

- i. **Historic Preservation Commission's action to delay demolition.** The Historic Preservation Commission may delay the demolition for a period of up to but not exceeding 180 days.
- j. **Historic Preservation Commission's efforts during delay.** During the delay period, the Historic Preservation Commission may work with the applicant on modifying the design so that it meets the Secretary's Standards, relocating the structure to another site, retaining the historic resource on site as part of a new project, or identifying other alternatives for preservation, or it may proceed with the designation of the property as a historic monument or landmark.

### **17.62.100 - Replacement Building Permit Requirements**

- A. **Building Permit required before issuance of a demolition permit.** No permit for the demolition of a structure that is a primary structure on a property may be issued unless a Building Permit has been issued for construction of a replacement project or structure.
- B. **Relief from the requirements of this Section.**
  1. An applicant for a demolition may apply to the Historic Preservation Commission for relief from the requirements of this Section. The Historic Preservation Commission may approve the application if:
    - a. The structure to be demolished is not a designated historic resource or a resource eligible for designation (excluding noncontributing structures in landmark districts and historic districts);
    - b. The demolition does not result in the loss of habitable dwelling units on a property zoned for residential use; and
    - c. The proposed demolition would not result in the disruption of a continuous grouping of architecturally significant structures or create an inappropriate void in the existing architectural or visual character of the area.
  2. In lieu of the findings identified in Subparagraph 1., above, the Historic Preservation Commission may also approve the application if it finds that granting relief from the requirements of this Section serves an overriding public benefit and will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.
  3. The Director shall be the review authority on applications for relief from the requirements of this Section if the demolition involves accessory structures or a structure not legally used for housing and with a status code of 6Z in an intensive-level survey (or a determination by the Director that the structure would be evaluated as a 6Z in a survey).

### **17.62.110 - Review of Major Projects Affecting City-Owned Historic Resources**

- A. **Designated historic resources.** The Historic Preservation Commission shall review major projects affecting City-owned, designated historic resources, including changes to designated

public and quasi-public interior spaces, and forward its recommendation on these projects to the Design Commission.

- B. Historic resources determined eligible for designation.** The Director may also request the Historic Preservation Commission to review major projects affecting City-owned historic resources determined eligible for designation, and to forward recommendations on these projects to the Design Commission.

### **17.62.120 - Demolition or Alteration of a Historic Resource without a Permit**

**A. Failure to comply with this Chapter.**

1. Demolition, including demolition by neglect, or alteration of any designated historic resource, including designated historic resources within the Central District, without compliance with this Chapter is expressly declared to be a nuisance, and shall be abated by reconstructing or restoring the property to its condition before the performance of work in violation of this Chapter, or in the case of demolition by neglect, by completing the work as required to stabilize and arrest further deterioration of the property.
2. The owner of the property shall begin the corrective work identified in Subparagraph 1., above, within 30 days of receiving notice from the Director about an illegal alteration, demolition, or a citation of demolition by neglect in violation of this Chapter. The corrective work shall be diligently pursued and completed within 12 months of the date of the Director's notice.
3. The property owner may apply to the Historic Preservation Commission to extend the 12-month deadline.
4. The Historic Preservation Commission may extend the time period if it finds that the corrective work cannot reasonably be performed within 12 months.
5. If the owner fails to complete the necessary work as described above, then the City may, after a noticed public hearing before the Historic Preservation Commission, cause the stabilization, reconstruction, or restoration to be done, and the owner shall reimburse the City for all costs incurred in doing the work.
6. The cost of the work performed by the City shall constitute a lien against the property on which the work is performed.
7. Restoration or reconstruction may only be required when plans or other evidence are available to effect the reconstruction or restoration to the satisfaction of the Director.

**B. Penalty for demolition without a Certificate of Appropriateness.**

1. **Designated historic resource.** If a designated historic resource is demolished without a Certificate of Appropriateness as required by this Chapter or a Demolition Permit, and is not restored or reconstructed as required by Subsection A., above, no building or construction-related permits shall be issued, and no permits or use of the property shall be allowed, from the date of demolition for a period of five years.

2. **Eligible historic resource.** If an eligible historic resource is demolished without a Certificate of Appropriateness as required by this Chapter or a Demolition Permit, and is not restored or reconstructed as required by Subsection A., above, no building or construction-related permits shall be issued for a period of four years.
3. **All other structures.** If a structure not classified as a designated or eligible historic resource, or noncontributing building in a landmark district, is demolished without a Certificate of Appropriateness as required by this Chapter, or a Demolition Permit, no building or construction-related permits shall be issued for a period of 12 months. This penalty applies solely to illegal demolition of primary structures on a site and does not apply to accessory structures.
4. **Date of actual demolition.** For purposes of this Section, the demolition shall be presumed to have occurred on the date the City has actual knowledge of the demolition. The owner shall have the burden of proving a different date if one is claimed.

**C. Director shall provide notice.**

1. The Director shall provide notice by certified mail of the applicability of this Section to the owner, as shown on the rolls of the County Tax Assessor, and any other person known to have an interest in the property, as soon as practicable after having knowledge that the provisions of this Section are applicable to the subject property.
2. The date the City first had actual knowledge of the demolition shall be stated in the notice.

**D. Director's decision may be appealed to the Historic Preservation Commission.**

1. **Appeal in compliance with Chapter 17.72.** The decision of the Director that this Section is applicable to the subject property may be appealed by the property owner to the Historic Preservation Commission in compliance with Chapter 17.72 (Appeals).
2. **Historic Preservation Commission's action to grant relief.** The Historic Preservation Commission may grant relief:
  - a. From the requirements of this Section if the violation of this Section did not involve a designated historic resource (excluding noncontributing structures in districts) or a historic resource that was eligible for landmark designation either individually or as part of a district or listing in the National Register of Historic Places either individually or as part of a listed district or district eligible for listing; or
  - b. If it finds that the new construction serves an overriding public benefit and will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.
3. **Council's consideration of an appeal.**
  - a. The applicant and/or property owner may appeal the decision of the Historic Preservation Commission regarding either Subparagraphs 1. or 2., above, to the Council.

- b. The Council shall consider the appeal at a public hearing noticed and conducted in compliance with Chapter 17.76 (Public Hearings).
  - c. The Council's action on the appeal shall be final.
4. **All property shall be maintained in an orderly state.** All property subject to the provisions of this Section shall be maintained in an orderly state.
  5. **Installation and maintenance of landscaping required.** The owner shall maintain all existing trees and landscaping on the property where the demolition occurred, and, when appropriate, shall sod and seed the property or otherwise install planting and landscaping materials in a manner satisfactory to the Director.
  6. **Design review of new construction.** Any new construction on the subject property after the time period within which building and other development permits may not be issued shall be subject to Design Review by the Historic Preservation Commission, if located outside of the Central District.

**E. Additional requirements for compliance.**

1. **Determination of previous appearance or condition.** Restoration or reconstruction may only be required when plans or other evidence are available to the City from which the prior appearance or condition of the structure can be determined. In the event the appearance of the structure before the unapproved work cannot be determined, the owner shall obtain all required permits for the alteration or new construction.
2. **Compliance with Secretary's Standards or applicable design guidelines.** For an alteration or new construction in a landmark or historic district, all work authorized by the permits shall comply with the Secretary's Standards or applicable guidelines, and shall be reviewed by the Director for compliance with this Chapter.
3. **Shall constitute a separate offense.** In compliance with Section 1.24.030 of the Municipal Code, each day the alteration exists without approval or a valid Building Permit shall constitute a separate offense.

**F. Violations.**

1. **May be charged as misdemeanors.** In compliance with City Charter Section 512, and Municipal Code Chapter 1.24, a violation of this Chapter may be charged by the City prosecutor as a misdemeanor and be punished accordingly.
2. **Penalties are cumulative and not exclusive.** The criminal penalties are cumulative and not exclusive to any legal or equitable remedies for the violations.

**G. Public safety exceptions.**

1. **Preservation of the health and safety of the public.** Notwithstanding any other provision of this Chapter, the Director may authorize permits to demolish, relocate,

remove, or significantly alter a designated or eligible historic resource if a permit is necessary for the preservation of the health and safety of the public.

2. **Limited to work necessary to protect the public.** Approval in compliance with this Subsection shall be limited to the work necessary to protect the public.

### 17.62.130 - Incentives for Preserving Historic Resources

- A. **Council shall adopt a program of economic incentives.** In order to carry out more effectively and equitably the purposes of this Chapter, the Council shall by resolution adopt a program of economic and other incentives to support the preservation, maintenance, and appropriate rehabilitation of the City's significant historic resources.
- B. **Preservation incentives.** Preservation incentives shall be made available to owners of properties that are individually designated historic monuments or landmarks, or individually listed in the National Register of Historic Places, or properties that are contributing to designated landmark districts, or districts listed in the National Register through:
  1. **Reduction of Building Permit fees and construction tax.** A reduction of Building Permit fees and construction tax to owners of contributing properties in designated landmark districts and districts listed in the National Register for the following projects found to be in compliance with the Secretary's Standards:
    - a. Exterior work that includes the repair, replacement, or restoration in kind of significant architectural features.
    - b. Re-roofing with similar material or repair and replacement of roofing where the roof is a significant architectural feature.
    - c. Relocation to another site inside the City.
    - d. Restoration of significant fixtures designed by Greene and Greene or other designated interior spaces.
    - e. Seismic reinforcement and other structural stabilization and repair.
  2. **Waiver of covered parking requirements.** For designated historic resources, the requirement for two covered parking spaces – when adding floor area to a residential dwelling – shall be waived if an existing one-car garage contributes to the significance of the property and/or district and it is in good condition or, if deteriorated, it will be returned to good condition as part of the work to add new living space to the dwelling.
  3. **Variations for Historic Resources.** Variations for historic resources may be granted in compliance with Section 17.61.080.
  4. **Historic Property Contracts.**
    - a. **Purpose.**

- (1) The purpose of this Subparagraph is to implement State law (Government Code Sections 50280-50290), allowing the approval of Historic Property Contracts by establishing a uniform procedure for the owners of qualified historic properties within the City to enter into contracts with the City.
- (2) The Council finds and determines that entering into Historic Property Contracts, as hereinafter provided, is an incentive for owners of designated historic resources to rehabilitate and preserve their properties.
- (3) The Council further finds that the preservation will assist in maintaining the City's existing stock of affordable housing and support the goals and objectives in the Land Use Element of the General Plan about preserving historically and architecturally significant structures.

**b. Limitations on eligibility.**

- (1) It is the intent of the Council that unrealized revenue to the City from property taxes not collected due to executed Historic Property Contracts shall not exceed a total of \$75,000.00 annually, or \$25,000.00 for any one individual property, unless approved by the Council.
- (2) In furtherance of this policy, Historic Property Contracts shall be limited to a maximum of 10 single-family residential properties each year and three multi-family residential, commercial, or industrial properties each year, unless the Council approves additional contracts beyond these limits.
- (3) For the purpose of this Subparagraph, "assessed valuation" does not include any portion of the value of a mixed-use structure which is already exempt from payment of property taxes by a determination of the County Assessor in compliance with Sections 4(b) and 5 of Article XIII of the California Constitution and Sections 214, 254.5, and 259.5 of the Revenue and Taxation Code.

**c. Required provisions of Historic Property Contracts.**

- (1) The required provisions of a Historic Property Contract shall be those required by State law (Government Code Sections 50281 and 50282) including the following specifications:
  - (a) The contract term shall be 10 years minimum, with automatic renewal yearly on the anniversary of the contract date.
  - (b) The contract agreement is to assist the preservation of the historic resource; therefore, restoration and rehabilitation of the property shall conform to the rules and regulations of the State of California Office of Historic Preservation (Department of Parks and Recreation), the Secretary's Standards, and the State Historical Building Code.

- (c) The owner agrees to permit periodic examination of the interior and exterior of the premises by the County Assessor, the Department of Parks and Recreation, the State Board of Equalization, and the City, as may be necessary to verify the owner's compliance with the contract agreement, and to provide any information requested to ensure compliance with the contract agreement.
  - (d) The contract shall be binding on all successors-in-interest of the owner to the benefits and burdens of the contract.
  - (e) The City shall provide written notice of the contract to the State of California Office of Historic Preservation within 180 days of entering into the contract.
  - (f) The procedure for notice of non-renewal by the owner or the City, shall be as identified in State law (Government Code Section 50282 (a), (b), and (c) and Section 50285).
- (2) Additionally, the contract shall state that the City may cancel the contract if it determines that the owner has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that it no longer meets the significance criteria under which it was designated.
  - (3) Additionally, the contract shall state that if the City cancels the contract for any of these reasons the owner shall pay the State of California a cancellation fee of twelve and one-half percent of the full value of the property at the time of cancellation, as determined by the County Assessor without regard to any restriction on the property imposed by the Historic Property Contract.
  - (4) The contract shall also provide that in the event preservation, rehabilitation, or restoration becomes infeasible due to damage caused by natural disaster (e.g., earthquake, fire, flood, etc.), the City may cancel the contract without requiring the owner to pay the State of California the above-referenced cancellation fee as a penalty. However, in this event, a contract shall not be cancelled by the City unless the City determines, after consultation with the State of California Office of Historic Preservation, in compliance with Public Resources Code Section 5028, that preservation, rehabilitation, or restoration is infeasible.
  - (5) The City shall maintain a sample "Historic Property Contract" with all required provisions specified by this Subparagraph.
- d. Procedures for application for and approval of Historic Property Contracts.**
- (1) An owner of a qualified historic property may file an application for a Historic Property Contract with the City.
  - (2) Each application shall be accompanied by a complete legal description of the property.

- (3) In January, and on a yearly basis, the City may notify by mailing or published notice owners of qualified historic properties of the period of application for Historic Property Contracts for that calendar year.
  - (4) Application forms, as prescribed by the City, shall be mailed to any property owner who requests the application forms.
  - (5) All applications shall be evaluated in compliance with criteria that shall include, at a minimum, that the contract will:
    - (a) Substantially contribute to the preservation of a historic resource threatened by abandonment, deterioration, or conflicting regulations, enhance opportunities for maintaining or creating affordable housing, and facilitate preservation and maintenance of a property in cases of economic hardship.
    - (b) Support substantial reinvestment in a historic resource and rehabilitation of a historic structure in the expanded State Enterprise Zone and other areas where the City is concentrating resources on facade improvements, home rehabilitation, or similar revitalization efforts.
  - (6) If an application is approved, the City shall prepare a contract according to its standard contract form, which shall be deemed to have all provisions necessary for a Historic Property Contract with the City.
  - (7) Additional provisions desired by the owner shall be subject to approval by the City Attorney.
  - (8) The contract shall be submitted to the City Manager for execution of the contract.
  - (9) The City Manager shall determine that the contract does not cause the total annual revenue loss to the City to exceed \$75,000.00, or the loss from an individual property does not exceed \$25,000.00.
  - (10) Historic Property Contracts that exceed the limits identified in Subparagraph (9), above, shall be subject to approval and executed by the Council.
  - (11) The City Manager shall report annually to the Council on the approval of executed contract agreements.
- e. Execution and recordation of approved Historic Property Contracts.**
- (1) Upon approval by the City Manager or the Council of a Historic Property Contract, the City and the owner of the property shall be authorized to execute the agreement on condition that the property owner submit a check to the City made payable to the "Los Angeles County Recorder" in the amount of the fee for recording the agreement.



- (2) No later than 20 calendar days after execution of the agreement, the City shall deliver the check and cause a copy of the executed Historic Property Contract to be recorded in the Office of the Los Angeles County Recorder.

## CHAPTER 17.64 - PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS

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### Sections:

- 17.64.010 - Purpose of Chapter
- 17.64.020 - Effective Dates
- 17.64.030 - Performance Guarantees
- 17.64.040 - Time Limits and Extensions
- 17.64.050 - Changes to an Approved Project
- 17.64.060 - Permits to Run with the Land
- 17.64.070 - Voluntary Relinquishments
- 17.64.080 - Discontinuance
- 17.64.090 - Resubmittals
- 17.64.100 - Covenants for Easements

### 17.64.010 - Purpose of Chapter

This Chapter provides requirements for the implementation or “exercising” of the permits required by this Zoning Code, including time limits and extensions, changes to approved projects, voluntary relinquishments, resubmittals, and covenants for easements.

### 17.64.020 - Effective Dates

- A. **11<sup>th</sup> day.** A decision of the Director, Zoning Administrator, Hearing Officer, Film Liaison, Environmental Administrator, Board of Zoning Appeals (BZA), Design Commission, Historic Preservation Commission (HPC), or certification of an EIR shall become effective on the 11th day following the date of decision on the application by the appropriate review authority, unless an appeal or a Call for Review of the review authority's decision has been filed before the effective date in compliance with Chapter 17.72 (Appeals).
- B. **Open office hours.** When a deadline prescribed by this Chapter falls on a day when the City offices are closed, the deadline shall be extended through the next day when the offices are open.
- C. **Withdrawal or failure of an appeal or Call for Review.** If an appeal or a Call for Review filed in compliance with Chapter 17.72 (Appeals) is withdrawn, or a Call for Review fails, the remaining days of the appeal or Call for Review period (e.g., 10 days) shall start from the date on which the appeal or Call for Review is withdrawn or fails.
- D. **Council's action is final.**
  - 1. Council's action on any matter (e.g., appeals, Calls for Review, etc.), except for the adoption of an ordinance, shall be final and effective on the date the final decision is made.

2. Council's action on the adoption of an ordinance, except for an urgency ordinance, shall become effective on the 31st day following the adoption of an ordinance by the Council.

### 17.64.030 - Performance Guarantees

A permit applicant may be required by conditions of approval or by action of the Director to provide adequate security to guarantee the faithful performance and proper completion of any approved work, and compliance with conditions of approval imposed by the review authority. The provisions of this Section apply to performance guarantees for projects authorized by any of the land use permits required by this Zoning Code.

- A. **Form and amount of security.** The required security shall be in a form (e.g., cash bond, certificate of deposit, surety bond, etc.) approved by the Director, upon recommendation of the City Attorney. The amount of security shall be as determined by the Director to be necessary to ensure proper completion of the work and compliance with conditions of approval.
- B. **When security is acceptable.**
  1. No bond or undertaking executed by a corporation as security or surety delivered to the City in compliance with the provisions of the City Charter, any ordinance or resolution of the City, any law of the State, or in compliance with the provisions of any contract or agreement to which the City may be a party, shall be accepted by any officer of the City for and on behalf of the City unless both of the following are true:
    - a. The surety on any bond or undertaking is a corporation authorized by the State Insurance Commissioner to transact surety business in the State; and
    - b. There is on file, either with the County Clerk or the City Clerk, a copy, duly certified by the proper authority and attested by the seal of the corporation, of the transcript or record of appointment entitling or authorizing the person(s) purporting to execute the undertaking or bond for and on behalf of the corporation to act in the premises.
  2. It shall be the duty of the City Clerk to note, by appropriate endorsement on all bonds and undertakings presented to the City for acceptance, the compliance or noncompliance with this Subparagraph after verifying the fact of filing.
- C. **Security for maintenance.** In addition to any improvement security required to guarantee proper completion of work, the Director may require security for maintenance of the work in an amount determined by the Director to be sufficient to ensure the proper maintenance and functioning of improvements.
- D. **Duration of security.** Required improvement security shall remain in effect until final inspections have been made and all work has been accepted by the Director, or until any warranty period required by the Director has elapsed. Maintenance security shall remain in effect for 12 months after the date of final inspection.

**E. Release or forfeit of security.**

1. Upon satisfactory completion of work and the approval of a final inspection (or after the end of the required time for maintenance security), the improvement and/or maintenance deposits or bonds shall be released.
2. Upon failure to complete the work, failure to comply with all of the terms of any applicable permit, or failure of the completed improvements to function properly, the City may do the required work or cause it to be done, and collect from the permittee or surety all the costs incurred by the City, including the costs of the work, and all related administrative and inspection costs.
3. Any unused portion of the security shall be refunded to the funding source after deduction of the cost of the work by the City.

**17.64.040 - Time Limits and Extensions****A. Time limits.**

1. Unless conditions of approval or other provisions of this Zoning Code establish a different time limit, any permit or approval granted in compliance with Chapter 17.61 (Permit Approval or Disapproval) that is not exercised within 24 months from its effective date shall expire and become void, except where an extension of time is approved in compliance with Subsection B. below.
2. The permit shall not be deemed "exercised" until a Building Permit for the subject project has been issued, and construction diligently pursued to completion; or
3. A Certificate of Occupancy has been issued by the City.

**B. Extensions of time.** Upon request by the applicant, the Director may extend the time for an approved permit to be exercised in the following manner.

1. The applicant shall file a written request for an extension of time with the Department before expiration of the permit.
2. The Director may grant the extension, without notice or public hearing, only upon making a determination that the findings and conditions of the original approval still apply.
3. The burden of proof is on the permittee to establish with substantial evidence that the permit should not expire. If the Director determines that the permittee has good-faith intent to presently commence the proposed project, the Director may grant a time extension for up to an additional 12 months, from the date of the decision, to extend the permit.
4. Only one 12-month time extensions may be granted.

### 17.64.050 - Changes to an Approved Project

Development or a new land use authorized through a permit granted in compliance with this Zoning Code shall be established only as approved by the applicable review authority and subject to any conditions of approval, except where changes to the project are approved in compliance with this Section.

**A. Request for change.**

1. An applicant may apply for changes to the project as approved, including the conditions of approval, only twice in a single calendar year.
2. The applicant shall request the desired changes in writing and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.
3. The application for the changes shall be processed, and may be appealed or called for review, in compliance with the same procedures required for the original permit application.
4. Before approval of the changes, the applicable review authority shall make the findings required for the original approval, and the additional finding that there are changed circumstances sufficient to justify the modification of the original approval.
5. Changes may be requested either before or after construction or establishment and operation of the approved use.

**B. Minor changes.** The Director may approve changes to an approved site plan, architecture, or the nature or conditions of the approved use if the changes:

1. Are consistent with all applicable provisions of this Zoning Code;
2. Do not involve a feature of the project that was specifically addressed in, or was a basis for findings in a Negative Declaration (ND), Mitigated Negative Declaration (MND), or Environmental Impact Report (EIR) for the project;
3. Do not involve a feature of the project that was specifically addressed in, or was a basis for conditions of approval for the project, or that was a specific consideration by the applicable review authority in the approval of the permit; and
4. Do not expand the approved floor area or any outdoor activity area by 10 percent or more over the life of the project.

**C. Major changes.** Changes to the project that do not comply with Subsection B., above, shall only be approved by the applicable review authority through a new permit application.

### 17.64.060 - Permits to Run with the Land

A land use permit granted in compliance with this Chapter shall continue to be valid upon a change of ownership (e.g., of the site, structure, or use that was the subject of the permit application) provided that the use remains in compliance with all applicable provisions of this Zoning Code and any conditions of approval.

### 17.64.070 - Voluntary Relinquishments

- A. **Voluntary relinquishment allowed.** Any land use permit granted in compliance with this Zoning Code, except for a Tentative Parcel or Tract Map, may be voluntarily relinquished by the permittee.
- B. **Procedure.** The procedure for voluntary relinquishment shall be the same as the procedure for obtaining a Minor Variance in compliance with Section 17.61.080.
- C. **Notice required.** Notice shall be given in the same manner as required for the original application, in compliance with Chapter 17.76 (Public Hearings).
- D. **Appeal not allowed.** The decision on a voluntary relinquishment cannot be appealed or called for review, as these procedures are identified in Chapter 17.72 (Appeals).

### 17.64.080 - Discontinuance

- A. **Permit shall become void.** Any land-use permit granted in compliance with this Zoning Code shall lapse and become void if the exercise of the rights granted by it is discontinued for a continuous period of at least 12 months.
- B. **Permit deemed void.** Where the permit has been deemed void:
  - 1. **No further action.** No further action is required by the City;
  - 2. **No further reliance.** No further reliance may be placed on the previously approved permit;
  - 3. **No rights.** The applicant shall have no rights previously granted under the permit; and
  - 4. **New application(s) required.** The applicant shall file a new application(s) and obtain all required approvals before construction can commence or an allowable use may be implemented.
- C. **Discontinuance.** The determination of discontinuance or abandonment shall be supported by evidence, satisfactory to the Zoning Administrator (e.g., the actual removal of equipment, furniture, machinery, structures, or other components of the use, the turning off of the previously connected utilities, or where there are no business receipts/records available to provide evidence that the use is or has been in continual operation).

### 17.64.090 - Resubmittals

- A. **Resubmittals prohibited within 12 months.** For a period of 12 months following the date of disapproval of a discretionary land use permit, entitlement, or amendment, no application for the same or substantially similar discretionary permit, entitlement, or amendment for the same site shall be filed except on the grounds of new evidence, proof of changed circumstances, or if the disapproval was without prejudice.
- B. **Zoning Administrator's determination.** The Zoning Administrator shall determine whether the new application is for a discretionary land use permit or other approval which is the same or substantially similar to the previously approved or disapproved permit, entitlement, or amendment.
- C. **Appeal.** The determination of the Zoning Administrator may be appealed to the Board of Zoning Appeals (BZA), in compliance with Chapter 17.72 (Appeals).

### 17.64.100 - Covenants of Easements

- A. **Applicability.** When necessary to achieve the land use goals of the City, the City may require a property owner holding property in common ownership to execute and record a Covenant of Easement in favor of the City in compliance with Government Code Sections 65870 et seq.
  - 1. A Covenant of Easement may be required to provide for emergency access, landscaping, light and air access, ingress and egress, parking, solar access, or for open space.
  - 2. The Covenant of Easement may be imposed as a condition of approval by the applicable review authority.
- B. **Form of Covenant.** The form of the Covenant shall be approved by the City Attorney, and the Covenant of Easement shall:
  - 1. Describe the real property to be subject to the easement;
  - 2. Describe the real property to be benefitted by the easement;
  - 3. Identify the City approval or permit granted which relied on or required the Covenant; and
  - 4. Identify the purpose(s) of the easement.
- C. **Recordation.** The Covenant of Easement shall be recorded in the County Recorder's Office.
- D. **Effect of Covenant.** From and after the time of its recordation, the Covenant of Easement shall:
  - 1. Act as an easement in compliance with State law (Chapter 3 (commencing with Section 801) of Title 2 of Part 2 of Division 2 of the Civil Code), except that it shall not merge into any other interest in the real property. Civil Code Section 1104 shall be applicable to the conveyance of the affected real property; and

2. Impart notice to all persons to the extent afforded by the recording laws of the State. Upon recordation, the burdens of the Covenant shall be binding on, and the Covenant shall benefit, all successors-in-interest to the real property.
- E. Enforceability of Covenant.** The Covenant of Easement shall be enforceable by the successors-in-interest to the real property benefitted by the Covenant and the City. Nothing in this Section creates standing in any person, other than the City, and any owner of the real property burdened or benefitted by the Covenant, to enforce or to challenge the Covenant or any requested amendment or release.
- F. Release of Covenant.** The release of the Covenant of Easement may be effected by the Zoning Administrator or Hearing Officer, or under an appeal or Call for Review, following a noticed public hearing in compliance with Chapter 17.76 (Public Hearings).
1. The Covenant of Easement may be released by the City, at the request of any person, including the City or an affected property owner, on a finding that the Covenant on the subject property is no longer necessary to achieve the land use goals of the City.
  2. A notice of the release of the Covenant of Easement shall be recorded by the Director with the County Recorder's Office.
- G. Fees.** The City shall impose fees to recover the City's reasonable cost of processing a request for a release. Fees for the processing shall be established by the Council's Fee Resolution.





## **CHAPTER 17.66 - DEVELOPMENT AGREEMENTS**

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### **Sections:**

- 17.66.010 - Purpose of Chapter
- 17.66.020 - Applicability
- 17.66.030 - Review Authority
- 17.66.040 - Application Filing, Processing, and Review
- 17.66.050 - Execution and Recordation
- 17.66.060 - Environmental Review
- 17.66.070 - Periodic Review
- 17.66.080 - Amendment or Cancellation of Development Agreement
- 17.66.090 - Effect of Development Agreement
- 17.66.100 - Filing of Development Agreement

### **17.66.010 - Purpose of Chapter**

- A. Procedures.** This Chapter provides procedures and requirements for the review, approval, and amendment of development agreements.
- B. State law.** The provisions of this Chapter are consistent with the provisions of State law governing development agreements (Article 2.5 of Section 4 of Division 1 of Title 7, commencing with Government Code Section 65864).

### **17.66.020 - Applicability**

- A. Initiation.** Consideration of a development agreement may be initiated by:
  - 1. Property owner(s) or other persons having a legal or equitable interest in the property proposed to be subject to the agreement or an authorized agent of the owner(s); or
  - 2. A resolution of intention by the Council.
- B. Fully effectuate.** In construing the provisions of any development agreement executed in compliance with this Chapter, those provisions shall be read to fully effectuate, and to be consistent with, the language of this Article, State law (Article 2.5 of the Government Code, cited above), and the agreement itself.
- C. Discrepancies.** If an apparent discrepancy between the meaning of these documents arises, reference shall be made to the following documents, and in the following order:
  - 1. The terms of the development agreement itself;
  - 2. The provisions of this Chapter; and
  - 3. The provisions of State law (Article 2.5 of the Government Code, cited above).

**17.66.030 - Review Authority**

An application for a development agreement shall be considered by the Commission and decided by the Council in compliance with Section 17.66.040.G (Notice and public hearings), below.

**17.66.040 - Application Filing, Processing, and Review**

**A. Application requirements.** An owner of real property may request and apply to enter into a development agreement provided the following:

1. The development agreement, if approved, would be in the best interests of the City;
2. The status of the applicant as the owner of the subject property is established to the satisfaction of the Director.
  - a. Only a qualified applicant or authorized agent may file an application in compliance with this Chapter.
  - b. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement.
  - c. The Director may require an applicant to submit proof of the applicant's interest in the real property and of the authority of the agent to act for the applicant.
  - d. The Director may obtain the opinion of the City Attorney as to the sufficiency of the applicant's interest in the real property to enter into the agreement.
  - e. The Director or City Attorney may require the submittal of a title report or other evidence to verify the applicant's legal or equitable interests in the subject property.
3. The application is made on forms approved by the Director and shall be accompanied by the information and materials identified in the Department handout for Development Agreement applications;
4. The application is accompanied by the applicable fees, in compliance with Subsection C., (Processing and review fees) below; and
5. The applicant shall be responsible for providing the evidence in support of the findings required by Subsection G.8. (Findings) below.

**B. Director's action.**

1. The Director shall review the application and determine its completeness.
2. Upon determining the application complete, the Director shall forward a copy of an agreement form proposed by an applicant to the City Attorney for review.
3. The Director, in conjunction with the City Attorney, shall prepare a staff report and recommendation to the Commission.

**C. Processing and review fees.**

1. **Processing fees.** Processing fees, as established by the Council's Fee Resolution, shall be collected for any application for a development agreement made in compliance with this Chapter.
2. **Periodic reviews.** Appropriate fees shall be established and collected for periodic reviews conducted by the Commission or designated review authority in compliance with Section 17.66.070 (Periodic Review) below.

**D. Withdrawal of application.** An applicant may withdraw an application filed in compliance with this Chapter. Any fee(s) required for processing the application shall not be refunded.**E. Form of agreement.**

1. **Standard form.** The Director may propose a form of development agreement which may be adopted by resolution of the Council as a standard form for development agreements.
2. **Applicant's form.** An applicant may submit a proposed form of agreement.
3. **Form of development agreement.** Each application shall be accompanied by the form of development agreement proposed by the applicant. This requirement may be met by designating the standard form of development agreement identified in Subparagraph 1., above and including specific proposals for changes in or additions to the language of the standard form.

**F. Content of development agreement.**

1. **Mandatory provisions.** A development agreement entered into in compliance with this Chapter shall contain the mandatory provisions specified by State law (Government Code Section 65865.2 [Agreement contents]).
2. **Permissive provisions.** A development agreement entered into in compliance with this Chapter may contain the permissive provisions specified by State law (Government Code Section 65865.2 [Agreement contents]).

**G. Notice and public hearings.**

1. **Notice.** Notice of the hearings, identified in Subsections 3. and 4., below, shall be given in the form of a Notice of Intention to consider approval of a development agreement in compliance with State law (Government Code Sections 65854, 65856, and 65867), Chapter 17.76 (Public Hearings), and any other notice required by law for other actions to be considered concurrently with the development agreement.
2. **Planning agency.** The Commission shall serve as the planning agency on development agreement applications in compliance with State law (Government Code Section 65867).
3. **Commission's action.** The Director, upon finding the application for a development agreement complete, shall set the application, together with recommendations, for a public

hearing before the Commission. Following conclusion of the public hearing, the Commission shall forward a written recommendation to the Council that it approve, conditionally approve, or disapprove the application. The Commission's recommendation shall be supported by the findings identified in Subparagraph 8., below.

4. **Council's action.** Upon receipt of the Commission's recommendation, the City Clerk shall set the application and written recommendation of the Commission for a public hearing before the Council. Following conclusion of the public hearing, the Council shall approve, conditionally approve, or disapprove the application in compliance with findings identified in Subparagraph 8., below. Matters not previously considered by the Commission during its hearing may be referred back to the Commission for report and recommendation. The Commission need not hold a public hearing when considering the Council's referral.
5. **Variations or exceptions.** Nothing in a development agreement shall act as the grant of a Variance or exception to any requirement of the Zoning Code, or limit the discretion of any review authority in approving or disapproving a Variance or exception.
6. **Ordinance.** Approval of a development agreement shall be by ordinance. The ordinance shall be in compliance with State law (Government Code Section 65867.5) and shall contain the findings identified in Subparagraph 8., below, and the facts supporting them.
7. **Evidence.** The applicant shall be responsible for providing the evidence in support of the findings.
8. **Findings.** The development agreement shall be approved only if the following findings of fact can be made in a positive manner. The development agreement:
  - a. Would be in the best interests of the City;
  - b. Is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan, and this Zoning Code;
  - c. Would not be detrimental to the health, safety, and general welfare of persons residing in the immediate area, nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the City; and
  - d. Is consistent with the provisions of State law (Government Code Sections 65864 through 65869.5.)
9. **Irregularity in proceedings.** No action, inaction, or recommendation regarding a proposed development agreement shall be void, invalid, or set aside by a court by reason of any error or irregularity in compliance with State law (Government Code Section 65801.)
10. **Referendum.** The ordinance may be subjected to referendum in compliance with State law (Government Code Section 65867.5).

**17.66.050 - Execution and Recordation**

- A. Effective date.** The City shall not execute a development agreement until on or after the date on which the ordinance approving the agreement, enacted in compliance with Subsection G.6. above, becomes effective.
- B. Mutual consent.** A development agreement may be executed only on the mutual, written consent of each party to the agreement.
- C. Conditioning approval.** The provisions of this Chapter shall not be construed to prohibit the Zoning Administrator, Hearing Officer, Commission, or Council from conditioning approval of a discretionary permit or entitlement on the execution of a development agreement where the condition is otherwise authorized by law.
- D. Recordation.** Within 10 days after the effective date of a development agreement, or any modification or cancellation thereof, the City Clerk shall have the agreement, the modification, or cancellation notice recorded with the County Recorder of Los Angeles County.

**17.66.060 - Environmental Review**

The approval or conditional approval of a development agreement in compliance with this Chapter shall be deemed a discretionary act for purposes of the California Environmental Quality Act (CEQA) and the *City's Environmental Policy Guidelines*.

**17.66.070 - Periodic Review**

- A. Periodic reviews required.**
  - 1. Every development agreement, approved and executed, shall be subject to periodic reviews during the full term of the agreement.
  - 2. The development agreement shall be reviewed by the City at least every 12 months from the date the agreement is entered into.
  - 3. The review authority to conduct the periodic review may be designated in the agreement. If no review authority is designated, the review shall be conducted by the Commission.
  - 4. Appropriate fees to cover the City's cost(s) to conduct the periodic reviews shall be collected from the applicant/contracting party in compliance with Subsection C., (Processing and review fees) above.
- B. The review hearing.**
  - 1. The Commission or designated review authority shall conduct a public review hearing.
  - 2. The purpose of the review shall be to determine whether the applicant/contracting party or the successor(s)-in-interest has complied in good faith with the terms and conditions of the development agreement.

3. The burden of proof shall be on the applicant/contracting party or the successor(s)-in-interest to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the Commission or designated review authority.

**C. Compliance assessment.**

1. If the Commission or designated review authority finds, on the basis of substantial evidence, that the applicant/contracting party or the successor(s)-in-interest has complied in good faith with the terms or conditions of the agreement during the period under review, no further action is required.
2. However, if the Commission or designated review authority finds, on the basis of substantial evidence, that the applicant/contracting party or the successor(s)-in-interest has not complied in good faith with the terms or conditions of the agreement during the period under review, the Commission or designated review authority may recommend to the Council that it order the agreement to be terminated or modified.

**D. Notice of hearing to terminate or modify.** If the City determines to proceed with termination or modification of the agreement, the City shall give notice to the property owner of its intention to do so. The notice shall contain the following:

1. The date, time, and place of the hearing;
2. A statement as to whether or not the City proposes to terminate or modify the Development Agreement; and
3. Other information which the City considers relevant to the nature of the proceeding.

**E. Council's hearing on termination or modification.**

1. At the public hearing on termination or modification of the agreement, the applicant/contracting party or the successor(s)-in-interest shall be given an opportunity to be heard. The Council may refer the matter back to the Commission or designated review authority for further proceedings or for a report and recommendation before making a final decision.
2. At the conclusion of the hearing, or upon receipt of the report and recommendation of the Commission or designated review authority, the Council shall take final action on the termination or modification. As part of that final decision, the Council may impose conditions.
3. The decision of the Council shall be final.

### **17.66.080 - Amendment or Cancellation of Development Agreement**

#### **A. Amendments or cancellations.**

1. Either party may propose an amendment to, or cancellation in whole or in part of, any development agreement.
2. A development agreement may only be amended or canceled, in whole or in part, by mutual agreement of all parties to the agreement, or their successor(s)-in-interest.

#### **B. Processing procedures.**

1. The requested amendment or cancellation shall be processed in the same manner identified by this Chapter for the adoption of a Development Agreement.
2. If the City initiates a proposed amendment to, or a cancellation in whole or in part of, the agreement, the City shall first give written notice to the party executing the agreement of its intention to initiate the proceedings not less than 30 days in advance of the giving of public notice of the hearing to consider the amendment or cancellation.
3. Any amendment to the development agreement which does not relate to the duration of the agreement, allowed uses of the property, density or intensity of use, height or size of proposed structures, provisions for reservation or dedication of land, or to any conditions, terms, restrictions, and requirements relating to subsequent discretionary actions related to design, specifications, improvement, and construction, or any other condition or covenant relating to the use of the property, shall not require a noticed public hearing before the parties execute an amendment to the agreement.

### **17.66.090 - Effect of Development Agreement**

- A. Policies, regulations, and rules.** Unless otherwise provided by the development agreement, the policies, regulations, and rules governing allowed uses of the land, density, design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, are the policies, regulations, and rules in force at the time of execution of the agreement.
- B. State law.** In compliance with State law (Government Code Section 65866), a development agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new policies, regulations, and rules which do not conflict with those policies, regulations, and rules applicable to the property, nor shall a development agreement prevent the City from conditionally approving or disapproving any subsequent development project application on the basis of existing or new policies, regulations, and rules.

### **17.66.100 - Filing of Development Agreement**

A development agreement approved by the Council shall be on file with the City Clerk.





## **CHAPTER 17.68 - SPECIFIC PLANS**

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### **Sections:**

- 17.68.010 - Purpose of Chapter
- 17.68.020 - Intent
- 17.68.030 - Minimum Project Area
- 17.68.040 - Initiation
- 17.68.050 - Preparation and Content
- 17.68.060 - Processing and Review
- 17.68.070 - Adoption of Specific Plan
- 17.68.080 - Implementation and Amendments

### **17.68.010 - Purpose of Chapter**

- A. Process.** This Chapter provides a process for preparing, processing, reviewing, adopting, and amending a specific plan.
- B. Compliance.** When required by the General Plan or this Zoning Code to systematically implement the General Plan for any part of the City, a Specific Plan shall be prepared, processed, approved, and implemented in compliance with this Chapter.

### **17.68.020 - Intent**

An adopted Specific Plan shall replace the base zoning district (or augment the base zoning district in the case of an overlay zone) for the subject property, and the development standards and design guidelines identified in the Specific Plan shall take precedence over the general standards and any design guidelines contained in this Zoning Code.

### **17.68.030 - Minimum Project Area**

- A. Two acres.** The minimum project area for a specific plan shall be two acres.
- B. Ownership.** The project area may be one lot under single ownership or a combination of adjoining lots subject to a unified planning concept.

### **17.68.040 - Initiation**

The preparation of a Specific Plan may be initiated by the Council or the Commission.

### 17.68.050 - Preparation and Content

A draft Specific Plan shall include detailed information in the form of text and diagrams, organized in compliance with State law (Government Code Section 65451). The following information shall be provided:

- A. **Proposed land uses.** The distribution, location, and extent of land uses proposed within the area covered by the Specific Plan, including open space areas;
- B. **Infrastructure.** The proposed distribution, extent, intensity, and location of major components of public and private circulation/transportation, drainage, energy, sewers, solid waste disposal, water, and other essential facilities proposed to be located within the Specific Plan area and needed to support the proposed land uses;
- C. **Land use and development standards.** Standards, criteria, and design guidelines by which development would proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
- D. **Implementation measures.** A program of implementation measures, including financing, regulations, programs, and public works projects, necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria;
- E. **Relationship to General Plan.** A discussion of the relationship of the Specific Plan to the goals, policies, and objectives of the General Plan; and
- F. **Additional information.** The Specific Plan shall contain additional information deemed to be necessary by the Director based on the characteristics of the area to be covered by the plan, applicable goals, policies, and objectives of the General Plan, or any other issue(s) determined by the Director to be significant.

### 17.68.060 - Processing and Review

A draft Specific Plan shall be processed in the same manner as required for General Plans by State law, and as follows:

- A. **Public meeting(s) required.**
  - 1. Before preparation of the specific plan, the City shall hold at least one public/neighborhood meeting to identify potential community impacts and concerns relating to the proposed plan.
  - 2. Before consideration of the specific plan by the Commission and Council, the City shall hold at least one public/neighborhood meeting to review the plan with the local community.
  - 3. Public notice of the public/neighborhood meetings is required in compliance with Chapter 17.76 (Public Hearings).

4. The Director may refer a specific plan to a City commission(s) or committee(s) for review and comment.
- B. Environmental review.** The draft Specific Plan shall be subject to environmental review as identified in Section 17.60.070 ( Environmental Assessment);
  - C. Staff report.** A written staff report shall be prepared for the draft Specific Plan which shall include detailed recommendations and proposed findings necessary for adoption of the plan; and
  - D. Public hearings.** A proposed Specific Plan shall be subject to public hearings before both the Commission and Council before its adoption, as follows:
    - 1. Commission hearing.**
      - a. The Director shall schedule a public hearing on the proposed Specific Plan.
      - b. The hearing shall receive public notice and be conducted in compliance with Chapter 17.76 (Public Hearings).
      - c. After the hearing, the Commission shall forward a written recommendation, with appropriate findings to the Council, in compliance with Section 17.68.070 (Adoption of Specific Plan), below.
    - 2. Council hearing.**
      - a. After receipt of the Commission's recommendation, the City Clerk shall schedule a public hearing on the proposed Specific Plan.
      - b. The hearing shall receive public notice and be conducted in compliance with Chapter 17.76 (Public Hearings).
      - c. After the hearing, the Council may adopt the Specific Plan, disapprove the plan, or adopt the plan with changes, with appropriate findings in compliance with Section 17.68.070 (Adoption of Specific Plan), below, provided that changes to the plan that were not considered by the Commission shall be referred to the Commission for its recommendation, in compliance with State law (Government Code Section 65356).
      - d. Failure of the Commission to report within 45 days after the referral, or a longer period set by the Council, shall be deemed a recommendation for the approval of the changes.

### **17.68.070 - Adoption of Specific Plan**

- A. Council's action.** The Council may adopt a Specific Plan only if it finds that the proposed plan is in conformance with the goals, policies, and objectives of the General Plan and other adopted goals and policies of the City.

- B. Adoption.** The Specific Plan shall be adopted by ordinance, or by resolution of the Council, in compliance with State law (Government Code Section 65453).

### **17.68.080 - Implementation and Amendments**

- A. Development within Specific Plan area.** After the adoption of a Specific Plan, a public works project, a Tentative Map or Parcel Map, for which a Tentative Map was not required, and an amendment to this Zoning Code may be approved/adopted within an area covered by a Specific Plan only if it is first found consistent with the specific plan.
- B. Specific Plan fee surcharge.** The Council may impose a Specific Plan fee surcharge on development permits within the specific plan area, in compliance with State law (Government Code Section 65456).
- C. Amendments.**
1. An adopted Specific Plan may be amended through the same procedure specified by this Chapter for the adoption of a Specific Plan.
  2. The Specific Plan may be amended as often as deemed necessary by the Council, in compliance with State law (Government Code Section 65453).