

Los Angeles City Planning Department
RECOMMENDATION REPORT

CITY PLANNING COMMISSION

CASE NO: CPC-2003-1139-CA
CEQA: ENV-2003-1140-CE
LOCATION: Citywide
COUNCIL DISTRICTS: All
PLAN AREAS: All
RELATED FILES:

DATE: May 8, 2003
TIME: after 9:30a.m. *
PLACE: Room 1010 City Hall
200 North Spring St.
Los Angeles, CA 90012

PUBLIC HEARING REQUIRED

REQUEST: Amendments to Sections 12.36 and 17.02 of the Los Angeles Municipal Code to allow for combined hearings on multiple applications for subdivisions of land and legislative actions.

SUMMARY: The proposed ordinance (Appendix A) provides the Advisory Agency with the option to hold a combined public hearing with the City Planning Commission when dealing with complex cases requiring both a subdivision of land and one or more legislative actions, and identifies the City Council as the Appeals Board for such subdivision of land cases heard jointly by the Advisory Agency and the Planning Commission.

RECOMMENDATION: 1. Adopt the staff report as its report on the subject.
 2. Adopt the attached findings.
 3. Approve the proposed ordinance (Appendix A) and recommend adoption by the City Council

CONTACT INFORMATION: Simon Pastucha, City Planner 213/978-1475

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ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, 200 North Main Street, Room 532, Los Angeles, CA 90012 (Phone No. 213/978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agenda herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assisting listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at 213/978-1300.

SUMMARY

The new Los Angeles City Charter approved by the voters in June of 1999 mandated fundamental changes in the City's planning processes. A key principle embodied in the new charter is that of one level of appeal for planning decisions. In addition, the new Charter contains Section 564, requiring the combining of multiple applications for a project into one entitlement process when the applications require approval by different decision-makers. Section 12.36 of the Los Angeles Municipal Code (LAMC) was created to allow for the simultaneous processing of multiple applications. The proposed amendments to LAMC Sections 12.36 D and 17.02 deals with the streamlining of this approval and appeal process related to subdivision cases with related applications for legislative action to allow one level of appeal.

The proposed ordinance (Appendix A) amending LAMC Sections 12.36 D and 17.02 provides the Advisory Agency the option to streamline the entitlement process for cases of regional significance dealing with both division of land actions such as tract and parcel maps and land use legislative actions such as zone changes, by implementing an alternative approval process including a joint hearing with the City Planning Commission, and identifies the City Council as the Appeals Board for subdivision of land cases which are heard jointly by the Advisory Agency and the City Planning Commission.

The Department of City Planning believes that this is the first step toward allowing the Planning Department to more quickly expedite these types of cases thereby saving the City time and money, while still allowing ample opportunity for community input before the initial decision or during appeal. Adoption of the proposed ordinance will allow the Planning Department to monitor the processing of these multiple applications and evaluate appropriate staffing needs. Joint initial hearings by the Advisory Agency and City Planning Commission will involve staff from the Advisory Agency, City Planning Commission Office, and the various city departments that make up the Subdivision Committee. The Planning Department will continue to work on revisions to the processing of subdivisions of land applications.

FINDINGS

1. In accordance with Charter Section 556, the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan. The proposed ordinance (Appendix A) will help facilitate a more efficient and timelier processing of these regionally significant multiple approval projects and addresses Objective 7.4 of the Economic Development Element of the General Plan, to "...expedite the administrative processing of development applications..." through the development and maintenance of "...a streamlined development review process to assure the City's competitiveness within the Southern California region;" (Policy 7.4.1) and

2. in accordance with Charter Section 558 (b)(2), the proposed ordinance (Appendix A) will have no adverse effect upon the General Plan, specific plans, or any other plans being created by the Department of City Planning because the proposed ordinance is consistent with the General Plan and carries out the General Plan goals, policies and objectives discussed above. There will be no substantive changes made to the existing LAMC, therefore there will be no effects on any above-referenced plan; and

3. in accordance with Charter Section 558 (b)(2), the proposed ordinance (Appendix A) will be in conformity with the public necessity, convenience, general welfare and good zoning practice. This

ordinance will expedite the approval and appeal processes for regionally significant land division projects requiring one or more legislative approvals; and

4. the proposed ordinance (Appendix A) is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2, Subsection m of the City's CEQA Guidelines (ordinances which do not of themselves have an impact on the physical environment). The proposed ordinance simplifies the approval and appeal processes for regionally significant land division approvals with one or more legislative approval requirements and identifies the Appeals Board for certain types of cases. The proposed ordinance applies only to future development projects and does not specify an area for development. All projects are still subject to zoning, environmental, and land use laws that regulate development throughout the City at the time the applications are filed. Each individual project will have its own environmental review.

CON HOWE
Director of Planning

FRANKLIN P. EBERHARD
Deputy Director

APPROVED BY:

ROBERT JANOVICI
Chief Zoning Administrator

REVIEWED BY:

SIMON PASTUCHA
City Planner

PREPARED BY:

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Project Manager

STAFF REPORT

REQUEST:

In June of 1999, voters approved a new Los Angeles City Charter that mandates the Department of City Planning to institute fundamental change in the planning process. Among the changes required by the new Charter included a streamlining of project approval processes and allowing one level of appeal for planning decisions. Initial changes to the subdivision of land processes were limited as a result of the compressed timeframe in which Planning staff and City Attorney's staff had to review and organize revisions to the entire zoning code. Since that time, staff has had further time to review and research the new City Charter and relevant State laws pertaining to division of land requirements, and now proposes further changes to LAMC Section 12.36 and 17.02.

This was initiated by a draft proposal created by the City Attorney. Department of City Planning Staff recommends these revisions and amendments to LAMC Section 12.36 and 17.02 regarding the Procedures for Multiple Approvals involving projects requiring several approvals, including subdivision approval and names the City Council as the Appeals Board for cases heard by the Advisory Agency in a joint hearing with the City Planning Commission. The Planning Department believes that these revisions will increase the efficiency with which these cases are processed, approved and/or appealed. It addresses Objective 7.4 of the Economic Development Chapter of the General Plan Framework, to "expedite the administrative processing of development applications." The proposed amendment, reducing the overall number of public hearings and appeals, still allows sufficient opportunity for community input or appeal.

The approval of this optional procedure will assist the Department of City Planning in monitoring the processing of such applications, the staffing requirements, and make modifications to the process as appropriate. Joint initial meetings with the Advisory Agency and the City Planning Commission will involve staff from the Advisory Agency, City Planning Commission Office, and from those city departments represented in the Subdivision Committee as defined in Section 17.04: Bureau of Engineering, Building and Safety, Fire Department, Department of Water and Power, General Services, Recreation and Parks, Department of Transportation, and Bureau of Street Lighting.

DISCUSSION:

The new City Charter Section 564 requires a more consolidated approval and appeals process for project entitlement applications that require approval by the Zoning Administrator and either the Area Planning Commission or City Planning Commission. In communications between the Department of City Planning and the City Attorney's Office, it was concluded that substantial changes to the subdivision of land approval and appeal processes would require more time for analysis than the July 2000 deadline dictated by the Charter would allow.

On November 18, 1999, Planning Staff submitted the Report to the Planning Commission (CPC No. 99-0435) on proposed amendments to the entire City of Los Angeles Planning and Zoning Code in preparation for the July 2000 deadline. At that time, initial technical changes to the approval and appeal processes were proposed for the subdivision of land entitlement process.

On May 16, 2000, Ordinance No. 173,268 was approved by City Council and became effective on July 1, 2000; the adopted ordinance included some of the proposed changes to the project approval and appeal processes for applications with multiple approvals, and Planning Staff anticipated returning to this section for additional refinements regarding multiple approvals that include subdivision of land approvals. City Attorney Staff needed additional time to analyze the State Map Act, the new City Charter and the LAMC; their analysis is on-going as Planning Staff continues to

examine the process for further refinements.

Planning Staff has since had time to sufficiently research case histories relevant to these subdivision of land entitlements, determined that the length of time required to complete this process could be shortened, and that an acceptable amount of oversight by the Advisory Agency and ample opportunity for community input and/or appeal can still be maintained within a shortened entitlement procedure. The proposed ordinance (Appendix A) amends LAMC Section 12.36 D and 17.02, making a change to the entitlement process for applications involving regionally significant subdivisions requiring one or more concurrent legislative approvals by providing the option of a procedure requiring fewer decision-making steps.

LAMC Section 12.36 D provides the procedures by which subdivision approval projects requiring multiple judicial and/or quasi-judicial approvals are approved and appealed. At this time, the process involves three separate approval/recommendation decisions for the legislative action, and up to three decision opportunities for the division of land action (see *Figure 1*). At each point of decision, there is an opportunity for public input and comment.

The proposed ordinance (Appendix A) creates the option for subdivision applications of regional significance with one or more legislative approval requirements to have decisions and recommendations rendered at a joint meeting of the Advisory Agency and City Planning Commission. This joint meeting provides the public an opportunity to express their support, concerns or opposition before a decision on the subdivision and a recommendation on the legislative action is rendered. The City Planning Commission recommendation is only on the legislative action, not the subdivision action; the purpose of this joint hearing is so that two decisions can be coordinated, but does not relieve the Advisory Agency of its responsibility to render a decision on the subdivision action. After this public meeting, the Advisory Agency’s written decision on the subdivision action can be appealed to City Council; the Planning Commission’s recommendation on the legislative action is sent to City Council for a final decision; and both actions can be heard concurrently by the City Council (see *Figure 2*).

Figure 1

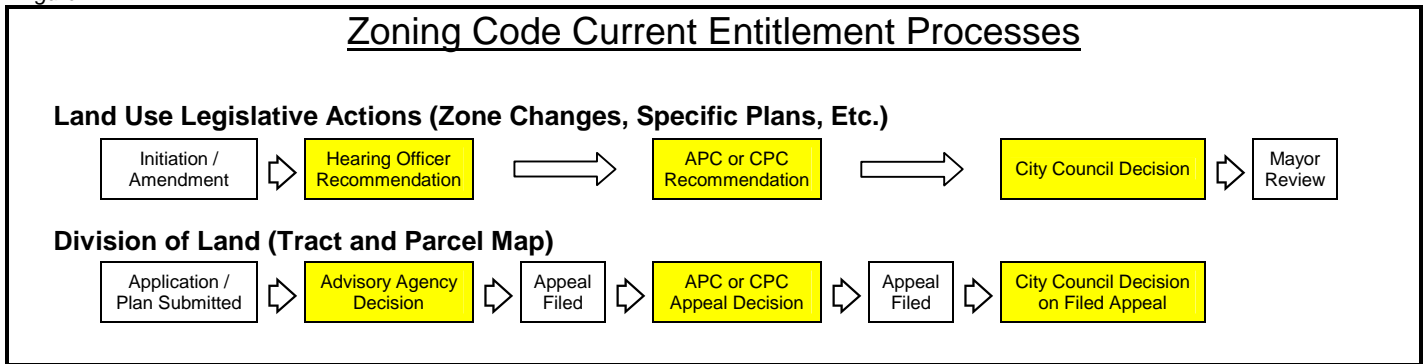
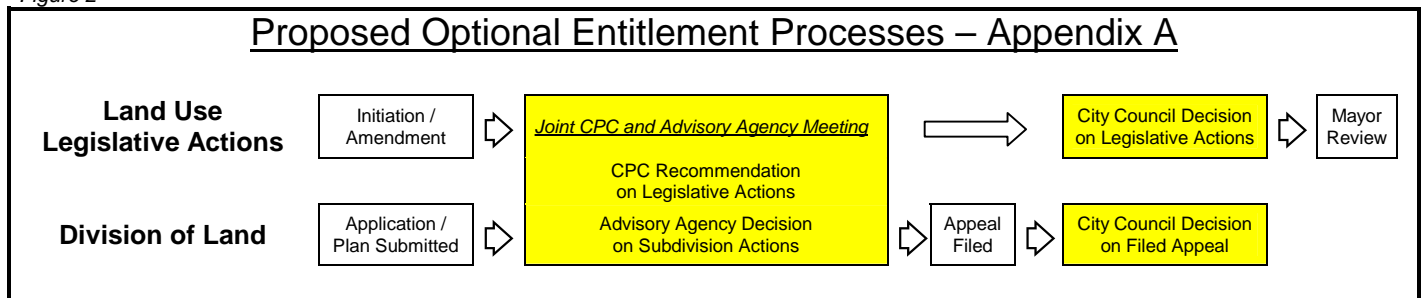


Figure 2



Public Hearing opportunity
 CPC - City Planning Commission
 APC - Area Planning Commission

The changes to LAMC Section 17.02 are to clarify that in the case where the subdivision decision resulting from a joint meeting between the Advisory Agency and City Planning Commission is appealed, the appellate body will be City Council.

PROPOSED ORDINANCE

The following are references to the existing subsections of the code and a description of the proposed revisions:

LAMC Section 12.36 D Multiple Approvals, Including Subdivision Approval – The subsection has been divided into two separate subdivisions: subdivision 1 largely contains the language and text of the original subsection, with minor technical corrections; and subdivision 2, containing all new language and text, creates the option for combining the Advisory Agency and Planning Commission meetings into one hearing, and names the City Council as the appellate body in cases where this process is selected.

LAMC Section 17.02 definition of “Appeal Board” – A new paragraph (c) is amended to the definition, naming the City Council as the Appeal Board for projects requiring multiple approvals as determined by Section 12.36 D; this is a technical change, conforming it to Sec. 12.36 D 2.

CONCLUSION:

The proposed ordinance (Appendix A) enables the Department of City Planning to implement a time- and cost-saving process when hearing regionally significant subdivision cases requiring one or more concurrent legislative action. In accordance with the intent of the City Charter, the proposed ordinance reinforces the Commission's and Council's roles in matters having a regional or citywide impact. The City Council will remain as the approving body on all legislative actions and the final appellate body on all subdivision decisions. This optional process, by shortening the entitlement processing time currently required to review such applications, brings the code closer to the City Charter principle of providing one level of appeal. In addition, this optional process will increase the Planning Department's ability to monitor the processing of these particular types of applications, determine their impact on staffing needs, and base future modifications to the process on experience.

ENVIRONMENTAL IMPACT

The attached proposed ordinance (Appendix A) is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2, Subsection m of the City of Los Angeles CEQA Guidelines (ordinances which have no negative impact on the physical environment). The proposed ordinance (Appendix A) provides an option to hear subdivision cases with one or more legislative actions in a jointly held meeting between the City Planning Commission and Advisory Agency, with decisions appealed directly to the City Council.

PROPOSED ORDINANCE FOR DISCUSSION

A draft ordinance amending Sections 12.36 and 17.02 of the Los Angeles Municipal Code to allow combined hearings on applications for subdivision or parcel map approvals and legislative actions.

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

Section 1. Subsection D of Section 12.36 of the Los Angeles Municipal Code is amended to read:

D. Projects Requiring Multiple Approvals, Including Subdivision Approval.

1. If a project subject to Subsections B or C also requires tract map or parcel map approval by the Advisory Agency, that subdivision approval and any appeals shall be decided and governed by the rules applicable to subdivision approvals as set forth in Article 7 of this chapter. Hearings for and consideration of appeals of subdivision approvals by the Advisory Agency shall be scheduled for the same time as the hearing and decision by the Area Planning Commission or City Planning Commission, whichever has jurisdiction over the other approvals. Any time limit within which the Area Planning Commission or City Planning Commission must act on the application is before it are extended by the number of days required by this Code for hearings to be held and decisions made on a subdivision appeal. ~~and other discretionary approvals at the same time.~~

2. If a project, in addition to the subdivision or parcel map approval, requires at least one legislative approval, the Advisory Agency may hold a joint hearing with the City Planning Commission and each make a decision on the matters before it. The procedures used for appeals of the legislative actions will be those set forth in Section 12.32 Subsections B through D. However, if the Commission fails to act on a legislative approval, which is a part of a multiple approval, then the legislative matter shall be transferred to the City Council without a recommendation for action. The procedures used for appeals of the subdivision or parcel map approvals will be those set forth in Article 7 of Chapter I, however, the appeal board for purposes of the subdivision or parcel map approval shall be the City Council.

Sec. 2. A new Paragraph (c) is added to the definition of Appeal Board in Section 17.02 of the Los Angeles Municipal Code to read:

(c) In cases jointly heard by the Advisory Agency and the Planning Commission pursuant to Section 12.36 D, the Appeal Board shall be the City Council.

Sec. 3. The City Clerk shall certify...