

Furthermore, the provisions of this ordinance shall not apply to any building permit issued prior to the operative date of this ordinance; however, such permit and exemption shall no longer be valid if construction is not commenced within one (1) year of the date of issuance of the permit. The provisions of this ordinance also shall not apply to any grading permit, foundation permit, building permit or certificate of occupancy issued pursuant to the permits and approvals under City Plan Case 84-441(CU).

**SEC. 16.50 – DESIGN REVIEW BOARD PROCEDURES** *(Added by Ord. No. 171,128, Eff. 7/21/96.) (Amended by Ord. No. 173,268, Eff. 7/1/00.)*

**A. Purpose and Objectives.** The role of design review boards is to evaluate the placement of mass, form, spatial elements and overall quality of the design of proposed projects based on defined objectives established in specific plans. Design review boards should assist the City decision-makers, the community private developers, property owners, and design professionals in implementing the design goals of communities contained within specific plan boundaries.

The objectives of this section are as follows:

1. To establish uniform citywide procedures for design review within specific plan areas;
2. To establish uniform citywide authority for design review boards to advise the Director, and/or the Area Planning Commission on aspects of exterior design, site layout and landscape, signs, and other design elements governed by a specific plan;
3. To promote the general welfare of the community;
4. To protect the community from the adverse effects of poor design; and
5. To encourage good professional design practices and quality exterior design and appearance to improve the community and surrounding area.

**B. Relationship To Provisions Of Specific Plans.** The provisions of this section do not convey any rights not otherwise granted under the provisions and procedures contained in any specific plan, except as specifically provided.

If any procedure established in a specific plan governing a design review board created by or authorized to act pursuant to the specific plan, differs from any procedure set forth in this section, the provisions of this section shall prevail.

**C. Design Review Determination.**

The initial decision-maker shall be the Director for all design review decisions. These decisions shall be appealable to the Area Planning Commission which has jurisdiction over the property involved.

## D. Design Review Boards.

### 1. Authority.

(a) Notwithstanding any provisions of a specific plan to the contrary, no design review required by a specific plan shall be recommended for approval by a design review board or approved by the Director except as provided in this section.

(b) No building permit shall be issued for any building or structure regulated by a specific plan where design review is required, unless the Director has reviewed and approved the project after finding that the project complies with the design criteria and guidelines set forth in the specific plan and after considering the recommendation of the design review board, if any. If no design review board has been appointed, the Planning Department shall review the application and make its recommendation to the Director.

(c) Design review boards shall review applications and accompanying materials in relation to compliance with the design components and criteria set forth in this section, any applicable specific plan and adopted design guidelines, and provide their recommendations to the Director.

2. **Name of Board.** Each design review board shall have, as part of its name, words linking it to its area of administration and distinguishing it from other similar associations and boards.

### 3. Number of Members and Composition of Membership.

(a) **Number of Members.** Design review boards shall consist of a minimum of five and maximum of seven voting members.

(b) **Appointment of Members.** With the exception of the Mulholland Specific Plan, the members of design review boards shall be appointed by the councilmember(s) of the council district(s) in which the specific plan area is located.

(c) **Composition of Membership.** Unless otherwise specifically required in a specific plan, to the maximum extent practicable, each design review board shall be composed of two architects and two professionals from the following or related fields: planning, urban design, and landscape architecture. The remaining member or members need not be design professionals. All members shall reside, operate a business, or be employed within the specific plan area. If no eligible person is known to be available for appointment in the designated disciplines who resides, operates a business, or is employed within the specific plan area, then the councilmember(s) may make the appointment from the community plan area(s) in which the specific plan area is located. If a specific plan is located in more than one community plan area, then the members may be chosen from any of those community plan areas.

If the design review board area is represented by more than one councilmember, then the President of the City Council shall, to the extent feasible, determine the number of members appointed by the councilmember of each council district, based on the percentage of design review board area located in each council district.

4. **Terms of Membership.** A term of office of a member of a design review board shall be four years. The members of design review boards shall be appointed to staggered terms so that at least one term becomes vacant on each successive year. The chairperson and vice-chairperson shall be elected annually by a majority of the design review board members.

5. **Vacancies.** In the event of a vacancy occurring during the term of a design review board member, the councilmember(s) who appointed the member, or the councilmember(s)' successor, shall make an appointment to serve the unexpired term of that member. Where the member is required to have specific qualifications, the vacancy shall be filled by a person having similar qualifications.

6. **Expiration of Term.** Upon expiration of the term of any member of the design review board, the appointment for the next succeeding term shall be made by the appointing authority. No member of a Board shall serve more than two consecutive four year terms. Members of the board whose terms have expired shall remain members until their replacements have been appointed.

7. **Organization.** Design review boards shall hold regular meetings at fixed times within the month with a minimum of two meetings a month. Meetings may be canceled if no applications which have been deemed complete are received at least 14 calendar days prior to the next scheduled meeting.

8. **Quorum.** The presence of a simple majority of the members shall constitute a quorum. If a design review board cannot obtain a quorum for action within the stated time limits, the application shall be transferred forthwith to the Director for action with no recommendation from the design review board. An action by the board requires a majority vote of the members of the board.

E. **Design Review Procedure.** The design review process may, pursuant to Subdivision 3 of this subsection, be conducted in two steps consisting of an optional preliminary review and a mandatory final review. An applicant may request a technical review by the Land Development Counseling Center (LDCC) or its equivalent, for clarification of requirements of the Los Angeles Municipal Code or applicable specific plan.

1. **Application.** All applications for design review shall be submitted to the Department of City Planning on a form supplied by the Department.

(a) If an applicant requests an optional preliminary design review, the following materials must be submitted in addition to any material required by applicable specific plans or ordinances:

Conceptual drawings without finished details and plans and materials which include, but are not limited to the following:

- (1) Proposed site plan showing proposed improvements;
- (2) Building elevations;
- (3) General description of materials and colors to be used;
- (4) Proposed landscape plan;

(5) Photographs of the site and surrounding properties;

(6) Information on existing trees on the site and within 20 feet of the property; and

(7) Additional information that demonstrates adherence to the specific plan design criteria.

(b) An application for a mandatory final review shall be deemed complete only if it includes, in addition to any material required in the applicable specific plan or ordinance, the following materials:

(1) Drawings with finished details;

(2) Environmental review clearance;

(3) Results of technical review, if required;

(4) Written narrative addressing specific plan design criteria and guidelines - and a finding of the project's consistency with either the Specific Plan or an approved Specific Plan Exception;

(5) Vicinity map of appropriate scale, indicating the location of the project site in relation to nearby access streets, significant physical features of the project, and other relevant issues affecting the project. Where possible, the map shall show the location of buildings on adjoining properties having a bearing on the project;

(6) Color photographs of the site and surrounding area and buildings to clearly represent the context of the design;

(7) Site plan of appropriate scale that clearly represents all the features of the site and significant design issues;

(8) Plans of appropriate scale, including all significant items or floor levels necessary to clearly represent design intent;

(9) Elevations of appropriate scale, including all sides of the item or building to clearly represent design intent;

(10) Sections, as deemed necessary by the architect or designer, of appropriate scale to clearly represent design intent;

(11) Either perspective drawings or model material sample board to be presented at the design review board meeting;

(12) Sign plan, if applicable, indicating proposed sign(s) and all existing signs on the property;

(13) Landscape plans which shall include the approximate size, maturity and location of all plant materials, the scientific and common names of the plant materials, the proposed irrigation plan, and the estimated planting schedule. The plan shall specify the length of time required to attain plant maturity; and

(14) Mailing labels with the names of the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. Should these properties not be owner-occupied, mailing labels shall also be provided for the occupants.

(c) Before the acceptance of the completed application for a mandatory final review, the Department of City Planning shall review the proposal for compliance with the provisions and intent of the applicable specific plan or ordinances under which the design review board has been established. An application shall not be deemed incomplete for failure of the proposed project to meet the requirements of the applicable specific plan. Note, however, if the project is not in compliance with these requirements, the project will be denied unless it is redesigned or appropriate relief is secured.

In addition, prior to submitting a complete application, the applicant may request a technical review by the LDCC. If this review is requested, the LDCC may require further materials and plans to be submitted to facilitate that review.

(d) No building permit shall be issued until a copy of the plans for the proposed project, stamped by the Planning Department as approved by the Director, is made available to the Department of Building and Safety to be included with the field set of approved plans.

**2. Fees.**

(a) The filing fee for processing an optional preliminary application shall be one-half of the fee for processing a design review application.

(b) The filing fee for processing an optional technical review requested by the applicant shall be as set forth in Section 19.09.

(c) The filing fee for processing a final design review application shall be as set forth in Section 19.01.

(d) The filing fee for processing an applicant's appeal from the Director's decision shall be the fee for an appeal from a specific plan design review decision as set forth in Section 19.01. The filing fee for processing an appeal by a person other than the applicant shall be as provided in Section 19.01 K 2.

(e) The filing fee for processing a modification to a design review determination, if requested by the applicant, shall be one-half of the fee for processing a final design review application.

**3. Design Review Process.** *(Amended by Ord. No. 173,455, Eff. 9/22/00.)*



(a) **Optional Preliminary Design Review.** An applicant may request a preliminary design review to consult with the design review board for advice on the design of a proposed project. The design review board shall review all projects for which applications for preliminary design review have been accepted. The board shall provide comments to the applicant concerning the overall design of the project, materials and colors to be used, and landscaping for conformance with the applicable specific plan.

(1) **Transmittal of Applications for Preliminary Review.** Upon acceptance of a completed optional preliminary application, the application shall, within five calendar days, be referred to the design review board for placement on its agenda for its recommendation.

**(2) Review and Recommendation of Design Review Board.**

The design review board shall preliminarily review the project within 21 calendar days after the request for the optional preliminary review has been referred to the board along with all of the required materials.

The design review board shall review the project with reference to all specific plan design criteria and guidelines as requested by the applicant. Results of the optional preliminary review shall be transmitted by the board to the Director within ten days after the design review board meeting for the Director's information only.

**(b) Design Review of Final Applications.** The design review board shall review all projects for which applications for final design review have been accepted.

**(1) Transmittal of Applications for Final Review.** Upon acceptance of a completed application for final design review, the application shall, within five calendar days, be referred to the design review board for its recommendation.

**(2) Final Review and Recommendation of the Design Review Board.** In making its recommendation to approve, conditionally approve or disapprove an application, the design review board shall hold a public hearing and shall notify the owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property, at least ten days prior to the date of the hearing. Notice of the hearing shall be posted by the applicant in a conspicuous place on the subject property at least five days prior to the date of the public hearing. The design review board shall review and make its recommendation on the project within 21 calendar days after the application which has been deemed complete has been referred to the board.

The design review board shall submit its recommendation to the Director within five calendar days after it has acted on the application or within any additional time as is mutually agreed upon in writing between the applicant and the Department of City Planning.

The design review board's recommendation shall include approval, disapproval, or approval with conditions to the project. The design review board shall make its recommendation based upon design criteria in the specific plan. In the event of a recommendation for denial, the board shall specify those areas in which the project fails to comply with the design criteria in the specific plan. Recommendations and summaries of discussions shall be transmitted to the Director.

The design review board's recommendation shall not affect any entitlement or discretionary approvals by applicable agencies and departments. Nothing in this subparagraph shall interfere with the Mulholland Scenic Parkway Design Review Board's authority to advise under Section 11 of the Mulholland Scenic Parkway Specific Plan.

If the design review board does not act and an extension of time is agreed upon as specified above in order for the applicant to provide a revised application with modifications for the project, then the revised project shall be submitted to the design review board for a second meeting to be held within 30 calendar days of the first meeting.

(c) **Failure to Act.** In the event the design review board fails to act on an application within the time limits specified in this section, the application shall be immediately referred without recommendation to the Director for determination.

(d) **Action of the Director.** Within ten calendar days following the receipt of the design review board's recommendation or of the design review board's failure to act, the Director shall approve a project as presented to the board if it is in compliance with the specific regulations of the applicable specific plan. If the project is not in compliance with specific regulations in the specific plan and cannot be made to be so by imposition of conditions, the Director shall disapprove the project. The Director shall make findings consistent with the specific plan criteria for any approval or disapproval.

For sign approvals, the Director shall have authority to grant minor adjustments to permitted signs in accordance with the sign adjustment criteria and findings set forth in Section 11.5.7 E. Any requests for minor adjustments to permitted signs shall be filed in accordance with the application procedures set forth in this subsection.

In addition, if the Director requests changes or additional information, copies of all materials submitted in connection with the request shall be transmitted to the design review board for its information.

A copy of all decisions shall be forwarded to the applicant, the design review board, the councilmember(s) in whose district(s) the specific plan area is located, the Department of Building and Safety, and any interested parties who make a written request for notice.

**4. Duration of Design Review Board Preliminary Review and the Director's Decision or the Area Planning Commission's Decision on Appeal.** A design review board's advice on an optional preliminary application shall be valid for 24 months.

A final decision of the Director or Area Planning Commission on appeal shall be valid for a period of two years, so long as all necessary building permits are obtained within that two years. In the event a building permit is obtained in a timely manner but subsequently expires, the Director's decision or Area Planning Commission's decision on appeal shall expire with the building permit.

**5. Modification of Approved Plans or Materials Before Issuance of Building Permit or Certificate of Occupancy.** The Director or Area Planning Commission on appeal may, prior to the issuance of a building permit or certificate of occupancy, approve exterior changes to a proposed project from that which was approved in the design review board only if these changes were required by a public agency. Unless otherwise specifically required in a specific plan, at the discretion of the Director or Area Planning Commission on appeal, these modifications may be transmitted to the design review board for its review at the next available meeting provided that the appropriate materials were received 14 days prior to that meeting.

An applicant requesting approval of a proposed modification to a project shall do so in writing. The request shall include an illustrated description of the proposed modification and a narrative justification. Written proof that a modification is required by a public agency shall be submitted with the request. Copies of all materials submitted in connection with the request shall be transmitted to the design review board for its information at the time the request is submitted to the Planning Department. There shall be no fee for a review of a modification required by a public agency. An applicant may also request a minor modification which is not required by a public agency. In that case, a fee shall be paid pursuant to Paragraph (e) of Subsection E above.

In reviewing any modification, the Director or Area Planning Commission on appeal shall limit its review and reconsideration to those areas identified as changed or influenced by the changes.

**F. Appeal Procedure.** An applicant or any other person aggrieved by a decision of the Director, may appeal to the Area Planning Commission. An appeal may also be filed by the Mayor or a member of the City Council. Unless a board member is an applicant, he or she may not appeal any design review determination of the Director.

The appeal shall set forth specifically how the decision of the Director fails to conform to the requirements of the specific plan.

An appeal must be made within fifteen calendar days after the postmark of the Director's decision, pursuant to the procedures prescribed for Conditional Uses in Section 12.24 I. After notification to the applicant, the appellant, the board and any interested party, the Area Planning Commission shall act on the appeal within 30 days after the end of the appeal period.

**G. Conflict of Interest.** No design review board member shall discuss with anyone the merits of any matter either pending or likely to be pending before the board other than during a duly called meeting of the board or subcommittee of the board. No member shall accept professional employment on a case that has been acted upon by the board in the previous 12 months or is reasonably expected to be acted upon by the board in the next 12 months.