

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.