

SUPPLEMENTAL USE DISTRICTS

SEC. 13.00 – *(Repealed by Ord. No. 173,290, Eff. 6/30/00, Oper. 7/1/00.)*

SEC. 13.01 – "O" OIL DRILLING DISTRICTS.

A. **Application.** The provisions of this section shall apply to the districts where the drilling of oil wells or the production from the wells of oil, gases or other hydrocarbon substances is permitted. The provisions of this section shall not apply to the property in the M3 Zone, except as specifically provided here to the contrary. The provisions of this section shall not apply to the location of subterranean gas holding areas which are operated as a public utility and which are regulated by the provisions of Section 14.00 of this Code. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

B. **Definitions.** For the purpose of this section, the following words and phrases are defined:

"CONTROLLED DRILLING SITE" shall mean that particular location within an oil drilling district in an "Urbanized Area" upon which surface operations for the drilling, deepening or operation of an oil well or any incidental operation are permitted under the terms of this section, subject to the conditions prescribed by written determination by the Zoning Administrator. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

"DRILLING AND PRODUCTION SITE IN THE LOS ANGELES CITY OIL FIELD AREA" shall mean locations within an oil drilling district in the "Los Angeles City Oil Field Area" upon which surface operations for the drilling, deepening or operation of an oil well or any operation incident thereto, are permitted under the terms of this section, subject to the conditions prescribed by written determination by the Zoning Administrator. *(Added by Ord. No. 156,166, Eff. 1/24/82.)*

"LOS ANGELES CITY OIL FIELD AREA" shall mean all land in the City within the areas identified on the following maps and shall include all producing zones beneath such areas but no deeper than the third zone beneath the surface of the earth. *(Added by Ord. No. 156,166, Eff. 1/24/82.)*

"NONURBANIZED AREA" shall mean all those portions of the City which the City Planning Commission or Council has determined will not be detrimentally affected by the drilling, maintenance, or operation of oil wells. In making its determination, the City Planning Commission, or the Council on appeal, shall give due consideration to the amount of land subdivided, the physical improvements, the density of population and the zoning of the district. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

"OFFSHORE AREA" shall mean all property in the City of Los Angeles which is between the mean high tide line and the outermost seaward City boundary. *(Added by Ord. No. 126,825, Eff. 4/4/64.)*

"OIL WELL" shall mean any well or hole already drilled, being drilled or to be drilled into the surface of the earth which is used or intended to be used in connection with coring, or the drilling for, prospecting for, or producing petroleum, natural gas, or other hydrocarbon substances; or is used or intended to be used for the subsurface injection into the earth of oil field waste, gases, water or liquid substances; including any such existing hole, well or casing which has not been abandoned in accordance with the requirements of Article 7 of Chapter 5 of this Code, except that "Oil Well" shall not include "Temporary Geological Exploratory Core Hole" as defined by Section 12.03 of this Code. *(Amended by Ord. No. 123,618, Eff. 3/1/63.)*

"OIL WELL CLASS A" shall mean any oil well drilled, conditioned, arranged, used or intended to be used for the production of petroleum, natural gas or hydrocarbon substances. *(Amended by Ord. No. 105,143, Eff. 4/14/55.)*

"OIL WELL CLASS B" shall mean any oil well drilled, conditioned, arranged, used or intended to be used only for the subsurface injection into the earth of oil field waste, gases, water or liquid substances. *(Amended by Ord. No. 105,143, Eff. 4/14/55.)*

(MAP INSERTS BEGINNING ON PAGE 565)

"PRODUCING ZONE" shall mean a reservoir or series of reservoirs of sufficient thickness and productivity of hydrocarbons as to form an economic source of supply and which is segregated from other reservoirs or series of reservoirs by natural boundaries or barriers to such an extent as to make its separate development either economically or mechanically desirable in accordance with good oil field practice. *(Amended by Ord. No. 147,651, Eff. 10/12/75.)*

"URBANIZED AREA" shall mean all land in the City, except land in the M3 Zone, and land which has been determined to be "Nonurbanized Area" by the City Planning Commission or Council or land located in the "Los Angeles City Oil Field Area." *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

C. **Status of Areas.** Where uncertainty exists as to whether or not a particular area shall be continued as an urbanized area, any person contemplating filing a petition for the establishment of an oil drilling district, may prior to its filing, request the City Planning Commission to determine the status of the area in which the proposed district is to be located. The Commission shall refer the request to the Director of Planning for investigation and upon receipt of his or her report shall determine whether the area is "Urbanized" or "Nonurbanized." The determination of the City Planning Commission may be appealed to the Council, which may, by resolution, approve or disapprove the determination. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

**CLICK HERE FOR
LOS ANGELES CITY OIL FIELD AREA - Map 1 of 3**

**CLICK HERE FOR
LOS ANGELES CITY OIL FIELD AREA - Map 2 of 3**

**CLICK HERE FOR
LOS ANGELES CITY OIL FIELD AREA - Map 3 of 3**

D. Requirements for Filing.

1. **Nonurbanized Areas**--Each application for the establishment of an oil drilling district in a nonurbanized area shall include property having a net area of not less than one acre (excluding public streets, alleys, walks or ways), except that an application may be filed on property containing less than one acre which is surrounded on all sides by streets. Such property may consist of one or more parcels of land which must be contiguous, except that said parcels may be separated by a public alley or walk. *(Amended by Ord. No. 97,950, Eff. 5/29/51.)*

2. Urbanized Areas.

(a) Each application for the establishment of an oil drilling district in an urbanized area shall contain a statement that the applicant has the proprietary or contractual authority to drill for and produce oil, gas, or other hydrocarbon substances under the surface of at least 75 percent of the property to be included in said district.

Any municipal body or official required by law to consider and make a report or recommendation relative to or to approve or disapprove such application may request the applicant in writing to submit for inspection copies of leases and contracts held by applicant in support of such asserted proprietary or contractual authority. The limitations of time for acting upon such application shall be suspended from the time of mailing such request until the documents requested have been submitted. *(Amended by Ord. No. 124,937, Eff. 8/2/63.)*

(b) Where said authority to drill for and produce oil, gas and other hydrocarbons is pursuant to contract, said application shall be accompanied by a copy thereof, and said contract shall have attached thereto and referred to therein by reference by following information for the contracting parties:

(1) A summary of the provisions of the Los Angeles Municipal Code, as amended, which are applicable to the district, prepared or approved by the person authorized to be in charge of Petroleum Administration by the Director of the Office of Administrative and Research Services for the City of Los Angeles; *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(2) Any additional information which the said Assistant City Administrative Officer finds from time to time is required to give all contracting parties a reasonably complete knowledge of oil and gas leasing requirements and procedures in urbanized areas within the City of Los Angeles. *(Amended by Ord. No. 112,524, Eff. 1/17/59.)*

(c) The district described in said application shall be not less than 40 acres in area, including all streets, ways and alleys within the boundary thereof; shall be substantially compact in area; and the boundaries thereof shall follow public streets, ways or alleys so far as practicable. *(Amended by Ord. No. 112,524, Eff. 1/17/59.)*

(d) Each applicant for the establishment of an oil drilling district in an urbanized area shall be accompanied by a report from a petroleum geologist who:

(1) is an active member of the American Association of Petroleum Geologists or the American Institute of Professional Geologists; or,

(2) meets the educational and experience requirements to become an active member of the American Association of Petroleum Geologists or the American Institute of Professional Geologists, that the production of oil from under the proposed district would not, in his or her opinion, result in any noticeable subsidence. If the City's authorized person in charge of Petroleum Administration disagrees in any way with the report, he or she shall submit in writing his or her own views on the report as part of the report to the City Planning Commission. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

3. **Offshore Areas**--Each application for the establishment of an oil drilling district in an offshore area shall include property having a net area of not less than 1,000 acres. *(Amended by Ord. No. 126,825, Eff. 4/4/64.)*

4. **Los Angeles City Oil Field Area**--Each application for the establishment of an oil drilling district in Los Angeles City Oil Field Area shall:

(a) Include property not less than one acre in size, bounded on each side by a public street, alley, walk or way and such district shall be wholly contained within the Los Angeles City Oil Field Area.

(b) Contain a statement that the applicant has the proprietary or contractual authority to drill for and produce oil, gas or other hydrocarbon substances under the surface of at least 75% of the total land area of the property to be included in said district.

Any municipal body or official required by law to consider and make a report or recommendation relative to or to approve or disapprove such application may request the applicant in writing to submit for inspection copies of leases and contracts held by applicant in support of such asserted proprietary or contractual authority. The limitations of time for acting upon such application shall be suspended from the time of mailing such request until the documents requested have been submitted.

5. **General - All Areas.** No application for the establishment of an oil drilling district shall be accepted for filing in the City Planning Department unless it has first been submitted to and reported on by the authorized person in charge of Petroleum Administration. The report shall consider the propriety of the proposed boundaries of the district, the desirability of the drill site location and whether or not the exploration for oil is geologically justified in the district. The report shall be made within 30 days of the receipt of the application. A copy of the report shall accompany the application when it is filed with the City Planning Department. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

E. Standard Conditions.

1. **Nonurbanized Areas**--Each oil drilling district established in a nonurbanized area shall be subject to the following conditions:

(a) Each district shall contain a net area of one acre or more which shall be composed of contiguous parcels of land that may be separated by an alley or walk, except that a district may contain an area of less than one acre where it is surrounded on all sides by streets. *(Amended by Ord. No. 100,781, Eff. 1/16/53.)*

(b) Each drilling site in any district shall contain a net area of one acre or more and shall be composed of contiguous parcels of land which may be separated only by an alley or walk. A drilling site may contain less than one acre of area where it is surrounded on all sides by public or approved private streets.

Only one oil well Class A may be established or maintained on each acre of land, except that there may be one oil well Class A on any land surrounded on all sides by public or approved private streets. Provided, however, in determining conditions for drilling pursuant to Subsection H, the Zoning Administrator may permit surface operations for more than one oil well Class A in a semi-controlled drilling site where the additional wells are to be bottomed under adjacent land in a drilling district in lieu of surface operations. There shall be no less than one net acre of land in the combined drill site and production site for each well in a semi-controlled drilling site. The Zoning Administrator shall require a site of more than one acre for each oil well where a larger area is required in the particular oil drilling district. The Zoning Administrator may require larger minimum drilling sites or production areas when reasonably necessary in the public interest for a particular oil producing section.

Where drilling sites greater than one acre are required and two or more lessees or oil drilling developers in a block or area have at least one net acre each, but all lessees or developers do not have the greater area required for drilling under these regulations, the Zoning Administrator shall equitably allocate permitted wells among the competing lessees or developers. Where necessary, the lessee or developer having control of the larger portion of the property shall be given preference. In those situations outlined above, in addition to the proration required by Paragraph (d) of this subdivision, the Zoning Administrator shall require that the lessee or developer who is authorized to drill the well shall offer an equitable consolidation agreement to the lessee or developer who has not been permitted to drill. This consolidation agreement shall contain an offer in writing, open for acceptance for 30 days, giving the other lessees or developers a choice of either: (i) a lease on terms and conditions agreed upon, or on substantially the same terms and conditions contained in leases owned by the applicant; or, (ii) a consolidation agreement agreed upon providing that each lessee or developer shall contribute to the cost of drilling and operation of the well and share in the production from the well in the proportion that the area of his property bears to the total area in the drilling unit.

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

(c) No public street, alley, walk or way shall be included in determining the net area within any district or drilling site. *(Amended by Ord. No. 100,781, Eff. 5/6/56.)*

(d) Where the drilling site is so located as to isolate any parcel of land in the drilling district in such a manner that it could not be joined with any other land so as to create another drilling site of the area required in the particular district in which it is located, the Zoning Administrator shall require, as a condition to the drilling and production on the drilling site that the owner, lessee or permittee or his or her successor shall pay to the owners of the oil and gas mineral rights in each isolated parcel, a pro-rata share of the landowners' royalty in all of the oil and gas produced from the drilling site, the share to be in that proportion as the net area of the isolated parcel is to the total net area of the drilling site plus the area of all the isolated parcels; provided that the landowners' royalty shall be determined in accordance with any existing contracts for payments to the landowners of the drilling site, but, in no event, as to the owner of the isolated parcel or parcels, shall it be less than a 1/6th part of the oil and gas produced and saved from the drilling site. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

2. **Urbanized Areas**--Each oil drilling district established in an urbanized area shall be subject to the following conditions:

(a) Each district shall be not less than 40 acres in area including all streets, ways and alleys within the boundaries thereof. *(Amended by Ord. No. 97,950, Eff. 5/29/51.)*

(b) Not more than one controlled drill site shall be permitted for each 40 acres in any district and that site shall not be larger than two acres when used to develop a district approximating the minimum size; provided, however, that where the site is to be used for the development of larger oil drilling districts or where the Zoning Administrator requires that more than one oil drilling district be developed from one controlled drilling site, the site may be increased, at the discretion of the Zoning Administrator when concurred in by the Board of Fire Commissioners, by not more than two acres for each 40 acres included in the district or districts. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(c) The number of oil wells Class A which may be drilled and operated from any controlled drilling site may not exceed one well to each five acres in the district or districts to be explored from said site.

Notwithstanding the above, should the City Council determine that an urbanized oil drilling district contains more than one producing zone, the City Council may then authorize, by ordinance, the drilling of additional oil wells Class A, not to exceed one well per five acres for each identified producing zone, and specify the maximum number of wells to be drilled as the result of such authorization. *(Amended by Ord. No. 147,651, Eff. 10/12/75.)*

(d) Each applicant, requesting a determination by the Zoning Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection H of this section, must have proprietary or contractual authority to drill for oil under the surface of at least 75 percent of the property in the district to be explored. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(e) Each applicant or his or her successor in interest shall, within one year from the date the written determination is made by a Zoning Administrator prescribing the conditions controlling drilling and production operations as provided in Subsection H of this section, execute an offer in writing giving to each record owner of property located in the oil drilling district who has not joined in the lease or other authorization to drill the right to share in the proceeds of production from wells bottomed in the district, upon the same basis as those property owners who have, by lease or other legal consent, agreed to the drilling for and production of oil, gas or other hydrocarbon substances from the subsurface of the district. The offer hereby required must remain open for acceptance for a period of five years after the date the written determination is made by a Zoning Administrator. During the period the offer is in effect, the applicant, or his or her successor in interest, shall impound all royalties to which the owners or any of them may become entitled in a bank or trust company in the State of California, with proper provisions for payment to the record owners of property in the district who had not signed the lease at the time the written provisions were made by a Zoning Administrator, but who accepts the offer in writing within the five-year period. Any such royalties remaining in any bank or trust company at the time the offer expires which are not due or payable as provided above shall be paid pro-rata to those owners who, at the time of the expiration, are otherwise entitled to share in the proceeds of the production. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(f) The entire controlled drilling site shall be adequately landscaped, except for those portions occupied by any required structure, appurtenance or driveway, and all landscaping shall be maintained in good condition at all times. Plans showing the type and extent of the landscaping shall be first submitted to and approved by the Zoning Administrator. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(g) Each applicant, requesting a determination by a Zoning Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection H of this section, shall post in the Office of Zoning Administration a satisfactory corporate surety bond (to be approved by the City Attorney and duplicates to be furnished to him or her) in the sum of \$5,000 in favor of the City of Los Angeles, conditioned upon the performance by the applicant of all of the conditions, provisions, restrictions and requirements of this section, and all additional conditions, restrictions or requirements determined and prescribed by a Zoning Administrator. No extension of time that may be granted by a Zoning Administrator or any change or specifications or requirements that may be approved or required by him or her or by any other officer or department of the City or any other alteration, modification of waiver affecting any of the obligations of the grantee made by any City authority or by any other power or authority whatsoever shall be deemed to exonerate either the grantee or the surety on any bond posted pursuant to this section. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(h) If a Zoning Administrator determines, after first receiving a report and recommendation from the Director of the Office of Administrative and Research Services, that oil drilling and production activities within the district have caused or may cause subsidence in the elevation of the ground within the district or in the immediate vicinity, then after consulting with recognized experts in connection with that problem and with those producing hydrocarbons from the affected area, he or she shall have the authority to require the involved oil producer or producers to take corrective action, including re-pressurizing the oil producing structure or cessation of oil drilling and production. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(i) A Zoning Administrator may impose additional conditions or require corrective measures to be taken if he or she finds, after actual observation or experience with drilling one or more of the wells in the district, that additional conditions are necessary to afford greater protection to surrounding property. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

3. **Offshore Area**--Each oil drilling district established in an offshore area shall be subject to the following conditions:

(a) All activities conducted within each such district shall conform to the spirit and intent of the provisions of Subsection A of Section 12.20.1 of this Code.

(b) No surface or submarine drilling or producing operation shall be permitted between the mean high tide line and the outermost seaward City boundary. Surface drilling or producing operations may be conducted only from permitted or approved onshore drillsites. Oil and gas accumulations may be developed by directional or slant drilling beneath any portion of the submerged land within the district.

(c) Onshore drilling and producing operations utilizing directional or slant drilling may be approved by a Zoning Administrator only when a showing is made that production of oil and gas cannot be accomplished from already approved or permissible sites. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(d) The number of oil wells Class A which may be drilled into any offshore drilling district from a single installation or facility onshore shall not exceed one well to each five acres of district and the installation and operation of all wells shall meet the requirements of Section 12.20.1.

(e) Each applicant requesting a determination by a Zoning Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection H, shall post in the Office of Zoning Administration a satisfactory corporate surety bond (to be approved by the City Attorney and duplicates to be furnished to him or her) in the sum of \$50,000 in favor of the City of Los Angeles, conditioned upon the performance by the applicant of all of the conditions, provisions, restrictions and requirements of this section, and all additional conditions, restrictions, or requirements determined and prescribed by a Zoning Administrator. No extension of time that may be granted by a Zoning Administrator on any change of specifications on requirements that may be approved or required by him or her or by any other officer or department of the City or any other

alteration, modification or waiver affecting any of the obligations of the applicant made by any City authority or by any other power or authority whatsoever shall be deemed to exonerate either the applicant or the surety on any bond posted pursuant to this section. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(f) All derricks and other drilling facilities shall be removed within 30 days after completion or abandonment of the well; and thereafter any work done on any existing well which requires re-drilling or reconditioning shall be done by temporary or portable equipment which shall be removed within 30 days after completion of such work.

(g) Pollution of water and contamination or soiling of the urban coastline or beaches are prohibited. *(Amended by Ord. No. 142,081, Eff. 7/22/71.)*

4. Los Angeles City Oil Field Area--Each oil drilling district established in the Los Angeles City Oil Field Area shall be subject to the following conditions:

(a) The boundary of each district shall follow the center line of city streets as far as practicable;

(b) Each district shall include the streets, ways, alleys within the boundaries thereof and shall be substantially compact in area;

(c) The drilling, pumping, re-drilling, repairing, maintenance or other servicing of any new oil well Class A in said district shall be conducted only on a Drilling and Production Site in the Los Angeles City Oil Field Area upon which site at least one Class A oil well was (i) in existence on January 24, 1982; and (ii) had not been abandoned in accordance with State Division of Oil and Gas regulations prior to January 24, 1982; and (iii) has a Los Angeles Fire Department Serial Number, which number was in existence on January 24, 1982. *(Amended by Ord. No. 160,874, Eff. 4/6/86.)*

(d) The number of new oil wells Class A permitted on such a Drilling and Production Site in the Los Angeles City Oil Field Area shall not exceed one new well to each acre in the district;

(e) Each applicant, requesting a determination by the Zoning Administrator prescribing the conditions controlling new drilling and production operations as provided in Subsection H, must have proprietary or contractual authority to drill for oil under the surface of at least 75% of the total land area of the property in the district to be explored. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(f) Within one year from the date the written determination is made by a Zoning Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection H, each applicant or his or hersuccessor in interest shall offer in writing to each record owner of property located in the oil drilling district who has not joined in the lease or other authorization to drill, the right to share in proceeds of production from new wells bottomed in the district upon the same basis as those property owners who have, by lease or other legal consent, agreed to the drilling for and production of oil, gas or other hydrocarbon substances from the sub-surface

of the district. The offer hereby required must remain open for acceptance for a period of five years after the date the written determination is made by a Zoning Administrator. During the period the offer is in effect, the applicant, or his or her successor in interest, shall impound all royalties to which the owners or any of them may become entitled in a bank or trust company in the State of California, with proper provisions for payment to the record owners of property in the district who had not signed the lease at the time the written determination was made by a Zoning Administrator, but who accepts the offer in writing within the five-year period. Any royalties remaining in any bank or trust company at the time the offer expires which are not due or payable as provided above shall be paid pro-rata to those owners who, at the time of the expiration, are otherwise entitled to share in the proceeds of the production. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(g) The entire site upon which new oil wells are to be drilled shall be adequately fenced and landscaped; plans showing the type and extent of the landscaping shall be first submitted to and approved by the Zoning Administrator. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(h) Each applicant requesting a determination by a Zoning Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection H, shall post in the Office of Zoning Administration a satisfactory corporate surety bond (to be approved by the City Attorney and duplicates to be furnished by him or her) in the sum of \$5,000 in favor of the City of Los Angeles, conditioned upon the performance by the applicant of all of the conditions, provisions, restrictions, and requirements of this section, and all additional conditions, restrictions, or requirements determined and prescribed by a Zoning Administrator. No extension of time that may be granted by a Zoning Administrator or any change of specifications or requirements that may be approved or required by him or her or by any other officer or department of the City or any other alteration, modification or waiver affecting any of the obligations of the grantee made by any city authority or by any other power or authority whatsoever shall be deemed to exonerate either the grantee or the surety of any bond posted pursuant to this section. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(i) If a Zoning Administrator determined after first receiving a report and recommendation from the Director of the Office of Administrative and Research Services, that oil drilling and production activities within the district have caused or may cause subsidence in the elevation of the ground within the district or in the immediate vicinity, he or she shall have the authority, after consulting with recognized experts in connection with the problem and with those persons producing hydrocarbons from the affected area, to require the involved oil producer or producers to take corrective action, including re-pressurizing the oil producing structure or cessation of oil drilling and production. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(j) A Zoning Administrator may impose additional conditions or require corrective measures to be taken if he or she finds, after actual observation or experience with drilling one or more of the wells in the district, that additional conditions are necessary to afford greater protection to surrounding property. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(k) Any operator of any site within an oil drilling district, approved by the Zoning Administrator pursuant to Section 12.23 C 4 (c), may apply to the Department of City Planning for the establishment of fencing and landscaping requirements. Once the requirements have been satisfied, the operator shall be relieved of the restrictions specified in Section 12.23 C 4 (b) and (c). Should an operator of such a site in a district desire to re-drill or deepen a Class A oil well, if the oil well was (i) in existence on January 24, 1982; and (ii) had not been officially abandoned in accordance with State Division of Oil and Gas Regulations prior to January 24, 1982; and (iii) has a Los Angeles Fire Department Serial Number and the number was in existence on January 24, 1982, that operator shall comply with the provisions of Subsection H of Section 13.01. Compliance with the Determination of Conditions issued shall relieve the operator of the restrictions specified in Section 12.23 C 4 (b) and (c) of this Code. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

F. Additional Conditions. In addition to the standard conditions applying to oil drilling districts, the Council, by ordinance, or the Zoning Administrator may impose other conditions in each district as deemed necessary and proper. Where these conditions are imposed by ordinance, they may be subsequently modified or deleted in the following manner: (a) where the condition relates to the location of a drill site within a district, by amending the ordinance, only after the submission of an application, the payment of fees, notice, hearing and procedure identical to that required by this article for the establishment of an oil drilling district; and (b) where the condition does not relate to the location of a drill site, by amending the ordinance, without the necessity of fees, notice or hearing. In its report to the Council relative to the establishment of a district, the City Planning Commission may recommend conditions for consideration. Some of these additional conditions, which may be imposed in the ordinance establishing the districts or by the Zoning Administrator in determining the drilling site requirements, and which may be applied by reference, are as follows: *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(a) where such condition relates to the location of a drill site within a district, by amending ordinance, only after the submission of an application therefor, the payment of fees thereon, notice, hearing and procedure identical to that required by this article for the establishment of an oil drilling district; and

(b) where such condition does not relate to the location of a drill site, by amending ordinance, without the necessity of such fees, notice or hearing.

In its report to the Council relative to the establishment of a district, the Commission may recommend conditions for consideration. *(Amended by Ord. No. 128,041, Eff. 9/6/64.)*

Some of these additional conditions, which may be imposed in the ordinance establishing the districts or by the Administrator in determining the drilling site requirements, and which may be applied by reference hereto, are as follows:

1. That all pumping units established in said district shall be installed in pits so that no part thereof will be above the surface of the ground. *(Amended by Ord. No. 97,950, Eff. 5/29/51.)*

2. That all oil produced in said district shall be carried away by pipe lines or, if stored in said district, shall be stored in underground tanks so constructed that no portion thereof will be above the surface of the ground. *(Amended by Ord. No. 97,950, Eff. 5/29/51.)*

3. That the operator of any well or wells in the district shall post in the Office of Zoning Administration a \$5,000 corporate surety bond conditioned upon the faithful performance of all provisions of this article and any conditions prescribed by a Zoning Administrator. No extension of time that may be granted by a Zoning Administrator, or change of specifications or requirements that may be approved or required by him or her or by any other officer or department of the City, or other alteration, modification or waiver affecting any of the obligations of the grantee made by any City authority shall be deemed to exonerate either the grantee or the surety on any bond posted as required in this article. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

4. That the operators shall remove the derrick from each well within thirty days after the drilling of said well has been completed, and thereafter, when necessary, such completed wells shall be serviced by portable derricks.

5. That the drilling site shall be fenced or landscaped as prescribed by the Zoning Administrator. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

6. *(Repealed by Ord. No. 97,950, Eff. 5/29/51.)*

7. That, except in case of emergency, no materials, equipment, tools or pipe used for either drilling or production operations shall be delivered to or removed from the drilling site, except between the hours of 8:00 a.m. and 8:00 p.m. of any day.

8. That adequate fire fighting apparatus and supplies, approved by the Fire Department, shall be maintained on the drilling site at all times during drilling and production operations.

9. That no refining process or any process for the extraction of products from natural gas shall be carried on at a drilling site.

10. *(Repealed by Ord. No. 97,950, Eff. 5/29/51.)*

11. *(Repealed by Ord. No. 97,950, Eff. 5/29/51.)*

12. *(Repealed by Ord. No. 97,950, Eff. 5/29/51.)*

13. That no new oil wells shall be bottomed in each five acres of the drilling district.

14. That no new oil wells shall be spudded in after the President of the United States, or other proper authority, has declared that a state of war no longer exists.

15. *(Repealed by Ord. No. 97,950, Eff. 5/29/51.)*

16. *(Repealed by Ord. No. 97,950, Eff. 5/29/51.)*

17. That any person requesting a determination by the Zoning Administrator prescribing the conditions under which oil drilling and production operations shall be conducted as provided in Subsection H, shall agree in writing on behalf of him or herself and his or her successors or assigns, to be bound by all of the terms and conditions of this article and any conditions prescribed by written determination by the Zoning Administrator; provided, however, that the agreement in writing shall not be construed to prevent the applicant or his or her successors or assigns from applying at any time for amendments pursuant to this Article or to the conditions prescribed by the Zoning Administrator, or from applying for the creation of a new district or an extension of time for drilling or production operations. (*Amended by Ord. No. 173,268, Eff. 7/1/00.*)

18. That all production equipment used shall be so constructed and operated that no noise, vibration, dust, odor or other harmful or annoying substances or effect which can be eliminated or diminished by the use of greater care shall ever be permitted to result from production operations carried on at any drilling site or from anything incident thereto to the injury or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in methods of production shall be adopted as they from time to time become available if capable of reducing factors of nuisance or annoyance.

19. Wells which are placed upon the pump shall be pumped by electricity with the most modern and latest type of pumping units of a height of not more than sixteen feet. All permanent equipment shall be painted and kept in neat condition. All production operations shall be as free from noise as possible with modern oil operations.

20. All drilling equipment shall be removed from the premises immediately after drilling is completed, sump holes filled, and derricks removed within sixty days after the completion of the well.

21. That subject to the approval for the Board of Fire Commissioners, the operators shall properly screen from view all equipment used in connection with the flowing or pumping of wells.

22. Upon the completion of the drilling of a well, the premises shall be placed in a clean condition and shall be landscaped with planting of shrubbery so as to screen from public view, as far as possible, the tanks and other permanent equipment, such landscaping and shrubbery to be kept in good condition.

23. That not more than two wells may be drilled in each city block of the drilling district and bottomed under that block. However, at the discretion of the Zoning Administrator, surface operations for additional wells may be permitted in each of the blocks where each additional well is to be directionally drilled and bottomed under an adjacent block now or hereafter established in an oil drilling district in lieu of a well drilled on the adjacent block and under a spacing program which will result in not exceeding two wells bottomed under each block. (*Amended by Ord. No. 173,268, Eff. 7/1/00.*)

24. That not more than one well shall be drilled in each city block of the drilling district; provided, however, that a second well may be drilled in that block bounded by "L" Street, Gulf Avenue, Denni Street and Wilmington Boulevard, only in the event said second well be directionally drilled or whipstocked so that the bottom of the hole will be bottomed under the Gulf Avenue School property located in the block bounded by "L" Street, Roman Avenue, Denni Street and Gulf Avenue, and in lieu of a well which might otherwise be permitted to be drilled in said last mentioned block.

25. That not more than one well may be drilled in each city block of the drilling district.

26. That all power operations other than drilling in said district shall at all times be carried on only by means of electrical power, which power shall not be generated on the drilling site.

27. *(Repealed by Ord. No. 97,950, Eff. 5/29/51.)*

28. *(Repealed by Ord. No. 97,950, Eff. 5/29/51.)*

29. That not more than two wells may be drilled in each city block of the drilling district; provided, however, that two additional wells may be drilled in each of the following described blocks:

(a) the block bounded by "Q" Street, Lakme Avenue, Sandison Street and Broad Avenue; and

(b) the block bounded by Sandison Street, Lakme Avenue, Broad Avenue and the southerly boundary of Tract No. 1934, buy only if such additional wells are directionally drilled or whipstocked so that they will be bottomed under the Hancock-Banning High School property, located in the block bounded by Delores Street, Broad Avenue, Pacific Coast Highway and Avalon Boulevard, in lieu of the four wells which might otherwise be permitted to be drilled in the last mentioned block.

30. *(Repealed by Ord. No. 97,950, Eff. 5/29/51.)*

31. Not more than four controlled drilling sites shall be permitted in this district, and such sites shall not be larger than two acres.

32. The number of wells which may be drilled to any oil sand from the controlled drilling site shall not exceed one well to each five acres in the district, but in no event shall there be more than one well to each two and one-half acres.

33. That drilling operations shall be commenced within 90 days from the effective date the written determination is made by the Zoning Administrator or Area Planning Commission, or within any additional period as the Zoning Administrator may, for good cause, allow and thereafter shall be prosecuted diligently to completion or else abandoned strictly as required by law and the premises restored to their original condition as nearly as practicable as can be done. If a producing well is not secured within eight months, the well shall be abandoned and the premises restored to its original condition, as nearly as practicable as can be done. The Zoning Administrator, for good cause, shall allow additional time for the completion of the well. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

34. That an internal combustion engine or electrical equipment may be used in the drilling or pumping operations of the well, and if an internal combustion engine is used, that mufflers be installed on the mud pumps and engine so as to reduce noise to a minimum, all of said installations to be done in a manner satisfactory to the Fire Department.

35. *(Repealed by Ord. No. 97,950, Eff. 5/29/51.)*

36. That not more than two production tanks shall be installed for each producing well, neither one of which shall have a rated capacity in excess of one thousand barrels; provided, however, that if in the opinion of the Administrator it is necessary in order to provide for the maximum safety of operations or to decrease the number of individual production tank settings on any property, the Administrator may increase the number of such production tanks to not more than three, having a greater capacity not to exceed two thousand barrels each. The Administrator shall permit such wash tanks or heating facilities as may appear necessary to ship or remove production from the premises. The plans for said tank or tanks, including the plot plan showing the location thereof on the property, shall be submitted to and approved in writing by the Administrator before said tank or tanks and appurtenances are located on the premises; and that said tank or tanks and appurtenances shall be kept painted and maintained in good condition.

37. All waste substances such as drilling muds, oil, brine or acids produced or used in connection with oil drilling operations or oil production shall be retained in water-tight receptors from which they may be piped or hauled for terminal disposal in a dumping area specifically approved for such disposal by the Los Angeles Regional Water Pollution Control Board No. 4.

38. Any wells drilled shall be cased tight to bedrock or effective means satisfactory to the Department of Water and Power used to prevent vertical movement of ground water.

39. The applicant shall provide the Department of Water and Power with a precise plot plan of the drilling plant and roads leading thereto, and to make such safeguards as the Department deems necessary to assure the safety of the existing 50" water main which crosses the district involved.

40. The Department of Water and Power of the City of Los Angeles shall be permitted to review and inspect methods used in the drilling and producing operations and in the disposal of waste, and shall have the right to require changes necessary for the full protection of the public water supply. *(Amended by Ord. No. 98,809, Eff. 12/3/51.)*

41. *(Repealed by Ord. No. 97,950, Eff. 5/29/51.)*

42. That the number of wells which may be drilled to any oil sand shall not exceed one well to each five acres in the district, but in no event shall there be more than one well to each two and one-half acres.

43. That drilling, pumping and other power operations shall at all times be carried on only by electrical power and that such power shall not be generated on the controlled drilling site or in the district.

44. That an internal combustion engine or steam-driven equipment may be used in the drilling or pumping operations of the well, and, if an internal combustion engine or steam-driven equipment is used, that mufflers be installed on the mudpumps and engine; and that the exhaust from the steam-driven machinery be expelled into one of the production tanks, if such tanks are permitted, so as to reduce noise to a minimum, all of said installations to be found in a manner satisfactory to the Fire Department.

45. That drilling operations shall be carried on or conducted in connection with only one well at any time in any one such district, and such well shall be brought in or abandoned before operations for the drilling of another well are commenced; provided, however, that the Administrator may permit the drilling of more than one well at a time after the discovery well has been brought in.

46. That all oil drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the best accepted practices incident to drilling for and production of oil, gas and other hydrocarbon substances. Proven technological improvements in drilling and production methods shall be adopted as they may become, from time to time, available, if capable of reducing factors of nuisance and annoyance.

47. That all parts of the derrick above the derrick floor not reasonably necessary for ingress and egress including the elevated portion thereof used as a hoist, shall be enclosed with fire resistive sound-proofing material approved by the Fire Department, and the same shall be painted or stained so as to render the appearance of said derrick as unobtrusive as practicable.

48. That all tools, pipe and other equipment used in connection with any drilling or production operations shall be screened from view, and all drilling operations shall be conducted or carried on behind a solid fence, which shall be maintained in good condition at all times and be painted or stained so as to render such fence as unobtrusive as practicable.

49. That no materials, equipment, tools or pipe used for either drilling or production operations shall be delivered to or removed from the controlled drilling site except between the hours of 8:00 o'clock a.m. and 6:00 o'clock p.m. on any day, except in case of emergency incident to unforeseen drilling or production operations, and then only when permission in writing has been previously obtained from the Administrator.

50. That no earth sumps shall be used.

51. That within sixty days after the drilling of each well has been completed, and said well place on production, or abandoned, the derrick, all boilers and all other drilling equipment shall be entirely removed from the premises unless such derrick and appurtenant equipment is to be used within a reasonable time limit determined by the Administrator for the drilling of another well on the same controlled drilling site.

52. That no oil, gas or other hydrocarbon substances may be produced from any well hereby permitted unless all equipment necessarily incident to such production is completely enclosed within a building, the plans for said building to be approved by the Department of Building and Safety and the Fire Department. This building shall be of a permanent type, of attractive design and constructed in a manner that will eliminate as far as practicable dust, noise, noxious odors and vibrations or other conditions which are offensive to the senses, and shall be equipped with such devices as are necessary to eliminate the objectionable features mentioned above. The architectural treatment of the exterior of such building shall also be subject to the approval of the Administrator.

53. That no oil, gas or other hydrocarbon substances may be produced from any well hereby permitted where same is located within or immediately adjoining subdivided areas where ten percent of the lots or subdivided parcels of ground, within one-half mile radius thereof, are improved with residential structures, unless all equipment necessarily incidental to such production is countersunk below the natural surface of the ground and such installation and equipment shall be made in accordance with Fire Department requirements.

54. That there shall be no tanks or other facilities for the storage of oil erected or maintained on the premises and that all oil produced shall be transported from the drilling site by means of an underground pipe line connected directly with the producing pump without venting products to the atmospheric pressure at the production site.

55. That not more than two production tanks shall be installed on said drilling site, neither one of which shall have a rated capacity in excess of one thousand barrels; that the plans for said tank or tanks, including the plot plan showing the location thereof on the property, shall be submitted to and approved in writing by the Administrator before said tank or tanks and appurtenances are located on the premises; and that said tank or tanks and appurtenances shall be kept painted and maintained in good condition at all times.

56. That any production tanks shall be countersunk below the natural surface of the ground and the installation thereof shall be made in accordance with safety requirements of the Fire Department.

57. That no refinery, dehydrating or absorption plant of any kind shall be constructed, established or maintained on the premises at any time.

58. That no sign shall be constructed, erected, maintained or placed on the premises or any part thereof, except those required by law or ordinance to be displayed in connection with the drilling or maintenance of the well.

59. That suitable and adequate sanitary toilet and washing facilities shall be installed and maintained in a clean and sanitary condition at all times.

60. That any owner, lessee or permittee and their successors and assigns must at all times be insured to the extent of \$100,000 against liability in tort arising from drilling or production, or activities or operations incident thereto, conducted or carried on under or by virtue of the conditions prescribed by written determination by the Administrator as provided in Subsection H of this section. The policy of insurance issued pursuant hereto

shall be subject to the approval of the City Attorney, and duplicates shall be furnished to him. Each such policy shall be conditioned or endorsed to cover such agents, lessees or representatives of the owner, lessee or permittee as may actually conduct drilling, production or incidental operations permitted by such written determination by the Administrator.

61. *(Repealed by Ord. No. 142,081, Eff. 7/22/71.)*

62. All onshore drilling and producing installations or facilities shall be removed and the premises restored to their original condition after all oil and gas wells have been abandoned, unless the City Planning Commission determines otherwise. *(Amended by Ord. No. 142,081, Eff. 7/22/71.)*

63. *(Repealed by Ord. No. 142,081, Eff. 7/22/71.)*

64. *(Repealed by Ord. No. 142,081, Eff. 7/22/71.)*

G. Description of Districts. The districts within which the drilling for and production of oil, gas or other hydrocarbon substances is permitted, and the conditions applying thereto (subject to further conditions imposed by the Administrator in the drilling site requirements), are described as follows:

1. **Districts in Nonurbanized Areas.** (For boundaries of districts and special conditions applicable thereto, refer to maps and records in City Planning Office.)

2. **Districts in Urbanized Areas.** (For boundaries of districts and special conditions applicable thereto, refer to maps and records in City Planning Office.)

(Added by Ord. No. 123,825, Eff. 4/4/64.)

3. **Districts in Off-Shore Areas.** (For boundaries of districts and special conditions applicable thereto, refer to maps and records in City Planning Office.) *(Added by Ord. No. 130,339, Eff. 7/30/65.)*

4. **Districts in the Los Angeles City Oil Field Area.** (For boundaries of such districts and any conditions applicable thereto, refer to maps and records in the City Planning Office.) *(Added by Ord. No. 156,166, Eff. 1/24/82.)*

H. Drilling Site Requirements. Any person desiring to drill, deepen or maintain an oil well in an oil drilling district that has been established by ordinance, or to drill or deepen and subsequently maintain an oil well in the M3 Zone within 500 feet of a more restrictive zone shall file an application in the Department of City Planning on a form provided by the Department, requesting a determination of the conditions under which the operations may be conducted. *(Amended by Ord. No. 173,492, Eff. 10/10/00.)*



Where the district is in an urbanized or off-shore area, a Zoning Administrator, after investigation, may deny the application if he finds that there is available and reasonably obtainable in the same district or in an adjacent or nearby district within a reasonable distance one or more locations where drilling could be done with greater safety and security with appreciably less harm to other property, or with greater conformity to the comprehensive zoning map. A Zoning Administrator shall deny an application for a drill site in an urbanized or off-shore area unless the applicant first files with the Zoning Administrator

in a form and executed in a manner approved by a Zoning Administrator (1) either of the following continuing written offers (a) to make the drill site available to competing operators upon reasonable terms, or (b) to enter into or conduct joint operations for a unit or cooperative plan of development of hydrocarbon reserves upon reasonable terms, if whichever course offered is determined to be feasible by a Zoning Administrator, and is subsequently required by him or her in order to effectuate the above set forth purposes, and (2) an agreement to abide by the determination of the Director of Administrative and Research Services if any dispute arises as to the reasonableness of those terms after first having an opportunity to be heard. Where the district is in a nonurbanized area, in the Los Angeles City Oil Field Area, or in those cases where a Zoning Administrator approves an application in an urbanized or off-shore area, a Zoning Administrator shall determine and prescribe additional conditions or limitations, not in conflict with those specified in the ordinance establishing the district, which he or she deems appropriate in order to give effect to the provisions of this section and to other provisions of this chapter relating to zoning. Where the proposed operation is in the M3 Zone and is within 500 feet of a more restrictive zone, a Zoning Administrator shall prescribe conditions and limitations, if any, as he or she deems appropriate to regulate activity which may be materially detrimental to property in the more restrictive zone. All conditions previously imposed by a Zoning Administrator in accordance with the provisions of this chapter are continued in full force and effect.

A Zoning Administrator shall make his or her written determination within 60 days from the date of the filing of an application and shall forthwith transmit a copy to the applicant.

The determination shall become final after an elapsed period of 15 days from the mailing of the notification to the applicant, unless an appeal is filed within that period, in which case the provisions of Section 12.24 B through I concerning the filing and consideration of appeals shall apply.

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

I. **Permits.** No person shall drill, deepen or maintain an oil well or convert an oil well from one class to the other and no permits shall be issued for that use, until a determination has been made by the Zoning Administrator or Area Planning Commission pursuant to the procedure prescribed in Subsection H of this section. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

J. **Termination of Districts.** Any ordinance establishing the district described in this section shall become null and void one year after the effective date thereof unless oil drilling operations are commenced and diligently prosecuted within such one-year period, provided, however, a Zoning Administrator, upon recommendation of the City Administrative Officer, may extend the termination date for four consecutive additional periods not to exceed one year each, prior to the termination date of each period, if written request filed therefor with the Office of Zoning Administration setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefor. *(Amended by Ord. No. 157,614, Eff. 5/26/83.)*

Similarly, a Zoning Administrator, upon recommendation of the City Administrative Officer, may extend the termination date for three consecutive additional periods not to exceed one year each, prior to the termination date of each period, for those districts which are part of a group undergoing development from one or more common controlled drilling sites, provided that written request is filed, which sets forth the reasons for the request therefor and the Zoning Administrator determines that good and reasonable cause exists therefor, and provided further that drilling operation have been diligently prosecuted from the common controlled drilling sites during the previous extension period.

Additional one-year extensions may be made by a Zoning Administrator subject to the approval of the City Planning Commission. (*Amended by Ord. No. 134,135, Eff. 4/28/67.*)

Any ordinance establishing an urbanized oil district shall become null and void one year after all wells drilled in the district after the effective date of said ordinance have been abandoned in accordance with the legal requirements, unless a Zoning Administrator determines that the district is part of a group undergoing development from one or more common, controlled drilling sites, or on the basis of sufficient proof determines that production is allocated thereto from an adjacent, adjoining or nearby drilling district or districts under a unit or pooling agreement. In such cases a Zoning Administrator may, if he finds that good and reasonable cause exists therefor, extend the termination date of the expiring district to coincide with the termination date of the other district or districts in which the one or more common, controlled drilling sites are located or from which production is allocated under a unit or pooling agreement. A Zoning Administrator may terminate any such district when the reasons for such extension no longer apply. (*Amended by Ord. No. 134,135, Eff. 4/28/67.*)

Any ordinance establishing a non-urbanized district or districts in the Los Angeles City Oil Field Area shall become null and void one year after all wells in the district have been abandoned in accordance with legal requirements, unless the Zoning Administrator, on the basis of sufficient proof, determines that the district is part of a group in which secondary hydrocarbon recovery operations are taking place, and that production from an adjoining or adjacent district is located thereto under a unit or pooling agreement. In such cases, a Zoning Administrator may, if he finds that good and reasonable cause exists therefor, extend the termination date to coincide with the termination date of the adjoining or adjacent district in which secondary recovery operations are being conducted. A Zoning Administrator may terminate any such district when the reasons for said extension no longer apply. (*Amended by Ord. No. 156,166, Eff. 1/24/82.*)

Zoning Ordinance, prohibiting drilling of wells on tracts recently included in residential zone not an unreasonable exercise of police power and does not deprive lessee which acquired lease prior to Zoning of property without due process.

Marblehead Land Co. v. City of Los Angeles, 47 Fed. 2d 528.

Cromwell-Franklin Oil Co. v. Oklahoma City, 14 F.S. 370.

Beverly Oil Co. v. City of Los Angeles, 40 Cal. 2d 552.

Pacific Palisades Assn. v. City Huntington Beach, 196 Cal. 211.

K. Maintenance of Drilling and Production Site. Effective August 1, 1962, the following regulations shall apply to existing and future oil wells within the City of Los Angeles, including all wells operating pursuant to any zone variance, whether by ordinance or approval of a Zoning Administrator, and all oil wells in an M3 Zone which are within 500 feet of a more restrictive zone:

1. All stationary derricks, including their floors and foundations, shall be removed within 30 days after completion or abandonment of the well (notwithstanding any other provision for this Code to the contrary) or by September 1, 1962, whichever occurs later; and thereafter any work done on any existing well which requires the use of a derrick shall be done by a temporary or portable derrick. Such temporary or portable derricks shall be removed within 30 days after the completion of such work.

2. The motors, engines, pumps and tanks of all such oil wells shall be sealed so that no offensive or obnoxious odor or fumes can be readily detected from any point on adjacent property.

3. The well pumping equipment for such wells shall be muffled or soundproofed so that the noise emanating therefrom, measured at any point on adjacent property, is no more audible than surrounding street traffic, commercial or industrial noises measured at the same point.

4. The maximum height of the pumping units for such wells shall not exceed 16 feet above existing grade level.

5. The site of such wells shall be so landscaped, fenced or concealed that the well and all of its appurtenant apparatus is reasonably protected against public entry, observation or attraction. *(Added by Ord. No. 119,399, Eff. 8/3/61.)*

In addition to any other authority vested in the Zoning Administrator by Charter and the Los Angeles Municipal Code, a Zoning Administrator may waive or modify these regulations if the drilling site is physically inaccessible to a portable derrick, or is located in a mountainous and substantially uninhabited place, or is located in an M Zone and is surrounded by vacant land or is adjacent to land used as permitted in the M Zones and if the enforcement of such regulations would be discriminatory, unreasonable or would impose an undue hardship upon oil drilling in such locations. A Zoning Administrator may also waive or modify the 16 foot height limitation where, because of the amount of liquid to be raised or the depths at which such fluids are encountered, a pumping unit in excess of 16 feet in height is shown by conclusive engineering evidence to be required. *(Amended by Ord. No. 125,877, Eff. 11/29/63.)*

All ordinances and parts of ordinances of the City of Los Angeles in conflict herewith are hereby repealed to the extent of such conflict.

(Added by Ord. No. 119,399, Eff. 8/3/61.)

SEC. 13.02 – "S" ANIMAL SLAUGHTERING DISTRICTS.

A. Application. The provisions of this section shall apply to the districts wherein animal slaughtering is permitted.

B. **Conditions.** In the ordinance establishing an animal slaughtering district, the Council may impose conditions as it deems necessary and proper. In its report to the Council relative to the establishment of a district, the City Planning Commission may suggest conditions for consideration. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

C. *(Initiative Ordinance--No. 10,999, as amended by Ordinance No. 36,675, (N.S.) repealed by voters April 5, 1977.)*

D. **Other Districts.** In addition to the districts established by Subsection C, other districts within which animal slaughtering is permitted and the conditions applying thereto (subject to the approval of development plans by the Administrator), are as follows:

1. *(Repealed by Ord. No. 140,735, Eff. 3/29/70.)*

(For boundaries of districts and special conditions applicable thereto, refer to maps and records in City Planning Office.)

E. **Development Plans.** Prior to the erection or enlargement of any building in any animal slaughtering district and prior to the development of an animal slaughtering plant in a new district established in accordance with the provisions in this section, plans for the use shall first be submitted to and approved by the Zoning Administrator. In approving the plans, the Zoning Administrator may require changes and additional improvements in connection with the proposed development as he or she deems necessary in order to give effect to the provisions of this section and to other provisions of this chapter relating to zoning, and which are not in conflict with the conditions specified in the ordinance establishing the district. Any determination by the Zoning Administrator may be appealed to the Area Planning Commission as provided for in Section 12.24 B through I. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

F. **Permits.** No permit shall be issued for the development of an animal slaughtering plant, or for the erection, enlargement or maintenance of buildings for animal slaughtering purposes, and no person shall perform any such development or construction work, except in full compliance with plans approved by the Administrator as herein provided.

SEC. 13.03 -- "G" SURFACE MINING OPERATIONS DISTRICTS. *(Amended by Ord. No. 173,106, Eff. 3/5/00.)*

A. **Purpose and Objectives.** The City recognizes that the extraction of minerals is essential to the continued economic well-being of the City and to the needs of society.

It is the purpose of this section to:

Establish reasonable and uniform limitations, safeguards, and controls in the City for the future production of minerals to safeguard the public interest;

Permit production in all Districts irrespective of the regulations of the Comprehensive Zoning Plan;

Provide for the reclamation of mined lands in order to prevent or minimize adverse effects on the environment and to protect the public health and safety;

Recognize that surface mining operations take place in diverse areas where the geologic, topographic, climatic, biological, and social considerations are significantly different;

Recognize that reclamation to return mined lands to a usable condition which is readily adaptable for alternative land uses are significantly different and that their specifications may vary accordingly;

Ensure the continued availability of important mineral resources, while regulating surface mining operations as required by the Act;

Effect practices which will provide for more economic conservation and production of minerals; and

Take into consideration the surface use of land, as such uses are indicated by:

The value and character of the existing improvements within 500 feet of districts where production is permitted;

The desirability of the area for residential, recreation, watershed, wildlife, aesthetic enjoyment, or other uses; or

Other factors directly relating to the public health, comfort, safety, and welfare in districts.

When the provisions of this section are more restrictive than the correlative state provisions, the provisions of this section shall control.

B. Definitions. The following definitions shall apply to this section:

Abandon(ment of Operation). Failure to conduct surface mining operations, either under permit or as a vested right, for a period of nine consecutive months.

Act. The Surface Mining and Reclamation Act (SMARA) of 1975 (Public Resources Code Section 2710 et seq.), as amended; Public Resources Code Section 2207 relating to annual reporting requirements; and State Board regulations for surface mining operations and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.)

BorrowPit. An excavation created by surface mining operations of rock, unconsolidated geologic deposits, or soil to provide material (borrow) for fill elsewhere.

Commission. Commission shall mean the City Planning Commission. (Added by Ord. No. 173,492, Eff. 10/10/00.)



Completed Operations (Completion of Operations). When all rock and gravel in commercial quantities is entirely extracted, produced, and removed from a property within a district, or the operations allowed by permit are completed, whichever occurs first.

District. Any surface mining operations district established pursuant to the provisions of this section.

Exploration. The search for minerals by geological, geophysical, geochemical or other techniques, including but not limited to sampling, assaying, drilling, or other surface or underground works needed to determine the type, extent, or quality of minerals present.

Idle. Mineral production, with the intent to resume those surface mining operations at a future date.

Mined Lands. The surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area; land excavations; workings; mining waste; and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

Mineral. Any naturally occurring chemical element or compound or groups of elements and compounds formed from inorganic processes and organic substances, including but not limited to coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum. Minerals shall specifically include rock, sand, gravel, aggregate, and clay.

Mining waste. The residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other matters or property directly resulting from or displaced by surface mining operations.

Operator. Any person who is engaged in surface mining operations or who contracts with others to conduct surface mining operations on his or her behalf, except a person who is engaged in surface mining operations as an employee with wages as his or her sole compensation.

Overburden. Soil, rock, or other minerals that lie above a natural mineral deposit or in between mineral deposits before or after their removal by surface mining operations.

Owner. The holder of fee title to property in a district, and lessees, permittees, assignees, or successors in interest to the holder of fee title.

Permit. Any formal authorization from, or approval by, a lead agency, the absence of which would preclude surface mining operations.

Permittees. Holder of a permit.

Person. In addition to the definition contained in Section 11.01 of this Code, person shall include any city, county, district, or the state of California, or any department or agency of and of them.

Prospecting. Exploration.

Reclamation. The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses and create no danger to public health or safety. The processes may extend to affected lands surrounding mined lands and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, and/or other measures.

SMARA. The Surface Mining and Reclamation Act of 1975, as amended. The Act.

State Board. The State Mining and Geology Board in the Department of Conservation, State of California.

State Geologist. The individual designated pursuant to Section 677 of the California Public Resources Code or any amendment to that Code.

StreamBed Skimming. Excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.

Surface Mining (Operations). All or any part of the process involved in the mining, quarrying, and/or excavating of minerals on mined lands by removing overburden and mining directly from the mineral deposits; open pit mining of materials naturally exposed; mining by auger method, dredging, and quarrying; or surface work incidental to an underground mine. Surface mining operations shall also include, but are not limited to: processing of minerals; in place distillation, retorting, or leaching; the production and disposal of mining wastes; prospecting and exploratory activities; borrow pitting; streambed skimming; and segregation and stockpiling of mined minerals and the recovery of same.

Vested. A project that diligently commenced surface mining operations and incurred substantial liabilities for work and materials, prior to January 1, 1976, in good faith and reliance upon an authorization, if one was required. Expenses incurred in obtaining the enactment of an ordinance or issuance of an authorization relating to a particular surface mining operation shall not be deemed liabilities for work or materials.

C. Establishment of Districts.

1. The provisions of this section shall apply to districts where surface mining operations are permitted. The Council may establish new surface mining districts and alter the boundaries of districts now or hereafter established, provided they are consistent with any existing surface mining operations permits.

2. For the boundaries of districts, see the maps on file in the Planning Department.

D. Permits.

1. A permit for surface mining operations shall be issued only for property located in a surface mining district.

2. No permit shall be required for those persons who have obtained a vested right to continue surface mining operations prior to January 1, 1976. However, no substantial change may be made in the surface mining operation without securing a new permit. These surface mining operations shall be subject to those limitations set forth in Subdivision 4 of this subsection, and any conditions imposed by the City Planning Commission ("Commission") or Council on any pre-existing permit.

3. No person shall engage in surface mining operations without having obtained a permit issued by the Commission or Council to engage in surface mining operations, approval of a reclamation plan, and approved financial assurances for reclamation.

4. All surface mining operations, whether under permit or vested, shall be conducted subject to the following conditions:

(a) All equipment used in surface mining operations shall be constructed, maintained, and operated in such a manner as to eliminate, as far as practicable, noise, vibration, odor, smoke, dust, and the like, which are injurious or annoying to persons living or working in the vicinity.

(b) No surface mining operations shall be permitted closer than 50 feet to the boundary of a district; closer than 500 feet to any residentially zoned property unless a landscaped berm is constructed and maintained along the property line, in which case the setback may be 50 feet; closer than 50 feet to the boundary of an adjoining property, unless surface mining operations are permitted on the adjoining property, in which case the property may be excavated to the property line with the written consent of the adjacent owner, or closer than 50 feet to a street (including an alley or walk), highway, or freeway. If the Commission or Council finds that these criteria would be impracticable due to the small extent of the district, economically infeasible, or not required by the surface mining operation, the Commission or Council may waive these requirements in whole or in part.

(c) No surface mining operations from an open pit shall be permitted which creates a final perimeter slope steeper than one foot horizontal to one foot vertical.

(d) Surface mining operations shall be conducted in accordance with applicable standards of the Regional Water Quality Control Board and/or any other agency with jurisdiction over water quality.

(e) Mined lands shall be enclosed along their exterior by a fence, wall, landscaping, berm, or combination of these features, which shall screen the surface mining operations from adjoining property. Enclosures shall be designed, constructed, and maintained to be consistent with the Flood Hazard Management Specific Plan. If the Commission determines that the enclosure would be impracticable because of the location of the mined lands in the bed or flood channel of a wash or water course, or because one or more boundaries are located immediately adjacent to M2 or less restrictively zoned property, this requirement may be waived by the Commission.

(f) Whenever production on any property is abandoned or surface mining operations completed, all plants, buildings, structures (except fences), and equipment shall be entirely removed from the property, and all stockpiles shall be removed or backfilled into the pit within one year of abandonment of operations or completion of surface mining operations. This provision shall not apply to any plants, buildings, structures, or equipment whenever any rock and gravel or other minerals are available in the same district from other properties owned by the operator which is processing by or through any of these plants, buildings, structures, or equipment.

(g) No surface mining operations shall be conducted on any property except between the hours of 6 a.m. and 8 p.m., except in case of an emergency or whenever any reasonable or necessary repairs to equipment are required to be made. Surface mining operations in an M3 Zone and more than 1,200 feet from any residential use may be conducted between the hours of 5 a.m. and 10 p.m.

(h) Every operator, before commencing surface mining operations within any district, shall be insured to the extent of \$500,000 against liability arising from surface mining operations or activities incidental to them. The insurance shall be kept in full force and effect during the period of surface mining operations, including reclamation.

(i) In granting surface mining operations permits, the Commission or Council:

(1) Shall impose other and further conditions and limitations regarding surface mining operations as are set forth in the General Plan and any applicable specific plans. Special emphasis shall be given to applicable community plans.

(2) Shall impose other and further conditions as are authorized by the Act, are authorized by policies adopted by the State Board, or which are necessary for the public health, safety, and welfare.

(3) May impose other conditions to address the circumstances of any individual district or its surroundings. In the case of conflicts between the conditions of this section and those of Subparagraphs (1) and (2) above, the more restrictive shall control.

E. Application. An application for a permit to conduct surface mining operations shall contain at a minimum the following information:

1. Site Analysis:

(a) A comprehensive soils engineering and engineering geologic investigation report prepared by a registered civil engineer and a certified engineering geologist, who shall not be employees of the applicant. The report shall indicate the type and features of overburden and minerals expected to be extracted and mining waste generated by the proposed surface mining operations, and recommendations relative to setbacks, slopes, and excavations.

(b) A geographic report which shall include a recent aerial photograph of the site of the proposed surface mining operations, and a map or maps and notes which illustrate the following:

(1) Property lines and lease lines, including a legal description of the site.

(2) The existing topography of the site and land within 500 feet of the site, and any structures, watercourses, levees, drainage facilities, utility easements and facilities, roads, and driveways existing within this area.

(3) The location and condition of any abandoned pits and previously mined areas on the site.

(4) Any other information that may be required to adequately characterize the site.

2. Operations Analysis:

(a) A description of the proposed surface mining operations in all of its phases. The document shall include the following:

(1) A phasing plan and schedule showing the approximate starting date, the proposed increments of extraction, and the sequence in which these increments will be accomplished.

(2) A map of the areas to be excavated and typical cross sections of slopes to be formed or modified.

(3) The depth of all proposed excavations.

(4) The location of all proposed structures, including processing plants and appurtenant equipment and fences, and their various relocation sites, where these facilities are proposed to be relocated during the permit period.

(5) Existing vegetation.

(6) Landscaping to be provided, if any, in addition to that indicated on the reclamation plan.

(7) Details of plans for storage of overburden and mining waste, including maps showing areas anticipated to be used for storage.

(8) Proposed points for ingress and egress, haul roads, driveways, and parking areas on the site.

(b) A drainage and erosion control plan. This document shall illustrate the following:

(1) The location and approximate depth of proposed settling basins, desilting ponds, recycling ponds, and other bodies of water. Where these facilities are proposed to be relocated over the course of the life of the permit, their various proposed locations shall be shown.

(2) The historic groundwater level and anticipated annual fluctuation of water levels in all areas to be excavated.

(3) Methods to be taken for the disposition of drainage and for the control of erosion and sedimentation.

(4) Provisions to be taken for the conservation and protection of groundwater.

(5) Approvals obtained or required from the appropriate Regional Water Quality Control Board.

(6) Any other information that may be required to adequately characterize drainage and erosion.

(c) A vehicular access plan. This document shall illustrate the following:

(1) The points of ingress and egress to the site; the streets and highways to be used by vehicles going to and coming from the site; and the type, size, and number of vehicles anticipated on a daily basis.

(2) Minimizing or precluding additional vehicular traffic over local residential streets.

(d) Any other information that may be required to adequately characterize vehicular access.

3. Reclamation Plan:

(a) If portions of the information and documentation is included in the site analysis and/or operations analysis, the reclamation plan may refer to the site analysis and/or operations analysis. The reclamation plan shall include:

(1) The names and addresses of the operator.

(2) The names and addresses of each owner of any interest in the site on which surface mining operations are or will be operated, the names and addresses of any persons designated by the operator as his agents for the service of process, and the name and address of the managing employee.

(3) The anticipated quantity and type of minerals to be extracted.

(4) The estimated time schedules for initiation and termination of surface mining operations. An operation under a vested right shall also include a description of surface mining operations occurring subsequent to January 1, 1976, including type and quantity of minerals extracted and location and depth of the surface drilling operations.

(5) The maximum anticipated depth of surface mining operations.

(6) The size and legal description of lands that will be affected by the anticipated surface mining operation (affected lands shall include as a minimum all land within 500 feet of the surface mining operation); a map that includes the boundaries and topographic details of these lands; a description of the general geography of the area; a detailed report of the geology and hydrology of the area in which surface mining operations are to be conducted; the location of all streams, roads, railroads, and utility easements and facilities within and adjacent to these lands; the location of all proposed access roads to be constructed in conducting these surface mining operations; and the names and addresses of the owners of all surface interests and mineral interests in the lands.

(7) A description of the anticipated surface mining operations and an estimated time schedule showing anticipated completion of each segment of these surface mining operations, so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operations.

(8) A description of the proposed use or potential uses of the mined lands after reclamation; the consent of the owner to the reclamation and proposed use; and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses.

(9) A description of the manner in which reclamation of the land, adequate for the proposed use or potential uses, will be accomplished, including:

(i) The manner in which contaminants will be controlled and mining waste will be disposed of.

(ii) The manner in which rehabilitation of affected stream channels and stream banks to a condition minimizing erosion and sedimentation will occur.

(iii) A topographic map showing final contours of the property after reclamation.

(iv) A diagram showing how reclamation will be coordinated with the surface mining operations.

(v) A plan showing the types and location of revegetation to be used as part of the reclamation.

(vi) A ground water hydrology plan and a surface water drainage plan.

(vii) An estimate of the cost of reclamation.

(viii) An assessment of the effect the proposed reclamation activity may have on future mining in the area.

(ix) The person submitting a reclamation plan shall prepare and sign a statement accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan. This statement shall be kept by the Department of City Planning ("Department") in the operator's permanent record. Upon sale or transfer of the surface mining operation, the new operator shall prepare and submit a signed statement of responsibility to the Department for placement in the permanent record.

(x) The reclamation plan shall be applicable to a specific piece of property or properties; shall be based upon the character of the surrounding area and characteristics of the property such as type of overburden, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities; and shall establish site-specific criteria for evaluating compliance with the approved reclamation plan, including topography, revegetation, and sediment and erosion control.

(xi) The environmental setting of the site of operations and the effect that possible alternate reclaimed site conditions may have upon the existing and future uses of surrounding lands.

(xii) The impact on the public health and safety, giving consideration to the degree and type of present and probable future exposure of the public to the site.

(xiii) The designed steepness and proposed treatment of mined lands' final slopes shall take into consideration the physical properties of the slope material, its probably maximum water content, landscaping requirements, and other factors. In all cases, reclamation plans shall specify slope angles flatter than the critical gradient for the type of material involved. Whenever final slopes approach the critical gradient for the type of material involved, an engineering analysis of slope stability shall be required. Special emphasis shall be placed on slope stability and design when public safety or adjacent property may be affected.

(xiv) Areas mined to produce additional materials for backfilling and grading, as well as settlement of filled areas. Where ultimate site uses include roads, building sites, or other improvements sensitive to settlement, the reclamation plan shall include compaction of the fill materials in conformance with Section 91 of the Municipal Code.

(xv) Disposition of old equipment.

(xvi) Temporary stream or watershed diversions.

(xvii) All reclamation plans shall comply with the Act. Reclamation plans approved after January 15, 1993; reclamation plans for proposed new surface mining operations; and any substantial amendments to previously approved reclamation plans shall also comply with performance standards of the Act.

(xviii) Any other information that may be required to adequately characterize the reclamation.

(b) Time for Performance.

(1) Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance.

(2) Interim reclamation may be required for mined lands that have been disturbed and that may be disturbed again in future surface mining operations.

(3) Phasing:

(i) Reclamation may be done on an annual basis, in stages compatible with continuing surface mining operations, or on completion of all excavation, removal, or fill, as approved by the Commission or Council.

(ii) Each phase of reclamation shall be specifically described in the reclamation plan, and shall include the beginning and ending dates for each phase, all reclamation activities required, criteria for measuring completion of specific reclamation activities, and estimated costs for each phase of reclamation.

(4) The reclamation plan shall be implemented no later than six months after surface mining operations are completed, or a permit or vested right to conduct surface mining operations has been abandoned.

(c) **Financial Assurances.**

(1) To ensure that reclamation will proceed in accordance with the approved reclamation plan, the City shall require as a condition of approval financial assurances which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method satisfactory to the City Attorney and State Board as specified in state regulations; and which the City reasonably determined is adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances shall be made payable to the City of Los Angeles and the state Department of Conservation.

(2) Financial assurances shall be required to ensure compliance with elements of the reclamation plan, including but not limited to revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures if necessary.

(3) Cost estimates for financial assurances shall be submitted to the Department for review and approval prior to the operator securing financial assurances. The Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of cost estimates, to the state Department of Conservation for review. If the state Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the City has reason to determine that additional costs may be incurred. The Director shall have the discretion to approve the financial assurance if it meets the requirements of this section and the Act.

(4) The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining operations in the upcoming year. Cost estimates should be prepared by a California registered professional engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Director. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent shall be added to the cost of financial assurances.

(5) In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator, and consequently, the City or state Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

(6) The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed, including any maintenance required.

(7) The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

(8) Revisions to financial assurances shall be submitted to the Director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

(9) Any other information that may be required to adequately characterize the financial assurances.

4. Environmental analysis as required by the California Environmental Quality Act (CEQA) and the City's CEQA guidelines.

F. Procedure.

1. The application for permit shall be processed as provided in Section 12.24 of this Code for conditional uses under the jurisdiction of the Commission, subject to the exceptions of Subdivisions 2 through 5 of this subsection (procedures for state review).

2. Within 30 days of the date the application is determined to be complete, a copy of the site analysis, operations analysis, and reclamation plan shall be sent to the state Department of Conservation.

3. Whenever surface mining operations are proposed in the 100-year floodplain, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, within 30 days of the date the application is determined to be complete, a copy of the site analysis, operations analysis, and reclamation plan shall be sent to the state Department of Transportation.

4. **State Department of Conservation.**

(a) Prior to taking any action to approve, conditionally approve, or deny an application submitted under this section, the Commission or Council shall certify to the state Department of Conservation that the site analysis, operations analysis, reclamation plan, and financial assurances comply with the applicable requirements of state law, and shall submit them to the state Department of Conservation for review.

(b) The state Department of Conservation is allowed 30 days under state law to review and comment on the site analysis, operations analysis, and reclamation plan. The state Department of Conservation is allowed 45 days under state law to review and comment on the financial assurances. Time limits of this code shall be suspended during these comment periods.

(c) If the state Department of Conservation fails to comment within the statutory time periods, the Commission or Council shall not interpret this failure as either approval or disapproval of the site analysis, operations analysis, reclamation plan, or financial assurances.

5. **Evaluation of Comments.**

(a) The Commission or Council shall evaluate any written comments by the state Department of Conservation received during the statutory comment periods. Time limits of this code shall be suspended during the Commission's or Council's evaluation.

(b) A written response to the state Department of Conservation's comments shall be prepared for the Commission's or Council's approval. If the Commission's or Council's position differs from the Department of Conservation's comments, the written response shall address in detail why specific comments were not accepted.

(c) Copies of any written comments received, and responses prepared, by the Commission or Council shall be promptly forwarded to the owner and/or operator.

6. **Commission or Council Decision.** Within 30 days of the date of Paragraph (b) of Subdivision 5 above (regarding the Commission's or Council's responses to the state Department of Conservation), the Commission or Council shall approve, conditionally approve, or deny the site analysis, operations analysis, reclamation plan, and/or financial assurances.

7. A permit shall not be effective until 15 days after approval by the Commission, or after approval by the Council if the Council approval is a result of an appeal or transfer of jurisdiction.

G. **Findings.** A permit shall be approved if the Commission or Council finds that:

1. The project complies with the Act and with the policies of the State Board for Surface Mining Operations; and
2. Minerals described in the application are available; and
3. The proposed surface mining operations will not be detrimental to the public health, safety, and welfare; and

4. The proposed surface mining operations can be conducted in accordance with the provisions of this section; and

5. The proposed surface mining operations are consistent with the elements and objectives of the General Plan, in particular the open space and conservation elements; and

6. The site analysis, operations analysis, reclamation plan, and any conditions of approval have been signed by the applicant, operator, and/or owner; and

7. The drainage and erosion control plan is adequate to protect the public health, safety, and welfare; and

8. The vehicular access plan is adequate to protect the public health, safety, and welfare; and

9. The proposed surface mining operations are consistent with the General Plan; and

10. A written response to the state Department of Conservation has been prepared, describing the disposition of major issues raised by the Department of Conservation. Where the City's position differs from the recommendations and objections raised by the state Department of Conservation, the response has addressed, in detail, why specific comments and suggestions were not accepted; and

11. In regard to the reclamation plan, that:

(a) The reclamation plan complies with the Act and with the policies of the State Board for Reclamation practice; and

(b) The reclamation plan has been reviewed pursuant to CEQA and the City's CEQA guidelines, and all significant adverse impacts from reclamation of surface mining operations are mitigated to the maximum extent feasible; and

(c) The reclamation plan is compatible with future projected uses in the area; and

(d) The reclamation plan provides for one or more beneficial uses or alternate uses of the land which are not detrimental to the public health, safety, and welfare; and

(e) The land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible, and blends in, with the surrounding natural environment, topography, and other resources; or that suitable off-site development will compensate for related disturbance to resource value; and

(f) The reclamation plan will restore the mined lands to a useable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan; in particular, the open space and conservation elements.

H. Appeal.

1. The signing of statements required by Subsection G of this section shall not in any way affect rights to appeal the determination in whole or in part.

2. Appeals shall be processed as provided in Section 12.24 of this Code for conditional uses under the jurisdiction of the Commission.

3. An applicant whose request for a permit to conduct surface mining operations in an area of statewide or regional significance (as determined by the State Board) has been denied, or any person who is aggrieved by the granting of a permit in an area of statewide or regional significance, shall have rights of appeal to the State Board as may be granted by the Act. In the case of conflicts between the determination of the Commission or Council and the determination of the State Board, the determination of the State Board shall control.

I. **Exceptions.** A permit, financial assurances, and reclamation plan are not required for;

1. Excavation or grading conducted for farming or on-site construction, or for the purpose of restoring land following a flood or a natural disaster.

2. Prospecting or exploration for minerals of commercial value where overburden in the amount of less than 1,000 cubic yards is removed in any one location of one acre or less.

3. Prospecting for, or the extraction of, minerals for commercial purposes, and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

4. Surface mining operations that are required by federal law in order to protect a mining claim, if the operations are conducted solely for that purpose.

5. Other surface mining operations as the Commission determines to be of an infrequent nature, involve only minor surface disturbances, and are identified by the State Board pursuant to the Act.

6. Onsite excavation and onsite earthmoving activities which are an integral and necessary part of a construction project, which are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction; or creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

(a) All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances. This provision shall include compliance with CEQA and the City's CEQA guidelines.

(b) The City's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA and the City's CEQA guidelines. In those instances where CEQA analysis has not otherwise been applied to the project, the procedures, although not the threshold, of Section 91.7006.8 (CEQA grading review) of the Municipal Code shall be followed.

(c) The approved construction project is consistent with the General Plan and zoning of the site.

(d) Surplus materials shall not be exported from the site unless and until actual construction work has commenced. Export shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued, except as provided in the procedures, although not the threshold, of Section 91.7006.7.4 (CEQA grading review) of the Municipal Code.

7. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined minerals, subject to all of the following conditions:

(a) The plant site is located in an area designated in the land use element of the General Plan with a designation corresponding to the M3 Zone.

(b) The plant site is located on land zoned M3.

(c) None of the materials being processed are being extracted onsite; and

(d) All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred before January 1, 1976.

8. The solar evaporation of sea water or bay water for the production of salt and related minerals.

9. Emergency excavations or grading conducted by the state Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies, and

10. Persons who have obtained a vested right to continue surface mining operations prior to January 1, 1976, providing that:

(a) No substantial change may be made in the surface mining operation without securing a new permit. The surface mining operations shall be subject to those limitations set forth in this section, and to any conditions imposed by the Commission or Council in any pre-existing permit or authority to conduct the operations.

(b) Persons with vested rights shall submit to the Commission within six months after receipt of notice from the City a reclamation plan for lands mined after January 1, 1976. The reclamation plan shall be subject to review, hearing and approval by the Commission as provided in Subsection F of this section.

(c) However, where a person with vested rights has continued surface mining operations in the same area subsequent to January 1, 1976, he or she shall obtain the Commission's approval or the approval of Council on appeal of a reclamation plan covering the mined lands disturbed by the subsequent surface mining operations. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre-and post-Act mining, the reclamation plan shall call for reclamation proportional to that disturbance caused by the mining operations after the effective date of the Act.

(d) All other requirements of state law and this section shall apply to vested surface mining operations.

11. Nothing in this section shall be construed as requiring the reapproval of a reclamation plan which is in substantial conformity with the Act, approved prior to the effective date of this section.

J. **Amendments.** Amendments or changes to an approved permit or reclamation plan shall be submitted to the Commission and shall become effective only if approved by the Commission. Substantial deviations from the approved permit or reclamation plan shall be processed in the same manner as provided for in Subsection F of this section.

K. **Public Record.** Reclamation plans, reports, applications for permits, and other documents as described in Section 2778 of the Public Resources Code are public records unless it can be demonstrated to the satisfaction of the Commission that the release of all or part of the information would reveal production reserves or rate of depletion entitled to protection as proprietary information. Proprietary information shall be made available only to the state geologist and to persons authorized in writing by the operator and/or the owner.

L. **Successors.** Each subsequent owner and/or operator of a premise covered by a permit, whether by sale, assignment, transfer, conveyance, exchange, or other means, shall be bound by the provisions of the approved reclamation plan, the provisions of this section, and the Act.

M. **Inspections.**

1. The Director shall inspect each surface mining operation at least once a year, within six months of receipt of the annual report required in Subsection O of this section, to determine whether the surface mining operation is in compliance with the approved site analysis, operations analysis, and/or reclamation plan; approved financial assurances; and state regulations. The inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered professional forester, who is experienced in land reclamation of the type described in the reclamation plan, and who has not been employed by the surface mining operation in any capacity during the previous 12 months; or other qualified specialists, as selected by the Director. All inspections shall be conducted using a form approved by the State Board. A fee as established by Section 19.01 I of this Code shall be charged for this inspection. The Department shall transmit a copy of the inspection report to the state Department of Conservation within thirty days of completion of the inspection.

2. The Director may authorize the Superintendent of Building to inspect each surface mining operation at least once a year. An annual inspection fee as established by Section 98.0402 (e) 3 of this Code shall be collected by the Superintendent. An inspection may also be made by the Superintendent whenever a complaint is received by him or her concerning a violation of the municipal code and/or its permit. The Superintendent shall send notice of the inspection, and his or her findings, to the Director within five days of the performance of the inspection.

3. If a surface mining operation inspected by the Superintendent of Building is found to be in violation of any provision of the Municipal Code and/or its permit, the Superintendent shall send a notice to comply to the operator within two weeks of the inspection, in accordance with the provisions of Section 12.26 of this Code. The notice to comply shall clearly state the following:

(a) The violation shall be corrected by a compliance date specified in the notice, and shall be no more than 30 days from the date the notice is mailed.

(b) The compliance date as specified in the notice may be extended for no more than 45 days if the operator presents satisfactory evidence to the Superintendent of Building that unusual difficulties prevent substantial compliance without an extension.

N. Interim Management Plan.

1. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of the Act, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be processed in accordance with the provisions of Subsection J of this section (amendments). IMPs shall not be considered a project for the purposes of complying with CEQA and the city's CEQA guidelines.

2. Financial assurances for idle operations shall be maintained as though the operation were active.

3. Upon receipt of a complete proposed IMP, the Department shall forward the IMP to the state Department of Conservation for review. The IMP shall be submitted to the state Department of Conservation at least 30 days prior to approval under Subsection J of this section (amendments).

4. Within 60 days of the receipt of the IMP, or a longer period mutually agreed upon by the Director and the operator, the IMP shall be reviewed and approved, conditionally approved, or denied.

5. The IMP shall remain in effect for a period not to exceed five years, at which time the Commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to begin reclamation in accordance with its approved reclamation plan.

O. **Annual Report.** Surface mining operators shall forward an annual surface mining operations report to the state Department of Conservation and to the Department on a date established by the state Department of Conservation, upon forms furnished by the State Board. New surface mining operations shall file an initial surface mining operations report and any applicable filing fees with the state Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the state Department of Conservation at the time of filing the annual surface mining operations report.

SEC. 13.04 -- "RPD" RESIDENTIAL PLANNED DEVELOPMENT DISTRICTS.

A. **Purpose--**The purpose of the regulations set forth in this section is to provide for the establishment and control of residential planned developments. It is the intent of this section to promote and achieve greater flexibility in design, to encourage well-planned neighborhoods with adequate open space which offer a variety of housing and environments through creative and imaginative planning as a unit, to increase housing opportunities for low and moderate income households, and to provide for the most appropriate use of land through special methods of development. (*Amended by Ord. No. 145,927, Eff. 6/3/74.*)

B. **Application--**The provisions of this section shall apply to districts wherein residential planned developments are permitted.

C. **Requirements for Filing--**Each application for the establishment of an "RPD" District shall be accompanied by a preliminary plot plan of the proposed development showing the expected locations and arrangement of lots, structures, streets, driveways, easements, open space, parks, schools, and so forth. Such plans shall indicate the layout of the proposed development, and its appearance, characteristics and compatibility with the City's General Plan and existing local conditions.

In addition to the foregoing, each application for the establishment of an "RPD" District in "H" Hillside or Mountainous Areas shall be accompanied by the following:

1. **Detailed Topographic Survey.** The topographic survey shall include an accurate topographic survey at a minimum scale of 1" = 100' with contour intervals of five and 25 feet. Such survey shall accurately indicate the location of the property lines.

2. **Basic Preliminary Grading Plan.** The preliminary grading plan shall be prepared by a licensed civil engineer. This plan shall be at a minimum scale of 1" = 100' and shall include the following:

- (a) Tract number
- (b) Legal description
- (c) Names, addresses and telephone numbers of the record owner, subdivider and design engineer.
- (d) North arrow, engineering scale and date.

(e) The widths and approximate grades of existing and proposed rights-of-way within and adjacent to the property involved.

(f) Locations, widths and approximate grades of existing and proposed highways and streets.

(g) Lot layout, approximate dimensions, proposed elevation and number of each lot.

(h) Existing and proposed contour of the land.

(i) Proposed method of sewage disposal and drainage.

(j) Existing and proposed zoning.

3. **Preliminary Geological and Soils, Engineering Reports.** These reports shall be sufficiently detailed to provide a basis for a reasonable evaluation of geological and soils conditions on and adjacent to the site of the proposed "RPD", and shall contain as a minimum the following:

(a) A geologic map showing all exposures of rock, soil and alluvium, fill, landslides, slumps, zones of bedrock and soil creep, suspected fault and shear zones, joints and fractures. The geologic map must be based upon an accurate topographic map or the preliminary grading plans upon a scale commensurate with items 1 and 2 above, and reflect careful attention to the bedrock and soil types present and the geologic structure, either exposed or inferred by other geological data obtained on the site.

(b) A geologic report including definite statements, conclusions and recommendations concerning the following:

(1) Location and general setting with respect to major geographic and/or geologic features.

(2) Topography and drainage in the subject area.

(3) Abundance, distribution, and general nature of exposures of earth material within the area.

(4) A reasonable evaluation and prediction of the performance of any proposed cut and fill slopes in relation to geological conditions.

(5) An evaluation of existing and anticipated surface and subsurface water circulation in terms of the proposed development.

(6) Recommendations concerning future detailed subsurface exploration.

(c) A preliminary soils engineering report, based upon an examination of the site in sufficient detail to provide the following:

(1) General anticipated bearing characteristics of earth materials.

(2) Lateral stability of earth materials, especially fill slopes.

(3) Problems of excavation and fill placement.

(4) Handling of seepage water, soil stripping and special treatment of soils on the site.

- (5) Evaluation of deep canyon fills, side hill fills and any special preparation of areas in which fill is to be placed.
- (6) Estimation of the swell characteristics of earth materials and special design problems that may be anticipated.
- (7) Delineation in general of all areas where future subsurface exploration sampling and testing may be necessary.

Sufficient copies of the above maps, plans and reports shall be provided by the applicant for the purpose of distributing to members of the Subdivision Committee. The required plans and data shall be directed to the Advisory Agency for analysis, report and recommendations by the Subdivision Committee on all matters within the purview of said Committee. The Committee members shall, within 40 calendar days of the filing of the application for an "RPD" District, transmit their reports and recommendations to the Advisory Agency. Within 10 calendar days thereafter, the Advisory Agency shall transmit the report and recommendation of the Subdivision Committee to the Planning Commission. However, on an application for the establishment of an "RPD" District in "H" Hillside or Mountainous Areas these time limits may be extended by mutual consent of the applicant and the Advisory Agency. *(Amended by Ord. No. 142,117, Eff. 7/31/71.)*

Where a proposed development constitutes a portion of a single ownership which is to be developed in phases, the applicant shall submit a projected general plan of land use, circulation and anticipated sequence of development for the entire ownership. Said plan shall be of sufficient detail to indicate the proposed relationship of the entire development and individual phases thereof to the General Plan of the area and to existing adjoining development and proposed adjoining development which has been approved by the City.

D. Establishment of District and Other Requirements--In order to achieve the purpose of a residential planned development and to assure that such development will substantially comply with the applicable elements of the City General Plan, and "RPD" District shall be subject to the following requirements:

1. Establishment of District Height and Area Regulations. The Council shall in the ordinance establishing an RPD District also establish the density area regulations, and height regulation applicable to the district. The height and area regulations, including peripheral setbacks, of the zone in which the land is located, shall not apply to structures, buildings and lots in an approved RPD District. However, the setback requirements of the zone in which the RPD District is located shall be the minimum setback from the periphery required for structures and buildings within the RPD District itself. Whenever the City Planning Commission recommends that the Council adopt an ordinance establishing an RPD District, it shall also recommend maximum density, height and area limitations, including peripheral setbacks, and shall transmit to the Council the recommended plan of development for the entire proposed development. At the time the Council is considering the establishment of an RPD District, it shall submit to the City Planning Commission for report and recommendation any revised or alternative development plans submitted by the applicant prior to final action. The

Commission shall act on a revised or alternate plan within 50 days of receipt of the file from the Council. Should the City Planning Commission fail to act within the 50 days, the applicant may request transfer of jurisdiction to the Council. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

2. **Density.** The ordinance establishing an "RPD" District shall contain a number suffixed with said district symbol which shall be indicated within the boundaries of each zone classification within such district. Said number shall be the average number of dwelling units permitted per acre of land, exclusive of public streets, in the residential planned development, or portion thereof, e.g., "RPD-1", "RPD-2", etc. Such designation or designations shall be indicated upon the Zoning Map. In any "RPD" District, or differently zoned portion thereof, the average number of dwelling units per acre of land, or fraction thereof, exclusive of public streets, shall not exceed the maximum number of dwelling units permitted by the underlying zone or zones within such district or portion thereof, pursuant to the following schedule:

Zone	Detached Single-Family Dwellings	or	Townhouse	or	Dwelling Units in Apartments
RE40	1.0		-		-
RA;RE20	2.0		2.0		-
RE15	2.9		2.9		-
RE11	3.9		3.9		-
RE9	4.8		4.8		-
RS	5.8		5.8		-
R1	8.7		8.7		-
RU	12.4		12.4		-
RD6	-		7.0		7.0
RD5	-		8.7		8.7
RD4	-		10.8		10.8
RD3	-		14.5		14.5
RZ2.5	17.4		17.4		-
R2	-		17.4		-
RD2	-		18.6		21.7
RD1.5	-		18.6		29.0
R3	-		32.6		36.0
R4	-		32.6		54.0

(Amended by Ord. No. 161,716, Eff. 12/6/86.)

The total number of dwelling units within an "RPD" District located in an "H" Hillside or Mountainous Area, established pursuant to Section 12.32 H of this Code, shall not exceed the density indicated on the General Plan for such area or the maximum number of dwelling units permitted by the underlying zone or zones within such district pursuant to the above schedule, whichever is less, and only detached single-family dwellings or townhouses shall be the types of housing permitted therein.

3. **Area of District.**

(a) Every "RPD" District shall have an area of three acres or more exclusive of public streets. Provided, however, that an "RPD" District may have an area of 5,000 square feet, or the minimum lot area required by the zone, whichever is greater, or more, exclusive of public streets, whenever the underlying zone of such district is in the RD6, RD5, RD4, R2, RD2, RD1.5, R3 or R4 Zone.

(b) The Commission and the City Council may approve an "RPD" District having an area less than required herein if said district adjoins and will constitute an integral part of an existing "RPD" District and the proposed development is in harmony with that permitted in the existing "RPD" District, the existing and proposed plans for adjacent areas and the General Plan. In no event may the proposed "RPD" District be approved with an average density exceeding that permitted in the existing "RPD" District.

E. **Standard Residential Conditions** -- The following standard residential conditions shall apply to each "RPD" District. In addition, after report and recommendation by the Commission, the Council may, by ordinance, impose any other conditions as it deems necessary and proper at the time of establishing such district. In its report to the Council relative to the establishment of an "RPD" District, the Commission may recommend such other conditions as it deems necessary or desirable in carrying out the general purpose and intent of this section. The standard residential conditions are as follows:

1. **Final Subdivision Map or Parcel Map.** No building permit shall be issued for any building within an "RPD" District, except for sales models, recreational buildings or community facilities, unless a final subdivision tract map or parcel map has first been recorded for the property on which the building is located.

2. **Coverage.** The Commission shall recommend to the City Council the proportion of the total development site to be covered by buildings and structures.

3. **Separation Between Buildings.** The Commission shall recommend to the City Council the minimum separation between all buildings in the development but in no event shall there be less than 20 feet of space between townhouse buildings of two or more stories.

4. **Open Space.** Common open space shall comprise at least 25 percent of the land area exclusive of streets, provided, however, that where the applicant submits evidence to the satisfaction of the Commission that the particular development will contain compensatory characteristics which will provide as well or better for planned unit development within the intent of this section, the Commission may recommend modification of said requirements to the Council. At least half of the required common open space shall be of not more than 15 percent slope.

The common open space shall be land within the total development site used for recreational, park or environmental purposes for enjoyment by occupants of the development, but shall not include public streets, driveways, utility easements where the ground surface cannot be used appropriately for common open space, private yards and patios, parking spaces, nor other areas primarily designed for other operational functions.

5. **Private Streets.** Private streets shall not be permitted in "RPD" developments.

6. **Parking.** There shall be at least two automobile parking spaces for each townhouse or detached single-family dwelling in a residential planned development. Said spaces shall be provided in a private garage. There shall be at least two off-street automobile parking spaces per dwelling unit provided for other residential buildings. Provided, however, that in an "H" Hillside or Mountainous Area there shall be at least three off-street automobile parking spaces provided for each dwelling unit in a residential planning development. In the case of a townhouse or detached single-family dwelling, two of the said required three parking spaces shall be provided in a private garage.

Provided, further, that the Commission in connection with any residential planned development may recommend to the Council such additional number of spaces as it deems necessary to adequately provide for the needs within the district. For non-residential buildings the Commission may recommend to the Council the number of parking spaces required, but if no such determination is made, the provisions of Section 12.21 A of this Code shall apply.

7. **Utilities.** All new utility lines, pursuant to Section 17.05 N, and all new off-site service utility lines, necessary to serve the development, shall be installed underground.

8. **Townhouses.** The width of each townhouse in the project shall average at least 20 feet. There shall be a separate private yard with a total area of at least 320 square feet adjacent to each townhouse unless equivalent alternate arrangements of patios or roof decks are provided within the preliminary plot plan, and approved by ordinance. No building shall contain more than eight townhouses.

9. **Separate Lots.** No portion of land within a residential planned development shall be divided or separated in ownership unless it is first recorded as a separate and distinct lot on a recorded final subdivision tract map or parcel map.

Every lot for a residential building (except a detached single-family dwelling or townhouse), church, school, hospital or infirmary shall have a minimum width of 50 feet and a minimum area of 5,000 square feet, or such additional widths or areas as may be required by the Commission and the Council. Each such lot shall front for a distance of at least 20 feet upon a street.

All lots for detached single-family dwellings in the project shall be at least 35 feet wide and said lots shall have a minimum area of 3,500 square feet or such additional areas or widths as may be required by the Commission and the Council in the ordinance establishing the district. Each such lot shall front for a distance of at least 20 feet upon a street.

Each townhouse lot in the project shall average at least 20 feet in its narrowest dimension. Said lots shall have a minimum area of 1,750 square feet or such additional areas or widths as may be required by the Commission and the Council in establishing an RPD District. Provided, however, that where the underlying zone of a lot for a townhouse is in the R3 or R4 Zone said lot may have an area of at least 1,000 square feet or such additional area as may be required by the Commission and the Council. Any lot for a townhouse need have only such access or street frontage as is shown on the approved final development plans.

10. **Separate Units.** Every owner of a dwelling unit or lot shall own as an appurtenance to such dwelling unit or lot, either, (1) an undivided interest in the common areas and facilities, or (2) a share in the corporation, or voting membership in an association, owning the common areas and facilities.

11. **Maintenance.** The right to maintain the buildings and use the property for a residential planned development shall continue in effect only so long as all of the mutually available features, such as recreational areas, community buildings, landscaping, as well as the general appearance of the premises and buildings are all maintained in a first-class condition and as indicated on the approved final development plans.

12. **Covenants.** The provisions of standard condition 11 shall be included in the conditions, covenants, and restrictions applying to the property, which are recorded in the Office of the County Recorder, and copies of said provisions shall be furnished to the individual purchasers of units in the development.

The provisions of standard condition 11 shall also be in each of the preliminary and final drafts of the conditions, covenants, and restrictions submitted to the Real Estate Commissioner.

13. **Sale of Lots or Units.** No dwelling unit or lot shall be sold or encumbered separately from an interest in the common areas and facilities in the development which shall be appurtenant to such dwelling unit or lot. No lot shall be sold or transferred in ownership from the other lots in the total development, or approved phase of the development, unless all approved community buildings, structures, and recreational facilities for the total development, or approved phase thereof, have been completed, or completion is assured, by bonding or other method satisfactory to the Advisory Agency.

14. **Management Agreement.** No lot or dwelling unit in the development shall be sold unless a corporation, association, property owners group or similar entity has been formed with the right to assess all those properties which are jointly owned with interests in the common areas and facilities in the development to meet the expenses of such entity, and with authority to control, and the duty to maintain, all of said mutually available features of the development. Such entity shall operate under recorded conditions, covenants and restrictions which shall include compulsory membership of all owners of lots and/or dwelling units, and flexibility of assessments to meet changing costs of maintenance, repairs and services. The developer shall submit evidence of compliance with this requirement to and receive the approval of the Advisory Agency prior to making any such sale. This condition shall not apply to land dedicated to the City for public purposes.

15. **Low and Moderate Income Dwelling Units.** Every residential planned development shall provide low and moderate income dwelling units as provided in Section 12.39 of this Code. *(Added by Ord. No. 145,927, Eff. 6/3/74.)*

F. **Final Development Plans.** Any final development plans shall be in substantial conformance with the preliminary plans. Prior to the issuance of any permits for the erection or enlargement of any buildings within an established RPD District, final precise site and elevation plans for all buildings and landscaping within the district or approved phase of the development, shall be submitted to and approved by the Zoning Administrator and to the Area planning Commission on appeal. If the original action establishing an RPD District included the submission and approval of final precise plans for the complete development, building permits may be issued in accordance with those plans. In connection with the review of final development plans, deviations in any of the conditions previously established may be authorized pursuant to the provisions of Subsection I of this section. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

G. **Permits--No** permit shall be issued for grading, or for the erection, enlargement or maintenance of buildings or structures for a residential planned development, and no person shall perform any such development or construction work except in full compliance with the final development plans approved as herein provided.

No building permit shall be issued for other than approved model units until the conditions, covenants, and restrictions required by Section 13.04 E 12 have been submitted to and approved by the City Attorney.

H. **Termination of Districts--**Any authority to establish or maintain an "RPD" District pursuant to the provisions of this section shall terminate:

1. within one and one-half years after the effective date of the ordinance establishing such district unless a tentative subdivision map of the proposed development has been filed;
2. within two years from the tentative map approval, unless construction work on the first phase of the development has begun;

3. unless such work is carried on diligently to completion.

Upon termination of a district, the zoning map shall be corrected by removing the district symbol.

I. **Changes and Modifications**--After an ordinance establishing an "RPD" District, and all of the conditions applicable thereto have been adopted by the City Council, the procedure for modifying such conditions shall be the same as that required for the establishment of an "RPD" District. If approved by the Council, the request for modification of such conditions shall be effectuated by the adoption of an ordinance amending the original ordinance establishing the particular district. *(Added by Ord. No. 141,474, Eff. 2/27/71.)*

SEC. 13.05 -- "K" EQUINEKEEPING DISTRICTS. *(Amended by Ord. No. 157,144, Eff. 11/22/82.)*

A. **Purpose.** It is the purpose and object of this section to establish reasonable and uniform limitations, safeguards and controls for the keeping and maintenance of equines within the City of Los Angeles.

B. **Establishment of Districts.**

1. The City Council may establish new Equinekeeping Districts and enlarge the boundaries of such districts now or hereafter established.

2. No Equinekeeping District shall contain less than five acres of land, including the area of all dedicated streets and highways contained therein.

All lots or parcels of property contained within the district's boundaries shall be contiguous. The boundaries of the district shall be drawn so as to coincide as nearly as practicable with street alignments or other clearly discernible boundaries. *(Amended by Ord. No. 161,352, Eff. 7/20/86.)*

C. **Conditions.** All property within a district shall be subject to the following conditions:

1. If the equine enclosure is less than 75 feet from the habitable rooms of a neighbor's dwelling unit, the enclosure shall not be closer to the habitable rooms of a neighbor's dwelling unit than to the habitable rooms of a dwelling unit on the equinekeeping lot.

2. In no event shall the equine enclosure be located closer than 35 feet to the habitable rooms of any dwelling unit.

3. Any additional conditions which may be deemed necessary to be imposed shall be established by ordinance.

4. Notwithstanding any other provision of this Code relating to the number of equines permitted in any zone, any lot included in a "K" Equinekeeping District which was formed after January 12, 1975 may be used to keep no more than one equine for each 4,000 square feet of lot area. *(Amended by Ord. No. 159,341, Eff. 10/11/84.)*

5. Notwithstanding any other provision of this Code to the contrary, in a "K" Equinekeeping District, an animal keeping structure may be located on any portion of a parcel except the required front yard and shall not be closer than 10 feet from the required side lot lines so long as the distance requirements of this section are complied with. This subdivision shall not, however, authorize the location of an animalkeeping structure in any side or rear yard areas defined in Section 12.21 C 5(a) (25-foot required yards) which immediately abut a lot which is not itself in a "K" Equinekeeping District.

6. Notwithstanding any provisions of this Code to the contrary, in the A and R Zones, located within a "K" Equinekeeping District, a maximum of two equines not owned by the resident of the involved property may be boarded or kept on that property as an accessory use without such boarding or keeping being regarded as a commercial equinekeeping operation: provided, however, that the total number of equines being boarded and kept on the property does not exceed one for each 4,000 square feet of lot area. Said equines shall be issued current Equine Licenses by the City Department of Animal Regulation. *(Amended by Ord. No. 159,341, Eff. 10/11/84.)*

7. Notwithstanding any provisions of this Code to the contrary, equine uses of the land on "K" Equinekeeping District lots shall be allowed to be continued if, after the legal establishment of the equine use, the City issued a building permit to construct a residential building on an adjacent lot within the legal required distance between an equine use and the residential building on an adjacent lot. If, in accordance with the provisions of Section 12.24 X 5 the Zoning Administrator grants permission for a residential building on an adjacent lot to be constructed closer than 35 feet from a legally existing equine enclosure, the equine enclosure may be considered to be nonconforming if it is relocated not closer than 35 feet from the habitable rooms attached to any residential building. The nonconforming equine use shall be subject to the following limitations: *(Amended by Ord. No. 173,492, Eff. 10/10/00.)*



(a) The equine enclosure shall not be closer than 35 feet from the habitable rooms of any residential building.

(b) The subject lot has been designated by an Equine License to stable at least one licensed equine during the 12 months prior to the issuance of the building permit for the residential building on an adjacent lot.

(c) The equine enclosure shall not be expanded, extended, or relocated so as to reduce the nonconforming distance between the enclosure and the habitable rooms of the residential building on an adjacent lot.

(d) The nonconforming equine use shall be discontinued if, during a successive 3-year period, no equine is licensed by the Department of Animal Regulation to be stabled on the subject lot.

(Amended by Ord. No. 161,352, Eff. 7/20/86.)



8. Notwithstanding any provisions of this Code to the contrary, if an equine use in a "K" District was legally established before November 22, 1982, that use shall be allowed to continue even though the City issued a building permit between November 22, 1982 and July 1, 1986, to construct a residential building on an adjacent lot within the 35-foot required distance between an equine use and the habitable rooms of a residential building on the adjacent lot. This provision shall not apply to building permits authorized by the Zoning Administrator pursuant to Section 12.24 X 5. This nonconforming equine use shall be subject to the following limitations: *(Amended by Ord. No. 173,492, Eff. 10/10/00.)*

(1) The subject lot has been designated by an Equine License to stable at least one licensed equine during the 12 months prior to the issuance of the building for the residential building on an adjacent lot.

(2) The equine enclosure shall not be expanded, extended, or relocated so as to reduce the nonconforming distance between the enclosure and the habitable rooms of the residential building on an adjacent lot.

(3) The nonconforming equine use shall be discontinued if, during a successive 3-year period, no equine is licensed by the Department of Animal Regulation to be stabled on the subject lot.

Nothing in this subdivision relieves any person from the obligation to comply with the requirements of any county or state law. *(Added by Ord. No. 161,352, Eff. 7/20/86.)*

SEC. 13.06 -- COMMERCIAL AND ARTCRAFT DISTRICT. *(Added by Ord. No. 146,775, Eff. 1/6/75.)*

A. **Purpose.** The provisions set forth in this section shall create enclaves whereby the artisan segments of the population may live, create and market their artifacts. Artcraft activities, combined with commercial and residential uses will be permitted in those areas appropriate for the establishment of a Commercial and Artcraft District.

B. **Application.** The provisions of this section shall apply to the areas wherein "CA" District are permitted.

C. **Establishment of District.**

1. **Requirements.** Each application for the establishment of a Commercial and Artcraft District shall include the signatures of 75 percent of the owners or lessees of property of an area not less than three acres in total size, or by resolution of the Commission or Council. The area shall be computed by contiguous parcels of land which may be separated only by public streets, ways or alleys.

2. **Boundaries.** Public right-of-ways can be included in the computation of the total acreage in the district area described in said application and the boundaries thereof shall follow public streets, ways or alleys so far as practical.

3. **Alternate Procedures.** The procedures set forth in Section 12.24 of this chapter shall be used for those applicants desirous of a "CA" District but cannot comply with the aforementioned procedures.

D. **Standard Conditions.** Applicant desirous of a "CA" District are subject to the limitations and restrictions contained herein. Said regulations are imposed in order to promote and achieve optimal conditions for artcraft functions while maintaining adequate protection from obnoxious pollutants for the adjacent properties.

1. **Production Techniques.** The creating, assembling, compounding or treating of articles shall be accomplished by hand, or to the extent practical for a particular artifact.

Only those art products which are made by the artisan or his employees from raw materials can be sold. Mass produced parts may be used only if incidental to the basic artifact. In those production techniques which necessitate the use of a kiln, the total volume of kiln space shall not exceed 24 cubic feet and no individual kiln shall exceed eight cubic feet.

Power tools shall be limited to electrically operated motors of not more than one horse power.

2. **Location of Equipment.** The machinery and equipment shall be so installed and maintained, and the activity shall be so conducted, that noise, smoke, dust, odor and all other objectionable factors shall be confined or reduced to the extent that no annoyance or injury will result to persons residing in the vicinity.

3. **Area of Production.** Certain artcraft activities as listed in Section E 2 shall be restricted to either indoor or outdoor manufacturing.

4. **Commercial Activities.** The display of all completed artifacts shall be permitted outdoors and all commercial activities shall be limited to retail businesses only. The sale of all items except antiques shall be limited to those lawfully produced on the premises.

5. **Employees.** Paid helpers shall be limited to no more than three persons other than members of the immediate family occupying the dwelling on such premises.

E. **Permitted Uses.** It is the intent of this section to distinguish between those uses which are considered more appropriate for indoor and outdoor use. Those uses which are likely to create pollutants or other activities that would disturb the neighborhood are restricted to indoor use. Outdoor uses are those which will not create a disturbance.

Premises in "CA" District may be used for the following manufacturing and retail uses, provided artcrafts activities are limited to those decorative or illustrative elements requiring manual dexterity or artistic talent. The following list is intended to provide a guide for the nature of uses permitted in the district.

1. **Outdoor Uses.** The creating, assembling, compounding or treating of articles contained in the following list shall be permitted outdoors.

- (a) Antiques--restoration and sale of antiques and collectibles.
- (b) Art needlework.
- (c) Art studio, including painting and sculpturing.

- (d) Basket weaving.
- (e) Boutiques.
- (f) Candle making.
- (g) Cartoon and animation.
- (h) Ceramics--The total volume of kiln space shall not exceed 24 cubic feet and no individual kiln shall exceed eight cubic feet.
- (i) Costume designing.
- (j) Dance and drama studio, not including any dance activities requiring a license.
- (k) Fine Arts Gallery.
- (l) Glass--The hand production of glass crystal, art novelties and the assembly of stained art glass provided that the total volume of kiln space shall not exceed 24 cubic feet and no individual kiln shall exceed eight cubic feet.
- (m) Musical instruments.
- (n) Photography studio.
- (o) Picture mounting and framing.
- (p) Pottery manufacturing, provided the total volume of kiln space shall not exceed 24 cubic feet and no individual kiln shall exceed eight cubic feet.
- (q) Shoe and footwear, provided all manufacturing done by hand.
- (r) Silk screen processing.
- (s) Textile weaving, provided hand looms only.
- (t) Toys, manufacturing of by hand.
- (u) Woodcarving.
- (v) Writing, professional studio.

2. **Indoor Uses.** The manufacturing, assembling, compounding or treating of articles contained in the following list shall be permitted indoors only. Such uses shall not be permitted above the first floor of any structure.

- (a) Block printing.
- (b) Jewelry manufacturing.
- (c) Metal engraving.
- (d) Ornamental Iron.
- (e) Printing and publishing
- (f) Taxidermy.
- (g) Watchmaking.

3. A **Zoning Administrator** shall have authority to determine other uses, in addition to those specifically listed in the article, which may be permitted in the "CA" District, when in his judgment such other uses are similar to and no more objectionable to the public welfare than those listed above.

4. **Artcraft Instructions.** Artcraft classes shall be permitted on premises in the "CA" District and no additional off-street parking shall be required in conjunction therewith, provided that:

(a) Classes are held not more than two days a week for a period not to exceed three hours per day.

(b) Classes are purely incidental to the artcraft uses of the property and not more than 15 persons are permitted to attend each class.

(c) Classes may involve only the use of those tools and equipment applicable to production of said artifacts.

(d) All classes are held on the first floor of the building.

(e) No certificate of occupancy shall be required in connection with the use authorized by this ordinance.

5. **Residential Uses.** In the R Zones, the residential regulations as required in the underlying zone to which the "CA" District overlays, shall apply. In the C and M Zones, residential uses shall be permitted in connection with the main commercial, industrial or artcraft use. Said residential use shall observe the requirements set forth in Section 12.10 of the Planning and Zoning Code.

6. **Parking Requirements.** Parking requirements for new buildings shall be as required in Section 12.21 A. For an existing building, for which a building permit was issued prior to April 1, 1994, the number of parking spaces required shall be the same as the number of parking spaces existing on the site.

Any structure providing a mixture of residential and artcraft uses shall meet the requirements for automobile parking spaces as if each portion of the facility were an independent entity.

(Amended by Ord. No. 169,670, Eff. 5/13/94.)

7. **Yard Requirements.** For new buildings, the yard requirements shall be the same as required by the underlying zone. For existing buildings, for which a building permit was issued prior to April 1, 1994, the yards required shall be the same as the yards observed by the existing buildings on the site. *(Added by Ord. No. 169,670, Eff. 5/13/94.)*

SEC. 13.07 – PEDESTRIAN ORIENTED DISTRICT. *(Added by Ord. No. 168,153, Eff. 9/13/92.)*

A. **Purpose.** This section sets forth procedures, guidelines and standards for establishment of Pedestrian Oriented Districts within commercially zoned areas throughout the City. The purpose of the Pedestrian Oriented District is to preserve and enhance existing areas or create new areas where pedestrian activities are common, to encourage people to walk and shop in areas near their workplaces and/or residences thereby reducing multiple automobile trips, to reinforce and stimulate high quality future development compatible with pedestrian uses, to reflect the characteristics of a particular area, and to encourage pedestrian use during evenings and weekends, as well as weekdays.

B. **Establishment of District.**

1. **Requirements.** The procedures set forth in Section 12.32 S shall be followed except that each Pedestrian Oriented District (POD) shall include only lots which are zoned either CR, C1, C1.5, C2, C4 or C5. No District shall contain less than one block or three acres in area, whichever is the smaller. The total acreage in the district shall include contiguous parcels of land which may only be separated by public streets, ways or alleys, or other physical features, or as set forth in the rules approved by the Director of Planning. Precise boundaries are required at the time of application for or initiation of an individual POD. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

2. **Pedestrian Oriented Streets.** Pedestrian Oriented Streets shall be identified as part of the adoption process of a specific POD. The following shall be utilized to identify such streets:

A Pedestrian Oriented Street is a public street where the Director of Planning finds that the street has, or will have in the case of an undeveloped area, at least two of the following characteristics at sidewalk level:

(a) The street has, or in the case of an undeveloped area will have, a variety of commercial uses and activities;

(b) A majority of the structures on the street are, or in the case of an undeveloped area will be, of a similar size and incorporate architectural details such as the location of windows, courts, building interiors and pedestrian entrances which enhance a pedestrian atmosphere;

(c) The street has, or in the case of an undeveloped area will have, amenities, such as street furniture, outdoor restaurants, open air sales, arcades and the like, which are integrated with the public sidewalk in such a way as to be conducive to pedestrian activity.

C. **Definitions.** For purposes of this section, the following words and phrases are defined:

Blank Wall. A blank wall is any exterior building wall, including a garage opening or door which fronts on the street and which is not enhanced by architectural detailing, artwork, landscaping, windows, doors or similar features.

Building Frontage. Building frontage is the maximum length of a line or lines formed by connecting the points representing projections of the exterior building walls onto a public street or onto a courtyard that is directly accessible by pedestrians from a public street, whichever distance is greater.

Cultural Resource. Cultural resource is a structure officially recognized to have local, state, or national significance or deemed eligible for inclusion on the National Register of Historic Places with respect to its architectural and/or historical characteristics and which is designated as such in the establishment of an individual Pedestrian Oriented District.

Financially-Oriented Services. Financially-Oriented Services are the provision to the public of financial or real estate services including, but not limited, to those offered by banks, savings and loan associations, thrift associations, real estate offices, insurance companies, brokerage firms and escrow offices.

Ground Floor. Ground floor is the lowest story within a building which is accessible to the street, the floor level of which is within three feet above or below curb level, which has frontage on or is primarily facing any Pedestrian Oriented Street, and which is at least 20 feet in depth or the total depth of the building, whichever is less.

Neighborhood Retail. Neighborhood retail uses shall be limited to retail sale of goods needed by residents and patrons of a Pedestrian Oriented District, including:

- Art galleries;
- Art supplies;
- Athletic/sporting goods;
- Bakeries;
- Books or cards;
- Bicycle sales and repairs;
- Clock or watch sales and/or repair;
- Clothing;
- Computer sales and repair;
- Drug stores;
- Fabrics or dry goods;
- Florists;
- Food/grocery stores, including supermarkets, produce, cheese and meat markets and delicatessens;
- Hardware;
- Household goods and small appliances;
- Newsstands;
- Photographic equipment and repair;
- Sit Down Restaurants, excluding drive-through service;
- Stationery;
- Toys; and
- Other similar retail goods as determined by the Zoning Administrator.

Neighborhood Services. Neighborhood services are those services used by residents and patrons on a regular basis, including:

- Barber shop or beauty parlor;
- Blueprinting;
- Child care facility;
- Club or lodge, bridge club, fraternal or religious associations;
- Copying services;
- Custom dressmaking;
- Dry cleaner;
- Financial services;
- Laundry or self-service laundromat;
- Locksmith;
- Optician;
- Photographer;
- Shoe repair;
- Tailor; and
- Other similar services as determined by the Zoning Administrator.

Project. A project is the erection or construction of any building or structure, on a lot in the CR, C1, C1.5, C2, C4, and C5 Zones, or addition of floor area to the ground floor of any building on a CR, C1, C1.5, C2, C4 or C5 zoned lot(s), unless the building is used solely for residential dwelling units.

D. **Application.** The district shall apply only to CR, C1, C1.5, C2, C4 and C5 zoned lot(s) within a POD. In establishing any individual Pedestrian Oriented District, the City Council may adopt all of the regulations contained in Subsection E below, however, one or more of the standards set forth in these regulations may be superseded by development standards established in the individual Pedestrian Oriented District ordinance. An individual Pedestrian Oriented District ordinance shall apply to a particular geographical area. In the event that ordinance does not include new standards pertaining to development, all of the standards set forth in Subsection E, hereof shall apply. The regulations contained in this section are in addition to the use and area regulations applicable to the underlying commercial zone. If the provisions of this section conflict with any other citywide regulations, then the requirements of this section shall prevail.

E. **Development Regulations.** The Department of Building and Safety shall not issue a building permit for a project within a Pedestrian Oriented District unless the project conforms to all of the following development regulations, or to the regulations in a specific Pedestrian Oriented District ordinance, if applicable. The Department of Building and Safety shall not issue a change of use permit for any use not permitted in Paragraph 2 of this subsection.

1. **Building frontages shall conform to the following regulations:**

(a) **Blank Walls.** Blank walls in excess of 10 feet in width shall not be permitted. Blank walls shall be relieved by transparent windows, doors, recessed entryways, recessed courtyards, planters, murals, mosaic tile, public art and/or other means of creating visual interest.

(b) **Openings in Exterior Walls of Buildings or Between Buildings for Vehicles.** Any opening in an exterior wall of a building or between buildings for purposes of vehicular entry shall not be permitted, except where it is determined by the Department of Transportation that the location of these driveways cannot be practicably placed elsewhere. Garage or parking lot entrances shall not be permitted on Pedestrian Oriented Streets unless the Department of Transportation determines that there is no other alternative to the location of the garage or parking lot entrances.

(c) **Openings in Exterior Building Walls Not For Vehicles.** On Pedestrian Oriented Streets, openings in exterior building walls or building setbacks which are used for plazas or courtyards with outdoor dining, seating, water features, kiosks, paseos, open air vending or craft display areas shall be permitted. Building setbacks not used for the above listed permitted purposes shall be fully landscaped.

(d) **Pedestrian Access.** All new developments fronting on Pedestrian Oriented Streets shall provide at least one entrance for pedestrians to each ground floor.

(e) **Pedestrian Views Into Buildings.** At least 75 percent of the building frontage at the ground floor of a building adjoining a Pedestrian Oriented Street shall be devoted to entrances for pedestrians, display windows or windows affording views into retail, office or lobby space. Nonreflective glass shall be used to allow maximum visibility from sidewalk areas into the interior of buildings.

(f) **Second Floors.** Building frontage on the floor immediately above the ground floor shall be differentiated from the ground floor by recessed windows, balconies, offset planes, awnings or other architectural details, as determined by the Department of City Planning.

(g) **Building Continuity With Openings.** In the event a building opening of 15 feet in width or greater is permitted pursuant to 1 (b) and 1 (c) of this subdivision, continuation of an architectural feature of the ground floor building facade shall be required to retain continuity of a building wall at the ground floor, as determined by the Department of City Planning.

(h) **Requirement for Ground Floor.** Each building on a lot fronting on a Pedestrian Oriented Street shall have a ground floor.

2. Uses Permitted Along the Ground Floor Building Frontage.

Any use permitted by the underlying zone shall also be permitted on the ground floor, except that uses on the ground floor along the building frontage shall conform to the following:

The floor area on the ground floor of a commercial building along at least 75 percent of the building frontage, excluding the frontage used for vehicular access to on-site parking, shall be devoted to neighborhood retail and/or neighborhood services, except that any financially-oriented service may occupy only up to 50 percent of the ground floor along the building frontage on each street frontage.

3. **Uses Permitted Above the Ground Floor.** Any use permitted in the underlying zone shall be permitted above the ground floor.

4. **Yards.** Yard requirements shall be as required by the underlying zone, unless otherwise specified in an individual Pedestrian Oriented District ordinance.

5. **Height.**

(a) The height of a building shall not exceed 40 feet. If the underlying zone otherwise permits a height in excess of 40 feet, then any portion of the building above 40 feet in height, including the roof and roof structure, shall be set back from the front line at a 45 degree angle, for a horizontal distance of not less than 20 feet.

(b) The height of a building adjacent to one or more cultural resources shall not exceed a height that is within five feet of the weighted average height of the adjacent cultural resource(s) or 30 feet, whichever is greater. If the underlying zone otherwise permits a height above 30 feet, then any portion of the building above 30 feet in height shall be set back from the lot line at a 45 degree angle, for a horizontal distance of not more than 20 feet.

6. **Parking.**

(a) No surface parking shall be permitted within 50 feet from any Pedestrian Oriented Street right-of-way. The provisions of this paragraph shall not apply if the Department of Transportation determines that there is no other feasible alternative to the location of the parking.

(b) Any surface parking adjoining a Pedestrian Oriented Street shall be screened by a solid wall having a continuous height of three and one-half feet. In addition, the wall shall be separated from any adjacent public right-of-way by a minimum continuous width of five feet of landscaped area. If an architectural theme has been established for an individual POD, then the wall shall be compatible with that theme. Surface parking lots shall be landscaped with shade trees at the ratio of one tree for each four parking spaces.

(c) All above-grade parking spaces visible from a public right-of-way shall be screened architecturally or with landscaping.

7. **Landscaping Standards.**

(a) Prior to the issuance of a building permits, the Department of Planning shall approve a landscape plan for new projects and parking areas. In approving this plan, the Department shall find that trees, compatible in size and variety with (b) below, are planted in all landscaped areas at the highest practical density and that planted window boxes, and hanging plant baskets and flower beds in parking lots are provided, where possible. An overall landscape plan may be developed for each individual POD to enhance a chosen theme or style.

(b) Shade producing street trees shall be planted, where feasible, at a ratio of at least one for each 25 feet of frontage at a distance no greater than 10 feet from the curb. Elevated planters, tree grates and tree guards shall be provided, where needed.

Notwithstanding the above, (i) the size, location and variety of trees shall be determined by the Department of Public Works; (ii) where streetlights are existing or proposed to be installed, trees shall not be planted within 20 feet of the location of the existing or proposed streetlight.

(c) An automatic irrigation system shall be provided for all landscaped areas including shade trees and shall be indicated on landscape plans. Property owners shall maintain all landscaping in good healthy condition and shall keep planted areas free of weeds and trash.

8. Special Theme or Other Provisions. A special theme or architectural style may be defined for an individual POD. Special requirements or guidelines directed at preserving such theme may be adopted with the establishment of an individual POD. Such requirements may include, but not be limited to, standards pertaining to uniform theme lighting, art works, sculpture, landscaping, street furniture, sidewalk design, and setbacks.

9. Signs.

(a) Notwithstanding any provision of the Los Angeles Municipal Code to the contrary, no person shall erect the following signs as defined in Section 91.6203 of the Los Angeles Municipal Code: (i) off-site commercial signs, except that existing legally erected off-site commercial signs may be replaced on the same or a new site provided that the location and sign otherwise meet all current ordinance requirements of Division 62 (Signs), Section 91.6220 (Off-site signs); (ii) pole signs; (iii) projecting signs; or (iv) roof signs advertising individual businesses. Signs advertising the entire POD are permitted if approved by the Director of Planning.

(b) Monument signs and information signs for individual businesses may be approved as part of an overall POD plan or design.

11. Utilities. Where possible, all new utility lines for any individual building or proposed within a POD shall be installed underground.

F. Director's Determination. If a proposed project fails to meet the development standards in Subsection E above, or the standards in a specific pedestrian oriented district ordinance, whichever are applicable, the applicant may apply to the Director of Planning for a Director's Determination. Such application shall be filed in the public office of the Department of City Planning upon a form prescribed for that purpose. The filing fee shall be equivalent to that established for "Approval of Plan Required for Supplemental Use District", set forth in Section 19.01 A of the Los Angeles Municipal Code. The application shall be accompanied by architectural, landscape and structural plans for the project, or other information, to the satisfaction of the Director of Planning. All ground floor uses for the project shall be clearly identified.

1. **Determination.** The Director or the Director's designee shall make a determination of approval or conditional approval within 25 days of the Department's acceptance of an application. Notice of the Director's determination shall be mailed to the applicant, the Councilmember in whose District the project is located, and to all owners and lessees of property within a radius of 500 feet of the project. The determination by the Director shall include written findings in support of the determination. In order to approve a proposed construction project pursuant to this subsection, the Director must find that:

(a) If adjacent to a cultural resource that the project will be compatible in scale (*i.e.*, bulk, height, setbacks) to that resource.

(b) The project conforms with the intent of the development regulations contained in Subsection E of this section.

(c) The project is compatible with the architectural character of the Pedestrian Oriented District where the character is defined pursuant to the ordinance establishing that district.

(d) The project complies with theme requirements or other special provisions when required in the individual Pedestrian Oriented District.

(e) The project is consistent with the General Plan.

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

2. **Appeals.** The determination of the Director shall become final after an elapsed period of 15 days from the date of mailing of the determination to the applicant, unless an appeal is filed with the Area Planning Commission within that period. Appeals shall be processed in accordance with Section 12.24 B through I of this Code, except as otherwise provided here. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

3. **Notification to Department of Building and Safety.** When a determination of the Director becomes final, the Director or Director's designee shall send a written notice of the determination to the Department of Building and Safety. If the Director approves the project, this approval shall be so indicated on the building permit application and building plans.

SEC. 13.08 -- "CDO" COMMUNITY DESIGN OVERLAY DISTRICT. *(Added by Ord. No. 172,032, Eff. 6/28/98.)*

A. **Purpose.** This section sets forth procedures and standards for the establishment of Community Design Overlay Districts throughout the City. The purpose of the Community Design Overlay district is to:

1. Assure that development within communities is in accordance with community design policies adopted in the community plans, and with the Community Design Guidelines and Standards;

2. Promote the distinctive character, stability and visual quality of existing neighborhoods and communities by ensuring that development visually provides a sense of place in terms of design within the Community Design Overlay District by considering the unique architectural character and environmental setting of the district;

3. Assist in improving the visual attractiveness of multi-family housing available to meet the needs of all social and economic groups within the community;
4. Protect areas of natural scenic beauty, cultural or environmental interest;
5. Prevent the development of structures or uses which are not of acceptable exterior design or appearance; and
6. Protect the integrity of previously attained entitlements.
7. Provide for on-going community involvement in project design and evolution of guidelines.

B. Establishment of District. The City Council may establish new districts, or change boundaries of districts, by following the procedures set forth in Section 12.32 S of this Code. A district may encompass all or portions of the area of a community plan, as recommended by the policies of that plan. Precise boundaries are required at the time of application or initiation of an individual Community Design Overlay District. A Community Design Overlay District shall not encompass an area designated as an Historic Preservation Overlay Zone pursuant to Section 12.20.3 of this Code. (*Amended by Ord. No. 173,268, Eff. 7/1/00.*)

C. Definitions. For the purpose of this section, the following words and phrases are defined as follows:

1. **Design Overlay Plans.** A document or documents which pictorially describe, by professionally accepted architectural graphic techniques, the location, appearance, configuration and dimensions of any proposed buildings, structures and site improvements including, but not limited to, landscaping, walls and fences, roof equipment, pole signs, monument signs, and parking areas.

2. **Project.** The erection, construction, addition to, or exterior structural alteration of any building or structure, including, but not limited to, pole signs and/or monument signs located in a Community Design Overlay District. A Project does not include construction that consists solely of (1) interior remodeling, interior rehabilitation or repair work; (2) alterations of, including structural repairs, or additions to, any existing building or structure in which the aggregate value of the work, in any one 24-month period, is less than 50 percent of the building or structure's replacement value before the alterations or additions, as determined by the Department of Building and Safety, unless the alterations or additions are to any building facade facing a public street; or (3) a residential building on a parcel or lot which is developed entirely as a residential use and consists of four or fewer dwelling units, unless expressly provided for in a Community Design Overlay District established pursuant to this section.

3. **Citizen Advisory Committee.** A committee appointed by the Councilmember(s) pursuant to Subsection D 2 of this section in whose district a Community Design Overlay District is established, who shall assist the Planning Department in the development of Design Guidelines and Standards.

D. Approval of Guidelines and Standards. In establishing any individual Community Design Overlay District, the Director of Planning shall prepare, and the City Planning Commission shall approve by resolution, Community Design Guidelines and Standards applicable to design overlay areas. These Guidelines and Standards shall be adopted or amended according to the following procedures and criteria:

1. **Initiation.** Preparation or amendment of the Guidelines and Standards may be initiated by the Director of Planning, the City Planning Commission or City Council.

2. **Preparation and Content.** Upon initiation, the Director shall prepare, or cause to be prepared, proposed Guidelines and Standards based on the design policies contained in the Community Plan. At the option of the Council District, the Director shall utilize advisory boards in the development of design standards for individual communities and neighborhoods. The Guidelines and Standards shall be organized into those which are anticipated to be superseded by future citywide standards, and those that are necessary to protect the unique architectural and environmental features of the Community Design Overlay District.

The Guidelines and Standards are in addition to those set forth in the planning and zoning provisions of Los Angeles Municipal Code (LAMC) Chapter I, as amended, and any other relevant ordinances and do not convey any rights not otherwise granted under the provisions and procedures contained in that chapter and other relevant ordinances, except as specifically provided herein.

Furthermore, nothing in the Guidelines and Standards shall interfere with any previously granted entitlements, nor shall they restrict any right authorized in the underlying zone or height district.

At the option of the Councilmember(s), a Citizen Advisory Committee shall be appointed to assist in development of Guidelines and Standards. The Citizen Advisory Committee shall be appointed by the Councilmember in whose district the Community Design Overlay District is established, and the committee shall consist of a minimum of five and a maximum of seven voting members, each serving a term of office of four years, the terms being staggered so that at least one term becomes vacated on each successive year. The chairperson and vice chairperson shall be elected annually by a majority of the Committee. The suggested composition of membership is as follows: two architects and two professionals from the following or related fields: planning, urban design and landscape architecture, or construction. The remaining member or members need not be design professionals. All members shall reside, operate a business, or be employed within the community plan area(s) in which the Community Design Overlay District is located.

3. **Commission Hearing and Notice.** The proposed or amended Guidelines and Standards shall be set for a public hearing before the City Planning Commission or a hearing officer as directed by the City Planning Commission prior to the Commission action. Notice of the hearing shall be given as provided in Section 12.24 D 2 of this Code. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

4. **Reports.** If a hearing officer is designated to conduct the public hearing, after the conclusion of the hearing, the hearing officer shall submit his report to the City Planning Commission within a period of time as may be fixed by the Commission, setting forth his or her conclusions and recommendations in writing and stating briefly the reasons therefor. (*Amended by Ord. No. 173,268, Eff. 7/1/00.*)

5. **Decision by City Planning Commission.** The City Planning Commission shall, by resolution, approve, modify or disapprove the proposed Guidelines and Standards. If the City Planning Commission fails to act within 75 days from the receipt of the report and recommendation of the Planning Department, the proposed Guidelines and Standards shall be automatically submitted to the City Council for action. In approving the Guidelines and Standards, the City Planning Commission or Council shall find that they are consistent with the policies of the adopted Community Plan and the purposes of this section. (*Amended by Ord. No. 173,268, Eff. 7/1/00.*)

E. **Design Overlay Plan Approvals.** Within a Community Design Overlay District, no building permit shall be issued for any project, and no person shall perform any construction work on a Project, until a Design Overlay Plan has been submitted and approved according to the following procedures. No building permit shall be issued for any project, and no person shall do any construction work on a project except in conformance with the approved Design Overlay Plan.

EXCEPTION: No Design Overlay Plan approval shall be required for any project until the Guidelines and Standards have been approved.

1. **Approval Authority.** The Director of Planning, or his or her designee, shall approve or conditionally approve Design Overlay Plans if the plans comply with the provisions of approved Community Design Guidelines and Standards. An approval of a Design Overlay Plan by the Director of Planning, or his or her designee, shall be appealable to the Area Planning Commission.

2. **Procedures.**

(a) **Application.** An application for a Design Overlay Plan approval shall be filed with the Department of City Planning on the prescribed form, and shall be accompanied by any required materials. The application shall not be considered complete unless and until the form has been properly completed, all required information has been provided and the filing fee set forth in Section 19.01 T of this Code has been paid.

(b) **Action of Director.** The Director of Planning, or his or her designee, shall make a determination within 20 working days from the date of the filing of a completed application and the payment of the applicable fee. This time limit may be extended by mutual written agreement of the applicant and the Director.

(c) **Transfer of Jurisdiction.** If the Director or his or her designee fails to make a determination within the prescribed time period, the applicant may file a request for a transfer of jurisdiction to the Area Planning Commission for a determination on the original application, in which case, the Director shall lose jurisdiction. This request shall be filed in the public office of the Department of City Planning. Once filed, the request and the Department file shall be transmitted to the Area Planning Commission for action.

3. **Findings.** The Director of Planning, or the Area Planning Commission on appeal, shall approve a Design Overlay Plan as requested or in modified form if, based on the application and the evidence submitted, if the Director or Area Commission determines that it satisfies all of the following requirements:

(a) The project substantially complies with the adopted Community Design Overlay Guidelines and Standards.

(b) The structures, site plan and landscaping are harmonious in scale and design with existing development and any cultural, scenic or environmental resources adjacent to the site and in the vicinity.

4. **Notice of Director's Determination.** Within five working days following the decision, a Notice of the Director's Determination, and copies of the approved plans, shall be mailed to the applicant, the Councilmember in whose district the Project is located, the Citizen Advisory Committee, and any persons or organizations commenting on the application or requesting a Notice.

5. **Effective Date and Appeal.**

(a) The Director's determination shall become effective and final 15 days after the date of mailing the Notice of Director's Determination to the applicant, unless an appeal is filed with the Area Planning Commission within that period.

(b) An applicant, member of the City Council, or any other interested person adversely affected may appeal the Director's decision to the Area Commission. Appeals shall be processed in the manner prescribed in Section 16.05 H of this Code, except as otherwise provided here.

6. **Notice to Building and Safety.** The Director of Planning shall notify the Department of Building and Safety of the final approval action of the Design Overlay Plan.

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

SEC. 13.09 – MIXED USE DISTRICT. *(Added by Ord. No. 172,171, Eff. 9/27/98.)*

A. **Purpose.** The purpose of the Mixed Use District is to implement the General Plan by encouraging land uses that combine Commercial Uses and dwelling units in order to reduce vehicle trips and vehicle miles traveled by locating residents, jobs, and services near each other; to improve air quality through a reduction of vehicle trips and vehicle miles traveled; to support the transit system; to promote economic vitality and the revitalization of areas of special need; to provide for a variety of housing opportunities, including senior housing; to improve the efficiency of public services, systems, and utilities; to promote design quality and flexibility; and to promote pleasing and interesting urban form and architecture. Areas proximate to mass transit stations and major bus routes are appropriate locations for Mixed Use Districts.

B. **Establishment of District.**

1. **Requirements.** A Mixed Use District may only include lots in the R5, CR, C1, C1.5, C2, C4, or C5 Zones. Lots in the R3 or R4 Zones may also be included in a Mixed Use District if they (1) abut a designated major or secondary highway; and (2) are also located in a community plan designated regional or community center.

A Mixed Use District shall contain no less than one Block Face. The total acreage in a Mixed Use District shall include contiguous parcels of land which may only be separated by public streets, alleys, or other physical features, or as determined by the Director of Planning, or his/her designee. Precise boundaries are required to be delineated at the time of application or initiation of an individual rezoning application to Mixed Use District.

A Mixed Use District shall be consistent with the intent and purposes of the applicable community plan. If, as determined by the Director of Planning or his/her designee, the provisions of this section conflict with those of an adopted specific plan, then the provisions of the specific plan shall prevail. If the provisions of this section conflict with any other citywide regulations except an adopted specific plan, then the provisions of this section shall prevail. If "Q" or "D" limitations have been imposed on a lot, then the most restrictive requirement shall prevail.

2. **Standard Provisions and Permitted Modifications.** In establishing an individual Mixed Use District, all of the standard provisions set forth in Subsection C, Uses; Subsection D, Yards; Subsection E, Development Incentives; Subsection F, Development Standards; and Subsection G, Pedestrian Orientation, shall apply.

However, based on an appropriate consideration of the proposed district's character, needs, and development potential, and the goals, objectives, and policies set forth in the applicable community plan, some of the standard provisions set forth in Subsections C or E may be eliminated or modified, as further described below.

3. **Definitions.** Notwithstanding any other provision of this article to the contrary, the following definitions shall apply to this section:

Automotive Uses means automobile and trailer sales areas, automobile dismantling yards, automotive fueling and service stations, and automotive repair uses as defined in Section 12.03.

Block Face is a lot or a group of lots that abuts on at least three sides of a public street or other physical feature, or as determined by the Director of Planning, or his or her designee.

Building Frontage means the maximum length of a line or lines formed by connecting the points representing projections of the exterior building walls onto a public street or onto a courtyard that is directly accessible by pedestrians from a public street, whichever distance is greater.

Central Parking Structure is a parking structure or surface lot accessible to and available for use by the public and identified as a Central Parking Structure in the individual ordinance establishing the Mixed Use District.

Commercial Uses means those uses as first permitted in the CR, C1, C1.5, C2, C4, or C5 Zones including guest rooms and hotels as defined in Section 12.03 and Community Facilities as defined by this section.

Community Facilities means the following uses as first permitted by the CR Zone and designed to serve the community-at-large; non-profit museums or libraries; child or adult day care facilities or nursery schools; churches or houses of worship (except rescue missions or temporary revivals); community centers or meeting rooms owned and operated by a governmental agency or non-profit organization; cultural centers owned and operated by a governmental agency or non-profit organization; schools, elementary or high; educational institutions; police substations; and telecommuting centers.

Corner Lot means a lot located at the intersection of at least two streets designated on the Transportation Element of the General Plan as either a major, secondary, or other highway classification, or a collector street. At least one of the streets at the intersection must be a designated highway.

Facade Treatment is a rooftop architectural embellishment such as a Mansard roof that is constructed on the street-facing side of a Mixed Use Project.

Ground Floor is the lowest story within a building which is accessible from the street, the floor level of which is within three feet above or below curb level.

Major Bus Center means the intersection of two bus routes, one of which is a major bus route.

Major Bus Route means a bus route that is served by bus lines with evening peak hour headways of fifteen minutes or less and shown on a map approved by and reviewed annually by the City Planning Commission. A bus route is one that is currently in operation within the route network of the Los Angeles County Metropolitan Transportation Authority, its successor agencies or other municipal transit operators but not including the City of Los Angeles' DASH system or its successor agencies.

Mass Transit Station is a portal or platform at a transit stop for a fixed rail transit system. Portal means the street-level entrance, exit, or escalator. A Mass Transit Station is a facility that is currently in use, that a full funding contract for a proposed station's location and portals has been signed by all funding partners, or one that a resolution to fund a preferred alignment has been adopted by the Los Angeles County Metropolitan Transportation Authority or its successor agency which resolution details specific station and portal locations.

Mixed Use Project means a Project which combines one or more Commercial Uses and multiple dwelling units in a single building or in a Unified Development and which provides the following: (1) a separate, Ground Floor entrance to the residential component, or a lobby that serves both the residential and Commercial Uses components; and (2) a pedestrian entrance to the Commercial Uses component that is directly accessible from a public street, and that is open during the normal business hours posted by the business. A minimum of 35 percent of the Ground Floor Building Frontage abutting a public commercially zoned street, excluding driveways or pedestrian entrances, must be designed to accommodate Commercial Uses to a minimum depth of 25 feet.

Pedestrian Amenities means outdoor sidewalk cafes, public plazas, retail courtyards, water features, kiosks, paseos, arcades, patios, covered walkways, or spaces for outdoor dining or seating that are located on the Ground Floor, and that are accessible to and available for use by the public.

Project means the construction of a commercial, residential, or Mixed Use Project in a single building or in a Unified Development.

Unified Development means a development of two or more buildings which have functional linkages such as pedestrian or vehicular connections, with common architectural and landscape features which constitute distinctive design elements of the development, and that appears to be a consolidated whole when viewed from adjoining streets. Unified Developments may include two or more contiguous parcels or lots of record separated only by a street or alley.

4. **Findings.** In order to establish a Mixed Use District, the City Council must find that adequate infrastructure exists (including, but not limited to, schools, streets, and sewers) to support any added development permitted by the district.

C. **Uses.** Notwithstanding any other provision of this chapter to the contrary, the following provisions shall apply:

1. Community Facilities that are part of a Mixed Use Project are permitted in the R3 or R4 Zones if the lot or lots abut a Major Bus Route.

2. Commercial Uses that are part of a Mixed Use Project are permitted on lots in the R5 Zone, except Automotive Uses as defined in Section 13.09 B 3 and open storage, including incidental open storage.

3. Projects comprised exclusively of dwelling units are not permitted on lots in the CR, C1, C1.5, C2, C4, or C5 Zone, except with the approval of the Zoning Administrator pursuant to Section 12.27 I 23. However, the individual ordinance establishing a Mixed Use District may amend this provision and permit Projects comprised exclusively of dwelling units in all or parts of the District.

4. If the City Council finds that further restricting the uses in a Mixed Use District is appropriate in light of the proposed district's character, needs, and development potential, and the goals, policies, and objectives set forth in the applicable community plan, then the Council may do so in the ordinance establishing the district.

D. **Yards.** Notwithstanding any other provisions of this article to the contrary, the following yards shall apply to Mixed Use Projects:

1. The yards of the CR Zone shall apply to the non-residential component on lots in the R3 or R4 Zones.

2. The following yards shall apply to lots in the R5 Zone:

(a) The yards of the C2 Zone shall apply to the non-residential component.

(b) No yards shall apply to the residential component if it abuts a street, private street, or alley.

E. **Development Incentives.** Notwithstanding any other provisions of this chapter to the contrary, the following development incentives shall apply in Mixed Use Districts:

1. **Housing.** The individual ordinance establishing a Mixed Use District shall establish an incentive for dwelling units in Mixed Use Projects. The amount of the incentive shall be based on an appropriate consideration of the proposed district's character, needs, and development potential and the goals, policies, and objectives set forth in the applicable community plan.

The incentive shall be shown on the "Zoning Map" by use of the capital letters "MU" for Mixed Use Projects and "C" for Commercial Uses, preceded by the applicable numerical limits. The first two-digit number before the diagonal line shall indicate the maximum height permitted. The first number after the diagonal line, which may include a decimal fraction, shall indicate the maximum permitted floor area ratio (FAR). For example, a Mixed Use District zoned C2 45/2.0-MU 35/1.5-C means that a Mixed Use Project may not exceed a maximum height of 45 feet for the entire Project or an FAR of 2.0. The Commercial Uses in a Mixed Use Project would be restricted to a maximum FAR of 1.5. Projects comprised exclusively of Commercial Uses would be restricted to a maximum height of 35 feet and a maximum FAR of 1.5. If the letter "U" appears before the diagonal line instead of a number, then an unlimited height is permitted.

(a) If a height or FAR housing incentive would result in a maximum height or FAR which exceeds that of the underlying base zone, then the Project may not proceed until the height district of the base zone is changed.

(b) The minimum dwelling unit FAR for Mixed Use Projects with a total FAR of 6.0 or greater is 1.5.

(c) The lot area requirements of the R5 Zone shall apply to Mixed Use Projects with a total FAR of 6.0 or greater.

2. **Pedestrian Amenities.** Pedestrian Amenities shall not be included in the calculation of permitted FAR.

3. **Parking.** If a proposed Mixed Use District includes lots within 1,500 feet of a Mass Transit Station or Major Bus Center, or lots within 750 feet of a Central Parking Structure, then the individual ordinance establishing the Mixed Use District shall include a parking incentive which specifies a reduction in the number of parking spaces required by Section 12.21 A 4. Provided, however, a minimum of two spaces for every 1,000 square feet of non-residential floor area shall be required. In determining the appropriate level of parking reduction, the City Council shall consider such factors as local transit dependency and automobile usage, traffic, available parking, and level of transit service, and the goals, policies, and objectives set forth in the applicable community plan.

(a) **Transit Facilities.** The transit facility incentive shall be restricted to dwelling units and Commercial Uses in Mixed Use Projects within 1,500 feet of a Mass Transit Station or Major Bus Center.

(b) **Central Parking Structures.** The Central Parking Structure incentive shall be restricted to Commercial Uses within 750 feet of a Central Parking Structure. To make use of this incentive, the owner(s) of the Central Parking Structure must execute and record in the Los Angeles County Recorder's Office a covenant and agreement for the benefit of the City of Los Angeles which provides that the required parking shall be maintained in perpetuity or until the Director of Planning determines that it is no longer necessary. This incentive may not be combined with the transit facility incentive set forth in (a) above.

(c) **Measurement of Distance.** Distance from a transit facility or Central Parking Structure shall be measured as specified in Section 12.21 A 4 (g).

(d) **Downtown Exceptions.** The parking incentive for dwelling units as set forth in Section 13.09 E 3 (a) above shall not be authorized in the Parking Exception Area for the Central City as described in Section 12.21 A 4 (p). The parking incentive for Commercial Uses as set forth in Section 13.09 E 3 (a) and (b) above shall not be authorized in the Downtown Business District Exception Area as described in Section 12.21 A 4 (l).

(e) **Affordable Housing.** The transit facility and Central Parking Structure incentives set forth above shall not be combined with the parking reduction provided for affordable housing as set forth in Section 12.22 A 25 (d) (2).



4. **Facade Treatments, Corner Lots, and Community Facilities.**

Each Mixed Use Project shall be entitled to one of the following incentives by right. To obtain an entitlement for two or more of these incentives, the approval of the Zoning Administrator pursuant to Section 12.24 W 28 is required.

(a) **Facade Treatments.** Unless eliminated or modified by the individual ordinance establishing a Mixed Use District, if the maximum height otherwise permitted by the underlying zone or established pursuant to Section 13.09 E 1 above is less than 100 feet, then a Mixed Use Project is entitled to an increase in height of no more than ten feet, provided that the additional height is used for a Facade Treatment.

The individual ordinance establishing the Mixed Use District may not modify the following restrictions:

(1) The Facade Treatment incentive may not be utilized on lots adjacent to or abutting an RW1 or more restrictive zone as defined by Sections 12.04 or 12.23;

(2) The Facade Treatment incentive may not be combined with the Corner Lot incentive described in Paragraph (b) below; and

(3) The Facade Treatment incentive may not be used for signs or to increase the floor area of a structure.

(b) **Corner Lots.** Unless eliminated or modified by the individual ordinance establishing a Mixed Use District, a Mixed Use Project on a Corner Lot is entitled to an increase in height, FAR, and residential density for dwelling units that is 20 percent greater than what is otherwise permitted by the underlying zone or what is established pursuant to Section 13.09 E 1 above.

The individual ordinance establishing the Mixed Use District may not modify the following restrictions:

(1) Unless a conditional use permit pursuant to Section 12.24 W 28 is also obtained, a Mixed Use Project which secures an affordable housing density bonus pursuant to California Government Code Section 65915 shall not also be entitled to the Corner Lot incentive; and

(2) The Corner Lot incentive may not be utilized on lots adjacent to or abutting an RW1 Zone or a more restrictive zone as defined by Sections 12.04 or 12.23.

(c) **Community Facilities.** Unless modified by the individual ordinance establishing the Mixed Use District, no more than 75 percent of the total floor area of a child or adult day care facility, community meeting room, cultural center, museum or telecommuting center shall be included in the calculation of permitted FAR.

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

5. **Mini-Shopping Centers and Commercial Corner Developments.** Mixed Use Projects are exempt from the regulations governing Mini-Shopping Centers and Commercial Corner Developments as set forth in Section 12.22 A 23. (*Amended by Ord. No. 172,350, Eff. 1/31/99.*)

F. **Development Standards.** Notwithstanding the requirements of any other provision of this chapter to the contrary, all Projects shall comply with the following development standards.

1. **Landscaping and Surface Parking Lots.** Landscaping of Projects and surface parking lots shall be provided in accordance with the requirements set forth in Subparagraphs (6) and (7) of Section 12.22 A 23 (a) (mini-shopping centers and commercial corner developments). Projects must also comply with the following additional requirements:

(a) **Open Areas.** All open areas not used for buildings, driveways, parking, recreational facilities, or Pedestrian Amenities shall be landscaped by shrubs, trees, ground cover, lawns, planter boxes, flowers, or fountains.

(b) **Pavement.** Paved areas, excluding parking and driveway areas, shall consist of enhanced paving materials such as stamped concrete, permeable paved surfaces, tile, and/or brick pavers.

(c) **Street Trees.** At least one 24-inch box street tree shall be planted in the public right-of-way on center, or in a pattern satisfactory to the Bureau of Street Maintenance, for every 25 feet of street frontage.

2. **Open Space.** All Projects shall comply with the open space requirements for six or more residential units pursuant to Section 12.21 G.

3. **Facade Relief.** Building Frontage shall be designed to comply with the following requirements. These standards do not apply to accessory buildings, additions, remodels, or any change of use in an existing building.

(a) Horizontal architectural treatments and/or facade articulations such as cornices, friezes, balconies, awnings, Pedestrian Amenities, or other features shall be provided for every 30 feet of building height visible from a street.

(b) If a Project includes 40 or more feet of Building Frontage visible from a street, then vertical architectural treatments and/or facade articulations such as columns, pilasters, indentations, or other features shall be provided for every 25 feet. The minimum width of each vertical break shall be eight feet and the minimum depth shall be two feet.

4. **Signage.** Signage shall comply with the requirements of Section 12.22 A 23 (a) (9) (mini-shopping centers and commercial corner developments).

5. **Noise Control.** Any dwelling unit exterior wall including windows and doors having a line of sight to a major highway, secondary highway, or other designated highway shall be constructed so as to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition. The developer, as an alternative, may retain an acoustical engineer to submit evidence, along with the application of a building permit, specifying any alternative means of sound insulation sufficient to reduce interior noise levels below 45dBA in any habitable room.

6. **Rooftop Appurtenances.** All ventilation, heating, or air conditioning ducts, tubes, equipment, or other related rooftop appurtenances shall be screened when viewed from adjacent streets.

G. **Pedestrian Orientation.** The individual ordinance establishing a Mixed Use District may designate some or all of the lots in the district as "pedestrian oriented". The decision as to which lots shall be designated as "pedestrian oriented" shall be based on an appropriate consideration of the proposed district's character, needs, and development potential, and the goals, policies, and objectives set forth in the applicable community plan.

The following development standards, in addition to the development standards set forth in Subsection F above, shall apply to all Projects constructed on lots designated as pedestrian oriented. These standards shall not apply to accessory buildings, additions, remodels, or any change of use in an existing building.

1. **Ground Floor Commercial Uses.** One hundred percent of the Ground Floor Building Frontage abutting a public commercially zoned street, excluding driveways or pedestrian entrances, shall be designed to accommodate Commercial Uses to a minimum depth of 25 feet.

2. **Building Frontage.** Building Frontage shall, for its first 15 feet of height, be located with five feet of the front lot line and within five feet of a side yard lot line adjacent to a public street and shall extend at least 65 percent of the length of the lot line.

3. **Pedestrian Amenities.** Notwithstanding the Building Frontage requirements in 2 above, if a Pedestrian Amenity is provided, the required Building Frontage may be set back up to 15 feet along the portion of that amenity.

4. **Location of Pedestrian Entrances.** Each individual tenant or business space located on the Ground Floor shall have an entrance directly accessible from the street at the same grade as the sidewalk, and the entrance shall remain open during the normal business hours posted by the business.

5. **Openings in Building Frontages for Vehicular Access.** Vehicular access shall be provided from side streets or alleys if available. Where side street or alley access is not available, not more than one 20-foot wide driveway shall be provided per 100 feet of Building Frontage and not more than two driveways shall be permitted per building.

6. **Parking.** Surface parking lots or parking structures shall be located behind the required Building Frontage; in the rear, interior portion of the lot that does not front on the street.

7. **Transparency of Building Frontage.** Building Frontage shall comply with the requirements of Section 12.22 A 23 (a) (8) (mini-shopping centers and commercial corner developments).

SEC. 13.10 – FENCE HEIGHT DISTRICT. *(Added by Ord. No. 172,460, Eff. 3/3/99.)*

A. **Purpose.** This section sets forth procedures, guidelines and standards for the establishment of Fence Height Districts (FH) in residential areas of the City. The purpose of the Fence Height District (FH) is to permit open wrought iron fences in the front yards of properties in residential zones to be higher than normally permitted by this Code in areas where special circumstances such as a high rate of residential burglary or other crimes, or the character of the neighborhood necessitates the erection of those fences.

B. **Establishment of Districts.** The procedures set forth in Section 12.32 S shall be followed except that each Fence Height District (FH) shall include only lots which are in residential zones, and shall not include lots which are in Hillside Areas, in the Coastal Zone, in Historic Preservation Overlay Zones, or in Specific Plan Areas. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

C. **Development Regulations.** Fences not exceeding six feet in height above the adjacent natural ground level are permitted in the required front yards of lots in a Fence Height District (FH), provided that:

1. The fences are of open wrought iron, with any solid portion of the fence, including vegetation or similar obstruction, not exceeding three and one-half feet in height.

2. The fences may be supported by solid six-foot high pilasters with a maximum dimension of 24 inches and spaced not less than eight feet apart on center.

3. No vertical wrought iron member shall be greater than 5/8 inches in diameter nor spaced less than four inches apart on center.

4. No horizontal wrought iron member shall be greater than one inch in diameter nor spaced less than 18 inches apart on center.

5. No vegetation of any type which produces a hedge-like effect shall be allowed to grow upon or adjacent to the fence to a height above three-foot six inches.

6. The wrought iron fence and pilasters shall be set back from the front property line a minimum of 18 inches and shall be maintained with landscaping and serviced by an automatic irrigation system.

7. A minimum five-foot by five-foot cut corner shall be provided wherever the wrought iron fence meets the driveway.

8. All lighting fixtures supported by the fence, if provided, shall be in full compliance with the Los Angeles Municipal Code with regard to illumination and an after-hours inspection shall be requested by the owner to assure levels of illumination are acceptable. This inspection shall be conducted by the Lighting Enforcement Division of the Department of Building and Safety and a fee paid for the inspection by the applicant.

9. Any driveway gate(s) shall be of open wrought iron, and if provided, shall be no more than six feet in height and shall either be sliding or be designed to open inward to the property. If an electric driveway gate of open wrought iron is provided, it shall have a gate operator approved by an approved testing laboratory and shall incorporate a safety device to interrupt gate operation in case the gate becomes blocked.

10. A 10-foot by 10-foot visibility triangle pursuant to Section 12.21 C 7 (a) shall be provided on corner lots and the fence shall be clear of any obstruction above three feet six inches.

11. If any pilaster is within five feet of a driveway, a convex mirror at least 12 inches in diameter shall be placed so as to provide visibility in the direction blocked by the pilaster for the drivers of vehicles exiting the driveway.



SEC. 13.11 -- "SN" SIGN DISTRICT. *(Added by Ord. No. 174,552, Eff. 6/16/02.)*



A. Purpose. This section sets forth procedures, guidelines and standards for the establishment of "SN" Sign Districts in areas of the City, the unique characteristics of which can be enhanced by the imposition of special sign regulations designed to enhance the theme or unique qualities of that district, or which eliminate blight through a sign reduction program.

B. Establishment of Districts. The procedures set forth in Section 12.32 S shall be followed, however each "SN" Sign District shall include only properties in the C or M Zones, except that R5 Zone properties may be included in a "SN" Sign District provided that the R5 zoned lot is located within an area designated on an adopted community plan as a "Regional Center," "Regional Commercial," or "High Intensity Commercial," or within any redevelopment project area. No "SN" Sign District shall contain less than one block or three acres in area, whichever is the smaller. The total acreage in the district shall include contiguous parcels of land which may only be separated by public streets, ways or alleys, or other physical features, or as set forth in the rules approved by the Director of Planning. Precise boundaries are required at the time of application for or initiation of an individual district.

C. Development Regulations. The Department of Building and Safety shall not issue a building permit for a sign within a "SN" Sign District unless the sign conforms to the regulations set forth in a specific "SN" Sign District ordinance. The development regulations for each "SN" Sign District shall be determined at the time the district is established, except that definitions shall conform with those found in Section 91.6203 of this Code, if defined in that section. The sign regulations shall enhance the character of the district by

addressing the location, number, square footage, height, light illumination, hours of illumination, sign reduction program, duration of signs, design and types of signs permitted, as well as other characteristics, and can include murals, supergraphics, and other on-site and off-site signs. However, the regulations for a "SN" Sign District cannot supersede the regulations of an Historic Preservation Overlay District, a legally-adopted specific plan, supplemental use district or zoning regulation needed to implement the provisions of an approved development agreement.

SEC. 13.15 – VIOLATION. *(Renumbered by Ord. No. 172,032, Eff. 6/28/98.) (Renumbered by Ord. No. 172,171, Eff. 9/27/98.) (Renumbered by Ord. No. 172,460, Eff. 3/3/99.) (Amended by Ord. No. 173,268, Eff. 7/1/00.)*

The violation of any condition imposed by a Zoning Administrator, Director of Planning, the Area Planning Commission, City Planning Commission or Council in approving the site requirements, methods of operation, development plans or other actions taken pursuant to the authority contained in this article shall constitute a violation of this article and shall be subject to the same penalties as any other violation of this Code.