of any kind, either express or implied, including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. The City Of Los Angeles is not responsible for any special, indirect, incidental, or consequential damages that may arise from the use of, or the inability to use, the map and/or the materials contained on the map whether the materials contained on the map are provided by the City Of Los Angeles, or a third party.

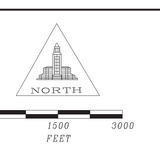
GENERAL PLAN LAND USE MAP (as of September 14 2007)

SUNLAND - TUJUNGA - LAKEVIEW TERRACE - SHADOW HILLS - EAST LA TUNA CANYON COMMUNITY PLAN

A PART OF THE GENERAL PLAN OF THE CITY OF LOS ANGELES

City Of Los Angeles - City Planning Department - Systems And GIS Division Con Howe - Director





PLOT DATE : 04/22/10

DATA SOURCES:
LANDUSE (gp map) patb1 : SLDgdbGENPLAN(from MNT.GENPLANDPLY06$ggisdb.sde)
LANDUSE (gp map) patb2 : NA ' '
LANDUSE (gp map) patb3 : NA ' '

CL cplu cover : x:\cplu\gpdata\SLD
MISC cplu cover : x:\cplu\gpdata\SLD
MAPS cplu cover : x:\cplu\gpdata\SLD

BSANNO cplu cover : x:\cplu\gpdata\SLD
BSICONS cplu cover : x:\cplu\gpdata\SLD
LUmask cover : x:\cplu\gpdata\SLD

LAND USE

RESIDENTIAL

LOW DENSITY	CORRESPONDING ZONES
MINIMUM	OS, A1, A2, RE40
VERY LOW I	RE20, RA
VERY LOW II	RE15, RE11
LOW	RE9, RS, R1, RU

MULTIPLE FAMILY	CORRESPONDING ZONES
LOW MEDIUM I	R2, RD3, RD4, RD5, RD6 RZ3, RZ4, RU, RW1
LOW MEDIUM II [10]	RD1.5, RD2, RW2 RZ2.5
MEDIUM	R3

COMMERCIAL

NEIGHBORHOOD [16]	C1, C1.5, C2, C4, RAS3
LIMITED [16]	CR, C1, RAS3, P
GENERAL [16,17]	C1.5, C2, C4, RAS3
COMMUNITY [16,17]	CR, C2, C4, RAS3

INDUSTRIAL

LIMITED	CM, MR1, M1

OPEN SPACE/ PUBLIC FACILITIES

OPEN SPACE [5]	OS, A1
PUBLIC FACILITIES [3]	PF

CIRCULATION

- Scenic Freeway [9]
- Scenic Major Highway II
- Scenic Secondary Highway
- Major Highway II
- Secondary Highway
- Collector Street [8]
- Local Street [9]
- Private Street
- Equestrian Trail [2]

SPECIAL BOUNDARY

- Natural Resources Preserve
- Desirable Open Space [6]
- Commercial Area
- Horsekeeping Districts
- Transmission Line

ADMINISTRATIVE BOUNDARY

- Community Boundary
- City Boundary

NOTES:

□ Proposed [1]

SERVICE SYSTEMS [1]

SCHOOL SITES

- E — Public Elementary School
- JH — Public Junior High School
- SH — Public Senior High School
- E — Private Elementary School
- SH — Private Senior High School

RECREATIONAL SITES

- Neighborhood Park
- Community Park
- Public Golf Course

OTHER FACILITIES

- Community Center
- Branch Administrative Center
- Community Library
- Fire Station
- Health Center/ Medical Facility
- HW — House Of Worship
- Water Tank
- Cultural and Historical Site
- PO — Post Office
- DWP — Water and Power Property
- Power Distribution Station

Footnotes from Map:

4. Densities shall not exceed that which would be permitted using the slope density formula in LAMC Section 17.05C for lots: (a) in areas of steep topography planned for Very Low I, Very Low II and Minimum density; and, (b) which would otherwise require extensive grading, involve soil instability erosion problems of access problems, as determined by the Deputy Advisory Agency.

20. Development should be limited to no greater than that permitted by the RD5 Zone and shall be detached housing. Slope density regulations shall apply to areas of this site having a 15% or greater slope.

Exhibit B

FILED
Superior Court of California
County of Los Angeles
SEP 24 2020
Sherri R. Carter, Executive Officer/Clerk
By _____, Deputy

District Square, LLC v. City of Los Angeles, 20STCP00654

~~Tentative~~ decision on: (1) motion to strike: granted; (2) petition for writ of mandate: granted

Petitioner District Square, LLC ("District Square") seeks a writ of mandate directing Respondent City of Los Angeles ("City") to set aside its decision denying Petitioner's proposal to construct a housing development project ("Project"). Petitioner separately moves to strike the Letter of Determination ("LOD") from the Administrative Record found at AR 628-38.

The court has read and considered the moving papers, oppositions, and replies, and renders the following tentative decision.

A. Statement of the Case

Petitioner District Square commenced this proceeding on February 14, 2020. The Petition alleges in pertinent part as follows.

Petitioner proposed to construct the Project, consisting of 577 housing units in a mixed-use building at 3650-3700 South Crenshaw Boulevard and 3450-3500 Obama Boulevard (the "Property"). The Project is consistent with all of the development regulations of both the Crenshaw Corridor Community Plan ("Specific Plan") and the Los Angeles Municipal Code ("LAMC"). The Project does not benefit from any legally permitted development incentives or density bonuses under either the State Density Bonus Law or the City's Transit Oriented Communities ("TOC") Program. The proposed 577 units fall considerably below the allowable base density (722 units) permitted by the underlying zoning and the maximum development potential under the TOC Program (1,302 units). Petitioner voluntarily agreed to restrict 11% of the Project units (63 units) for workforce housing at deed-restricted reduced rent levels for a 30-year covenant period.

The Director of Planning ("Director") approved the Project on June 28, 2019. The Project approval was appealed by a group of development opponents, who successfully convinced the South Los Angeles Area Planning Commission ("APC") to reverse the Director's approval.

The APC violated the Housing Accountability Act ("HAA") when it granted the appeal and denied the Project. The APC—over the objections of its Planning staff and the advice of the Deputy City Attorney—ignored the mandate of the HAA restraining the ability of local governments to deny housing development projects. The HAA demands approval when a proposed housing development project complies with applicable objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete. The APC did not attempt to justify its decision under the HAA, did not make a single public health and safety finding—a necessary HAA predicate for denying a code-compliant housing development—and issued no written findings at all.

The APC abused its discretion by granting the appeal because it failed to proceed in the manner required by law, its decision is not supported by a preponderance of the evidence, no findings were made to support the decision reached, and it applied an erroneous standard by failing to articulate how the preponderance of the evidence (as required by the HAA) supported its

decision.

B. Standard of Review

CCP section 1094.5 is the administrative mandamus provision which structures the procedure for judicial review of adjudicatory decisions rendered by administrative agencies. Topanga Association for a Scenic Community v. County of Los Angeles, ("Topanga") (1974) 11 Cal.3d 506, 514-15. The pertinent issues under section 1094.5 are (1) whether the respondent has proceeded without jurisdiction, (2) whether there was a fair trial, and (3) whether there was a prejudicial abuse of discretion. CCP §1094.5(b). An abuse of discretion is established if the respondent has not proceeded in the manner required by law, the decision is not supported by the findings, or the findings are not supported by the evidence. CCP §1094.5(c).

CCP section 1094.5 does not in its face specify which cases are subject to independent review of evidentiary findings. Fukuda v. City of Angels, (1999) 20 Cal.4th 805, 811. Instead, that issue was left to the courts. In cases other than those requiring the court to exercise its independent judgment, the substantial evidence test applies. CCP §1094.5(c). Land use decisions do not typically involve vested rights requiring independent review. *See* PMI Mortgage Insurance Co. v. City of Pacific Grove, (1981) 128 Cal.App.3d 724, 729. The granting of a permit or variance does not infringe on the fundamental vested rights of adjoining property owners. Bakman v. Dept. of Transportation, (1979) 99 Cal.App.3d 665, 689-90. A landowner does not have either an easement for air and light in the absence of an express covenant (Katcher v. Home Savings & Loan Assn, (1966) 245 Cal.App.2d 425, 429), and there is no vested right in the enforcement of a zoning ordinance. Hermosa Beach Stop Oil Coalition v. City of Hermosa Beach, (2001) 86 Cal.App.4th 534, 552.

"Substantial evidence" is relevant evidence that a reasonable mind might accept as adequate to support a conclusion (California Youth Authority v. State Personnel Board, (2002) 104 Cal.App.4th 575, 585) or evidence of ponderable legal significance, which is reasonable in nature, credible and of solid value. Mohilef v. Janovici, (1996) 51 Cal.App.4th 267, 305, n.28. The trial court considers all evidence in the administrative record, including evidence that detracts from evidence supporting the agency's decision. California Youth Authority, *supra*, 104 Cal.App.4th at 585.

An agency is presumed to have regularly performed its official duties (Evid. Code §664), and the petitioner seeking administrative mandamus therefore has the burden of proof. Steele v. Los Angeles County Civil Service Commission, (1958) 166 Cal.App.2d 129, 137; Afford v. Pierno, (1972) 27 Cal.App.3d 682, 691 ("[T]he burden of proof falls upon the party attacking the administrative decision to demonstrate wherein the proceedings were unfair, in excess of jurisdiction or showed prejudicial abuse of discretion).

The agency's decision at the hearing must be based on the evidence. Board of Medical Quality Assurance v. Superior Court, (1977) 73 Cal.App.3d 860, 862. The decision-maker is only required to issue findings that give enough explanation so that parties may determine whether, and upon what basis, to review the decision. Topanga, *supra*, 11 Cal.3d at 514-15. Implicit in CCP section 1094.5 is a requirement that the agency set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order. Id.

C. Governing Law

1. Housing Accountability Act

The Legislature adopted the HAA in 1982 to "significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters." Gov't Code[1] §65589.5(a)(2)(K).

The Legislature significantly amended the HAA, effective January 1, 2018, to strengthen its provisions, expand its applicability, and increase local governments' liability for violations. The HAA found that California is in the midst of a housing crisis that is "partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing," §65589.5(a)(1)(B). The HAA should be "interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing." §65589.5(a)(2)(L).

Nothing in the HAA relieves the local agency from complying with, *inter alia*, the California Environmental Quality Act ("CEQA"). §65589.5(e).

A housing development project "shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity." §65589.5(f)(1)(4).

Section 65589.5(j)(1) provides:

> "When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:
>
> (A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
>
> (B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density." (emphasis added).

---

[1] All further statutory references are to the Government Code unless otherwise stated.

The HAA defines a "specific, adverse impact" as a "significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete." §65589.5(j)(1)(A). The Legislature's intent is that conditions that would have a specific, adverse impact upon the public health and safety should arise infrequently. §65589.5(a)(3).

If a permitting agency considers a proposed housing development project to be inconsistent with "an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision," it must provide the applicant with written documentation identifying and explaining the claimed inconsistency within either 30 or 60 days of the submittal of a complete application, depending upon the size of the project. §65589.5(j)(2)(A). Absent timely notice, the project is deemed to be in compliance with all applicable standards as a matter of law. §65589.5(j)(2)(B).

If the court finds that an agency acted in bad faith in disapproving a project in violation of the HAA, the appropriate remedy is an "order or judgment directing the local agency to approve the housing development project." §65589.5(k)(1)(A)(ii). "Bad faith" "includes, but is not limited to, an action that is frivolous or otherwise entirely without merit." §65589.5(l).

Section 65589.5(j) applies to market rate housing as well as affordable housing. Honchariw v. County of Stanislaus, ("Honchariw") (2011) 200 Cal.App.4th 1066, 1070. The HAA Act applies to all residential housing developments and takes away an agency's ability to deny residential projects based upon subjective development policies. Id. at 1072-77.

The City bears the burden of proving that its decision conforms to the conditions specified in section 65589.5. §65589.6.

2. SB 743 CEQA Exemption

The SB 743 statutory CEQA exemption applies to residential and mixed-use projects that are: (1) proposed within a transit priority area; (2) undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified; and (3) consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the State Air Resources Board has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emissions reduction targets. Pub. Res. Code §21155.4.

D. Statement of Facts[2]

1. The Project

Petitioner District Square owns the Property, which is currently vacant. AR 229. The Property is adjacent to major transit stops and within 500 feet of the Metro Expo Line's Crenshaw Station and across Obama Boulevard from the planned location of a new station along the Metro

[2] Both Petitioner and the City request judicial notice of (1) LAMC section 11.5.7 (Exs. 1, A), (2) LAMC section 16.05 (Exs. 2, B). Petitioner also requests judicial notice of City Charter section 245 (Ex. 3). The City also requests judicial notice of the Southern California Association of Governments' 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (Ex. C). The requests are granted. Evid. Code §452(b), (c).

Crenshaw/LAX light rail line currently under construction. AR 423, 428. The Property is zoned C2-2D-SP, designated for Regional Commercial uses, and located within Subarea A of the Specific Plan (the West Adams-Baldwin Hills-Leimert Community Plan), a designated TOD area. AR 423. The Property is surrounded by a mix of commercial and residential uses. AR 423.

On June 4, 2018, Petitioner submitted an application for approval of a Project Permit Compliance Review under LAMC section 11.5.7 and Site Plan Review under LAMC section 16.05 to permit the construction of the Project. AR 127.

On January 2, 2019, the City formally deemed the Project application to be complete, stating that the next major milestone would be completion of CEQA environmental review after the City determined the appropriate environmental analysis for the Project. AR 227.

Petitioner filed a revised application in February 2019, making adjustments to the amount of proposed square footage and units to be built. AR 229. As revised, the Project consisted of an approximately 648,157 square foot mixed-use Project containing 577 residential units and 93,016 square feet of commercial floor area in a 75-foot tall, six-story building with 934 parking spaces in one subterranean level and one ground level. AR 229.

2. The Director's Decision

On June 28, 2019, the Director approved the Project Permit Compliance and a Site Plan Review for the Project. AR 473.

The Director found the Project to be statutorily exempt from CEQA pursuant to the SB 743 Statutory Exemption. Pub. Res. Code §21155.4. AR 473. The Project is located in a transit priority area, is consistent with the Specific Plan, and is consistent with the Southern California Association of Governments' 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS"). AR 428.

For Project Permit Compliance, the Director found that the Project substantially complies with the applicable regulations, findings, standards, and provisions of the Specific Plan. AR 424-27.

For the Site Plan Review, the Director found that the Project meets the requirements for Site Plan Review in that (a) it is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable Specific Plan (AR 429-34), (b) consists of an arrangement of buildings and structures that will be compatible with existing and future development on adjacent and neighboring properties (AR 435-36), and (c) provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties. AR 437.

3. The Appeals

On July 12, 2019, two appeals were filed challenging the Director's approval of the Project. One appeal was filed by Damien Goodmon and the Crenshaw Subway Coalition ("Goodmon") (AR 621-27), and a second appeal was filed by Lori Higgins ("Higgins"). AR 617-20.

Goodmon's appeal asserted that the Project fails to meet the requirements for Site Plan Review and Project Plan Review compliance and also violates, among other things, the Specific Plan, the General Plan, CEQA, SB 743, and the Specific Plan. AR 625. Goodmon contended that the Project is part of a pattern and practice on behalf of the City to intentionally displace and discriminate against low-income minority residents. AR 625.

Higgins' appeal stated that she had not received any notification of the changes to the site plan, which she alleged were significant. AR 620. The changes would negatively affect Higgins and other residences of the area and they should have been notified of the changes at the time they were submitted. AR 620.

Petitioner District Square's counsel responded in a letter dated November 13, 2019, explaining why the HAA compels the approval of the Project. AR 594-98. The letter noted that the HAA provides for private enforcement, a court may order a city to approve a project if it acts in bad faith to disapprove the project, and that the plaintiff would be awarded attorney's fees except in an unusual circumstance. AR 596-97.

The Project received support from community organizations. AR 550, 561, 562, 565, 568, 570, 572, 589.

The Planning Department issued a staff report addressing the appeal issues, recommending that the APC deny the appeals and sustain the Director's Determination. AR 600-16. The report reiterated the Director's previous findings that the Project meets Site Plan Review and Project Permit Compliance requirements, including substantial compliance with the General Plan and the Specific Plan. AR 607-09. The Project also meets the requirements for the SB 743 CEQA exemption. AR 610-12.

4. The APC Hearings

a. September 17, 2019

The APC heard the Goodmon and Higgins appeals on September 17, 2019. AR 1164-89. Albert Lord ("Lord"), a deputy to City Council President Herb Wesson, spoke on behalf of Goodmon, expressing concern that the Project was a six-story development of 577 luxury apartment units and would be unaffordable to the neighborhood's current residents and result in increased rent prices and displacement. AR 1169-72. He advocated that the neighborhood needs retail stores, not residential development that will push existing tenants out. AR 1171.

Higgins also spoke, expressing her concern about the Project's height and parking adequacy, which was literally in her backyard. AR 1179. She also argued that local homeowners should have been given input and the Project "tears into the fabric of the distinctly historical Leimert Parking Community". AR 1181. She advocated for issues of permitted parking, a sound barrier, traffic mitigation and construction mitigation. AR 1182.

Planning Department staff presented the findings and conclusions that the Director relied upon in issuing his approval of the Project. AR 1172-78. He noted that the Project complies with the Specific Plan and substantially complies with the Site Plan Review process, neither of which required a public hearing. AR 1176. The Project's 577 units would not cause direct displacement and did not seek any development incentives by the zoning and Specific Plan requirements; therefore, no affordable units were covenanted. AR 1177. He further noted that the Project was exempt under SB 743. AR 1177.

With District Square's consent, the hearing was continued to November 19, 2019. AR 1187-88.

b. November 19, 2019

On November 19, 2019, Planning Department staff, with legal assistance from the Deputy City Attorney, spoke in favor of the Project, summarizing the staff report and recommending

denial of the appeals. AR 1196-1205. The Deputy City Attorney explained the SB 743 exemption, including that a qualifying project is covered by the EIR analysis of the Specific Plan as a matter of law. AR 1204. He further explained that the Project meets the Southern California Association of Government's ("SCAGs") planning document criteria (RTP/SCS) because it is within the zoning and Special Plan and the developer was not asking for any exceptions or variances. AR 1204-05.

Goodmon argued that the Project developer was literally on trial for bribing a public official. AR 1205. He contended that the Project does not meet the RTP/SCS criteria because people from low-income communities may face displacement because gentrification places market pressure on people to relocate. AR 1206. This would lead to transit dependent people moving away from the very transit facilities that are built for them. AR 1206-07. The RTP/SCS recommends that agencies be sensitive to the possibility of gentrification and employ strategies to mitigate potential negative impacts and are encouraged to pursue the production of permanent affordable housing by deed restrictions. AR 1207. Goodmon contended that the Project violated the RTP/SCS and this alone was legal justification for the appeal. AR 1207, 1239.

Goodmon further argue that the Project should not be found to be statutorily exempt from CEQA pursuant to the SB 743 Statutory Exemption because the City did not have any published SB 743 policies. AR 1208. There are multiple Special Plan policies violated by the Project, including LU 11 and LU 63-8. The Project area is an area identified by the City as an area at a high risk for displacement. AR 1208. An income of over $120,000 per year is required to afford a market rate apartment unit like those proposed by the Project, while the median household income in the area is approximately $37,000-$44,000. AR 1209. There is a connection between indirect displacement from projects of this scale and the surrounding area. AR 1238-39. There are other violations such as inadequate infrastructure. AR 1210. 1237-39.

Lord read a document from City Council President Wesson advocating that luxury apartments are designed to strengthen the economy and neighborhoods, but too many of these developments are being built in neighborhoods that have suffered disinvestment for reasons of "discrimination and racism in the banking and real estate industry." AR 1211. Development projects should help build an area in need of economic investment and not force out longtime residents. AR 1211. The area needs affordable housing, not this Project. AR 1212.

Higgins testified that the Project was egregious, has doubled in size, is in her backyard, and is a behemoth. AR 1213.

Several other members of the public testified that the Project's lack of affordable housing would cause displacement of residents currently living in the area. AR 1224-29, 1231-35. Housing developments like the Project cause residents to leave their communities because they can no longer afford the rent in that particular area (AR 1226), people in the Project area do not earn incomes needed to afford market-rate rent (AR 1227, 1229), affordable housing is needed to avoid displacement (AR 1233), and the Project area is suffering from homelessness (AR 1235).

District Square's representative spoke, summarizing the key features of the Project, noting that the Project site is vacant and the Project conforms with each development standard and design guideline of the Specific Plan. AR 1215. The Project provides for commercial retail spaces, open space, and residential units in five distinct building block pattern. AR 1216. With respect to the RTP/SCS, he noted that its policies promote transit-oriented development and the Project provides new housing directly across from a rail station and meets those policies. AR 1218. He noted that

no affordable housing is required for the Project under the Specific Plan, the LAMC, or any law. AR 1219. Notwithstanding, the applicant is voluntarily offering to restrict 11% of the units (63) to workforce housing, which would ensure that rents for those units would be fixed for an extended period and subject to City oversight. AR 1219. He also warned that the HAA prevented it from denying Project approval unless it made written findings of a direct and unavoidable impact on public health or safety and the APC had no evidence to make such findings. AR 1221.

The Deputy City Attorney explained to the commissioners that the Project could only be denied if the Commission found, based upon a preponderance of evidence in the record, that the Project would entail significant health or safety impacts that could not be mitigated other than by denying the Project. AR 1242-48. He indicated that the existing record would not support a claim that homelessness, gentrification, and displacement meets the HAA requirement of an adverse health or safety impact because it is too vague, and the APC should seek a continuance if it wanted to obtain information on that subject. AR 1244. He explained that the HAA limtis the ability of local governments to reject housing developments without making written findings and warned the APC that a violation of the HAA could result in attorney's fees and penalties. AR 1246-47. He advised the APC to give staff an opportunity to develop more information, but the applicant would have to agree. AR 1247-48. The applicant declined a continuance. AR 1249.

Planning staff reiterated that the Project is consistent with all applicable zoning and General Plan criteria as set forth in the Planning Director's determination. AR 1250-51. The Project seeks no incentives and staff cannot make findings arbitrarily and require affordable housing. AR 1250-51. Gentrification and displacement are looked at for the particular project and this Project is vacant and involves no direct displacement. AR 1252.

The deliberations commenced with Commissioner Willis:

> "I believe, due to the fact that this Project is a mixed-use project, it will not benefit our community due to the fact that it does not have any affordable housing for our residents. Therefore, the Project is not congruent to the South Los Angeles plan. It will weaken our community economically. Now the applicant mentioned that affordable housing is not a prerequisite or a requirement. I think that it should be a strong consideration for the residents in our community economically." AR 1252 (emphasis added).

Commissioner Anderson stated that she "agree[d] with" Commissioner Willis "no matter what the laws that are written, you have to be about the people. I see no empathy in the applicant at all. It's all about the policies that are written. And so we need to go back and look at and see what gentrification is doing. AR 1253.

Commissioner Stern concluded that the Project was not compatible with the Specific Plan's policies to create "a compatible and harmonious relationship between residential and commercial development" and "quality of life for the City's existing and future residents." AR 1255.

The Deputy City Attorney attempted to intervene and suggested that the APC take a break so that he and the commissioners could discuss how "to articulate how you can satisfy both of these findings and mak[e] sure that we can identify the information that we do have available to support the direction you're trying to go." AR 1255-56.

The APC did not do so. Instead, Commissioner Anderson then made a motion to "grant the appeal and overturn the Planning Director's determination, because it doesn't provide affordable housing for residents, therefore there is no economic growth in our community." AR 1256. The motion was seconded by Commissioner Willis and unanimously approved. AR 1256.

The APC's minutes, signed by the commissioners on or about November 19, 2019, reflect that the APC granted the appeals and overturned the Director's approvals of the Project Permit Compliance and Site Plan Review. AR 1194.

5. The LOD

On May 15, 2020, the APC issued the LOD[3] discussing denial of the Project. AR 628-38. The LOD summarized the testimony given at the hearing and included findings for the Project's non-compliance with the General Plan, the Specific Plan, and the RTP/SCS. AR 631-36. The LOD also found that, because the Project did not sufficiently account for concerns of gentrification and displacement, it did not comply with the goals and policies of the Specific Plan and did not qualify for the requirements for the SB 743 CEQA exemption. AR 631-36.

E. Petitioner's Motion to Strike

Petitioner District Square moves to strike the LOD (AR 628-38) from the Administrative Record, asserting that it is a fabrication created after-the-fact to justify the APC's decision and cannot be considered a "final decision" for the purposes of CCP section 1094.6(c). Petitioner argues there is no evidence the APC ever adopted the LOD, which does not reflect the APC's findings. Mot. at 5, 7. Petitioner also asserts that the APC lost jurisdiction over the appeal by the time the LOD was mailed. Mot. at 6.

The administrative record in a mandamus case shall include the transcript of the proceedings, all pleadings, all notices and orders, any proposed decision by a hearing officer, the final decision, all admitted exhibits, all rejected exhibits in the possession of the local agency or its commission, board, officer, or agent, all written evidence, and any other papers in the case. CCP §1094.6(c).

The court shall (a) strike out any irrelevant, false, or improper matter inserted in any pleading; and (b) strike out all or any part of any pleading not drawn or filed in conformity with the laws of this state, a court rule, or an order of the court. CCP §436.

1. The LOD Is Not the APC's Findings

Petitioner contends that the APC was the decision-maker for the appeal and the LOD must be stricken because there is no evidence that the APC approved it. Mot. at 5-6; Reply at 4-5. Petitioner notes (Mot. at 6; Reply at 4-5) that the LOD is not signed by any of the APC commissioners and only bears the signature of an Executive Assistant. AR 630. A single planner apparently drafted the LOD to bolster the APC decision and there is no indication that it was ever reviewed or discussed by the APC. Samimi Decl., ¶¶ 4-6, Exs. 2-3.

Petitioner also asserts that the LOD does not actually reflect the findings made by the APC at the November 19, 2019 hearing, and it also includes findings that the APC did not consider.

---

[3] As discussed *post*, Petitioner's motion to strike the LOD from the Administrative Record is granted and the LOD is only included for completeness of the discussion.

The most egregious example is that the LOD states that the APC determined that the Project is not exempt under CEQA (AR 633), but the APC never even mentioned CEQA or CEQA issues. AR 1252-56. Mot. at 7-8; Reply at 2-4. While the APC commissioners overturned the Project's approval based on their concerns about gentrification, the transcript of the proceedings reflects that they never rejected the Director's adoption of the CEQA exemption. *See* AR 1196-1258. The commissioners similarly did not reference the specific provisions of the General and Specific Plans identified in the LOD. AR 1252-56.

An agency's quasi-judicial land use decision is subject to the Topanga rule. *See* City of Rancho Palos Verdes v. City Council, (1976) 59 Cal.App.3d 869, 885. The APC's decision must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order. Topanga, *supra,* 11 Cal.3d at 15. Less formality is required for the findings in land use cases, which are sufficient if they inform the parties and the court whether the decision is based on lawful principles. Id. at 514-16. A transcript of taped oral remarks by the decision-maker at a public hearing when rendering a decision can be considered. City of Carmel-by-the-Sea, *supra*, 71 Cal.App.3d at 92. The agency's oral findings need not be stated with the precision required in judicial proceedings. Where reference to the administrative record informs the parties and reviewing courts of the theory upon which an agency has arrived at its ultimate finding and decision, it has long been recognized that the decision should be upheld if the agency in truth found those facts which as a matter of law are essential to sustain its decision. Craik v. County of Santa Cruz, (2000) 81 Cal.App.4th 880, 884-85.

A city council need not make express findings of its own in reach a decision and may incorporate by reference a staff report as its implied findings on the matter. McMillan v. American General Financial Corp., (1976) 60 Cal.App.3d 175, 183-85. Also, the adoption of a subordinate entity's findings may obviate the need for separate findings from the reviewing agency. Carmel Valley View, Ltd. v. Board of Supervisors, (1976) 58 Cal.App.3d 817, 823. However, a mere recitation of statutory language, terse statements, and boilerplate findings do not contain sufficient details to bridge the analytic gap. Glendale Memorial Hospital & Health Center v. State Dept of Mental health, (2001) 91 Cal.App.4th 129; City of Carmel-by-the-Sea v. Board of Supervisors, (1977) 71 Cal.App.3d 84, 91.

The City argues that the LOD simply memorializes the APC's findings. The City contends that the commissioners' comments at the November 19, 2019 hearing sufficiently bridge the analytical gap between the testimony of the appellants and commenters and the APC's findings. The commissioners were not required to orally name the specific provisions implicated by their findings and their general statements that the Project did not comply due to concerns about gentrification and displacement suffice to support the LOD's more detailed analysis. Opp. at 12-14.

The court need not address the consistency between the witness testimony at the November 19, 2019 hearing and the commissioner's comments because the issue in the instant motion is whether the LOD constitutes the APC's findings. The City does not address Petitioner's contention that the APC never saw or adopted the LOD. The City makes a conclusory statement that the LOD constitutes the APC's final decision under CCP section 1094.6(b), but it cites no evidence contradicting Petitioner's assertion that the APC never saw or approved the LOD. Opp. at 9-10. This means that the LOD is merely a staffer's opinion of the findings that would support the APC's decision, which is insufficient to make it the APC's decision.

2. The APC Lost Jurisdiction

Petitioner argues that the APC's jurisdiction over the appeal had long been terminated by the May 15, 2020 date the LOD was mailed. Mot. at 6-7; Reply at 5-6.

The APC shall act on an appeal from the Director's Permit Compliance Review decision whether a project conforms to the requirements of a specific plan within 75 days of the expiration of the appeal period or any additional period mutually agreed upon by the applicant and the APC. LAMC §11.5.7C.6(c). The APC's failure to act within this time period shall be deemed a denial of the appeal. Id. The APC shall make the same findings for the Permit Compliance Review that are required to be made by the Director, the findings shall be supported by the record, and they shall indicate why the Director erred in determining the project's compliance with the specific plan. LAMC §11.5.7C.6(d)

The APC shall render its decision from an appeal of the Director's Site Plan Review in writing within 15 days after completion of the hearing. LAMC §16.05H.4. If the APC fails to act within the time specified, the Director's action shall be final. Id. The decision shall be in writing, based upon the evidence in the record, and be supported by findings that the project (1) is in substantial conformance with the General Plan, applicable community plan, and any applicable specific plan, (2) consists of an arrangement of buildings and structures (including height, bulk and esetbacks0, off-street parking facilities, loading areas, light, landscaping trash collection and other pertinent improvements that is or will be compatible with existing and future neighboring developments, and (3) provides recreational and service amenities to improve habitability for its residents and minimize impact on neighboring properties. LAMC §§ 16.05F, 16.05.H.4.

The City issued the LOD on May 15, 2020, approximately six months after the November 19, 2019 hearing. The City states that the "time specified" by LAMC section 16.05 H.4 is 75 days of the filing of the appeal as set forth in LAMC section 16.05 H.3. The City notes that all parties agreed to the November 19, 2019 hearing date and the APC cannot be deemed to have failed to timely hear the appeals. AR 1183-88. Opp. at 10-11. The City also argues that the delay in issuing the LOD after the hearing is irrelevant because the time limit requirements are directory rather than mandatory unless a contrary jurisdictional intent is clearly expressed. Edwards v. Steele, (1979) 25 Cal.3d 406, 410. The City contends that no such directory requirement exists for LAMC sections 11.5.7C.6(c) and 16.05 H.4. Opp. at 11.

Putting aside the fact that both LAMC sections 11.5.7C.6(c) and 16.05 H.4 clearly require a written decision within a specific number of days (15 days after the hearing for LAMC section 16.05 H.4 and 75 days after the appeal is filed or any mutually agreed extension for 11.5.7C.6(c)), and both provide a consequence of appeal denial for failure to adhere to the deadline, the City misses the point. In this motion, Petitioner is not arguing that the Director's decisions should be deemed approved because the APC's written decision was untimely (although it makes that argument in its mandamus papers). Rather, Petitioner is arguing that the LOD issued after the LAMC deadlines cannot constitute the APC's decision.[4]

The court agrees. The APC had no jurisdiction to make a final decision six months after

[4] As Petitioner notes, the LOD states that the APC's decision is final upon the mailing date of the LOD. AR 630. Reply at 6. This is a tacit admission that the APC failed to act within the requisite deadlines.

the hearing and the LOD cannot constitute its final decision.[5]

3. Conclusion

The unrefuted evidence is that the APC did not review or approve the LOD. While the City argues that the LOD memorializes the APC's decision, it is merely a staffer's opinion of what the APC did and therefore is irrelevant. Petitioner also has demonstrated that the LOD cannot constitute the APC's final decision because the APC had no jurisdiction to act by the time the LOD was issued.

The motion to strike is granted. The LPD is an irrelevant post-approval document that should not be part of the Administrative Record. *See* Wagner Farms, Inc. v. Modesto Irrigation District, (2006) 145 Cal.App.4th 765, 778 (map and enlargement of aerial photograph created after agency decision did not reflect agency proceedings and not part of CEQA record of proceedings); El Morro Community Association v. California Department of Parks & Recreation, (2004) 122 Cal.App.4th 1341, 1359 (news letter and release showing post-decision changes to project and list of EIRs for projects near project site were not before agency excluded from CEQA record).

F. Petition for Writ of Mandate

Petitioner District Square argues that the APC erred because the HAA required approval of the Project, which was exempt from CEQA.

1. The Project Is a "Housing Development Project"

The HAA applies to "housing development projects," defined, *inter alia*, as "[m]ixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use." §65589.5(h)(2)(B). The Project consists of 577 residential units and 93,016 sf of non-residential uses in a 648,157 square foot building (*i.e.*, less than 15% non-residential uses). AR 229, 243, 418, 600. The Project is a "housing development project" under the HAA, and the City does not dispute this fact.

2. The Project Complies with All Applicable General Plan and Zoning Standards

Absent public health or safety findings and if a project complies with CEQA, section 65589.5(j) requires approval of a housing development projects which "complies with applicable, objective general plan, zoning, and subdivision standards and criteria…". §65589.5(j)(1).

The Project is deemed compliant with the City's applicable objective standards and criteria as a matter of law since (1) the Project application was deemed complete on January 2, 2019 and (2) the City gave no written notice of non-compliance explaining the inconsistencies within 60 days. §65589.5(j)(2)(A)(ii). In these circumstances, the HAA provides that the Project "shall be deemed consistent, compliant and in conformity" with all applicable plans, programs, policies, ordinances, standards, requirements, and other similar provisions. §65589.5(j)(2)(B).[6]

---

[5] The APC presumably could have adopted additional findings six months after making a final written decision, but it did not purport to do so.

[6] Under the HAA, a project is deemed consistent with applicable standards and policies "if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity."

3. The City Cannot Establish by a Preponderance of the Evidence that the Project has a Specific Adverse Impact on Public Health or Safety

Under the HAA, the exception to a local agency's compelled approval of a housing development project that is compliant with all relevant objective zoning standards takes place where a local government makes written findings, based on a preponderance of the evidence, that the project would have an unavoidable adverse impact on public health or safety that cannot be feasibly mitigated in any way other than rejecting the project or reducing its size. §65589.5(j)(1).

As District Square argues, the City abused its discretion when it denied the Project because (1) its findings do not support its decision and (2) there is no evidence of a potential health or safety impact justifying a denial. Pet. Op. Br. at 15.

a. The APC's Findings Are Inadequate

The APC's decision to deny the Project was based on a single point: "it doesn't provide affordable housing for residents, therefore, there's no economic growth in our community." AR 1256. In their comments at the November 19, 2019 hearing, the commissioners focused upon a desire for affordable housing and concerns over gentrification, residential amenities, the nature of the proposed commercial tenants, and their perceptions of compatibility and harmony between the residential and commercial development and quality of life. AR 1252-55.

District Square first argues that the APC failed to make its finding in writing as required by section 65589.5(j)(1). Pet. Op. Br. at 17.

There is a transcript and the three APC commissioners signed the APC minutes. At least the signed minutes qualify as a writing under section 65589.5(j)(1). However, the minutes, even when coupled with the transcript, are inadequate under LAMC section 11.5.7C.6(c), which requires the APC to make the same findings for Project Compliance Review as the Director is required to make, they must be supported by the record, and they must indicate why the Director erred in determining the project's compliance with the specific plan. They also are inadequate under LAMC section 16.05H.4, which requires the Site Plan Review to in writing, based on the record, and supported by findings from LAMC section 16.05F (concerning (a) conformance with the General Plan, (b) height, bulk, and setback requirements, and parking, and (c) recreational and service amenities). Even taken collectively, the transcript and minutes did not purport to make the required findings. While an "Executive Assistant" signed the LOD long after the APC's deadline to act (AR 630), this document was never approved by the APC and is not part of the Administrative Record.[7]

In fact, the APC's single issue finding addresses a subjective socioeconomic issue and does

---

§65589.5(f)(1)(4). There is substantial evidence in the record that the Project complies with the all use, density, height, story, floor area ratio, parking, open space and other requirements of the LAMC and governing land use plans. AR 418, 423, 424-37, 1216. The Director confirmed as much in the Director's Determination (AR 418-39), as did Planning Department staff and the Deputy City Attorney at the November 19, 2019 hearing. AR 1196-1205.

[7] Because the APC failed to comply with the deadlines under LAMC sections 11.5.7C.6(c) and 16.05H.4, those provisions require that the appeals from the Director's Project Compliance Review and Site Plan Review be deemed denied.

not even purport to address "public health or safety" concerns that are "significant, quantifiable, direct, and unavoidable." §65589.5(j)(1)(A). As the Court of Appeal explained, section 65589.5(j) prevents local agencies from using a subjective development policy as a basis to deny a qualifying housing development. *See* Honchariw, *supra,* 200 Cal. App. 4th at 1076-77, 1079 (finding that project site was not "physically suited for development" does not amount to health or safety impact under section 65589.5(j)). The simple fact is that market rate housing developments are entitled to the same section 65589.5(j) protections as affordable housing developments. Id. at 1074-75.[8] Pet. Op. Br. at 16.

b. There Is No Evidence of Health or Safety Impacts

The City has the burden of proof to show public health or safety impacts. §65589.6. As District Square argues, the City must show by a preponderance of the evidence (1) an impact to health or safety; (2) that is "significant, quantifiable, direct, and unavoidable"; (3) "based on objective, identified written public health or safety standards, policies, or conditions"; (4) that cannot be mitigated or avoided absent denial of the Project. §65589.5(j)(1)(A)-(B). Pet. Op. Br. at 17.

The Administrative Record contains no evidence that the APC's socioeconomic concerns about gentrification and displacement have any bearing on public health and safety, let alone a significant, quantifiable direct and unavoidable impact based on objective and written health and safety standards. *See* §65589.5(j)(1)(A).

4. The City's Attempt to Support the APC Decision

Based on the HAA, the APC was required under section 65589.5(j)(1) to approve the Project as a housing development project that complies with all applicable General Plan and zoning standards and criteria because there is no evidence or finding of public health and safety impact unless the Project is non-compliant with CEQA.

The City's opposition notes that it need only make one of the three necessary findings – CEQA environmental clearance, Project Permit Compliance, and Site Plan Review – in the negative to deny approval. *See* Levi Family Partnership, L.P. v. City of Los Angeles, (2015) 241 Cal.App.4th 123, 130. Opp. at 9. The City seizes upon CEQA as a life raft in an attempt to save the APC's decision.

a. The Timing of CEQA Analysis Does Not Require Denial of the Entitlements

The City notes that the HAA does not relieve a local government from complying with CEQA (§65589.5(e)) and that completion of environmental review under CEQA is required before a project can be approved. Guidelines[9] §15004(a). Opp. at 12. . The City argues that HAA

---

[8] Since the APC made no unavoidable public health or safety impact finding, it necessarily made no finding that "there is no feasible method to satisfactorily mitigate or avoid the adverse impact … other than the disapproval of the housing development project." §65589.5(j)(1)(B).

[9]As an aid to carrying out the CEQA statute, the State Resources Agency has issued regulations called "Guidelines for the California Environmental Quality Act" ("Guidelines"), contained in Code of Regulations, Title 14, Division 6, Chapter 3, beginning at section 15000.

findings can be made only after the City is satisfied with the "adequacy of its environmental documents." Guidelines §15020. Hence, the specific adverse public health or safety impact findings required by section 65589.5(j) cannot be made until adequate environmental review under CEQA is complete. The City relies on Schellinger Brothers v. City of Sebastopol, ("Schellinger Brothers") (2009) 179 Cal.App.4th 1245 and argues that it was unable to find the Project exempt from CEQA pursuant to the SB 743 statutory exemption. AR 1252-55. The City concludes that, without completion of the necessary CEQA review, it could not violate the HAA by wrongly disapproving Petitioner's housing development project. Opp. at 12-13.

The City's argument depends entirely upon a premise that the APC rejected the Director's determination that the Project is exempt from CEQA under SB 743 Pub. Res. Code section 21155.4. This premise is false. The APC made no CEQA findings at all in the transcript of the APC's proceedings (AR 1196-258) or the APC minutes. AR 1194. The premise of the City's opposition simply fails.

District Square also points out (Reply at 3-4) that the City misapprehends the CEQA process. An agency's review of project entitlements is designed to run concurrently with its CEQA review, not consecutively:

> "The Legislature further finds and declares that it is the policy of the state that … [l]ocal agencies integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice **so** that all those procedures, to the maximum feasible extent, run concurrently, rather than consecutively. Pub. Res. Code § 21003 (emphasis added).[10]

See also Guidelines §15004(c) ("The environmental document preparation and review should be coordinated in a timely fashion with the existing planning, review, and project approval processes being used by each public agency. These procedures, to the maximum extent feasible, are to run concurrently, not consecutively."); Bakersfield Citizens for Local Control v. City of Bakersfield, (2004) 124 Cal. App. 4th 1184, 1200 ("environmental review is not supposed to be segregated from project approval"); California Clean Energy Comm. v. City of San Jose, (2013) 220 Cal. App. 4th 1325, 1341 (allowing an agency to "segregat[e] environmental review … from the project approval" would "skirt the purpose of CEQA"). Indeed, consideration of project entitlements must initially occur concurrently with the CEQA process because the agency must determine whether the project is even subject to CEQA, which requires consideration of whether the entitlements confer the agency with discretionary authority over the project. Pub. Res Code §21080(a), (b)(1); Guidelines §15002(i). Reply at 4-5.

District Square is correct that, even if *arugendo* the APC had rejected the SB 743 statutory exemption, it was not compelled to reject the Project entitlements and cease processing the Project application. Instead, the City would be required to determine whether the Project was statutorily or categorically exempt from CEQA on other bases (Guidelines §§ 15260-333), and, if not, prepare

---

[10] District Square correctly notes that, while Pub. Res. Code section 21003 does not compel concurrent CEQA and project entitlement review, it suffices to rebut the City's argument that CEQA review must be conducted prior to consideration of the Project's entitlements. Reply at 4, n.1.

an initial study, negative or mitigated negative declaration, or EIR. Guidelines §15002(k). The APC could not reject the Project outright. Reply at 6.

The City's reliance on Schellinger Brothers, *supra,* 179 Cal.App.4th at 1245, is misplaced. There, a developer claimed that a city violated the HAA in failing to approve its housing development project and sought mandamus to compel the city to certify a long-delayed EIR after the city council decided that the draft EIR required recirculation to address new issues. Id. at 1250, 1253. The appellate court held that it could not order the local agency to certify the EIR, noting that the HAA "specifically pegs its applicability to the approval, denial or conditional approval, of a 'housing development'" project which is something that can only occur until after the EIR is certified." Id. at 1262.

Schellinger Brothers did not hold that a city may deny project entitlements that are consistent with the HAA by declining to certify an environmental document. It only held that the HAA does not compel any outcome for environmental review. Id. at 1262 ("the [HAA] has no provision automatically approving EIRs if local action is not completed within a specified period"). Reply at 5. Therefore, the timing of the City's evaluation of entitlements is not dependent upon an earlier determination of environmental review. The City must defer project approval, but it may not deny entitlements, when the environmental review is not complete.

b. The Record Does Not Contain Substantial Evidence to Support a Finding That the Project is Not Statutorily Exempt

Apart from the lack of CEQA findings, the Administrative Record lacks substantial evidence to support a determination that the Project does not qualify for a SB 743 statutory exemption.

The City notes that it has discretion to select the mode of CEQA analysis and to determine whether an exemption applies. Guidelines §15061. Opp. at 14. The SB 743 exemption is intended to exempt from CEQA mixed-use development projects that meet certain criteria. Public Resources Code section 21155.4 exempts a housing development project from CEQA if "[t]he project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in [] a sustainable communities strategy." The relevant sustainable communities strategy for the Project area is the RTP/SCS. The SB 743 statutory exemption requires a finding of consistency with the RTP/SCS's applicable policies specified for the project area. Pub. Res. Code § 21155.4. Opp. at 13.

The City notes that the intent of the RTP/SCS is, among other things, to meet the goals of reducing greenhouse gas emissions as set forth by Senate Bill (SB) 375 and by Assembly Bill (AB) 32. RJN Exh. C, pp. 15, 17, 40, 137, 184, 185, 194. According to the City, the RTP/SCS sets forth how gentrification and displacement can undermine these goals. The RTP/SCS "Land Use Strategies" section titled "Combating Gentrification and Displacement" directs jurisdictions in the SCAG region "to continue to be sensitive to the possibility of gentrification and work to employ strategies to mitigate its potential negative community impacts." The RTP/SCS further states: "Affordability is becoming a significant issue in many communities, particularly in urban areas after the implementation of a new rail line, transit station, or other major public investment. Housing unaffordability can undermine the overall goals of the RTP/SCS because it can contribute to suburban sprawl, longer job commutes, and higher greenhouse gas emissions." Opp. at 13-14.

The City contends that the record contains substantial evidence that the Project is not

consistent with the RTP/SCS policies regarding gentrification and displacement, and cites AR 1206-09, 1225-29, 1231-35, 1237-39, 1252-55. Opp. at 13-14.

The purported gentrification and displacement policies of the RTP/SCS cited by the City are irrelevant because the Project must be deemed consistent with all RTP/SCS policies as a matter of law pursuant to section 65589.5(j)(2)(B). If the City felt the Project was inconsistent with an "applicable plan, program, policy, ordinance, standard, requirement, or other similar provision," it was required to provide timely written notice explaining its reasoning. §65589.5(j)(2)(A). Absent timely notice, the Project must be deemed consistent the RTP/SCS's policies. §65589.5(j)(2)(B). The City provided no such notice for the cited TRP/SCS policies. Reply at 7-8. Moreover, the RTP/SCS policies cited by the City are subjective, not objective, and cannot not provide grounds to deny the Project under section 65589.5(j)(1).

Additionally, the record does not contain substantial evidence that the Project is inconsistent with the cited RTP/SCS subjective policies. The City admits that the purpose of the RTP/SCS is to reduce greenhouse gas emissions and argues that the Project is inconsistent with this goal because it would not combat gentrification and displacement. In support of this conclusion, the City cites only to statements made by local residents and a political operative who were dissatisfied with the Project's lack of affordable housing and who contended that the Project will lead to displacement and gentrification because local residents would be "priced out" of the neighborhood. AR 1206-09, 1225-29, 1231-35, 1237-39, 1252-55.

The subjective policies of RTP/SCS cannot be presented by local residents and political subordinates. Plainly, it is impossible for the development of 577 new housing units on vacant lots, including 11% deed restricted and devoted to workforce housing, to have a direct impact of displacement. No one would be directly displaced from their home by the Project.

There remains the relatively new social engineering concept of indirect displacement. Theoretically, a market rent project – wrongly described by the local residents as "luxury housing" – could have an incremental impact on the neighborhood's property values. That incremental impact could have a cumulative impact with other market rate housing projects to raise property values in the neighborhood. In turn, those increased property values could result in increased overall rents and price out existing local residents from the neighborhood.

District Square argues that logic dictates that the Project will result in an increase in the supply of neighborhood housing which will lead to lower rents. Reply at 8. While the court does not agree that this conclusion necessarily follows from the development of market rent housing, the concept of indirect displacement ignores a component of market rate housing. A market rent housing project will attract tenants who can afford to pay that market rent. Presumably, those tenants will have more money to spend than neighborhood tenants residing in affordable housing. Those market rent tenants will spend some of that money at local businesses in the neighborhood, including small businesses owned by local residents. Thus, the economics of adding market rent housing to a poor neighborhood well may be good economically for all residents. These economic issues are not self-evident and must be presented by experts, of which there were none at the APC hearing.

Moreover, social displacement is only relevant to RTP/SCS policies if it would lead to increased greenhouse gas emissions. The City apparently assumes that the persons indirectly displaced by the Project's market rate housing will be replaced by wealthier persons who do not use public transportation or who would commute longer distances. As District Square notes, there

is no such evidence in the record. Reply at 8.[11]

5. The Declaratory Relief Claim

Petitioner's declaratory relief cause of action seeks a declaration that (a) the City failed to issue written findings consistent with the dictates of the HAA, (b) the deadlines for the City to act under the LAMC have all expired, (c) the APC appeals are deemed denied under LAMC sections 11.5.7.C.6.c-d and 16.05.H.4, and City Charter section 245, and (d) the City acted in bad faith in denying the Project such that Petitioner is entitled to a judgment and order under section 65589.5(k). Pet. Op. Br. at 19.

The City correctly argues that Petitioner is not entitled to declaratory relief because an action for a declaratory judgment is not appropriate to review the validity of an administrative decision. Selby Realty Co. v. City of San Buenaventura, (1973) 10 Cal.3d 110, 127. Administrative mandamus is the exclusive means of challenging an administrative determination involving the application of a law to a specific property. City of Santee v. Superior Court of San Diego County, (1991) 228 Cal.App.3d 713, 718. The HAA also states that any action brought to enforce its provisions shall be brought pursuant to CCP section 1094.5. §65589.5(m). The APC's decision may not be challenged through declaratory relief, and the declaratory relief cause of action is subsumed within the mandamus claim and is ordered to be dismissed. Opp. at 18.

District Square notes that no case stands for the rule that an action for declaratory relief can never be joined in a mandamus case. District Square contends that its declaratory relief claim does not challenge the APC's actions, but rather seeks an adjudication of its rights in light of the APC's actions, including declarations that (1) the deadlines for the City to act under the LAMC have expired and the APC appeals are deemed denied under LAMC sections 11.5.7.C.6.c-d and 16.05.H.4, and City Charter section 245; and (2) the City acted in bad faith in denying the Project.

---

[11] The City contends that its denial of the Site Plan Review was justified because the APC found that the Project (1) conflicts with General Plan policies to "provide cultural facilities or other community-oriented facilities" and did not "propose professional offices or other high-quality job-generating uses", (2) is inconsistent with the Specific Plan's "neighborhood character" policies and is not "contextually sensitive", and (3) does not "create a compatible and harmonious relationship between residential and commercial development." Opp. at 16.

The City notes that the Project Permit Compliance findings must include a finding that "the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible." LAMC §11.5.7C.2(b). The City argues that the APC did not have the adequate CEQA analysis necessary to make the Project Permit Compliance finding because it found the Project was not statutorily exempt and the Director made no mitigation findings for the APC to evaluate. Opp. at 14-15.

As discussed *ante*, the APC did not deny the SB 743 statutory exemption and did not address the findings required by LAMC sections 11.5.7C.2(b) and 16.05H.4. Even if *arguendo* the APC made findings for the Site Plan Review and Project Permit Compliance, those findings would violate the HAA because the Project is deemed consistent with all of these policies as a matter of law. §65589.5(j)(2)(B). Reply at 8-9.

All of this is subsumed within the administrative mandamus claim. *See post.*

6. The City's Bad Faith Actions Compel a Decision That the City Must Approve the Project

The HAA provides that, if a local agency acts in bad faith in disapproving a housing development project in violation of its provisions, in violation of the HAA, the court is empowered to enter an "order or judgment directing the local agency to approve the housing development project." §65589.5(k)(1)(A)(ii). "Bad faith" is defined as including, but not limited to, "an action that is frivolous or otherwise entirely without merit." § 65589.5(l).

District Square notes that the word "frivolous" means "clearly insufficient on its face"[12] or "lacking in any arguable basis or merit in either law or fact".[13] *See also* Peake v. Underwood, 227 Cal. App. 4th 428, 440 (2014) (Under CCP section 128.7, "[a] claim is factually frivolous if it is 'not well grounded in fact' and it is legally frivolous if it is 'not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.'"). Pet. Op. Br. at 18.

The City adds that case law establishes more than one standard for the term "frivolous." Burkle v. Burkle, (2006) 144 Cal.App.4th 387, 401 ("frivolous" means conduct that is "objectively unreasonable"); Millennium Corporate Solutions v. Peckinpaugh, (2005) 126 Cal.App.4th 352, 360 ("frivolous" means done "for an improper motive" or "indisputably has no merit"). Opp. at 17. The City argues that the APC's decision was not frivolous because it was not "objectively unreasonable," not done "for an improper motive," and does not indisputably lack merit. The APC's decision was based on CEQA, on the objectives and policies in the General Plan Framework Element and Specific Plan, and on genuine concern for the welfare of the community. Opp. at 17.

In this case, the Project was virtually a "by right" project in which District Square was asking for no special incentives or variance. The only possible bases for the APC not to approve the Project were the SB 743 categorical exemption and the HAA's public health or safety exception. City staff twice explained this in detail to the APC.

On September 17, 2019, Planning Department staff informed the APC that the Project complies with the Specific Plan and substantially complies with the Site Plan Review process, the Project did not seek any development incentives and therefore no affordable units were required, and the Project was exempt under SB 743. AR 1177. The Deputy City Attorney explained the SB 743 exemption, including that a qualifying project is covered by the EIR analysis of the Specific Plan as a matter of law. AR 1204. He further explained that the Project meets the RTP/SCS planning criteria because it is within the zoning and Special Plan and the developer was not asking for any exceptions or variances. AR 1204-05.

On November 19, 2019, Planning Department staff again recommended denial of the appeals. AR 1196-1205. Staff reiterated that the Project is consistent with all applicable zoning and General Plan criteria. AR 1250-51. The Project seeks no incentives and staff cannot make findings arbitrarily and require affordable housing. AR 1250-51. Staff looks at gentrification and displacement for a particular project and this Project is vacant and involves no direct displacement. AR 1252.

---

[12] Black's Law Dictionary, https://blacks_law.enacademic.com/11624/frivolous

[13] The Law Dictionary, https://law.enacademic.com/1524/frivolous

The Deputy City Attorney reiterated that the Project meets RTP/SCS criteria because it is within the zoning and Special Plan and the developer was not asking for any exceptions or variances. AR 1204-05. The Deputy City Attorney added that the Project could only be denied if the Commission found, based upon a preponderance of evidence in the record, that it would entail significant health or safety impacts that could not be mitigated other than by denying the Project. AR 1242-48. He indicated that the existing record would not support a claim that homelessness, gentrification, and displacement met the HAA requirement of an adverse health or safety impact because it is too vague. AR 1244. He explained that the HAA limits the ability of local governments to reject housing developments without making written findings and warned the APC that a violation of the HAA could result in attorney's fees and penalties. AR 1246-47.

Despite this advice and in the face of these warnings, the APC granted the appeals and denied the Project approval solely because "it doesn't provide affordable housing for residents, therefore there is no economic growth in our community." AR 1256. The individual commissioners ignored the Project's "by right" lack of affordable housing and the HAA's requirements that the Project must be deemed to comply with all local standards: (1) "Now the applicant mentioned that affordable housing is not a prerequisite or a requirement. I think that it should be a strong consideration for the residents in our community economically." AR 1252 (Commissioner Willis); (2) "[N]o matter what the laws that are written, you have to be about the people.... [S]o we need to go back and look at and see what gentrification is doing. AR 1253 (Commissioner Anderson); (3) the Project is not compatible with the Specific Plan's policies to create "a compatible and harmonious relationship between residential and commercial development" and "quality of life for the City's existing and future residents." AR 1255 (Commissioner Stern).

The APC clearly acted in bad faith and acted on its own frolic and detour, egged on by a political liaison and the testifying residents to impose its own view of appropriate public policy – *i.e.,* to take a stand against gentrification. It matters not that the APC believed it was acting in the community's best interest. The APC does not set policy and it does not create law; its obligation is to apply existing law to evaluation of a project. The Legislature concluded in the HAA that local governments are impeding housing development by imposing subjective policies that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing. §65589.5(a)(1)(B). That is exactly what the APC did by imposing its own views that gentrification is bad, displacement (even indirect displacement) must be accounted for, and the need for affordable housing trumps all. That is not the law, and there can be no legitimate dispute that the APC acted knowingly and deliberately to violate the law.

Compounding this deliberate violation, District Square notes that -- after it filed suit in February 2020 and knowing that the APC had violated the law -- the City attempted to mask the APC's intentional violation by issuing the LOD six months after-the-fact, which made false representations intended to bolster the APC's decision. Pet. Op. Br. at 18. The City's mandamus opposition is based entirely on the false LOD findings, in particular seizing upon the LOD's "phony CEQA finding" to make a specious argument that CEQA somehow compels the denial of the Project. Pet. Op. Br. at 18.

The City's bad faith justifies an "order or judgment directing the local agency to approve the housing development project" and District Square's entitlement to an award of reasonable

attorney's fees and costs of suit. §65589.5(k)(1)(A)(ii). Pet. Op. Br. at 18.

G. Conclusion

The Petition is granted. The City is directed to approve the Project within 45 days of the writ's issuance. §65589.5(k)(1)(A)(ii). District Square is entitled to an award of attorney's fees pursuant to a motion to determine the reasonableness of the amount. *See* id. The court will retain jurisdiction to ensure that the judgment is carried out. Id.

Petitioner District Square's counsel is ordered to prepare a proposed judgment and writ of mandate, serve them on counsel for the opposing parties for approval as to form, wait ten days after service for any objections, meet and confer if there are objections, and then submit the proposed judgment and writ along with a declaration stating the existence/non-existence of any unresolved objections. An OSC re: judgment is set for October 20, 2020 at 1:30 p.m.

Exhibit C

SEC. 12.32. LAND USE LEGISLATIVE ACTIONS.

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

A. Initiation. The City Council, the City Planning Commission or the Director of Planning may initiate consideration of a proposed land use ordinance. Any initiation by the Council or the City Planning Commission shall be by majority vote. The Council or the City Planning Commission shall forward the proposed ordinance to the Director of Planning for a report and recommendation.

B. Application. (Amended by Ord. No. 173,374, Eff. 8/3/00.) An owner of property may apply for a proposed land use ordinance if authorized to do so by Subsections F through S relative to that owner's property. The applicant shall complete the application for that proposed land use ordinance, pay the required fee and file the application with the Department of City Planning on a form provided by the Department.

C. Action on the Initiation or Application.

1. **Authority**. **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** The City Planning Commission may recommend approval or disapproval in whole or in part of an application for or initiation of a proposed land use ordinance. These recommendations shall be made to the City Council for its action pursuant to the procedures set forth in this section.

Except as set forth elsewhere in this section, the Area Planning Commissions shall hear and make recommendations only on applications for or initiations of a land use ordinance involving a proposed zone or height district change, if the proposed zone or height district change involves:

(a) Any development project which creates or results in fewer than 50,000 gross square feet of nonresidential floor area;

(b) Any development project which creates or results in fewer than 50 dwelling units, guest rooms or combination of dwelling units or guest rooms; or

(c) Any application without a proposed project description, involving a lot with fewer than 65,000 square feet of lot area.

The Area Planning Commission may recommend approval or disapproval in whole or in part of an application for a land use ordinance where permitted in this section. These recommendations shall be made to the City Council for its action pursuant to the procedures set forth in this section.

The City Planning Commission shall hear all other applications or initiations of proposed land use ordinances. Notwithstanding the above, the City Planning Commission, rather than the Area Planning Commission, shall have the authority to make recommendations on any application for or initiation of a proposed land use ordinance when it is being considered in conjunction with an initiated General Plan amendment.

Unless otherwise specified, further references in this subsection to "**Planning Commission**" shall mean either the Area Planning Commission or the City Planning Commission, whichever has authority as set forth above.

2. **Procedure for Initiated Changes**. **(Amended by Ord. No. 173,754, Eff. 3/5/01.)** The Director shall make a recommendation for action on the matter, which recommendation shall then be heard by the Planning Commission. Before making a recommendation, the Director may direct a Hearing Officer to hold a public hearing and make a report and recommendation. After receipt of the Director's recommendation, the Planning Commission shall hold a public hearing and make a report and recommendation to the Council regarding the relation of the proposed land use ordinance to the General Plan and whether adoption of the proposed land use ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. If the matter was initiated by either the City Planning Commission or the Director, and the City Planning Commission recommends denial of the proposed land use ordinance, the decision is final. After the Planning Commission has made its report and recommendation for approval, or after the time for it to act has expired, the Council may consider the matter.

3. **Procedure for Applications**. **(Amended by Ord. No. 173,754, Eff. 3/5/01.)** Once a complete application is received, as determined by the Director, the Commission shall hold a public hearing or direct a Hearing Officer to hold the hearing. If a Hearing Officer holds the public hearing, he or she shall make a recommendation for action on the application. That recommendation shall then be heard by the Planning Commission, which may hold a public hearing and shall make a report and recommendation regarding the relation of the proposed land use ordinance to the General Plan and whether adoption of the proposed land use ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice.

After the Planning Commission has made its report and recommendation, or after the time for it to act has expired, the Council may consider the matter. If the Planning Commission recommends disapproval, that action is final unless the applicant timely files an appeal pursuant to Subsection D below.

4. **Notice**. **(Amended by Ord. No. 173,754, Eff. 3/5/01.)** Notice of the time, place and purpose of the public hearing shall be given in the following manner for land use ordinances proposed by applications or initiations:

(a) By at least one publication in a newspaper of general circulation in the City, designated for that purpose by the City Clerk, not less than 24 days prior to the date of the hearing.

(b) By mailing written notice at least 24 days prior to the date of the hearing, to the applicant, to the owner or owners of the property involved and to the owners of all property within and outside the City that is within 500 feet of the area proposed to be changed as shown upon the records of the City Engineer or the records of the County Assessor. Written notice shall also be mailed 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". If this notice provision will not result in notice being given to at least 20 different owners of at least 20 different parcels of property 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 parcels of property are encompassed within the expanded area. Notification shall then be given to all property owners and occupants within that area. **(Amended by Ord. No. 181,595, Eff. 4/10/11.)**

(c) If there is an applicant, 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 officer 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 Commission meeting 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.

5. **Record and Reports from Commission Public Hearing**. **(Amended by Ord. No. 173,754, Eff. 3/5/01.)**

(a) **Record**. The hearing proceedings shall be recorded or summarized as directed by the Commission. When proceedings are recorded and not summarized, they shall be transcribed at the request of any party or interested person upon payment of the fee, as required by ordinance. One copy of the transcript shall be furnished to the Commission to be placed in the files.

(b) **Reports**. After the conclusion of a public hearing conducted by the Director, he or she shall submit a report to the Commission within the period of time fixed by the Commission. The report shall set forth in writing the Director's conclusions and recommendations and the reasons for them.

6. **Time for the Commission to Act**. **(Amended by Ord. No. 173,754, Eff. 3/5/01.)** The Planning Commission shall act within 75 days of the filing of a complete, verified application for a proposed land use ordinance, except as otherwise provided in this section. This time limit may be extended by mutual consent of the applicant and the Planning Commission.

The Planning Commission may withhold action on an application relating to land located within an area in which the City Planning Commission is conducting a general survey or study, for a period of not more than 180 days from the date of filing of the application. Upon the Planning Commission's decision to withhold action, notice of this decision shall be sent forthwith to the applicant, advising of the study and the postponement.

However, if the Director determines that a verified application is inconsistent with the General Plan, then the Planning Commission, with the consent of the applicant, may withhold action on the application for a period of not more than 180 days from the closing date of the applicable application filing period established in the schedule adopted pursuant to Section 11.5.8D of this Code. This time limit may be extended for two additional three month periods by mutual consent of the applicant and the Planning Commission.

If the land use ordinance was proposed by initiation rather than application, the Planning Commission shall act within 75 days of receipt of the Director's report and recommendation. If the Planning Commission does not act by that deadline, or any extension, the Council may then, by resolution, request the Planning Commission to forward the matter to it for the Council's action. If the Council does not do so, the time for the Planning Commission to act shall automatically be extended for an additional 75 days. The Council may request the Planning Commission forward the matter at any time within any 75 day continuance period.

If the Planning Commission fails to act on an application or an initiation within the time allowed by this section, the Planning Commission shall be deemed to have approved the ordinance.

7. **Council. (Amended by Ord. No. 173,992, Eff. 7/6/01.)** The Council may approve or disapprove an application or initiated proposed land use ordinance. It shall approve an ordinance only after making findings that its action is consistent with the General Plan and is in conformity with public necessity, convenience, general welfare and good zoning practice. If the Planning Commission recommends approval of an application, then the Council shall act within 90 days of receipt of the Planning Commission recommendation. The 90 day time limit to act on a Planning Commission approval of an application may be extended by mutual consent of the applicant and the Council.

D. Appeal.

1. **Filing of an Appeal**. If the Planning Commission recommends disapproval of an application, in whole or in part, the applicant may appeal that decision to the Council by filing an appeal with the Planning Commission that made the initial decision. If no appeal is filed, a denial is final. An appeal shall be filed within 20 days of the date of the mailing of the Planning Commission's decision, on a form provided by the Department, and shall set forth specifically the reasons for the appeal. Any

appeal not filed within the 20-day period shall not be considered by the Council. Once an appeal is filed, the Planning Commission shall transmit the appeal and its file to the City Clerk. At any time prior to the action of the Council on the appeal, the Department shall submit any supplementary, pertinent information as the Council or its Committee may request.

2. **Appellate Decision - Public Hearing and Notice**. Before the Council acts on the appeal, it shall hold a public hearing. The City Clerk shall set the matter for hearing, giving notice by mail of the time, place and purpose of the hearing to the applicant and to any interested party who has requested in writing to be so notified. The notice shall be mailed at least ten days prior to the hearing.

3. **Time for Appellate Decision**. The Council shall make its decision within 75 days after the expiration of the appeal period. The 75 day time limit to act on an appeal may be extended by mutual written consent of the applicant and the Council. If the Council fails to act within this time limit, the failure shall constitute a denial of the application or disapproval of the initiated land use ordinance.

E. Amendment to the Zoning Regulations. The procedures for initiation and decision-making for amendments to Chapter 1 of this Code and other zoning regulations shall be the same as provided for City Planning Commission and Council initiated zone changes as set forth above, except that the City Planning Commission shall be the designated Planning Commission for these actions and proceedings for the amendment of the regulations need not comply with the notice requirements in Subsection C 4, nor be set for public hearing.

F. Zone Changes and Height District Changes. The procedures for changes of zoning or height districts shall be as set forth in Subsections A through D, with the following additional regulations:

1. In the consideration of an application for a proposed land use ordinance involving a change of zone, the Planning Commission may approve or disapprove a change upon all or only a part of the subject area. The Planning Commission may recommend a change to any zone between that existing on the property and that requested in the application, as determined by the Planning Commission, or may recommend, on all or a portion of the property, a change to a P or PB Zone, or may recommend that an M Zone be changed to an MR Zone. The Planning Commission may, without additional notice or hearing, recommend minor additions to the area proposed for rezoning or slight adjustments of proposed zone boundaries within that area, when the Planning Commission determines that the public necessity, convenience, general welfare or good zoning practice so require.

2. Where the City initiates changes of zone or height districts pursuant to California Government Code Section 65860(d) to a significant number of lots, publication in two newspapers of general circulation designated by the City Clerk for official advertising in the area involved, not less than ten days prior to the date of the public hearing, giving notice of its time, place and purpose shall be sufficient notice of the hearing, and the mailing of individual notices shall not be required.

G. Special Zoning Classifications.

1. **T Classification.**

(a) **Purpose**. In the consideration of a proposed change of zone it may be determined that public necessity, convenience and general welfare require that provision be made for the orderly arrangement of the property concerned into lots and/or that provision be made for adequate streets, drainage facilities, grading, sewers, utilities, park and recreational facilities; and/or that provision be made for payments of fees in lieu of dedications and/or that provision be made for other dedications; and/or that provision be made for improvements; all in order that the property concerned and the area within which it is located may be properly developed in accordance with the different and additional uses to be permitted within the zone to which the property is proposed for change.

(b) **T Classification**. Instead of immediately and finally rezoning the property or changing the height district, the ordinance shall place it in a T or Tentative classification pending the recordation of a Final Map in compliance with the provisions and requirements of Article 7 of this chapter, or, in certain instances hereinafter specified by the recordation of a Parcel Map in compliance with said provisions and requirements, or, where no map is necessary, by completion or assurance of all dedications, payments, and improvements which are required by the Council to be provided, to the satisfaction of the appropriate City departments. For the purposes of this Subsection, the term "**payments**" shall include dedications or payments pursuant to Section 12.33 of this Chapter.

(c) **Map Symbol**. The T or Tentative classification shall be indicated by the symbol T in parentheses preceding the proposed zoning designation; for example, (T)R4-2.

(d) **Allowed Uses**. While property remains in the T Tentative classification, and until the Department of Building and Safety has received notification from the Department of the recordation of the Final Map or Parcel Map, or the completion or assurance of the required dedications, payments or improvements, which are to the satisfaction of the appropriate City departments in accordance with those conditions as have been imposed by the City Council, the property may continue to be used only for the purposes permitted in the zone applicable to the property prior to its T Tentative classification. No permits shall be issued, no buildings or structures shall be erected or constructed, and no land shall be used for any other purpose. Provided, however, that grading or other improvements which have been required as a prerequisite to the approval of the Final Map or Parcel Map or other required dedications, payments and improvements of the property may be accomplished. The Council may also permit the removal of the T Tentative classification by the recordation of a

Parcel Map or by completion of all required dedications, payments and improvements in lieu of a Final Map after report and recommendations from the Director that all the necessary improvements can be accomplished and assured under Parcel Map procedures; or where no map is necessary, completion of all required dedications, payments and improvements.

(e) **Time Limit**. Property shall remain in the T Tentative classification until a Final Map or a Parcel Map of the property has been approved by the Council and recorded in the County Recorder's Office, or until the Department has notified the Superintendent of Building of the completion to the satisfaction of the appropriate City agencies of all required dedications, payments and improvements, or until the classification expires as provided in this subsection. Unless otherwise authorized by the City Council, dedications, payments and improvements must be completed for the entire area subject to the change of zone.

(f) **Removal of T**. When a Final Map or Parcel Map has been approved by the Council and recorded, or the Superintendent of Building has been notified by the Department of the completion of all required dedications, payments, and improvements, the property shall no longer be designated as being within the T Tentative classification, the T Tentative designation shall be removed from City records, and the new zone designation shall become finally effective. The Council may authorize the removal of a T Tentative classification by any procedure which assures any appropriate dedications, payments or improvements including any dedication, payment or improvement described in Section 12.33 of this chapter. If the Tentative classification expires, the zone change and height district proceedings shall terminate and the property shall be redesignated as described in Paragraph (h) below.

(g) **Assurance of Dedications, Payments and Improvements**. Prior to making a report and recommendation, the Director of Planning or his authorized representative shall obtain a report from the Bureau of Engineering as to whether all the necessary improvements can be accomplished and assured under Parcel Map procedures, or, if no map is necessary, without a map. The report shall be made within 40 calendar days of the date of request or within additional time as may be agreed upon by the Department and the Bureau of Engineering.

(h) **Time Limit. (Amended by Ord. No. 182,106, Eff. 5/20/12.)** Except as provided in Subdivision 2. of this subsection, as to those properties placed in the T classification subsequent to March 26, 1973, property shall not remain in a T Tentative classification for more than six years after the effective date of the ordinance creating it without the recording of a Final Tract Map or a Final Parcel Map, or a decision by the Department that all required dedications, payments and improvements have been made or assured to the satisfaction of the appropriate City agencies.

EXCEPTIONS: Property may remain in a T Tentative classification for an additional 60 months if the ordinance creating the classification took effect between July 15, 2005, and December 31, 2007; an additional 48 months if the ordinance took effect between January 1, 2008, through December 31, 2008; and an additional 24 months if the ordinance took effect between January 1, 2009, and December 31, 2010, provided that the Director makes a written finding that the prior discretionary approval and the required environmental review considered significant aspects of the approved project and that the existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the extension. Property may also remain in a T Tentative classification for a longer period of time through operation of Section 12.36 I. of the Code.

When these time limitations expire, the T Tentative Zone classification and the zoning authorized thereby shall become null and void, the rezoning proceeding shall be terminated, and the property thereafter may only be utilized for those purposes permitted prior to the commencement of the rezoning proceedings and shall be so redesignated.

(i) **Time limit Does Not Include Moratoria**. The time limit for property placed in a T Tentative classification which is also the subject of a Tentative Map shall not include any time during which a development moratorium, as defined in California Government Code Section 66452.6(b), has been imposed and is in existence after the effective date of the ordinance placing the property in a T Tentative classification, provided that the moratorium affects the property and does not exceed five years. Provided further that for property placed in a T Tentative Classification which is also the subject of a Tentative Map and which requires the expenditure of $125,000.00 or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the Tentative Map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, then the T Tentative Classification shall be extended for the life of the Tentative Map.

(j) **Restoration to Former Zoning.** Except as provided for in subdivision 2. of this subsection, as to those properties placed in the T Tentative classification prior to March 26, 1973 and which remain in a T Tentative classification for more than six years, the City Planning Commission, the Director or the Director's designee may investigate the circumstances therefor. When deemed appropriate by the Commission or upon the request of the Council, and after due notice to the owner of the property as shown on the records of the City Engineer or the records of the County Assessor, the City Planning Commission, the Director or the Director's designee shall submit a report and recommendation to the Council concerning the restoration of the property to its former zoning or height district classification. Where the recommendation is that the property be changed to its former classification, or when the Council requests that the property be changed to its former classification, an ordinance accomplishing the change shall be transmitted with the report and recommendation to the Council. Notwithstanding any other provisions of this Code to the contrary, no public hearing need be held nor further notice given as a prerequisite to the adoption of an ordinance restoring the property to its former classification.

(Amended by Ord. No. 181,595, Eff. 4/10/11.)

(k) **General Plan Consistency**. In the implementation of Paragraph (i) of this Subdivision, the former zoning or height district classification may be inconsistent with the current General Plan designation for the property. In this case, the property shall be changed to the least intense zoning or height district classification consistent with the General Plan.

2. **Q Qualified Classification**.

(a) **Purpose**. Except where property is being changed to the RA, RE, RS or R1 Zone, provision may be made in a zoning ordinance that the property not be utilized for all the uses ordinarily permitted in a particular zone classification and/or that the development of the site shall conform to certain specified standards, if the limitations are deemed necessary to:

(1) Protect the best interests of and assure a development more compatible with the surrounding property or neighborhood;

(2) Secure an appropriate development in harmony with the objectives of the General Plan; or

(3) Prevent or mitigate potential adverse environmental effects of the zone change.

(b) **Q Classification**.

(1) Where limitations are deemed necessary the zoning ordinance may, instead of immediately and finally changing the zone or height district on the property, place it in a Q Qualified classification. Except as provided for in Paragraphs (f) of (g) of this subdivision, the Q Qualified classification shall be deemed to be a temporary classification until the time the proceedings are either terminated or completed as provided in this section.

(2) Prior to the issuance of permits for the construction of buildings or structures authorized by the Qualified enactment, the plans for them shall be submitted to and approved by the Director as being in full compliance with all limitations and standards set forth in the ordinance.

(c) **Map Symbol**. The Q classification shall be indicated by the symbol Q in parentheses preceding the proposed designation; for example, (Q)C2-1.

(d) **Allowed Uses**. While property remains in a Q Qualified classification, whether temporary or permanent as provided for in Subdivision 3 of this subsection, it may be used for any of the uses permitted in the zone applicable to the property prior to its Q Qualified classification, unless the use or uses are prohibited in the zone classification to which the property is being changed, or are subject to limitations as are specified in the Qualified classification to which the property is being changed. Prior to the issuance of permits for the construction of buildings or structures authorized by reason of the Qualified zone enactment, the plans therefor must be submitted to and approved by the Director of Planning or by his designated representative as being in full compliance with all limitations and standards set forth in that ordinance.

(e) **Certificate of Occupancy.** Property shall remain in a temporary (Q) Qualified classification for the period of time provided in Paragraph (f) of this subsection or until a Certificate of Occupancy is issued by the Superintendent of Building for one or more of the uses first permitted by the Qualified zone ordinance. The Superintendent of Building shall notify the Director of the issuance of the Certificate of Occupancy. Once the Certificate of Occupancy is issued: (i) the (Q) Qualified classification shall no longer be considered temporary; (ii) the parentheses shall be removed from the designation; and (iii) the new zone designation shall become finally effective and shall be placed on the appropriate City records with the symbol "Q" being a permanent part of the symbol designation; for example QR3-1. All applicable limitations and/or standards within the Qualified classification ordinance shall thereafter be considered to apply permanently to the specific uses. The temporary Qualified classification and the accompanying conditions that have become permanent and are shown with brackets shall have the same status as those that have become permanent, but shown with neither parenthesis nor brackets. **(Amended by Ord. No. 177,103, Eff. 12/18/05.)**

(f) **Time Limit. (Amended by Ord. No. 182,106, Eff. 5/20/12.)** Except as provided below and in Subsection I., property shall not remain in a Q Qualified classification for more than six years unless during that time:

(1) there is substantial physical development of the property to allow for one or more of the uses for which the Q Qualified classification was adopted; or

(2) if no physical development is necessary, then the property is used for one or more of the purposes for which the Q Qualified classification was adopted.

EXCEPTION: Property may remain in a Q Qualified classification for an additional 60 months if the ordinance creating the classification took effect between July 15, 2005, and December 31, 2007; an additional 48 months if the ordinance took effect between January 1, 2008, through December 31, 2008; and an additional 24 months if the ordinance took effect between January 1, 2009, and December 31, 2010, provided that the Director makes a written finding that the prior discretionary approval and the required environmental review considered significant aspects of the approved project

and that the existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the extension.

When these time limitations expire, the Q Qualified classification and the authority contained therein shall become null and void, the rezoning proceedings shall be terminated, and the property thereafter may only be utilized for those purposes permitted prior to the commencement of the rezoning proceedings.

In addition, the Director may determine that the development has not been continuously and expeditiously carried on to completion, but that one or more usable units has been completed and that the partial development will meet the requirements for the utilization of the (Q) classification. The Director may impose conditions on the partial development to meet the intent of this subdivision. The Director shall advise the Department of Building and Safety of his or her decision. Thereafter, a Certificate of Occupancy may be issued after compliance with the Director's decision, and the temporary (Q) classification shall be permanent on that portion of the property determined by the Director to be appropriate to the completed portion of the development. The Qualified classification and the authority contained therein shall become null and void as to the remainder of the property. Notwithstanding any other provision of this Code to the contrary, no public hearing need be held nor notice be given before terminating the (Q) Qualified classification and restricting the property to its previously permitted uses.

(g) **Non-Conforming Improvements**. In the event that buildings or structures designed for occupancy by uses which were not permitted prior to the (Q) Qualified classification are located on property on which the (Q) Qualified classification is terminated, the buildings or structures shall be completely removed forthwith by the owner at his or her own expense, unless their design is altered and they are immediately completed in full compliance with all applicable regulations for uses permitted prior to the (Q) Qualified classification.

(h) **Q's with T's**. Property may simultaneously be classified as being in a (Q) or [Q] Qualified classification and T Tentative classification. The T designation shall be removed prior to utilization of the additional uses permitted by the (Q) or [Q] Qualified classification. In no event shall there be any change in the time limitations of this section or any extension of them.

(i) **Time Limit Does Not Include Moratoria**. However, for property placed in a Q Qualified classification which is also the subject of a Tentative Map, the six year time period for the Q Qualified Classification shall not include any time during which a development moratorium, as defined in California Government Code Section 66452.6(f), has been imposed and is in existence after the effective date of the ordinance placing the property in a Q Qualified Classification, provided that the moratorium affects the property and does not exceed five years. Provided further that for property placed in a Q Qualified Classification which is also the subject of a Tentative Map and which requires the expenditure of $125,000.00 or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the Tentative Map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, then the Q Qualified classification shall be extended for the life of the Tentative Map, including any time extensions approved by the Advisory Agency. For the purposes of this subsection, a zone change or height district change shall be deemed a change incident to division of land when the project's environmental analysis includes a description of both the change and the division of land, and the proposed development of the site does not deviate substantially from the original project description. In particular, the proposed development shall be substantially the same regarding density, the number of dwelling units, the amount of floor area, uses, height and massing of buildings, amount of grading, and other relevant attributes.

(j) **Q Conditions in the RA, RE, RS and R1 Zones**. **(Added by Ord. No. 174,406, Eff. 2/28/02.)** Notwithstanding Paragraph (a) of this Subdivision, properties being changed to the RA, RE, RS and R1 zones may be placed in the "Q" Qualified classification in order to impose conditions to mitigate adverse environmental effects of the zone change identified in a Mitigated Negative Declaration or Environmental Impact Report.

3. **Permanent [Q] Qualified Classification**. In consideration of a proposed change of zone or height district, the Council may determine to impose a permanent Q Qualified classification rather than a classification which expires. The permanent Qualified classification shall be identified on the Zoning Map by the symbol Q in brackets, preceding the proposed zoning designation; for example, [Q]M2-1; or, in combination with a T Tentative classification, [T][Q]C2-2. There shall be no time limit on removal of the brackets around the [Q] Qualified designation nor on removal of the T Tentative designation. After the conditions of the permanent [Q] Qualified classification have been fulfilled, the brackets surrounding the Q symbol shall be removed. After the conditions of the T Tentative classification have been fulfilled, the symbol [T] shall be removed from the zone designation.

4. **D Development Limitations**.

(a) **Purpose**. Notwithstanding any provisions of Section 12.21.1 of this Code to the contrary, provisions may be made in an ordinance establishing or changing any Height District that a building or structure may be built to a specific maximum height or floor area ratio less than that ordinarily permitted in the particular Height District classification; or that buildings may cover only a fixed percentage of the area of the lot; or that buildings be set back in addition to setbacks otherwise required by this Code. These limitations shall be known as D Development limitations.

(b) **Findings**. In establishing D limitations, the Council shall find that any or all the limitations are necessary:

(1) to protect the best interests of and assure a development more compatible with the surrounding property or neighborhood, and

(2) to secure an appropriate development in harmony with the objectives of the General Plan, or

(3) to prevent or mitigate potentially adverse environmental effects of the Height District establishment or change.

(c) **Map Designation**. The imposition of D Development limitations shall be indicated by the symbol D following the Height District designated on the Zone Map; for example, C2-1-L-D, R4-2-D, RD1.5-1-VL-D, etc.).

(d) **Permanence of D Development Limitations**. D Development limitations shall not be affected by any failure to remove a (T) Tentative classification or the parentheses of a Q Qualified classification.

H. Amendments of the T Classification and Clarifications of the Q Classification or D Limitation.

1. **Application**. A request for an amendment of Council's instructions involving the T Classification or a clarification of a Q Classification or D Limitation set forth in an ordinance pursuant to Subsections C and G of this section may be filed by one or more of the owners or lessees of the subject property with the Department on a form accompanied by information required by the Department and by a fee as provided in Section 19.01.

2. **Guidelines**. The City Planning Commission shall adopt guidelines for the Director to utilize in considering these requests. The City Planning Commission may amend the guidelines from time to time as it deems appropriate.

3. **Hearing**. Proceedings for an amendment to Council instructions or a clarification need not be set for hearing.

4. **Director's Authority**.

(a) **Approval of Request**. If the Director decides that the request complies with the City Planning Commission's guidelines, then the Director may approve or conditionally approve a request subject to the findings below.

(b) **Disapproval of Request**. If the Director decides that the request does not comply with the City Planning Commission guidelines for considering requests for amendments or clarifications, the Director shall deny the request. The decision of the Director that a request does not comply with the City Planning Commission guidelines shall be final.

5. **Findings**. The Director, or the City Council on appeal, shall approve an amendment or clarification if the Director or the City Council finds that:

(a) The request is consistent with the City Planning Commission guidelines; and

(b) The amendment or clarification is necessary in order to carry out the intent of the City Council in adopting the T or Q Classification or D Limitation; and

(c) The amendment or clarification would have only a minimal effect on adjacent property and would not result in a significant or substantial deprivation of the property rights of other property owners.

6. **Notice of Decision**.

(a) **Notice.** After making a decision pursuant to this subsection, the Director or City Clerk, as appropriate, shall notify the applicant in writing. Written notice shall also be mailed to the owners of all property within and outside of the City that is within 300 feet of the exterior boundaries of the property involved, using for the purpose of notification the last known name and address of owners shown upon the records of the City Engineer or the records of the County Assessor. **(Amended by Ord. No. 181,595, Eff. 4/10/11.)**

(b) **Expanded Notice**.

(1) If all property within the 300-foot radius is under the same ownership as the property involved in the proceeding, then the owners of all property which adjoins the ownership, or is separated only by a street, alley, public right-of-way or other easement, shall also be notified as provided in this subdivision.

(2) If these notice provisions will not result in notice being given to at least 20 different owners of at least 20 different parcels of property other than the subject property, then the 300-foot radius for notification shall be increased in increments of 50 feet until the required number of owners, and parcels of property, are encompassed within the expanded area. Notification shall then be given to all property owners within that area.

7. **Effective Date of Decision**. A decision of the Director pursuant to this subdivision shall become final and effective upon the close of the 20 day appeal period, if not appealed.

8. **Appeals of Director's Decision**. **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** An applicant or any person aggrieved by a decision of the Director may appeal that decision to the City Council. The appeal shall be in writing and shall set forth specifically where there is error or abuse of discretion in the decision by the Director pursuant to this subdivision. The appeal shall be filed with the Department of City Planning and accompanied by a fee as provided in Section 19.01 of this Code. The City Council may approve, conditionally approve, or disapprove the appeal if it finds there is error or abuse of discretion in the determination by the Director. If the Council makes this decision, it shall make written findings pursuant to Subdivision 5 of this subsection. The decision of the City Council shall be final.

I. Changes Incident to Divisions of Land.

1. **Purpose**. **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** To provide for the orderly arrangement of the property concerned into lots.

2. **Council Authority**. In the subdivision of an area, it may be determined by the Commission that the zones or height districts, as shown on the zoning map, do not conform with the best subdivision and use of the land. The Council may, upon the recommendation of the Commission, authorize within the boundaries of the area being subdivided the appropriate adjustment of zone or height district boundaries or the reclassification of the area into a more restrictive zone or height district where the zone or height district is consistent with the General Plan. The Council shall have the authority to make changes without the Commission holding a public hearing on the adjustment.

3. **Restriction on Commission Authority**. The Commission shall make no recommendation to the Council pursuant to Subdivision 4 of this Subsection except upon written application made by the owner of the land being subdivided.

4. **Procedure**. Notice of a public hearing on any change of zone incident to division of land to a less restrictive zone shall be included in the notice for the division. The notice shall conform to the procedures for zone change notification and the subdivision and zone change hearings shall be held concurrently. Appeal procedures shall conform to those required for zone changes as set forth in this section.

J. F Funded Improvement Classification.

1. **Purpose**. In consideration of a proposed change of zone, the Council may determine that public necessity, convenience or general welfare indicate rezoning for an area is desirable, but that street lighting and fire hydrants in the area are so lacking or inadequate that provision for these facilities shall be made prior to the more intensive use of the area contemplated by the zone change.

2. **Improvements**. If the Council determines that provision should be made for street lighting, fire hydrants, or both, it shall designate the improvements. The ordinance changing the zone of the property concerned may in addition to rezoning the property place it in an F or Funded Improvement classification pending installation of all designated street lighting and fire hydrants by the owners of the property, or payment of a pro rata share of the cost of improvement as estimated by the City Engineer. Unless otherwise determined by the Council, the entire area rezoned in each zone change case shall have its own separate Funded Improvement Account.

3. **Map Symbol**. The F or Funded Improvement classification shall be indicated by the symbol F in parentheses immediately before the combination of symbols designation; for example, (F)R3-1.

4. **Issuance of Permits**. While the property remains in an F Funded Improvement classification, and until the Department of Building and Safety has received notification from the Board of Public Works that the required improvements have been installed to the satisfaction of the City Engineer, or that the pro rata share of the improvement charge has been paid to the City, or that the improvements are assured by an assessment district, the property may continue to be used only for the purposes permitted in the zone applicable to the property prior to its F Funded Improvement classification. No permits shall be issued, no buildings or structures shall be erected or constructed, and no land shall be used for any other purpose.

5. **Funded Improvement Accounts**.

(a) **Establishment**. Unless otherwise determined by the Council, the Board of Public Works shall establish a separate Funded Improvement Account for each zone change area placed in the F Funded Improvement classification. Each account shall be maintained until the funds are expended to complete all the designated improvements in that the area, or until the Board of Public Works determines the account is no longer necessary.

(b) **Unit Charges**. The Board of Public Works shall establish one or more standard unit charge, based upon front footage, acreage, or other equitable measurements. The charges shall be estimated by the City Engineer to be sufficient to reimburse the City for its cost of installation, materials, design, surveying, inspection, testing of materials, appurtenant work, and all other applicable costs. Unit charges may vary depending on geographic or other special conditions. Upon request, the City Engineer shall advise any property owner of the total charge for the installation of the required improvements, and the proportionate share of the charges for the property. In the event a property owner installs any of the improvements designated for the property, a proportionate adjustment of the pro rata improvement charge shall be made.

(c) **Earlier Improvements**. The Board of Public Works may authorize the earlier installation of certain of the designated improvements which are more urgently needed than the others when its Funded Improvement Account contains sufficient funds to cover the cost of the improvements.

(d) **Completion of Improvements**. When 60% of the total estimated improvement charges have been collected in any Funded Improvement Account, the Board of Public Works may cause the designated improvements for the area to be completed either by the City or by contract, using monies from the revolving fund established by Paragraph (e) below for the remainder of the costs, if sufficient amounts are available in it. Upon completion of all the designated improvements in a zone change area placed in the F Funded Improvement classification, the Funded Improvement Account for that area shall be terminated.

(e) **Revolving Fund**. There is hereby established the Funded Improvement Revolving Fund to be administered by the Board of Public Works, which shall be used to finance completion of improvements in areas in the F Funded Improvement classification. The Council, after a report from the Board of Public Works, may appropriate monies to the Fund. The Board of Public Works shall periodically report to the Council on the operation of the Revolving Fund as well as any need for additional funds. When a Funded Improvement Account for a rezoned area has been terminated, all remaining pro rata improvement charges due as a prerequisite to obtaining building permits shall be paid into the Revolving Fund.

(f) **Removal of F Classification**. Each parcel of property shall remain in the F Funded Improvement classification until the owner has installed all designated improvements determined by the City Engineer to pertain to the property, or has paid the improvement charges, or the improvements have been completed or guaranteed under assessment proceedings, and the Board of Public Works has notified the Department of Building and Safety. Thereafter, each parcel shall no longer be designated as being within the classification and the F Funded Improvement designation shall be removed from the City records. A copy of the notification shall be furnished to the Department.

K. (Deleted by Ord. No. 182,242, Eff. 10/9/12.)

L. (Deleted by Ord. No. 182,242, Eff. 10/9/12.)

M. Changes of Zone Relating to Projects Subject to Section 12.24.1. In connection with a change of zone subject to the provisions of Section 12.24.1 of this Code, the ordinance changing the zone may provide that one or more of the uses permitted by that ordinance shall be exempt from the requirements of this Code.

N. Changes Incident to Self-Contained Communities.

1. **Agricultural Zones**. Where property is in an A1, A2 or RA Zone, a proposed plan for the development of a new self-contained community with a town lot subdivision design may be submitted to the Commission for its consideration, provided the plan indicates that adequate provision is made for school and playground sites, municipal facilities, utilities and other services.

2. **Subdivision Map Required**. If the Commission finds that the location and plan of the proposed community are tentatively acceptable, it shall initiate the zone changes which may be necessary for the completion of the plan. After holding the public hearing required in connection with the proposed zone changes, the Commission may approve the plan including the proposed zone changes, but the approval shall be subject to the filing and recordation of a subdivision map conforming to the plan. If the self-contained community plan and the proposed zone changes are approved by the Commission, the plan and the proposed zone changes shall be submitted to the Council for its consideration. If the Council concurs in the action of the Commission, the ordinance required to effect the changes shall be presented to the Council only after a tentative subdivision map has been submitted to and approved by the Council.

O. Establishment or Change of H Hillside Areas.

1. **Procedure**. Whenever the public necessity, convenience or general welfare justify the action, the Council by ordinance may create or change the boundaries of an H Hillside Area. The fees to be paid and the procedure to be followed shall be the same as prescribed in this section for a change of zone. However, where the establishment or change of an H Hillside Area is initiated by the Council or the Commission and consists of a parcel or parcels of land totaling in excess of 20 acres, publication in a newspaper of general circulation, designated by the City Clerk for official advertising in the area involved, not less than 24 days prior to the date of the public hearing, giving notice of the time, place and purpose of the hearing shall be sufficient notice of the hearing, and the mailing of individual notices shall not be required.

2. **Exception**. Where the Commission initiates a change of zone from the R1-H to the RE15-H zone on property generally described in Subdivision 3 of this Subsection, publication in a newspaper of general circulation, designated by the City Clerk for official advertising in the area involved, at least ten days prior to the date of the public hearing, giving notice of the time, place and purpose of the hearing shall be sufficient notice, and the mailing of individual notices shall not be required.

3. **Boundaries**. Sunset Boulevard from Pacific Coast Highway to Western Avenue, Western Avenue and its northerly extension to the common city boundary line between Los Angeles City and the City of Glendale, westerly on the City boundary line from the northerly extension of Western Avenue to Lankershim Boulevard, southerly on Lankershim Boulevard to Ventura Boulevard, westerly on Ventura Boulevard from Lankershim Boulevard to the westerly City boundary line, southerly on the

westerly City boundary line to Pacific Coast Highway, and easterly on Pacific Coast Highway to Sunset Boulevard.

P. Minor Changes to Parking Requirements Incident to Legislative Actions. As part of any legislative land use ordinance, the Council may approve changes to the parking requirements not to exceed 20% of the requirements otherwise required by the Code.

Q. Vesting Applications.

1. **Application**. Whenever a provision of the Los Angeles Municipal Code requires the filing of an application for a zone change, a vesting zone change may instead be filed, 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.

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 Paragraph 2(a) of this section 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 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) **Vesting Zone Change**.

(1) **Filing and Processing an Application**. A vesting zone change 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 procedures for applications in Subsection C 3 for a zone change, except as provided here. The application shall specify that the case is for a vesting zone change. 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 zone change in order for the City Planning Department to be able to schedule a concurrent hearing. In all vesting zone change cases a site plan and a rendering of the architectural plan of the building envelope shall be submitted. The plans and renderings shall show the proposed project's height, design, size and square footage, number of units, the use and 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.

(2) **Conditional Approval or Denial**. Notwithstanding Subdivision 2.(a) of this subsection, a vesting zone change may be conditioned or denied if the City Planning Commission or the City Council determines: **(Amended by Ord. No. 177,103, Eff. 12/18/05.)**

(i) that the condition is deemed necessary to protect the best interest of and assure a development more compatible with the surrounding property or neighborhood; to secure an appropriate development in harmony with the objectives of the General Plan; to prevent or mitigate potential adverse environmental affects of the zone change; or that public necessity, convenience or general welfare require that provisions be made for the orderly arrangement of the property concerned into lots and/or that provisions be made for adequate streets, drainage facilities, grading, sewers, utilities and other public dedications and improvements; or

(ii) the zone change is denied because it is not in substantial conformance with the purposes, intent or provisions of the General Plan or is not in conformance with public necessity, convenience, general welfare and good zoning practice and the reason for not conforming with the plan.

If the Council does not adopt the Commission's findings and recommendations, the Council shall make its own findings.

(3) **Expiration**. The approval or conditional approval of a vesting zone change shall expire at the end of a six year time period. Where a project to be developed under a vesting zone change contains multiple phases, the vested zoning shall terminate if less than 25 percent of the total project allowed by the vesting zone change and as described in the vesting application has not received a certificate of occupancy before the end of the period of time specified.

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 zone change issued pursuant to this section. 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 City Council, after a report and recommendation from the Director of Planning or his or her authorized representative, may amend the vested building or site plans or add to the set of City regulations to which the applicant's project has vested by a zone change issued pursuant to this section. 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, prior to making a decision pursuant to this paragraph 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.

R. Building Lines.

1. **Purpose**. It is the purpose of this article to provide regulations for the establishment, change or removal of building lines along any street or portion of a street in order to provide for the systematic execution of the General Plan; to obtain a minimum uniform alignment from the street at which buildings, structures or improvements may be built or maintained; to preserve the commonly accepted characteristics of residential districts; to protect and implement the "**Highways and Freeways Element of the General Plan**"; to provide sufficient open spaces for public and private transportation; to facilitate adequate street improvements; to prevent the spread of major fires and to facilitate the fighting of fires; and to promote the public peace, health, safety, comfort, convenience, interest and general welfare.

2. **Procedures for Establishment, Change or Removal of Building Lines. (Amended by Ord. No. 173,492, Eff. 10/10/00.)** Except for the provisions below, the procedures set forth in Subsection C shall be used for the establishment, change or removal of building lines.

(a) **Initial Decision-Maker**. Area Planning Commissions shall have the authority to make recommendations on building line ordinances.

(b) **Notice**. Notwithstanding the notice requirements of Subsection C4, the following notice shall be required for actions on building lines:

(1) **By Mailing Notices**: A written notice shall be mailed at least 24 days prior to the date of the hearing to the applicant, to the owner or owners of the property involved and to the owners of properties abutting that portion of the street on which the building line is to be established, changed or removed. The written notice shall be mailed to the last known name and address of the owners as shown upon the records of the City Engineer or the records of the County Assessor; or **(Amended by Ord. No. 181,595, Eff. 4/10/11.)**

(2) **By Posting Notices on the Street Affected**: The Board of Public Works shall be notified whenever a public hearing on a building line proceeding is set. The Board shall cause copies of the notice of the public hearings to be posted within 20 days after receiving the notification and at least 24 days prior to the date set for public hearing. The Board shall post at least three notices, not more than 300 feet apart, in front of each block or part of a block along the street involved in the building line proceeding.

The posted notice of public hearing shall conform to the following requirements:

(i) It shall be at least 10-1/2 inches × 11 inches in size;

(ii) It shall be titled "Notice of Public Hearing," and the title shall also state whether the purpose of the hearing is to establish, change or remove a building line. All letters in the title shall be at least one inch in height;

(iii) It shall include, in legible characters, the time and place of the public hearing; and

(iv) It shall include a diagram or other description of the building line to be established, changed or removed.

(c) **Public Hearing for Certain Building Line Actions**. Notwithstanding the provisions of Section C4, no separate public hearings will be required for the establishment, change or removal of a building line when it is incidental to subdivisions or zone changes as specified in Paragraphs (e) and (f).

(d) **Action on Building Line Change**. The procedures in Subsection C shall be used for establishment or change to a building line.

(e) **Building Line Incident to Subdivision**. In connection with the consideration of a tentative subdivision map by the Director of Planning, he or she may recommend to the Area Planning Commission or the City Planning Commission, whichever is considering the matter, the establishment, change or removal of a building line on streets within the subdivision, if he or she finds it is necessary for the proper development and use of the lots or to achieve any purpose set forth in Subdivision 1 of this subsection. The recommendation shall be in the form of a written report. Upon the receipt of the report, the Commission shall advise the subdivider that the proposed building line matter will be considered at a regular Commission meeting. The meeting shall constitute the required public hearing and no further notice need be given. If the Commission approves the establishment, change or removal of a building line, an ordinance in conformity with that recommendation shall be presented to the Council for adoption concurrently with its action on the final subdivision tract map.

(f) **Building Line Incident to Zone Change**. **(Amended by Ord. No. 173,754, Eff. 3/5/01.)** In connection with its hearing and consideration of a proposed zone change, the Area Planning Commission or the City Planning Commission may also consider the establishment, change or removal of a building line on the property involved or on adjoining property under the same ownership as the property involved in the zone change proceeding. If the Commission finds that it is necessary to establish, change, or remove a building line in order to give proper effect to the zoning proposed in the proceeding, or to achieve any purpose set forth in Subdivision 1 of this subsection, the Commission may act upon the building line matter simultaneously with the zone change proposal. Only one notice of public hearing need be given concerning the proposed zone change and the building line proceeding and both matters may be considered at the one public hearing. If the Commission approves the establishment, change or removal of a building line, an ordinance in conformity with that recommendation shall be presented to the City Council for adoption concurrently with the ordinance involving the proposed zone change.

(g) **Notification to Building and Safety**. The Department of Building and Safety shall be notified relative to an initial City Council or Area Planning Commission approval of a building line proceeding, and whenever the proceeding is terminated by the City Council.

3. **Building Permits Shall Not Be Issued During Proceedings**. After the approval of a building line proceeding by the Area Planning Commission or by the Council upon an appeal from a disapproval, and until the time the ordinance establishing, changing or removing a building line in the proceedings becomes effective, or until the time the proceedings are terminated by the City Council, no building permit shall be issued for the erection of any building, structure or improvement between any proposed building line and the street line, and any permits so issued shall be void.

4. **Compliance**. After the effective date of any ordinance establishing a building line, no person shall build or maintain any building, structure, wall, fence, hedge or other improvement within the space between the street line and the building line so established, and the Department of Building and Safety shall refuse to issue any permit for any building, structure or improvement within that space.

5. **Exceptions - Nonconforming Buildings**.

(a) **Permitted Projections**. Any improvements or projection permitted in a front yard, or in a side yard adjoining a street by Section 12.22C20 of Article II, may extend or be located in the same manner in the space between an established building line and the adjacent street line. Further, a marquee may extend into the space between an established building line and the adjacent street line a distance of not more than 12 feet from the face of the building to which it is attached, providing the building be lawfully devoted to a business use.

(b) **Nonconforming Buildings**. A nonconforming building, structure or improvement may be maintained except as otherwise provided in Sections 12.23A and 12.23D.

(c) **Subsurface Improvements**. The provisions of this article do not apply to buildings, structures or improvements located below the natural or finished grade of a lot whichever is lower.

(d) **Street Vacation**. Any building line existing along a public street hereafter vacated shall be deemed automatically removed when the City Council makes its order of vacation unless the order of vacation provides otherwise.

(e) **Enforcement**. The provisions of Section 12.26 concerning enforcement of the zoning regulations shall also apply to the enforcement of the provisions of this article.

S. Supplemental Use Districts. (Amended by Ord. No. 181,412, Eff. 1/2/11.)

1. **Purpose.** The purpose of Article 3 of this chapter is to regulate and restrict the location of certain types of uses whose requirements are difficult to anticipate and cannot adequately be provided for in the "Comprehensive Zoning Plan". These uses, the boundaries of the districts where they are permitted, the limitations governing their operations, and the procedure for the establishment of new districts, are provided for in Article 3 of this chapter. Except for the "Supplemental Uses" permitted by Article 3 of this chapter, all property within the districts hereby established is subject to the provisions of the "Comprehensive Zoning Plan".

2. **Districts. (Amended by Ord. No. 184,827, Eff. 3/24/17.)** In order to carry out the provisions of this article, the following districts are established:

"O" Oil Drilling District
"S" Animal Slaughtering District
"G" Surface Mining District
"RPD" Residential Planning Development District
"K" Equinekeeping District
"CA" Commercial and Artcraft District
"POD" Pedestrian Oriented District
"CDO" Community Design Overlay District
"MU" Mixed Use District
"FH" Fence Height District
"SN" Sign District
"RFA" Residential Floor Area District
"NSO" Neighborhood Stabilization Overlay District
"CPIO" Community Plan Implementation Overlay District
"HS" Hillside Standards Overlay District
"MPR" Modified Parking Requirement District
"RIO" River Improvement Overlay District
"CUGU" Clean Up Green Up Overlay District
"RG" Rear Detached Garage District
"HCR" Hillside Construction Regulation District

These districts and their boundaries are shown on portions of the "Zoning Map" as provided for in Section 12.04 and made a part thereof by a combination of the zone and district symbols. This map and the notations, references and other information shown on it which pertain to the boundaries of these districts are made a part of this article as if fully described here. Reference is hereby made to those maps, notations, references and other information for full particulars.

3. **Establishment of Districts.**

(a) **Requirements.** The procedure for initiation or an application to establish, change the boundaries of or repeal a supplemental use district shall be as set forth in this section with the following additional requirements.

(b) **Additional Requirements for Application. (Amended by Ord. No. 184,246, Eff. 6/4/16.)** Except for CPIO Districts, which may not be established through the application procedure, one or more of the owners or lessees of property within the boundaries of the proposed district may submit a verified application for the establishment of a district. An application for the establishment of a Commercial and Artcraft District, a Pedestrian Oriented District, an Equinekeeping District, a Community Design Overlay District, a Mixed Use District, a Sign District, a Residential Floor Area District, a Neighborhood Stabilization Overlay District, a Hillside Standards Overlay District, a Modified Parking Requirement District, a River Improvement Overlay District, or a Clean Up Green Up Overlay District shall contain the signatures of at least 75 percent of the owners or lessees of property within the proposed district. An application for the establishment of a Fence Height District shall contain the signatures of at least 50 percent of the owners or lessees of property within the proposed district. An application shall be accompanied by any information deemed necessary by the Department.

If establishment of a district is initiated by the City Council, City Planning Commission or Director of Planning, the signatures of the property owners or lessees shall not be required.

(c) **Action on the Initiation or Application.**

(1) **Authority.** Notwithstanding the provisions of Subsection C., only the City Planning Commission is authorized to make recommendations regarding approval or disapproval in whole or in part on an application for or the initiation of the establishment of a supplemental use district to the Council.

(2) **Notice.** Notice of the public hearing shall also be given to the Bureau of Engineering and Department of Transportation for an application or initiation to establish a supplemental use district.

(3) **Time for Commission to Act on Application. (Amended by Ord. No. 184,246, Eff. 6/4/16.)** The City Planning Commission shall act on an application to establish an "O", "S", "G", "K", "CA", "POD", "CDO", "MU", "FH", "SN", "RFA", "NSO", "CPIO", "HS", "MPR", "RIO", or "CUGU" District within 75 days from the date of the filing of the application. The City Planning Commission shall act on an application to establish an "RPD" District within 75 days from receipt of the Subdivision Committee report and recommendation. The City Planning Commission shall act on proceedings initiated by the Council within 75 days of receipt of that action from the Council, or within the time that the Council may otherwise specify.

(4) **Disapproval - Appeal to Council.** If the City Planning Commission recommends disapproval of an application, in whole or in part, any owner or lessee of property included in a proposed district may appeal that decision to the Council by filing an appeal with the City Planning Commission pursuant to the procedure set forth in Subsection D. of this section.

4. **Administrative Clearance - Director Authority for Sign Off.**

(a) **Administrative Clearance.** An Administrative Clearance is defined as a ministerial approval for Projects that comply with all applicable Supplemental Use District regulations. The term "Project" shall be defined in any Supplemental Use District that seeks to invoke this Administrative Clearance procedure.

(b) **Application, Form and Contents.** To apply for an Administrative Clearance, 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 any additional submission requirements.

(c) **Procedures. (Amended by Ord. No. 184,246, Eff. 6/4/16.)** An applicant for a Project that complies with the provisions of an adopted Commercial and Aircraft District, Pedestrian Oriented District, Community Design Overlay District, Mixed Use District, Community Plan Implementation Overlay District, River Improvement Overlay District, or Clean Up Green Up Overlay District shall submit plans to the Director for an Administrative Clearance. The Director or his/her designee shall review the Project for compliance with the applicable Supplemental Use District development regulations. A Project that does not qualify for Administrative Clearance shall follow the procedures set forth in the applicable Supplemental Use District.

Exhibit D

RULES OF

THE

LOS ANGELES CITY COUNCIL
AS AMENDED
(January 2019)

COUNCIL OFFICERS

COUNCILMEMBER NURY MARTINEZ, PRESIDENT

COUNCILMEMBER JOE BUSCAINO
PRESIDENT PRO TEMPORE

COUNCILMEMBER DAVID E. RYU
ASSISTANT PRESIDENT PRO TEMPORE

RULES

OF

THE LOS ANGELES CITY COUNCIL AS

ADOPTED ON DECEMBER 19, 1986
AS AMENDED
(January 2019)

Holly Wolcott
City Clerk

TABLE OF CONTENTS

Chapter		Page
	Preamble	iiii
I	Election and Appointment of Officers	1
II	Public Notice, Attendance and Comment	2
III	Presiding Officer	6
IV	Council Meeting Days and Time, Order of Business, and Quorum	7
V	Council Discussion and Time Limits	9
VI	Resolutions, Contracts, Reports, and Ordinances	10
VII	Appointment and Removal of City Commissioners and Officers	12
VIII	Voting	13
IX	Disposition of Items	14
X	Special Meetings	16
XI	Committees and Committee Meetings	17
XII	Rules	21
XIII	Assigned Duties	22
XIV	Censure Procedures for the Los Angeles City Council	23
XV	Miscellaneous Provisions	25
	Appendix - Verbal Motions	28
	Index	29

RULES

OF THE

LOS ANGELES CITY COUNCIL

These procedural Rules are adopted, pursuant to authority set forth in Charter Section 242, to assist the City Council in the orderly conduct of City business consistent with law.

CHAPTER **I**

ELECTION AND APPOINTMENT OF OFFICERS

*1. At the first meeting of the Council after the second Monday in December, 2020 and after such day in each even-numbered year thereafter, the City Clerk shall preside over the election of the President, and the Council shall elect one of its members as President by a majority vote by open ballot. That member shall be known as the President of the Council. The President shall serve until the next such meeting date or until a successor has been elected.

2. After a President is elected, the Council shall elect one of its members as "President Pro Tempore" in the same manner it has elected the President. The President Pro Tempore shall serve until a successor has been elected, and shall act as the Presiding Officer in the absence of the President of the Council and as otherwise provided in Charter Section 243(b).

3. The maker of a duly seconded motion to remove or replace the President, the President Pro Tempore or both, shall distribute a copy of the motion to each member and to the City Clerk during a Council session. The City Clerk shall place such motion on the next Council Agenda to be posted for a regular meeting. If the President's removal is approved, an election shall be held in accord with Rule 1.

4. After the election of the President and the President Pro Tempore, the President of the Council shall appoint a member of the Council to be "Assistant President Pro Tempore" who shall exercise the powers and duties of the President Pro Tempore as provided in Section 2.6(b) of the Los Angeles Administrative Code and serve for the period the President was elected. In the event of sickness, absence from the City, or disability of the Assistant President Pro Tempore, the sequence of succession to act as Assistant President Pro Tempore shall be based upon seniority, as provided in Section 2.6(c) of the Los Angeles Administrative Code.

5. The Presiding Officer may name another member to temporarily perform the duties of the Chair, but the substitution shall not extend beyond adjournment.

" Rules marked with an asterisk (*) may not be suspended. See Rule 76.

CHAPTER II

PUBLIC NOTICE, ATTENDANCE AND COMMENT

*6. The agenda for each regular meeting of the Council shall be posted pursuant to state law at least 72 hours before the meeting. It shall contain a brief general description of each item of business to be transacted or discussed at the meeting.

*7. General Public Comment

During each regular meeting, the Council shall provide a member of the public the opportunity to address the Council on any issue within the subject matter jurisdiction of the Council. This shall be referred to as "General Public Comment," which generally shall be taken up at or near the beginning of each regular meeting. Unlike most governing bodies which meet once a week or less often, the Council has regular meetings three times each week which afford members of the public frequent opportunity to address the Council. Therefore, each speaker shall be limited to one minute of general public comment each regular meeting. The Council shall not discuss or take action relative to any general public comment unless authorized by Section 54954.2(b) of the Government Code. The Council has determined that a cumulative total of ten minutes is a reasonable minimum amount of time for the General Public Comment segment of each regular meeting.

Agenda Item Public Comment

The Council shall provide an opportunity for the public to address the Council on each agenda item before or during Council's consideration of the item, unless the opportunity for public comment on the item previously was provided by a Council Committee and the item has not changed substantially since that Committee's consideration of the item. A member of the public wishing to speak on only one agenda item that is eligible for public comment shall be given an opportunity to speak for up to one minute when that item is considered by Council, or, at the discretion of the Presiding Officer, before consideration of the item.

A member of the public wishing to speak on more than one agenda item at a single meeting shall combine and present his or her comments addressing the agenda items at or near the beginning of the meeting during a segment called "Multiple Agenda Item Comment." A member of the public speaking on more than one agenda item shall be allowed to speak for up to one minute per item up to a total of three minutes per meeting. This will be the only opportunity to speak, other than during General Public Comment, for those members of the public who have submitted speaker cards on more than one agenda item. The Council has determined that a cumulative total of 20 minutes is a reasonable minimum amount of time for the Multiple Agenda Item segment of each regular meeting. On each meeting agenda, the Clerk shall designate any agenda items that are linked by a common specific issue. The Presiding Officer may allow members of the public who submit speaker cards on linked agenda items to make their public comment when the items are considered by Council.

Disruptions

A member of the public who disrupts and is ordered removed from a Council meeting or a Committee meeting shall be excluded from the remainder of that meeting.

A member of the public excluded from a Council or Committee meeting who then disrupts and is ordered removed from any Council or Committee meeting later that day or during any of the following 3 business days shall be excluded from attending all Council and Committee meetings for the remainder of that day and for the following business day.

A member of the public excluded from Council and Committee meetings for the following business day who then disrupts and is ordered removed from a Council or Committee meeting on any of the 3 business days immediately following the day of exclusion shall be excluded from attending all Council and Committee meetings for the remainder of that day and for the following 3 business days.

A member of the public excluded from Council and Committee meetings for 3 business days who then disrupts and is ordered removed from a Council or Committee meeting on any of the 3 business days immediately following the third day of exclusion shall be excluded from attending all Council and Committee meetings for the remainder of that day and for the following 6 business days.

A member of the public excluded from Council and Committee meetings for 6 business days who then disrupts and is ordered removed from a Council or Committee meeting on any of the 3 business days immediately following the sixth day of exclusion shall be excluded from attending all Council and Committee meetings for the remainder of that day and for the following 6 business days.

A business day is every calendar day on which a Council and/or Committee meeting is held.

*8. Public hearing items scheduled for regular meetings are afforded special notice for a specific Council meeting date and are intended to receive separate public input on a specific matter. Interested persons (for example applicants, appellants and property owners) shall be given reasonable opportunity to present oral arguments for or against any proposed action. However, no person may present evidence not relevant to the matter which is the subject of the hearing. The Presiding Officer may exercise his or her discretion, subject to reversal by a majority of the Council pursuant to Rule 15, in conducting the public comment period, including re-ordering the order of business as set forth in Rule 22 and providing additional time for a member of the public to speak as long as other speakers are afforded equal time.

9. No person shall be permitted to interrupt Councilmembers or the Clerk during a Council meeting.

10. No person, other than members of the news media and City staff shall be admitted into the Council business area of the Council Chamber (separated by a rope from the public seating area), while the Council is meeting except upon the request of a member and consent of the Presiding Officer.

11. To facilitate the orderly process of public comment and to assist the Council and its Committees in conducting business as efficiently as possible, members of the public wishing to address the Council or a Committee shall hand a speaker card, which includes the speaker's name or other identifying designation, to the Sergeant-at-Arms prior to an agenda item being called. Failure to submit an intelligible speaker card prior to an item being called may preclude a member of the public from speaking during that particular public comment period. An electronic automated system to submit a request to speak may be implemented instead of a member of the public handing a speaker card to the Sergeant-at-Arms. When the Presiding Officer calls a speaker's name, the speaker promptly shall approach the podium in the center aisle of Council Chamber or Board of Public Works hearing room, or the table provided in Committee. Failure to approach the podium or table promptly may preclude a member of the public from speaking during the subject public comment period. Members of the public shall speak only from the podium or table. Speakers are requested to refrain from yelling into the microphone, as doing so presents difficulties for designated translators to accurately translate the speaker's comment. Each speaker promptly shall conclude all comments when his or her time to speak has expired. Speakers are not allowed to cede their time to other speakers. The Presiding Officer may exercise discretion in curtailing the duration of all speakers' comments based upon factors such as the length of the agenda, the number of public comment speaker cards submitted, the need for the Council or Committee to conclude its business as expeditiously as is practicable, and whether the Council or Committee is in danger of losing a quorum. The Presiding Officer may rule that a speaker is impeding the orderly conduct of the meeting if the comment is not germane to the agenda item under consideration, and the speaker may forfeit his or her remaining time on that item.

12. Rules of Decorum

During a meeting of the Council or Committee, there is the need for the Council or Committee to carry out the public business expeditiously in order to ensure that the public has an opportunity to be heard and that the Council or Committee has an opportunity for its deliberative process. While any meeting of the Council or Committee is in session, the following rules shall be observed:

a. A member of the public addressing the Council or Committee shall only do so from the podium or designated table and all comments shall be addressed to the Council or Committee as a whole or to the Presiding Officer, and not to any single Council or Committee member, City staff or member of the audience. A member of the public addressing the Council or Committee shall not engage in any conduct which disrupts the orderly conduct of any Council or Committee meeting.

b. No person in the audience at a Council or Committee meeting shall engage in conduct that disrupts the orderly conduct of any Council or Committee meeting, including, but not limited to, the utterance of loud, threatening or abusive language, whistling, clapping, stamping of feet, repeated waiving of arms or other disruptive acts.

c. All persons attending a Council or Committee meeting shall obey any lawful order or direction of the Presiding Officer or Sergeant-at-Arms.

d. Members of the audience and speakers shall not wear or display signs, placards, banners, hats, costumes or similar items at any time in the Council Chamber or Committee room that obstruct the view of other audience members. In no event shall signs, placards, banners, props or similar items be larger than 8 ½ by 11 inches, be illuminated or be attached to any pole, stick or other device.

e. No person shall interrupt Council or Committee members or the Clerk during a Council or Committee meeting.

f. No person, other than members of the news media and City staff, shall be admitted into the Council or Committee business area of the Council Chamber or Committee room (separated by a rope or other means from the aisles and public seating area), except upon the request of a Council or Committee member and consent of the Presiding Officer.

g. No person shall stand or sit within eight feet of either side of the entrance doors to the Council Chambers or a Committee meeting room. No person shall stand or sit in the center aisle of the Council Chambers or a Committee meeting room without the permission of the Presiding Officer or Sergeant-at-Arms. Persons in the seating area of Council Chambers or a Committee meeting room shall remain seated and refrain from standing in the seating area unless entering or exiting the seating area or unless having received permission of the Presiding Officer or Sergeant-at-Arms.

The Presiding Officer of the Council or Committee, with the assistance of the Sergeant-at-Arms, shall be responsible for maintaining the order of meetings. The Rules shall be enforced as follows:

The Presiding Officer has the authority to issue a warning to a person violating the Rules. If the person continues to violate the Rules and disrupt the meeting, the Presiding Officer may order that person to leave the meeting. If the person does not timely leave the meeting, the Presiding Officer may order the Sergeant-at-Arms to remove the person from the meeting.

Any person removed from a meeting shall be excluded from further attendance at that meeting, unless the decision of the Presiding Officer is overruled by a majority vote of the Council or Committee. The exclusion from the meeting shall be enforced by the Sergeant-at-Arms upon being so directed by the Presiding Officer. These enforcement provisions are in addition to the authority held by the Sergeant-at-Arms to maintain order pursuant to Rule 80 and pursuant to his or her lawful authority as a peace officer.

Any person failing to leave Council Chambers or a Committee meeting room after being ordered to do so by the Presiding Officer and who willfully resists, delays or obstructs removal by the Sergeant-at-Arms, may be subject to arrest for violation of the Penal Code or Los Angeles Municipal Code.

CHAPTER III

Presiding Officer

13. The Presiding Officer shall take the Chair at the hour the Council is scheduled to meet, call the meeting to order, and except in the absence of a quorum, shall proceed to business in the manner prescribed by these Rules.

14. The Presiding Officer shall adhere to and enforce the Council Rules so long as consistent with the Charter and other governing law. The Presiding Officer may refer to and use Robert's Rules of Order Revised, for guidance, interpretation, or to supplement these Rules.

15. The Presiding Officer shall preserve decorum and shall decide all questions of order. The decision of the Chair shall prevail unless reversed by the vote of at least eight (8) votes on the question: "Shall the Chair be overruled?" A second is not required and the appeal shall be decided without debate.

16. The Presiding Officer shall cause all matters filed with, or presented to the Council to be referred to the appropriate Council Committee, except as otherwise provided by the Rules or where required by law to be first presented to the Council. The Presiding Officer shall cause a memorandum of such references to be furnished to each Councilmember.

However, during a Council session a member may present a duly seconded motion that said member wants placed on the next Council Agenda to be posted for a regular meeting instead of having it referred to a Committee. If such request is approved by the Presiding Officer, he or she shall cause copies of the motion to be distributed to all other Councilmembers on the day received, and shall cause the item to be placed on said requested agenda. When the item appears on the agenda, it specifically shall note that a two-thirds vote of the entire Council is required for the item to be considered at that time. If the item fails to receive the required two-thirds vote, it then shall be referred by the Presiding Officer to the appropriate Committee

17. The Chair of a Committee, with the approval of the President, may waive consideration of any item pending in that Committee. Upon such waiver the item shall be placed on a Council Agenda to be posted for a regular or special meeting. When the item appears on the agenda, it shall specifically note that a two-thirds vote of the entire Council is required for the item to be considered at that time. If the item fails to receive the required two- thirds vote in order to be considered, it shall then be referred by the Presiding Officer back to the Committee from which it was waived.

CHAPTER IV

**COUNCIL MEETING DAYS AND TIME,
ORDER OF BUSINESS, AND QUORUM**

18. Regular meetings of the Council shall be held on Tuesday, Wednesday, and Friday of each week in City Hall or, by resolution, in Van Nuys City Hall, recess dates established by resolution and holidays excepted, at the hour of 10:00 a.m.

The Council may hold special meetings throughout the City. Public facilities shall be selected for off-site Council meetings, Council Committee meetings and ad hoc Council Committee meetings. Preference shall be given to City owned facilities, and if no appropriate public facilities are available, a motion must be presented for the Council's consideration and approval regarding the selection of a site; said motion shall contain all pertinent information, including all associative site costs.

The City Clerk, with the assistance of the Chief Legislative Analyst, and other involved City departments, shall coordinate with the individual Council offices, the identification of appropriate facilities in each Council District for off-site Council and Council Committee meetings, and all other activities related to the conduct of these meetings. As feasible, all off-site Council meetings shall be broadcast live over the City's municipal access cable system (Channel 35).

19. All members shall be in their respective seats at said hour of each regular Council meeting and at the time set for the session of any adjourned or special meeting.

20. Special meetings may be held in City Hall or elsewhere in the City upon the call of the Presiding Officer or of a majority of the members, provided that notice prescribed by law is duly given.

*21. The City Clerk shall cause to be printed and posted for each meeting a list of all items to be considered at the meeting. The list shall be known as the agenda. The agenda shall contain a brief general description of each item to be transacted or discussed at the meeting. No other business may be considered except as otherwise provided by law.

22. The agenda shall reflect, and the business of regular meetings of the Council shall be transacted, as far as practicable, in the following order:

a. Roll Call.
b. Approval of Minutes.
c. Commendatory Resolutions.
d. Multiple Agenda Item Comment.
e. General Public Comment (public testimony on non-agenda items within the jurisdiction of Council).
f. Council hearings required by law.
g. Items for which required public hearings have been held.
h. Items for which required public hearings have not been held.
i. Items for which future hearing dates must be set.
j. Items called Special.
k. Motions for posting and referral.
l. Councilmembers' request for excuse from attendance at Council meetings.

m. Closed Session (can be heard early in the meeting).
n. Adjourning motions and Council adjournment.

*23. The Council may act in a regular meeting on an item not posted on its agenda for the meeting if it determines by a two-thirds vote that pursuant to state law there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda; or, if the item had been continued from a meeting of the body that had occurred not more than five (5) days prior; or, if a majority determines that an emergency, as defined by state law, exists.

24. Each member shall attend all regular and special meetings (except for illness) unless a leave of absence has been granted by a majority vote at a regular meeting at which a quorum is present.

No leave of absence shall be granted if such will result in a quorum not being present for that meeting.

*25. Ten members of the Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time until a quorum is present and may compel the attendance of the absentees. Except as otherwise required by the Charter or other law, or by these rules where not inconsistent therewith, action by the Council shall be taken by a majority vote of the entire membership of the Council.

26. Whenever a member questions the presence of a quorum, the Presiding Officer shall direct the Clerk to call the roll and announce the result. There shall be no debate. Every member present must respond when his or her name is called.

27. No member shall be considered present unless the member is within the Council Chamber.

28. No member shall leave a Council meeting without permission from the Presiding Officer of the meeting. Once permission has been granted, and upon direction by the Presiding Officer, the City Clerk shall remove said member's name from Council's computerized record-keeping system.

29. Upon a call of the Council, if supported by a majority of the members present, whether quorum or not, the Presiding Officer shall have the power to send the Sergeant-at-Arms with a written order to bring the absent Councilmember forthwith before the Council.

30. Not used.

CHAPTER V

COUNCIL DISCUSSION AND TIME LIMITS

31. Members requesting to address the Council shall cause their requests to be tabulated on the Council's computerized record keeping system; however, a member may rise and address the Chair if recognized by the Presiding Officer. When two or more members rise at once, the Presiding Officer shall name the member who shall be first to speak and may consult the Council's computerized record keeping system for assistance. The members shall confine their remarks to the question under debate and shall avoid personalities.

32. Members may address the Council according to the following order and time limits:

a. The Committee Chair or acting Chair may open debate if the member so desires; the maker of the original motion which initiated the matter under consideration shall be allowed to speak next, if that member desires; and the member calling the matter "special" may speak next, if that member so desires; this shall constitute the first opportunity for a member to speak.

Whichever of the above members opens debate, he or she shall have up to six (6) minutes to so open debate. Each of the remaining Councilmembers may then speak up to three (3) minutes.

b. After all members desiring to speak on a question have had an opportunity to be heard once, the time for each member desiring to speak again, or subsequently for the first time, shall be limited to a maximum of three (3) minutes.

c. The maker of the original motion, then the member calling the matter "special" if such call caused the matter to be debated, and finally the appropriate Committee Chair, in that order, shall thereafter each have up to three (3) minutes additional time to close debate if there has been an intervening speaker before said member last spoke.

d. A motion calling the "previous question" (to close debate) is not debatable. The maker of the motion calling the "previous question" must specify if the motion applies to the entire matter or portions thereof. Notwithstanding the vote on the previous question, the maker of the original motion and/or the Chair(s) of the involved Committee(s) may be recognized by the Presiding Officer to make closing arguments. If such motion is made after each Councilmember desiring to speak has twice had the opportunity to speak on a question, the call for the previous question may be adopted by eight votes, otherwise ten votes shall be required.

33. Not used.

CHAPTER VI

RESOLUTIONS, CONTRACTS, REPORTS, AND ORDINANCES

34. Resolutions and motions to amend agenda items under consideration, shall be presented in duplicate to the Presiding Officer and be authorized for distribution to other Councilmembers, unless the Presiding Officer permits, without objection, such motions to be oral. Other resolutions and motions shall be subject to Rule 21.

35. Commendatory resolutions may be presented at meetings of the Council if the posted agenda so provides.

36. A motion may be made to substitute one report or action for another on the same subject matter provided there is first a majority vote on the question of whether to substitute. If approved, a new vote shall be taken on whether to adopt the substituted report or action.

*37. No contract shall be authorized by the Council until it has been submitted to and approved by the City Attorney as to form and legality. If the City Attorney questions the legality of any proposed contract or portion thereof, that office shall express its written opinion thereon, to the Council.

38. Unless otherwise provided herein, no ordinance shall be introduced for adoption by the Council until it has been submitted to the City Attorney for review as to form and legality. If the City Attorney approves the ordinance as to form and legality, the City Attorney will so indicate in the transmittal of the ordinance to Council or to a Council Committee and sign the ordinance as to form and legality. If the City Attorney questions the legality of any proposed ordinance or part thereof ordered prepared by the Council or a Committee of the Council, the City Attorney shall express the reason(s) for not approving the proposed ordinance as to form and legality in the letter transmitting the ordinance to the Council or a Council Committee and shall not sign the ordinance as to form and legality. Before transmitting to the Council or to the Committee an ordinance that requires enforcement by an officer, board or commission of the City, the City Attorney, after preparation of the ordinance shall submit it to such officer, board or commission for comment and recommendation. The City Attorney shall indicate to the officer, board, or commission, whether or not the City Attorney is approving the proposed ordinance and the reasons therefor. Each proposed ordinance, whether or not approved by the City Attorney, shall be delivered to the Office of the City Clerk, who shall present the same forthwith to the Chair of the Committee which has had the subject matter under consideration. The Chair shall review the ordinance, ascertain whether it conforms with the instruction of the Council or the Committee, and shall return it to the City Clerk without unnecessary delay for placement on the Council or Committee Agenda.

This Rule shall not require that any zone change, building line or height district ordinance or any appeal of a zone change, building line or height district ordinance be submitted to the City Attorney for approval as to form and legality. The City Planning Department shall review such ordinance or appeal and shall consult with the City Attorney to assure that the final ordinance is in proper form, the "Q" conditions are properly prepared and that the correct findings are prepared for Council adoption. Notwithstanding this exception, the Council, its Planning and Land Use Management Committee, the City Planning Commission, an individual member of an Area Planning Commission, an Area Planning Commission, or an individual member of the Commission may request City Attorney review. In that event, the regular process otherwise provided by this Rule shall be followed.

*39. An ordinance may be adopted upon its introduction if approved by a unanimous vote of all the members of the Council present, provided there shall not be less than 12 members present.

Any Councilmember may withhold unanimous consent to the adoption of an ordinance upon its introduction at Council. If unanimous consent is withheld, or the requisite vote for its adoption is not forthcoming at said time, the ordinance shall be laid over for one week and listed on the posted agenda for another roll call.

*40. If an ordinance is laid over for a week for another roll call, it may then be adopted by majority vote, unless a different vote is required by Charter or other law; or, it may be amended, or it may be continued to a date certain provided such continuance is not precluded by law.

41. Any ordinance may be amended by motion in writing prior to its final passage, subject to Charter limitations; provided, that upon amendment it shall be treated as a newly introduced ordinance and be subject to both Rule 38 and further City Attorney review.

42. Deleted.

43. Every ordinance, resolution or order, except ordinances for public improvements in connection with special assessment proceedings or final tract maps or parcel maps, shall be referred to the appropriate Council Committee prior to its introduction for adoption or approval by the Council, unless the subject matter of the ordinance, resolution, or order has previously been approved by such Committee.

44. Not used.

CHAPTER VII

APPOINTMENT AND REMOVAL OF CITY COMMISSIONERS AND OFFICERS

45. Proposed appointments and removals of commissioners or other officers by the Mayor, requiring confirmation or approval by the Council, shall be referred first to the appropriate Council Committee for recommendation and report with respect to the appointment or removal subject to Rule 46.

A copy of the Mayor's action and notice of the referral shall be transmitted by the Clerk to the Councilmember for the Council district in which the subject of the action resides. Said Councilmember and the members of the Committee, shall be given the opportunity to meet the person who is the subject of the proposal.

46. In the event the Mayor or the President of the Council has recommended the appointment of a commissioner, and the Council has not acted on the matter or placed it on an agenda for action:

a. The Clerk shall give a written notice to each Councilmember not later than the last regular meeting day before the 31st day after the recommendation of the Mayor or the Council President was submitted to Council. The notice shall identify the date of the 45th day provided by the Charter or ordinance that the Council may act after the recommendation was submitted, and the date of said day.

b. The Clerk shall place the appointment on the Council Agenda not later than the last regular meeting day before the 38th day after the recommendation was submitted to the Council and shall notify the appointee of that action.

47. Not used.

CHAPTER VIII

VOTING

48. a. When the Presiding Officer directs the roll call, it shall be taken by means of the Council's computerized record keeping system, except where said officer directs that it be taken orally. If an oral roll call is taken, it shall be taken in alphabetical order, beginning at the left of the President's Chair.

Upon direction of the Presiding Officer, the Clerk shall tabulate the vote in such a manner that the mechanical tabulation of results occurs simultaneously with the visual display of those results.

Every member present when a question is put shall vote for or against the same. In the event a member fails to affirmatively vote either "yes" or "no," that member will be deemed to have voted "yes," and the member's vote will be recorded as such. Whether the roll call has been mechanically tabulated or oral, the Clerk shall announce the vote. The Presiding Officer shall then announce the disposition of the item.

b. A member may change his or her vote after it is tabulated, if the change does not affect the outcome of the vote, and if the Council does not object by majority vote to such change. Otherwise, a member wishing to change his or her vote must receive approval of reconsideration, and a new roll call must be taken.

*49. Roll calls are required in the granting of franchises, confirmation of appointments, approval of contracts, disposition of property, actions on ordinances, or any action involving the payment of money or the incurring of debt by the City, assessment proceedings, and quasi-judicial actions adopting findings and making determinations, or as otherwise required by law, and motions to reconsider made pursuant to Rule 51. On other matters, if opportunity is given and no objection is raised, the Presiding Officer may announce a unanimous approval of an item under consideration and the Clerk shall so record.

50. Not used.

CHAPTER IX

DISPOSITION OF ITEMS

51. Any member of Council may move to reconsider any vote on any question except to adjourn, suspend the Rules, or to reconsider, or where an intervening event has deprived the Council of jurisdiction, provided that said member had voted on the prevailing side of the question. The motion shall only be in order once during the legislative day in which the given question was voted upon, and once during the next regular meeting.

If a motion to reconsider is first made at the next regular meeting after the question first had been voted upon, the member requesting reconsideration shall identify for all members present the agenda number, Council file number and subject matter previously voted upon. A motion to reconsider is not debatable and shall require an affirmative vote of eight members of the Council.

If a motion to reconsider is adopted, the subject matter shall be the next order of business after that which is before the Council at the time of the motion. This limitation shall not apply if the motion for reconsideration specifies a different time for further consideration of the subject and appropriate posting thereafter takes place where required by law.

No ordinance, appropriation measure, contract, or other matter passed by the Council shall be processed to the Mayor or other designated officer or finally acted upon by the City Clerk until the adjournment of the regular Council meeting following the date of the Council action. A motion to send "forthwith," if adopted by 10 votes, shall suspend this Rule and the action of the Council will be final upon the adjournment of the Council meeting and cannot be reconsidered. Moreover, Council may send "forthwith" items requiring urgent or immediate processing prior to adjournment of the Council meeting. Such items shall be deemed to have been sent "urgent forthwith" and cannot be reconsidered immediately upon the adoption by 10 votes of a Motion to suspend this Rule and send the matter as "urgent forthwith."

52. An ordinance, appropriation measure, contract, or other matter passed by the Council and required to be submitted to the Mayor, or other designated officer, shall be subject to Rule 51.

53. If an agenda item or other item has been duly placed before the Council at a Council meeting and the Council has failed by sufficient votes to approve or reject the item, or the Council has not by its vote placed the item beyond its jurisdiction at the meeting, or by operation of law, or by passage of time the Council has not lost the power to act thereon, the item is continued to the next regular meeting unless the Council affirmatively votes to continue the item beyond such next meeting.

Each Council Agenda shall indicate that if the Council has not lost jurisdiction over an item voted upon at the meeting, or caused it to be continued beyond the next regular meeting or placed in the archives, the item is continued to the next regular meeting for the purpose of permitting reconsideration of the vote.

Any item so continued to the next regular meeting shall be considered at said meeting. The Clerk shall provide the Council with, and post a notice of, a list of such items.

*54. A motion to withdraw a matter from a Committee shall be referred by the Presiding Officer to the Clerk for placement on the next agenda to be posted for a Council meeting. The motion to withdraw may then be adopted by majority vote after two weeks from the time the matter was originally referred to Committee, or by a two-thirds vote if the matter had been referred to Committee less than two weeks before Council action on the motion to withdraw. Adoption of the motion to withdraw places the matter before the Council. The motion to withdraw must have attached thereto a copy of the underlying matter being withdrawn.

Unless such a motion to withdraw appears on the posted agenda for the meeting, the Council must, as a part of said action, determine by a two-thirds vote that pursuant to state law there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda.

55. Not used.

CHAPTER X

SPECIAL MEETINGS

*56. The proceedings of special meetings of the Council and its Committees shall be limited to those items provided for on the agenda of the meeting. The agenda for special meetings shall be posted at least 24 hours before the meeting.

57. Not used.

CHAPTER XI

COMMITTEES AND COMMITTEE MEETINGS

*58. The Standing Committees of the Council shall be those provided pursuant to Section 242(b) of the Charter and their duties and functions shall be as prescribed in the Charter, ordinances, resolutions and these Rules.

59. The President shall appoint all Standing Committees and their Chair and Vice Chair. Special Committees shall be appointed by the President unless the Council-adopted action creating the Committee provides a different method of appointment.

The Vice Chair of a Committee shall preside at all meetings of the Committee in the absence of the Chair and attend to the affairs of the Committee in the absence of the Chair.

The President-designated third member of a Committee shall preside as Chair at meetings of the Committee in the absence of both Chair and Vice Chair, when there has been at least one substitute appointment to the Committee by the President and a quorum is present.

60. It shall be the duty of the Chair of a Committee, or in his or her absence, the Vice Chair, or in absence of both, then the Chair Pro Tempore to request the President of the Council to appoint a Councilmember temporarily to serve on the Committee in the absence of a regular member of the Committee. The President shall notify the City Clerk of his or her appointment.

*61. The agenda for each regular meeting of a Council Committee shall be posted at least 72 hours before the meeting. It shall contain a brief general description of each item of business to be transacted or discussed at the meeting.

62. Each Committee shall provide an opportunity for members of the public to address the Committee on each agenda item before or during the Committee's consideration of the item consistent with Rule 7. A member of the public wishing to speak on only one item that is eligible for public comment shall be given an opportunity to speak on that item for up to one minute when or before that item is considered by the Committee. Similar to Rule 7, a member of the public wishing to speak on more than one agenda item at a single Committee meeting shall combine and present his or her comments addressing the agenda items during the segment at or near the beginning of the Committee meeting during a "Multiple Agenda Item Comment" segment. A member of the public speaking on more than one agenda item shall be allowed to speak for up to one minute per item up to a total of two minutes per meeting. This will be the only opportunity to speak, other than during General Public Comment, for those members of the public who have submitted speaker cards on more than one Committee agenda item. The Council has determined that a cumulative total of eight minutes is a reasonable minimum amount of time for the Multiple Agenda Item segment of each regular Committee meeting. On each Committee meeting agenda, the Clerk shall designate any agenda items that are linked by a common specific issue. The Presiding Officer may allow members of the public who submit speaker cards on linked agenda items to make their public comment when the items are considered by the Committee.

CHAPTER XI

63. During each Committee regular meeting, the Committee shall provide a member of the public the opportunity to address the Committee on non-agenda items within the subject matter jurisdiction of the Committee consistent with Rule 7. This shall be referred to as "General Public Comment," which generally shall be taken up during the beginning segment (General Public Comment) of each regular meeting. Each speaker shall be limited to one minute of general public comment per meeting. The Committee shall not discuss or take action relative to any general public comment unless authorized by Section 54954.2(b) of the Government Code. The Council has determined that a cumulative total of eight minutes is a reasonable minimum amount of time for the General Public Comment segment of each regular Committee meeting. If the Committee does not have a quorum of Committee members present, an official Committee meeting shall not proceed. However, in the absence of a quorum and therefore outside the context of an official Committee meeting, the Committee Chair, at his or her discretion, may hear from members of the public who came to attend the Committee meeting. If the Committee Chair hears from members of the public when there is no quorum, the rules pertaining to public comment with respect to a Brown Act meeting do not apply. If a quorum of Committee members is later established, the Committee shall convene into its official Committee meeting and general public comment and public comment on agenda items shall be allowed even if members of the public were heard by the Committee Chair during the time no quorum was established.

    A member of the public who disrupts and is ordered removed from a Committee meeting shall be excluded from attending Committee and/or Council meetings as provided in Rule 7.

*64. A Committee of the Council may act in a regular meeting on an item not posted on its agenda for the meeting only if it determines by a two-thirds vote that pursuant to state law there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda; or if the item was continued from a meeting of the committee which occurred not more than five (5) days prior to which it had been posted; or if a majority determines that an emergency, as defined by state law, exists.

65. No person shall be permitted to interrupt Committee members or the Clerk during a Committee meeting.

66. Members of a Committee shall attend all meetings and remain until the Committee adjourns unless excused by the Chair.

67. All Standing Committees of the Council shall meet regularly at least once each month, and the Clerk shall cause information to be printed on paper as well as posted on the Internet giving notice of the time and place of the holding of all regularly scheduled Committee meetings. Special meetings of Committees may be held in City Hall or elsewhere in the City upon call of the Chair or of a majority of the members of the Committee, provided that notice is duly given and posted as prescribed by law.

68. Committees shall report their findings and recommendations on matters referred to them to the Council.

CHAPTER XI

69. Committee reports shall reflect only that which transpired at the Committee meeting, and whether the public was afforded the opportunity to address the Committee on the item. If the majority of the entire Committee has reached an agreement on a recommendation, they shall sign the Committee report. If a majority of the members of the entire Committee are not in agreement on a recommendation, they shall sign the

report and it shall be noted that the report is submitted to the full Council without recommendation. Reports submitted without recommendation would require a Council motion to take an action on the file. A majority vote of Council would be required to approve the action recommended, unless a different vote is required by law. Nothing contained herein shall prevent a minority of the Committee from submitting its report at the time the majority report is submitted; however, a minority report is for information purposes only unless by adoption of a motion it is substituted for the majority report.

70. Nothing contained herein shall prevent one member of a Committee from submitting a communication and the applicable Council file to the Council if said file had been on the agenda of the Committee for a duly noticed regular or special meeting attended by said member, and the Committee had failed to act due to lack of a quorum.

The Clerk shall place the communication as an item on the agenda for a future meeting as may be requested by the member so long as it complies with the public notice requirements of these Rules and other applicable law.

Communications from Committee members under this Rule require a motion adopted by ten (10) votes of the Council to consider the item, and thereafter a majority vote to approve, modify, or reject is required, unless a different vote is required by law. When the item appears on the agenda, it specifically shall note that a two-thirds vote of the entire Council is required for the item to be considered at that time. If the item fails to receive the required two-thirds vote for consideration, it then shall be referred by the Presiding Officer to the appropriate Committee.

71. Committee action shall be by majority vote of the entire Committee. A member of a City Council Committee who is present when a question is put to that Committee shall vote on that question at the call of the roll thereon. In the event a member fails to affirmatively vote either "yes" or "no," that member will be deemed to have voted "yes," and the member's vote will be recorded as such.

72. The Presiding Officer shall indicate when a matter is to be referred to two or more Committees for separate action of each Committee. The Committees may then meet separately or together. However, a majority of the members of each Committee shall be required to be present for quorum purposes of each said Committee, and shall be required to sign any report involving matters acted on by them.

The Presiding Officer shall also indicate when a matter is to be referred to two or more Committees for joint action. In said event it shall only be considered by a joint Committee composed of the members of said separate Committees at a duly posted meeting as agreed upon by the Chairs of the respective Committees. A majority of the total number of the Committee members shall be required to be present at a joint Committee meeting for quorum purposes and for any report of the joint Committee.

CHAPTER XI

73. A Committee may refer a Council file to one or more other Committees for information and return; however, with the concurrence of the Council President and notice to the City Clerk by the Council President, a file may be transferred to another Committee for report directly to the Council.

74. Subject to the requirements of state law, any member of the Council may attend any open-session meeting of a Standing Committee; a Committee or task force created by the Council or the President of the Council, whether created by appointment or by ordinance; or the Board of Referred Powers.

75. Not used.

CHAPTER XII

RULES

*76. These Rules or any one or more of them, except those marked by an asterisk (*), may be suspended by a vote of two-thirds of the members of the Council, unless other legal impediments exist.

77. An affirmative vote of two-thirds of all members of the Council shall be necessary to amend these Rules. Each proposed Rule amendment shall be presented to the Council and then laid over one week before it can be adopted.

78. A copy of these Rules and each Council and Council Committee agenda shall be available for public review at the Office of the City Clerk.

79. Not used

CHAPTER XIII

ASSIGNED DUTIES

80. The Sergeant-at-Arms of the Council shall be a police officer assigned by the Chief of Police. There shall be at least one member so assigned and present at each meeting of the Council. The officer shall maintain order and enforce the orders of the Council and the Presiding Officer. Fifteen minutes before any Council meeting and while Council is meeting, the officer shall remove all unauthorized persons from the business area of the floor of the Council and conduct them to the seating area reserved for the general public.

81. It shall be the duty of the City Clerk to keep a complete record of the proceedings of the City Council meeting in the form of a Journal and to have the Journal containing the proceedings of the meeting printed and copies thereof, placed in the hands of each member of the Council, before the second succeeding regular meeting convenes. All reports submitted by Committees, and communications submitted under Rule 70 shall constitute a part of the proceeding for each meeting.

82. The City Clerk shall keep index records convenient for reference of all matters introduced or presented to the Council and its Committees, together with a complete chronological record of all actions taken thereon by the Council and its Committees.

83. The City Clerk shall notify all members of the Council of the time set for any special or adjourned meetings, and shall, at the request of the Chair of a Committee, call all members of the Committee and notify parties interested in the matters pending before Committee as to the time and place and subject matter of the meeting.

84. The minutes from each Council meeting shall be signed by the officer presiding at that meeting and by the Clerk, after approval of said minutes by the Council.

*85. Representatives of the City Attorney, the City Clerk, and the Chief Legislative Analyst shall attend all Council meetings for the purpose of giving necessary service and advice. Unless the Council objects, the Presiding Officer at his or her discretion, may excuse any or all of said representatives except the City Clerk, from attending any Council meetings when it appears to said officer that the matters to be considered at the meeting will not require the services of the excused representative. The City Clerk representative shall act as Clerk for those meetings and shall maintain a record of proceedings at all Council and Council Committee meetings, and shall record the "ayes" and "noes" upon all questions, as provided in Rule 48.

Representatives of the City Administrative Officer, the Controller, the City Engineer, and other City offices, bureaus, and departments may attend Council when in their opinion such is necessary. If not in attendance they shall respond without delay to a request of the Council or the Presiding Officer for attendance at the meeting to furnish advice and necessary service.

86. Not used.

CHAPTER XIV

CENSURE PROCEDURES FOR THE LOS ANGELES CITY COUNCIL

87. Disapproval

The Council may adopt a resolution of disapproval in the same way as provided for the adoption of any resolution, provided that the Councilmember who is the subject of the resolution is permitted to speak in his or her defense prior to action on the motion for adoption of the resolution. However, the fact that the Councilmember who is the subject of a disapproval resolution does not choose to respond to the resolution or does not attend the meeting at which the resolution is to be adopted shall not prevent the Council from adopting the resolution, provided the Councilmember had actual notice of the inclusion of the resolution on the agenda and had a reasonable opportunity to attend the meeting.

88. Censure

A request for censure of a member of the Council may be submitted to the City Clerk by any member of the Council. The request shall contain the specific charges on which the proposed censure is based. The request for censure shall be considered by a five member ad hoc Committee of the Council established by the President of the Council or, if the President is the subject of the censure, then established by the President Pro Tempore. The ad hoc Committee shall not include the member making the request or the member who is the subject of the request. The City Clerk shall deliver a copy of the request for censure and the charges to each member of the Council at least 72 hours prior to the first meeting of the ad hoc Committee at which the request will be first considered. The Committee shall permit testimony from both the member making the request and the member subject to the request and shall determine whether: (a) further investigation of the charges is required in order to determine if a censure hearing is warranted; or (b) the matter is to be set for censure hearing; or (c) no further action should be taken with respect to the request. The Committee shall present its recommendations to the Council for its consideration and action as provided below.

If the ad hoc Committee determines no further action should be taken with respect to the request, the Committee shall report that to the Council at its earliest opportunity. If the Committee determines that further investigation is required, the Committee shall conduct an investigation, arrive at its recommendation, and report its conclusions, findings and a summary of its proceedings to the Council at its earliest opportunity. If the ad hoc Committee does not report its recommendations and findings to the Council within 30 days of the formation of the Committee and receipt of the request for censure, the matter shall automatically be sent to the Council for its consideration.

Upon receipt of the report of the ad hoc Committee, or at the expiration of the time for the ad hoc Committee to report, Council shall place the matter on its agenda to determine whether or not a censure hearing is warranted. If the Council decides to set the matter for a censure hearing, it shall schedule it no sooner than two weeks after its determination to hear the matter. It may not schedule the matter during any previously scheduled excused absence of the subject Councilmember. Written notice of the hearing shall be delivered in person to the member of the Council subject to the censure hearing or to the member's City office as least ten (10) days in advance of the scheduled hearing.

At the censure hearing, the member of the Council who is the subject of the request for censure shall be given the opportunity to make an opening and a closing statement, to call witnesses on his or her behalf and to question his or her accusers. The member subject to the charges may be represented by a person or persons of his or her choice whether or not an attorney at law and may have that representative speak or question witnesses on his or her behalf. The questioning or cross-questioning of witness may be reasonably limited by the person chairing the hearing.

Testimony shall be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration. However, the rules of evidence and judicial procedure applicable in courts of law shall not be application to this hearing, and the procedures shall be generally informal.

CHAPTER XV

MISCELLANEOUS PROVISIONS

*89. All tort claims filed with the City Clerk for presentation to the Council shall first be referred to the City Attorney for report and recommendation to the Council. In the event that by reason of applicable law any such claim shall be deemed denied because of lack of action thereon by the Council within the time specified by such law and the Council has not acted thereon within such applicable time limitation, the City Clerk shall file the report and recommendations of the City Attorney thereon without presentation to the Council and the City Clerk shall notify the claimant of such action and the reason therefor.

90. Whenever Council office space becomes vacant, all requests by Councilmembers for such office space or for office furniture or equipment shall be submitted to the President of the Council, for review. The President shall consider all the factors involved, including Council seniority.

*91. The Council shall not consider any resolution, motion, or matter which does not affect the conduct of the business of the City of Los Angeles or its corporate powers or duties as a municipal corporation nor shall the Council consider any resolution or motion supporting or disapproving any legislation or action pending in the Legislature of the State of California, the Congress of the United States, or before any officer or agency of said State or nation unless such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the City of Los Angeles or its officers or employees. This Rule may only be invoked before deliberation and by ten (10) affirmative votes on the question: "Shall the Council consider this matter"?

92. The Los Angeles City Council Memorial Media Center (Media Center) is to be used primarily for the purpose of facilitating the exchange of information between members of the City Council and the news media. It is intended for the exclusive use of City elected officials and staff, and their invited guests, with Councilmembers having first priority on its use.

All personal interviews and photo sessions with Councilmembers and others should be held within the confines of the Media Center whenever possible; however, no such activities may be held in the hallway adjacent to the Media Center at the entrance to the Council Chamber while it is in use.

The Media Center will be open from 8:30 a.m. until 4:30 p.m., Monday through Friday, exclusive of holidays.

Scheduling of the use, operation and the setup of the Media Center for various events, shall be the responsibility of the Chief Legislative Analyst. Requests for its use should be in writing, and events will be scheduled as far in advance as practical. All requests shall be handled on an as received basis, with Councilmembers having priority for its use in the event of conflicting requests by other elected City officials.

In the event of other or conflicting requests for the use of the Media Center, the President of the Council shall have authority to approve such request or resolve any such conflicts in consultation with those involved.

The Sergeant-at-Arms will control access to the Media Center in accord with its intended and scheduled use. The Sergeant-at-Arms will also maintain order, and enforce the rules and orders of the Council and the Presiding Officer regarding its use.

93. The purpose of cablecasting various meetings and events of the Los Angeles City Council, its Committees, and its members is to enhance the awareness and education of the general public regarding the actions and deliberations of the City Council and its members. The following provisions are adopted pursuant to that purpose:

a. COUNCIL MEETINGS

All City Council meetings shall be cablecast, except for meetings or portions of meetings which are closed to the public, or when the Council directs otherwise. Cable television coverage of City Council meetings shall be gavel-to-gavel, and, whether presented to the public live or taped, are not to be edited or subjected to editorial comments. Cameras used for the gavel-to-gavel coverage shall be owned by the City and operated only by City employees or persons under contract with the City. Cameras shall be operated so that they are focused only on the officially recognized speaker, and on any visually displayed information being shown. A City- operated character generator at the bottom of the picture may indicate the name and title of the officially recognized speaker, and an identification of the matter(s) being considered by the Council when appropriate and possible. No "reaction" shots will be permitted.

The City Clerk's minutes shall remain the official records of the Council proceedings, and video or audio tapes may be used as an aid in the preparation of those minutes.

b. COUNCIL STANDING COMMITTEES, SPECIAL OR AD HOC COMMITTEES, TASK FORCES, AND OTHER SPECIAL EVENTS OR MEETINGS.

Live Coverage

Meetings of Council Standing Committees, special or ad hoc Committees, task forces, and other events scheduled by City elected officials may be televised live over the City's municipal access cable system (Channel 35), provided such events are held in Council Chamber (Room 340) or in the Council's Memorial Media Center (Room 336), and all of the following conditions are met:

(1) A written request for such live cable television coverage has been submitted to the Council President by the elected official who is chairperson or the person responsible for scheduling the meeting or event, and such request has been approved in advance of the event by either the Council President or by Council action at the option of the President.

(2) The date and time of such live cable television coverage are not in conflict with a regular or special Council session; a meeting of a Council Standing Committee regularly scheduled for the Council Chamber; or a special or ad hoc committee, task force, or an event which has been scheduled for the Council Chamber or the Memorial Media Center at least 24 hours prior to the President receiving the written request for live cable television coverage of the meeting or event, unless the Council acts to approve the preemption by such live cablecasting of the meeting or event.

(3) The meeting or event is directly related to matters under the jurisdiction of the Council, unless the Council has acted to approve the meeting or event being held in Council Chamber or the Memorial Media Center and the live cablecasting of the meeting or event.

(4) All of the provisions for the live cable televising of Council meetings are meet.

Video Taped Coverage

All or portions of meetings of Council, standing Committees, special or ad hoc committees, task forces, or other events that are scheduled and held in the Council Chamber, a Council Committee meeting room, or the Memorial Media Center, or other approved location may be videotaped for a later telecasting over the City's municipal access cable system (Channel 35).

The Chair of the Committee or task force, subject to being overruled by a majority vote, or the person scheduling the event shall decide whether all or a portion of the meeting is to be videotaped. Such videotaping should be consistent with provisions relative to live coverage of meetings whenever possible, but "editing" and "reaction shots" shall not be permitted.

Pending, and until, the implementation of municipal cable television program policy guidelines, the General Manager of the Information Technology Agency shall consult with the Chairperson of the Committee or task force or the person in charge of the event as the case may be, and the President of the Council, to decide if and when all or portions of the videotape(s) of the meeting or event will be cablecast on Channel 35. However, such cablecasting shall not be in conflict with the regularly scheduled cablecasting of Council sessions or other live coverage of meetings, unless it is so directed by the President or by action of the Council at the option of the President.

VERBAL MOTIONS

		Need for Second	Vote	Debat-able	Can Be Recon-sidered
(a)	Amend or substitute:	Yes	8	Yes	Yes
(b)	Adjourn:	Yes	8	No	No
(c)	Adjourn (proceed to):	Yes	8	No	Yes
(d)	Close Debate (previous question)				
	If all had opportunity to speak twice:	Yes	8	No	Yes
	If they did not:	Yes	10	No	Yes
(e)	Continue (postpone) to a time or date certain:	Yes	8	Yes	Yes
(f)	Divide Question:	Yes	8	No	No
(g)	Forthwith (suspend Rules):	Yes	10	No	No
(h)	Lay on Table temporarily or remove:	No	Chair	Yes	No
(i)	Point of order or Privilege:	No	Chair	No	No
(j)	Overrule the Chair:	No	8	No	No
(k)	Reconsider: (by member on prevailing side only)	Yes	8	No	No
(l)	Withdraw from Committee				
	Over 2 weeks:	Yes	8	Yes	Yes
	Less than 2 weeks:	Yes	10	Yes	Yes
(m)	Suspend the Rules (forthwith, or take out of order):	Yes	10	No	No
(n)	Vetoes**:	Yes	Variable	Yes	No

**On veto votes, an "aye" vote overrides, a "no" vote sustains the Mayor on the question Notwithstanding the veto (or objections) of the Mayor, I move the re-adoption of the ordinance (other)."

A

ABSENCE OF COUNCILMEMBER
From Committee Meetings 59, 60, 66
From Council Meetings 22, 24
Replacing at a Committee Meeting 60
Summoning Member to Council 29

ACTION, COUNCIL
Chronological Record of 81, 82, 84
Failure to Take Action 53
Items Not on Agenda 23

ADJOURN
Meetings 22, 25

AGENDA OF COUNCIL MEETINGS
Action on Items Not on 23
Compiled and Printed by City Clerk 21
Contents of 21, 22
Defined 21
Items, Designation of 6
Order of Business 22
Ordinances on 6, 38, 39, 53
Posting for Council 6, 56
Posting for Special Meetings 56
Unfinished Business, Continued on 53

APPEAL
From Decision of Chair 15

APPOINTMENTS
By Council President or Presiding Officer 4, 5, 59, 60
Of Assistant Pro Tempore 4
Of Council Committees 59
Of Temporary Chair 5
Of Temporary Members of Committees 60
By Mayor
Clerk's Duties 46
Council Action on 46
Meeting Council District Member 45
Referred to Committee 45

APPROPRIATIONS
Presentation to Mayor 51, 52

ARCHIVES
Placement in 53

ASSESSMENT PROCEEDINGS
Ordinances re 43
Roll Call, No Suspension of 49

ASSISTANT PRESIDENT PRO TEMPORE
Appointment and Duties 4

ASTERISK
Use re Suspension of Rules
(*Marks Rules which May Not Be Suspended) 76

ATTENDANCE AT MEETINGS
Members 19, 24, 28, 29, 60, 66, 74
Other City Officers 85
Right of Members to Attend Closed Meetings 74

B

BOARDS
Communications from 16, 22
Confirmation of Appointment or Removal of Members 45, 46

BUSINESS, COUNCIL
After Reconsideration of Vote 51
Agenda 6, 21, 22
Index and Chronological Record of 82
Matters Not on Agenda 23, 56
Non-City Matters 91
Order of 22
Unfinished, Continuation of 53

BYPASS OF COMMITTEES
Motions 16

C

CENSURE
Procedures 87, 88

CHAIR
Addressing, Method of 31
Election 1
Overrule of 15
Replacement or Removal of 3
Temporary Occupancy of 5

CHANGE OF VOTE
When Permissible 48(b)

CHIEF LEGISLATIVE ANALYST
Council Meetings, Attendance at 85

CITY ADMINISTRATIVE OFFICER
Council Meetings, Attendance at 85

CITY ATTORNEY
Contracts, Approval as to Form and Legality 37
Council Meetings, Attendance at 85
Opinions, Written 37, 38
Ordinances, Approval as to Form and Legality 38, 41
Tort Claim Referral and Report 87

CITY CLERK
Duties re Council
Agenda, Compile and Deliver 21
Agenda, List of Items Continued 53
Agenda, Placing on Without Referral to Committee 3, 16
Appointment of Temporary Committee Member Notice, 60
Availability of Copy (Agenda and Rules) 78
Council and Committee Actions, Keep Records and Index of 82
Election of President, Preside Over 1
Interruption 9, 65
Journal, Compile and Deliver 81
Meetings
Committee, Attend 85
Council, Attend 85
Notice re 21, 56, 83
Standing Committees, Information 67
Minutes, Sign 84
Motion to Withdraw an Item from Committee 54
Notice re Commissioner Confirmation Date 46
Ordinances
Place on Agenda 38
Present to Mayor 51, 52
Referrals of Items to Committees 16, 73
Roll Call of Members 26, 48, 49, 71
Vote, Announce or Record 48, 71
Tort Claims, Referral and Special Duties 89

CITY ENGINEER
Council Meetings, Attendance at 85

CLAIMS, TORT
Referral, and Clerk's Duties 87

CLOSE DEBATE
Motion for Previous Question 32(d)

COMMENDATORY RESOLUTIONS
Presentation 22, 35

COMMISSIONERS
Appointees Meeting with Committees and District Councilmember 45
Confirmation of Appointment and Removal 45, 46

COMMITTEES, COUNCIL
Action, Record of 82
Agenda 61, 64
Bypass of Referral to 16
Communication from One Member 70
Matters Waived from 17
Matters Withdrawn from 54
Meetings
Acting on Items Not on Agenda 64
Announcement of 61
Attendance by Member 66, 74
Cablecast of 93(b)
Interruption 65
Joint or Separate 72
Majority Vote 71
Notice 56, 67, 83
Posting Agenda 61
Public Hearing Opportunity 7, 62, 63, 69
Quorum 70, 72
Reports of 69
Special Meetings 59
Time and Place of 67
Vote 71
Who Presides 59
Referrals to and between 16, 72, 73
Reports and Communications 69, 70
Standing Committees
Appointment of 59
Chair 59
Appointment of 59
Duties 58, 60
Members 59
Appointed by 59
Excuse from Meetings 66
Functions 58
Temporary Appointment (and Notice of Clerk re) 60
Withdrawal from 54

COMMUNICATIONS
From a Committee Member 70
On Agenda 22, 70
Order of Business 22
Received from City Officials, Departments 16, 22
Vote Required 70

	Rule
COMPUTERIZED RECORD KEEPING SYSTEM	
Use of	31, 48
CONTINUED ITEMS	
Disposition	53
CONTRACTS, FORM AND LEGALITY	
Approval of	37
City Attorney's Opinion re	37
Presentation to Mayor	51, 52
CONTROLLER	
Council Meetings, Attendance at	85
COUNCIL, CITY	
Admittance to Business Area	10
Cablecast of	18, 93(a)
Censure procedures	87, 88
City Clerk Attend Meetings	85
Discussions and Debate	
Appeal of Chair Ruling, Not Debatable	15
Interruptions Prohibited	9, 80
Opening and Closing	32
Recognition for Discussion	31
Time Limits	32
Meetings of	18
Notice	6, 21, 56
Members, Rights, and Duties	
Attendance at Meetings	24, 27, 28, 74
Minutes	84
Speaking at Meetings	31, 32
Voting at Meetings	84
Officers	
Assistant President Pro Tempore	4
President	1
President Pro Tempore	2
Order of Business	22
Public Hearing Opportunity	7, 8, 11, 22
Quorum	25
Recess	18
D	
DECORUM,	
Rules of	12
E	
ELECTION	
President	1
President Pro Tempore	2

Rule

F

FILES
Transfers to Other Committees 73

FORTHWITH TO MAYOR
Motion to Send 51, 52

H

HEARINGS
Continued 53
Order of Business 22
Public 7, 8, 11, 22, 62, 63
Special Time Set for 22

I

INDEX
Council Records 82

INTERRUPTIONS
Of Meetings 9, 65, 80

J

JOURNAL

Compilation and Delivery 81
Proceedings Recorded in 81

L

LEAVE OF ABSENCE

Provision for 22, 24

M

MAYOR
Appointments of, Action on 46
Forthwith, Motion 51, 52
Messages
On Agenda 22
On Journal 81
Order of Business 22
Referral 16

MEDIA CENTER
Use of 92

MEETINGS, COUNCIL
Attendance
City Clerk 85

	Rule
MEETINGS, COUNCIL (continued)	
Councilmembers	19, 24
News Media	10
Officials' Representatives	10, 85
Cablecast of	18, 93(a)
Interruption	9, 80
Notice	6, 21
Order of Business	22, 56, 83
Order Maintained at	15, 80
Presiding Officer at	1, 2, 4, 5, 13
Proceedings	
Agenda of	6, 21, 22
Committee Reports Part of	22, 69, 81
Journal of	81
Notice	6, 21, 56, 83
Order of Business	22
Quorum	25
Recorded by City Clerk	81
Rules Governing	14
Speakers, Rules Governing	
Members	31, 32
Public	8, 9, 11,12
Time Held	18
Voting at	48, 49
Special	
Attendance	19
Notice of	20, 21, 56, 83
Proceedings Limited	21, 56
Time Held	56, 83
MEETINGS, COUNCIL COMMITTEE	
Cablecast of	18, 93(b)
Joint	72
Regular	67
Agenda	61
Public Hearings	7, 62, 63, 65,69
Reports and Communications	69, 70
Votes	71, 72
Special	18, 56, 67
MINUTES	
Approval	22
Signing	22, 84
MOTIONS	
Amend Ordinance	41
Approve or Reject Mayor's Appointment of Removals	45
Bypass Committee	16
Forthwith	51, 52
Introduce Ordinance	39
Items Not on Agenda	23

	Rule
MOTIONS (continued)	
Need for Second	Appendix
Not Consider as City Business	89
Order of Business	22, 51
Place on Future Agenda	3, 16
Previous Question (Close Debate)	32(d)
Quorum Call	29
Reconsider, How to	51
Reconsideration, Availability	Appendix
Refer to Committee	16
Replace or Remove President or President Pro Tempore	3
Substitute	36
Suspension of Rules	76
Vote on	Appendix
Whether Debatable	Appendix
Withdraw from Committee	54
N	
NEWS MEDIA	
Admittance	10
NOTICES	
Amendments of Council Rules	76
Before Confirmation of Appointment of Commissioners	46
Council Meetings	6, 21, 56, 83
Council Committee Meetings	56, 61, 67, 83
O	
OFFICES AND DEPARTMENTS	
Attendance at Council Meetings	85
Communications from Officers and Commissioners	16, 22
OPINIONS, CITY ATTORNEY	
Contracts	37
Ordinances	38
ORDERS	
Enforcement of	29, 80
Of Business	22
Referral to Committee	43
ORDINANCES	
Adoption	39, 40
Amendment	41
City Attorney Opinion on	38
Consideration, First and Second	22, 39, 40, 41
Continued Hearing	22, 40
Delivery to City Clerk	38
Form and Legality, Approval of	38, 41

	Rule
ORDINANCES (continued)	
Index Record of	82
Laid Over One Week	39, 40
Presentation to Mayor	51, 52
Referral to Committee	43
Special Assessments	43
Tract Maps	43
Withhold Unanimous Approval	39
P	
POLICE	
Representative at Council Meetings	80
POSTING	
Committee Agenda	56, 61
Council Agenda	6, 56
PRESIDENT OF COUNCIL	
Duties	
Appointment of Assistant President Pro Tempore	4
Appointment of Committees and Chairs	59
Appointment of Temporary Committee Member and Notification to Clerk	60
Assignment of Space, Equipment and Furniture	90
Election of	1
Meetings	
Call to Order	13
Chair, Appoint Temporary	5
Members	
Compel Attendance	29
Permission to Leave	28
Minutes, Sign	84
Officials, Excused Absence	22, 24
Order	
Preserve	15
Rules, Enforcement of	14, 15
Questions, Decide	15
R	
RECEIVE AND FILE	
Order to Place in Archives	53
RECESS, COUNCIL	
Resolution Requirement	18
RECONSIDERATION	
Motion to Reconsideration	51
RECORDS	
Proceedings	8

	Rule
REMOVAL OF	
Commissioners	45
President	3
President Pro Tempore	3
REPORTS, COMMITTEE	
Called Special	22, 32
Joint	72
Majority, Minority	69
On Agenda	22
On Journal	81
Order of Business	22
Requirements	68, 69
Special	22
Submitted Without Recommendation	69
RESOLUTIONS	
Adoption	22, 34
Commendatory	22, 35
Contents	91
Copy to Councilmember	34
Index Record of	82
On Agenda	22, 34, 35
Order of Business	22
Presentation to Council	22, 34, 35
Referral to Committee	16
ROLL CALL	
Alphabetical Order	48
By Clerk	48, 71
By Computerized Record Keeping System	48
Order of Business	22
Previous Question	32(d)
Quorum	25, 27
Required	49
Response by Members Required	26, 71
Suspended, When Forbidden	49
To Bypass Committee on a Motion	16
RULES, COUNCIL	
Amendment of	76, 77
Availability of Copy	78
Decorum	12
Enforcement of	14, 80
Robert's Rules of Order, Revised	14
Suspension of (Not Available Where Individual Rules Asterisked)	76

	Rule
S	
SERGEANT-AT-ARMS	
Assignment of Duties	29, 80
Order, Maintain	80
Order, Enforce Council	29, 80
Persons, Removal of Unauthorized	80
Police Officer as	80
SPECIAL ASSESSMENTS	
Ordinances	49
SPECIAL MEETINGS	
Posting Notice and Limitations	56
STANDING COMMITTEES	
Identity, Functions and Duties	58-74
SUSPENSION OF RULES	
Availability (Not Available Where Individual Rules Asterisked)	76
T	
TEMPORARY CHAIR OF COUNCIL	
Naming, and Duration of	5
TEMPORARY COMMITTEE MEMBERS	
Appointment and Notice	60
TORT CLAIMS	
Referral, and Clerk's Duties	89
U	
UNFINISHED BUSINESS ON AGENDA	
Disposition	53
V	
VACANT OFFICE SPACE	
Requests for	90
VOTE, COUNCIL AND COMMITTEES	
Bypass of Referral to Committee	16
Changing Vote	48(b)
Entire Membership	25
Failure to Approve or Reject, Effect of	53
Forthwith	51, 52
Item Not on Agenda	23, 64
Leave of Absence, Granting	24
Majority	25, 71, 72
Ordinances	39-41
Previous Question (Close Debate)	32(d)
Receive and File in Archives	53

Rule

VOTE, COUNCIL AND COMMITTEES (continued)
Reconsideration 51
Recording "Ayes" and "Noes" 48, 85
Required Roll Calls 49
Rules Amendment 77
Rules Suspension 76
Substitution of Motion 36
Verbal Motions Appendix

W

WAIVER
By Chair 17

WITHDRAWAL OF MATTERS FROM COMMITTEE
Procedure and Votes Needed 54

o:\docs\DivChf\CclRules2016

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 16633 Ventura Boulevard, Suite 1220, Encino, CA 91436-1872.

On January 22, 2021, I served the foregoing documents described as:

PETITIONERS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PETITION FOR WRIT OF MANDATE, AND EXHIBITS THERETO

on all interested parties in this action by as follows:

Michael N. Feuer
Terry Kaufmann Macias
Donna Wong
Patrick Hagan
200 North Main Street
City Hall East, Room 701
Los Angeles, California 90012-4131
Email: patrick.hagan@lacity.org

[X] **(BY EMAIL OR ELECTRONIC TRANSMISSION)**: I caused a copy of the document(s) to be sent from e-mail address tperry@gaineslaw.com to the persons at the addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on January 22, 2021, at Encino, California.

Tiffany Perry
TIFFANY PERRY