

D 500 CITY PLANNING DEPARTMENT CASES

D 510 AUTHORITY AND PROCEDURES

D 511 POLICE POWER

Numerous ruling by the courts (California Supreme Court and the United States Supreme Court) have established the following precedents in land use regulation:

1. The legal basis for all land use regulation is the police power of the city to protect the public health, safety and welfare of its residents.
2. Land use regulations are a manifestation of the local police powers conferred by the California Constitution, not an exercise of authority delegated by statute.
3. Under the California Constitution an ordinance cannot conflict with general laws that preempt the subject matter.
4. The police power is an elastic power. Regulations are sustained under today's complex conditions which but a short time ago might have been condemned as arbitrary and unreasonable.
5. Courts have also held that regulations affecting economic interests in real property are an appropriate exercise of the police power.
6. The U.S. Supreme Court has held that land use regulations may be enacted through the police power to enhance the quality of life by preserving the character and desirable aesthetic features of a city.
7. The California Supreme Court has stated that "the land use restriction withstands constitutional attack if it is fairly debatable that the restriction in fact bears a reasonable relation to the general welfare."

D 512 STATUTORY FRAMEWORK

D 512.1 STATE CODE

The following state laws outline the legal framework within which a city must exercise its land use functions:

- Establishment of local planning agencies, commissions and

departments. CA Gov't. Code § 65100 *et seq.*

- General plan and specific plan. CA Gov't. Code § 65300 *et seq.*
- Zoning regulations. CA Gov't. Code § 65800 *et seq.*
- Subdivision Map Act CA Gov't. Code § 66410 *et seq.*
- Property development agreements. CA Gov't. Code § 65864 *et seq.*
- California Environmental Quality Act. Pub. Res. Code § 21000 *et seq.*;
Cal. Code Regs. tit. 14, §§ 15000 – 15387 (also known as CEQA Guidelines).
- Ralph M. Brown Act. CA Gov't. Code § 54950 *et seq.* (also known as the Open Meeting Act or simply the Brown Act). Pursuant to the Brown Act, all meetings, including study sessions, must be open and public. This means that a quorum of commissioners can discuss commission business in a public meeting only.
- Permit Streamlining Act. CA Gov't. Code § 65920 *et seq.*

D 512.2 CITY CODES

D 512.21 LOS ANGELES CITY CHARTER

The following sections of the Los Angeles City Charter (LACC) define the authority of the Mayor, City Council, the City and Area Planning Commissions as it relates to Planning Cases:

- Conditional Use Permits and other similar quasi-judicial approvals. LACC Sec. 563(b)
- Projects requiring multiple approvals. LACC Sec. 564
- Appeal process. LACC Sec. 563 (b)(2)

D 512.22 LOS ANGELES MUNICIPAL CODE

Chapter 1 of the Los Angeles Municipal Code (LAMC) also known as the Planning and Zoning Code includes the following sections relating to various discretionary actions

requiring application to the Department of City Planning for investigation and determination of these cases:

- Zone and Height District Changes. [LAMC Sec. 12.32 F](#)
- Establishment, change or removal of Building Line. [LAMC Sec. 12.32 R](#)
- Establishment and amendment of Specific Plans. [LAMC Sec. 11.5.7](#)
- Establishment and amendment of the General Plan Elements and Community Plans. [LAMC Sec. 11.5.6](#)
- Major Plan Review/Periodic Plan Review. [LAMC Sec 11.5.8](#)
- Public Benefit Uses. LAMC Sec 14.00
- Conditional Uses. LAMC Sec. 12.24
- Supplemental Use Districts. LAMC Sec. 13.00
- Variances. LAMC Sec. 12.27
- Site Plan Review. LAMC Sec. 16.05
- Classification of “T” and Clarification of “Q”, or “D” Rezoning Classification. LAMC Sec 12.32H

D 520 TYPES OF CASES REFERRED TO THE CITY ENGINEER

City Planning Department is the lead City agency in reviewing and approving development applications in the City. All subdivision applications will be referred to the Bureau of Engineering for review and comment. The following types of cases or projects other than subdivision applications in general are referred to the Bureau of Engineering from the Planning Department for review and the possible imposition of required street dedication and improvement conditions by the Filing Notification and Distribution ([Figure D 520](#)) in conjunction with the Planning Department approval:

1. City Planning Cases and Zoning Administration Cases involving new construction, additional dwelling units or additional floor area.
2. New construction of a commercial, industrial or mixed use (with residential) building.
3. Additional floor area for an existing commercial, industrial or mixed use building.
4. Residential new construction that results in three or more dwelling units.
5. Additional floor area that results in expanding the building envelope and adding additional dwelling units in a existing residential building,
6. Zone Change, not incident to a subdivision application.
7. Legalization of any commercial, industrial or residential floor area built without permits.
8. Appeal of Hillside Ordinance determination
9. Libraries, museums, fire or police stations or governmental enterprises.
10. Affordable housing developments.
11. Recreation or community centers.
12. Second dwellings on large lots.
13. Hotels and motels under various conditions in various zones.

14. Automobile repair within 300 feet of an A or R Zone.
15. Mini-shopping centers and commercial corner developments.
16. Drive-through fast food establishments.
17. Conditional Use Permits.
18. Plan Approvals.
19. Specific Plan Exemptions.
20. Specific Plan Permits.
21. Site Plan Reviews.
22. Zone Variances.
23. Zoning Administrator's Adjustments.
24. To permit buildings on lots in the R1 zone which are located on a Substandard Hillside Limited Street.
25. Joint living and working quarters for artists and artisans in commercial and industrial buildings and such quarters having reduced parking.
26. Research and Development centers.
27. Public and private elementary, middle and high schools.
28. Storage Facilities.
29. Hospitals or sanitariums.

D 521 BUREAU OF ENGINEERING INVESTIGATION AND REPORT FEES

The Bureau of Engineering fee (See [STANDARD FEES, CHARGES AND DEPOSITS](#)) must be paid and a copy of the Master Land Use Permit Application ([Figure D 521A](#)), two copies of the Radius Map or abutting owners map ([Figure D 521B](#)) and two copies of the Plot Plan ([Figure D 521C](#)) must be submitted to the Bureau of Engineering's cashier. There should be a case number assigned by the Department of City Planning at the time of payment.

The Bureau of Engineering fee is for investigation of street dedication and improvement requirements, as well as for the processing of a report to the City Planning Department. (See Figure D 521D.) The report will provide specific recommendations of the Bureau of Engineering for the project.

The fee and accompanying materials must be submitted at one of the following locations:

DOWNTOWN - Bureau of Engineering, Land Development Group
201 N. Figueroa St., Suite 200, L.A., CA 90012

VALLEY/VAN NUYS – Bureau of Engineering, Valley District Office
6262 Van Nuys Blvd., 2nd Floor, Van Nuys, CA 91401

When the fee is paid, a copy of the accompanying material will be sent to the Bureau of Engineering District Office for investigation. The planning cases are then logged in on the computer system into “Planning Cases Referral” (see Figure D 521E) and the following pertinent information is entered:

- Case Number and project information
- Date received
- Date paid
- Hearing date
- Date case forwarded to District Office
- Date report received from District office
- Date recommendation report sent to City Planning

D 530 POLICIES

D 531 STREET DESIGN STANDARDS COMMITTEE

This committee is composed of the Director of Planning as Chairman, the City Engineer and the General Manager of the Department of Transportation. The Committee shall recommend to the Planning Commission the minimum widths of rights of way and roadway improvement standards for all classes of public and private streets and alleys. The present Standard Street Dimensions ([Standard Plan S-470-0](#), [Figure D 231](#)) was created by the Street Design Standards Committee and was adopted by the Planning Commission in May 13, 1999.

D 532 CONFORM TO GENERAL AND SPECIFIC PLANS

Each Planning Case approved must contain a finding that it conforms to both the general and specific plans. It must conform to land use, zoning, circulation, drainage, housing and every other element of the general plan. In addition, any special specific plan such as the Warner Ranch, Mulholland Scenic Parkway, etc., must be considered and the terms or conditions of the planning case approval must reflect the spirit and intent of the specific plans.

D 532.1 SLOPE DENSITY

In various hillside areas of the City with Minimum, Very Low and Low Density land use designations in the General Plan and wherever the average natural slope of a lot is 15% or more, Minimum Density Housing shall apply. Although the slope density regulations often involve the determination and calculation of natural slopes, the process is entirely within the jurisdiction of the City Planning Department. Bureau of Engineering employees should refer all questions on this issue from developers and private engineers to the City Planning Department.

D 533 CITY ENGINEER'S STANDARDS

All streets and highways must conform in alignment and grade to the City Engineer's design specifications. The street widths should conform to [Standard Plan S-470-0](#). The maximum grade for streets should be based on the criteria under the Street Design Manual, Sections E 321.1 and E 531.111. The horizontal alignments for all streets should be designed in accordance with the Street Design Manual, Part E.

D 534 SCOPE OF STREET IMPROVEMENTS

Where a proposed planning case action adjoins one side of an existing street, full dedication and improvement for at least one half the ultimate street width shall be required of the planning case.

D 535 WIDENING OF EXISTING SUBSTANDARD ROADWAYS

D 535.1 MAJOR AND SECONDARY HIGHWAYS

Widening of the existing roadway with pavement, curb and gutter for a highway in good condition is usually limited to a minimum of 5 feet (1.52m) for each one-half of a roadway, unless a needed additional lane can be gained by a lesser amount of widening. However, dedication of rights of way for the full standard width should be required for highways, unless unusual circumstances such as steep topography, existing large permanent structures, etc., preclude full standard dedications.

D 535.2 LOCAL AND COLLECTOR STREETS

The following table should be applied for consideration of widening substandard roadways for local or collector street in the flatland areas:

TABLE D 535.2

Zone	Standard Roadway Width ft(m)	Existing Roadway Width ft (m)	Widening Required	
			Local	Collector
Multiple Residential	40 (12.2)	30 (9.1)	Yes	Yes
		34 (10.4)	No*	Yes
		36 (11)	No	Yes**
Commercial	40 (12.2)	30 (9.1)	Yes	Yes
		34 (10.4)	Yes	Yes
		36 (11)	No	Yes
Industrial	48 (14.6)	30 (9.1)	Yes	Yes
		34 (10.4)	Yes	Yes
		36 (11)	Yes	Yes
		40 (12.2)	Yes	Yes

* Unless existing improvements are in poor condition.

** Subject to detailed review including projected traffic count, condition of existing roadway improvements, likelihood of further widening within the block, etc.

Dedication should be required in accordance with the current standards in effect.

Sixty-four foot (19.5m) Collector Street dedications are required:

- a. On Local Collector Streets shown on an adopted community plan, unless the existing roadway is 40 feet (12.2m) within a 60 foot (18.3m) dedication, and is in satisfactory condition.
- b. On continuous quarter-mile streets with the exception as noted under Item a.
- c. On local streets serving industrial and school areas.
- d. On local streets serving high density, heavy traffic areas such as large hospital complexes and high-rise multiple residential and commercial areas where more than local street dimensions are determined to be necessary.

In hillside terrain, deviations from the standard required right of way widths may occur. The primary concern is whether the required roadway and right of way widths are determined to be sufficient to perform the minimum functions for the classification of the street being considered.

When an incremental roadway widening is determined to be necessary, judgment should be used on whether a physical widening of the roadway can be feasibly accomplished. If not, the possibility of an option for cash payment in lieu of construction should be explored and the following considerations should be made for this determination:

- a. Probability of further land development in the block within 10 years.
- b. Capital Improvement Projects or Assessment Projects covering the adjacent frontages within 5 years.
- c. Drainage.
- d. Existing buildings which would reduce the parkway to less than 5 feet (1.52m).
- e. Condition of existing improvements.
- f. Street frontage to be widened is 30 feet (9.1m) or less.
- g. Specimen trees.
- h. Traffic hazards created by incremental widening.

D 540 DEPARTMENT OF CITY PLANNING

The Department of City Planning is charged with the responsibility of preparing, maintaining and implementing a General Plan for the development of the City. The General Plan consists of the Framework Element, which provides overall guidance for the future of the City, various other citywide elements including the state-mandated elements such as the Transportation, Open Space and the Land Use among others. The Land Use Element is largely made up of the community plans that fall for a range of allowable land uses and intensities of uses as well as other matters relating to the use of land unique to each of the City's many communities. The Department periodically updates these plans as needed.

The City Planning Department implements the General Plan utilizing a variety of tools, mainly through the application of zoning regulations and the division of land into separate parcels. Traditional zones, specific plans, overlay districts, special use permits, such as conditional uses, and a variety of other instruments all regulate the use of land. The zoning portion of the Municipal Code, specific plans and other regulatory tools establish development standards applicable to matters such as heights of structures, setbacks, lot coverage, open space, parking, design and the like. Those seeking relief from the strict application of these regulations, apply to the Department, which can grant that relief, when justified, through use of variances or other similar tools tailored for specific purposes. The Department of City Planning in conjunction with other City Agencies regulates the division of land into separate lots in accordance with the State Subdivision Map Act. (Refer to D 240.) The Department also reports on the acquisition or development of land for public use.

D 541 ORGANIZATION

D 541.1 CITY PLANNING COMMISSION

The City Planning Commission is composed of nine private citizens who serve without salary, except for a small attendance fee. The Planning Commission is responsible for giving advice and making recommendations to the Mayor, Council, Director of Planning, and other City departments and agencies with respect to zoning ordinances, amendments to the General Plan and related activities, including legislation. The Commission studies planning policy matter and makes reports and recommendations to other governmental officers or agencies as may be necessary to implement and secure compliance with the General Plan; and performs other functions prescribed by the Charter or ordinance. The Commission holds public hearings to hear evidence that forms the basis of its decisions.

D 541.2 AREA PLANNING COMMISSIONS

The Area Planning Commissions each consist of five private citizens who serve without salary, except for a small attendance fee. These commissions largely serve as appeals boards for actions taken by the Department or the Zoning Administrator on such matters as subdivisions, conditional uses and variances. When authorized to do so by ordinance, the Area Planning Commissions also act as original decision makers on some zoning matters and advise the City Planning Commission and the Department on changes to the General Plan affecting their geographical areas. The Commission holds public hearings to hear evidence that forms the basis of its decisions.

D 541.3 DIRECTOR OF PLANNING

The Director of Planning is the chief administrative officer of the Department and is responsible for the appointment and removal of all employees, annual departmental budget preparation and the expenditure of funds. The Director is responsible for preparing the General Plan of the City and amendments to the General Plan; all zoning and other land use regulations and requirements, including maps of all districts and zones; investigating and acting on the design and improvement of all subdivisions of land as the advisory agency under the State Subdivision Map Act; and having those additional powers and duties as provided by ordinance. The Director is assisted by three Deputy Directors who take responsibility for overseeing the various operations of the Planning Department.

D 541.4 COMMUNITY PLANNING DIVISIONS

Three Community Planning Divisions, the Valley, West/Coastal and Metro, prepare and revise plans for various sections of the City and recommend changes in zoning, site plan review applications and other matters involving specific plans and other special zoning tools to the Area and City Planning Commissions and the City Council.

D 541.5 OFFICE OF ZONING ADMINISTRATION

The Office of Zoning Administrator is responsible for investigating and making determinations on all applications for variances from zoning ordinances, many conditional uses and other special zoning permits. A determination made by a Zoning Administrator is final unless appealed. Another function of the Office of Zoning Administration is performed within the Code Studies Section which is

responsible for conducting comprehensive studies resulting in amendments to the Planning and Zoning Code. The Office includes the Division of Land, which administers the State Subdivision Map Act including the processing of applications for tract and parcel maps as well as other related minor procedures. The Department's environmental review function for private applications is also located in this division. The division also operates the public counter office located at 201 North Figueroa Street in downtown Los Angeles.

D 550 INVESTIGATION AND REPORT

D 551 REFERRAL OF APPLICATIONS FROM PLANNING DEPARTMENT

Applications are submitted to the Department of City Planning for the following types of cases:

1. Conditional Use
2. Plan Approval
3. Site Plan Review
4. Specific Plan Exception
5. Specific Plan Permit
6. Zone Change
7. Zone Variance
8. Zoning Administrator's Adjustment

These applications are then forwarded to the Land Development Group (LDG) for investigation and report. The flow chart ([Figure D 551](#)) shows all the major steps of the process.

D 552 FORWARDING OF APPLICATIONS TO DISTRICT OFFICE FOR INVESTIGATION AND REPORT

LDG will then send a copy of the application to the BOE District Office for investigation and report. The district office should report back to LDG in a timely manner. Priority will be given to those applicants that have paid the Bureau of Engineering investigation fee. The basic engineering recommendations regarding street dedications and improvements, including realignments, storm drains, sewers, and street trees should be included in the report. A summary of the report requirements includes the following:

1. Dedications required on all frontages of the subject property.
2. Improvements required on all streets fronting the property including:
 - a. Additional surfacing to provide a half roadway or half alley with center gutter per current Street Standards
 - b. Asphalt paving
 - c. Integral curb and gutter
 - d. Full width concrete sidewalks
 - e. Transitions to existing improvements
 - f. Access ramps at intersections to comply with ADA requirements
3. Drainage conditions
4. Amount due for Sewerage Facilities Charges and Bonded Sewer Fees

The attached standard report format ([Figure D 552](#)) should be used.

D 553 PREPARATION OF REPORT TO PLANNING DEPARTMENT

Before the actual writing of the report is begun, the LDG Engineer must carefully analyze all available data relating to the Planning Case. This includes a review of information received from the engineering offices, field notes, field meetings, conference notes, plans and profiles, topographic maps and photographs. However, keeping in mind the role of maintaining coordination and control, the engineer must also take a broad, overall look at the planning case and how it affects, or is affected by, other uses of land in the City of Los Angeles. In other words, each office sending in a memorandum has certain specific requirements, and it is the role of the engineer to coordinate these requirements into an accurate and consistent report.

A thorough research and analysis will result in minimal time spent on the actual preparation of the report.

D 553.1 LAND DEVELOPMENT INFORMATION

D 553.11 OTHER PLANNING CASES

If another Planning Case has been filed over the same property as the one under consideration, determine if the proposed development is such that the scope of the project has not appreciably changed and that Bureau of Engineering has no additional requirements for the development.

D 553.12 SUBDIVISION MAP CONCURRENTLY FILED

If a subdivision application is being concurrently filed over the same property as the Planning Case, determine if the subdivision application is consistent with proposed development and if all of the Bureau of Engineering's requirements can be addressed under the subdivision map.

D 553.13 VACATION APPLICATIONS

If a vacation application has been filed for any of the streets or alleys adjoining the proposed development, determine if the vacation is consistent with the proposed development plan.

D 553.2 TRAFFIC

Review the memorandum from the Department of Transportation and incorporate its recommendations in the report wherever practical and consistent with the recommendation of the district office.

D 553.3 STATE HIGHWAYS

If the Planning Case adjoins a freeway or other State highway, determine if the proposed development will impact the existing improvements or right of way.

D 553.4 PREPARING THE REPORT

After making a thorough analysis and investigation of all available reports and data regarding the Planning Case, the Engineer is then in a position to prepare a satisfactory report. The writing of the report should be reduced to a simple task when it is preceded by thorough research and analysis, including the collection of data via reports from other offices, perusal of plans, photographs, notes, and the application of general awareness and common sense.

The report must conform to accepted standards of grammar and spelling, and must be prepared in a neat and readable form. In writing the report, the Engineer should keep one primary consideration in mind, and that is the fact that the report is subject to review by a wide spectrum of the general public, and the report will reflect directly on the reputation of the City Engineer.

The attached standard report writing form ([Figure D 553.4](#)) should be used. Most of the suggested wording covering the majority of the cases handled is presented in the form. Use of the forms will help eliminate the necessity to develop format, content and coverage each time if it is done from scratch.

The City Planning Department is the decision maker of the land use applications and also has the authority to include or exclude the recommendations from Engineering as project conditions.

D 553.5 MODIFICATIONS

In general, no material changes to the conditions of approval shall be authorized without a prior Planning Department authorization approval. If changes are originated from Bureau of Engineering, the Bureau will coordinate with Planning for the revision of project conditions. If changes are initiated from the applicant and agreeable by Bureau of Engineering, and

(a) If the project requirements are specifically identified and listed in the Planning Department approval document, the applicant shall be advised to initiate official revision to the project conditions with Planning. The Bureau of Engineering will submit formal response back to Planning when the revision is referred to Bureau

of Engineering for comment. The Bureau of Engineering shall not on its own modify any part of the project conditions during plan check or construction if those conditions are specifically listed and identified in the approval document.

(b) If the requirements are not specifically identified and a general condition such as "Dedicate and improve the street satisfactory to the City Engineer" is shown on the Planning approval document, the Bureau of Engineering will prepare a revised report to Planning to document the revision.

D 560 COMPLETION OF PLANNING CASES

D 561 CLEARANCE OF CONDITIONS

If the Planning Department imposes public street dedication and improvement conditions in the approval, it is the responsibility of the developer to comply with the actions necessary to clear the conditions. Developers normally work with appropriate District Office for permit checking and with Survey Division and Real Estate Group for street right-of-way dedication. (Refer to D 600.) Once the necessary work is done, BOE District Office and Real Estate Group will send a memo ([Figure D 561A](#)) informing LDG the appropriate project conditions imposed by Planning Department have been complied with and are cleared. LDG monitors these individual clearances and when all Engineering conditions have been complied with, LDG sends a Clearance Memo ([Figure D 561B](#)) to the City Planning Department. The City Planning Department normally would not sign off the project building permit until clearances on all project conditions from all appropriate City agencies and departments have been obtained.

D 562 CERTIFICATE OF OCCUPANCY

Per Ordinance No. 165,081, the Department of Building and Safety would not issue the Certificate of Occupancy until the Bureau of Engineering has reported that all required public improvements have been completed.

D 563 TIME LIMITS

In general, Zoning Administration (ZA) cases have a time limit of two years. ZA cases not utilized within two years after its effective date shall become null and void, unless a time extension is approved by City Planning Department.

City Planning Cases (CPC) with (T) Tentative Classification have a time limit of six years. The property will remain in the (T) Tentative Classification until dedications, payment, and improvements are completed for the area subject to the zone change. If the (T) Tentative classification expires, the zone change request will terminate and the property shall revert to the original zone.

If the project is placed in a (T) Tentative Classification and is also the subject of a Tentative map and costs more than one hundred twenty-five thousand dollars (\$125,000.00) to construct, improve, or finance the construction or improvements 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 (LAMC Sec. 12.32 G (1)(i)).