

**CATEGORY:** POLICY

**COMMITTEE:** PLUM

**PURPOSE:** TENANT IMPROVEMENT CHANGE OF USE, APPROVAL OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION AND LIVE ENTERTAINMENT, AND HOURS OF OPERATION TO 8:00 AM – 2:00 AM, DAILY. FILE NO. ZA-2021-3129-CUB.

**BACKGROUND:**

WHEREAS TENANT IS REQUESTING AN IMPROVEMENT CHANGE OF USE FROM RETAIL TO RESTAURANT FOR A 2,658 SQUARE-FOOT PORTION OF AN EXISTING COMMERCIAL BUILDING.

WHEREAS CURRENTLY THE VACANT COMMERCIAL BUILDING SPACE IS LOCATED AT 12204-12206 W. VENICE BLVD. (AT THE INTERSECTION OF VENICE BLVD. AND GRANDVIEW BLVD.).

WHEREAS THE RESTAURANT WILL INCLUDE THE SALE OF A FULL LINE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION AND LIVE ENTERTAINMENT (NO DANCING).

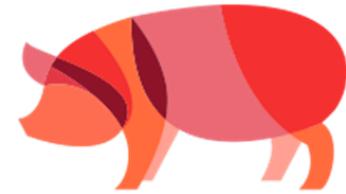
WHEREAS THE TENANT IS ASKING FOR A CONDITIONAL USE PERMIT FOR THE ON-SITE SALE OF THE FULL LINE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION IN CONJUNCTION WITH THE OPERATION OF THE 2,658 SQUARE-FOOT, 110 SEAT RESTAURANT, INCLUDING 6 OUTDOOR SEATS IN THE PUBLIC RIGHT-OF-WAY FOR A TOTAL OF 116 SEATS.

WHEREAS THE TENANT PROPOSES HOURS OF OPERATION: 8:00 AM – 2:00 AM, DAILY. HOURS OF OPERATION TO EXCEED THE COMMERCIAL CORNER STANDARD OF 7:00 AM – 11:00 PM, DAILY.

WHEREAS THIS MOTION WAS PASSED BY THE PLUM COMMITTEE ON SEPTEMBER 13, 2021. MS. STACEY GREENWALD MOVED THE MOTION, IT WAS SECONDED BY MR. TYLER LEFERRIERE AND THE FINAL VOTE COUNT WAS (Yeas 14- Nays 1).

**THE MOTION:**

THEREFORE, IT IS MOVED THAT THE MVCC APPROVES THE TENANT IMPROVEMENT CHANGE OF USE AT 12204-12206 W. VENICE BLVD. FROM RETAIL TO RESTAURANT. INCLUDING A CONDITIONAL USE PERMIT FOR THE ON-SITE SALE OF THE FULL LINE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION IN CONJUNCTION WITH THE OPERATION OF THE 2,658 SQUARE-FOOT, 110 SEAT RESTAURANT, INCLUDING 6 OUTDOOR SEATS IN THE PUBLIC RIGHT-OF-WAY, LIVE ENTERTAINMENT, AND THE EXTENDED HOURS OF OPERATION TO 8:00 AM – 2:00 AM, DAILY.



BIG FATTY

Mar Vista

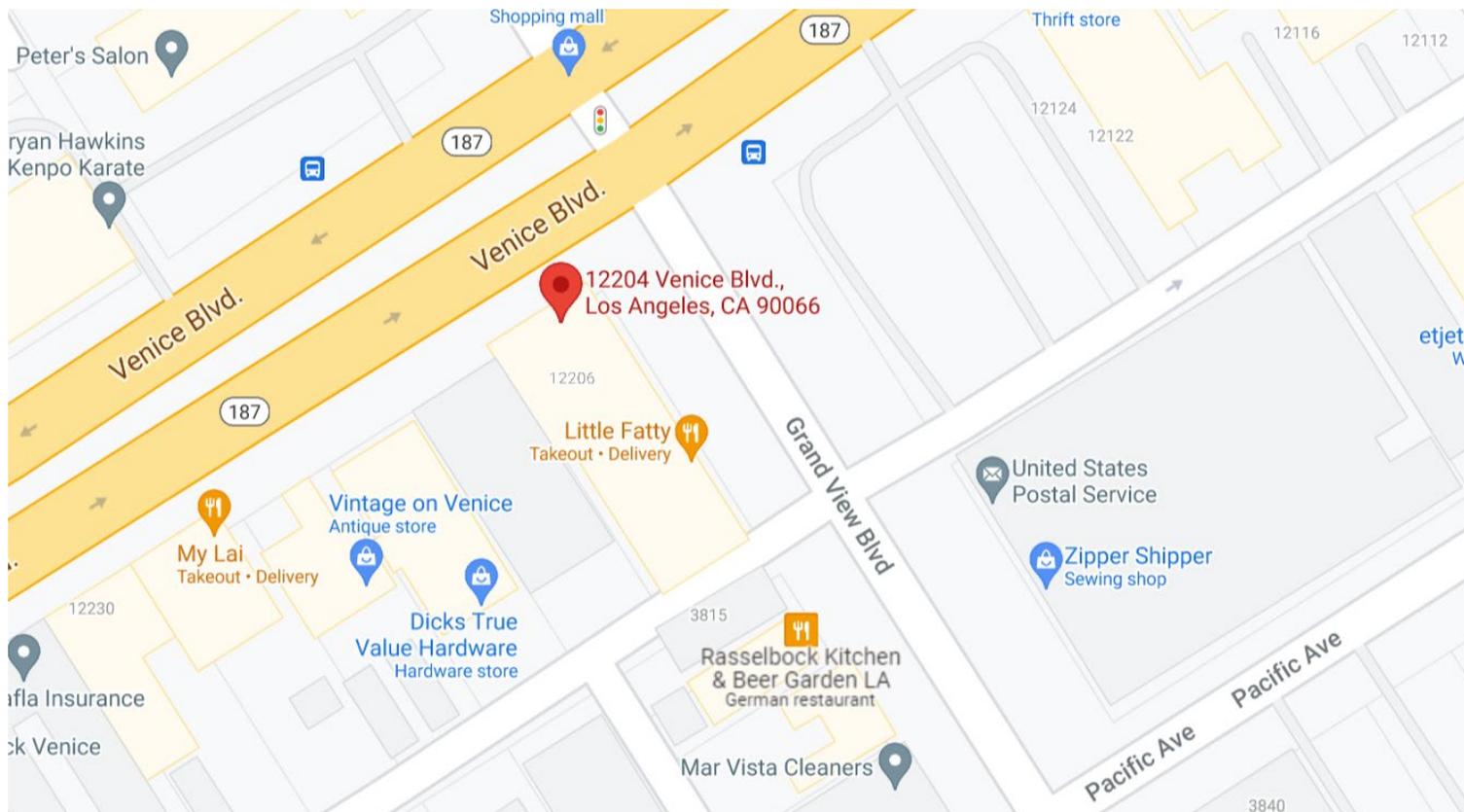
# Neighborhood Council

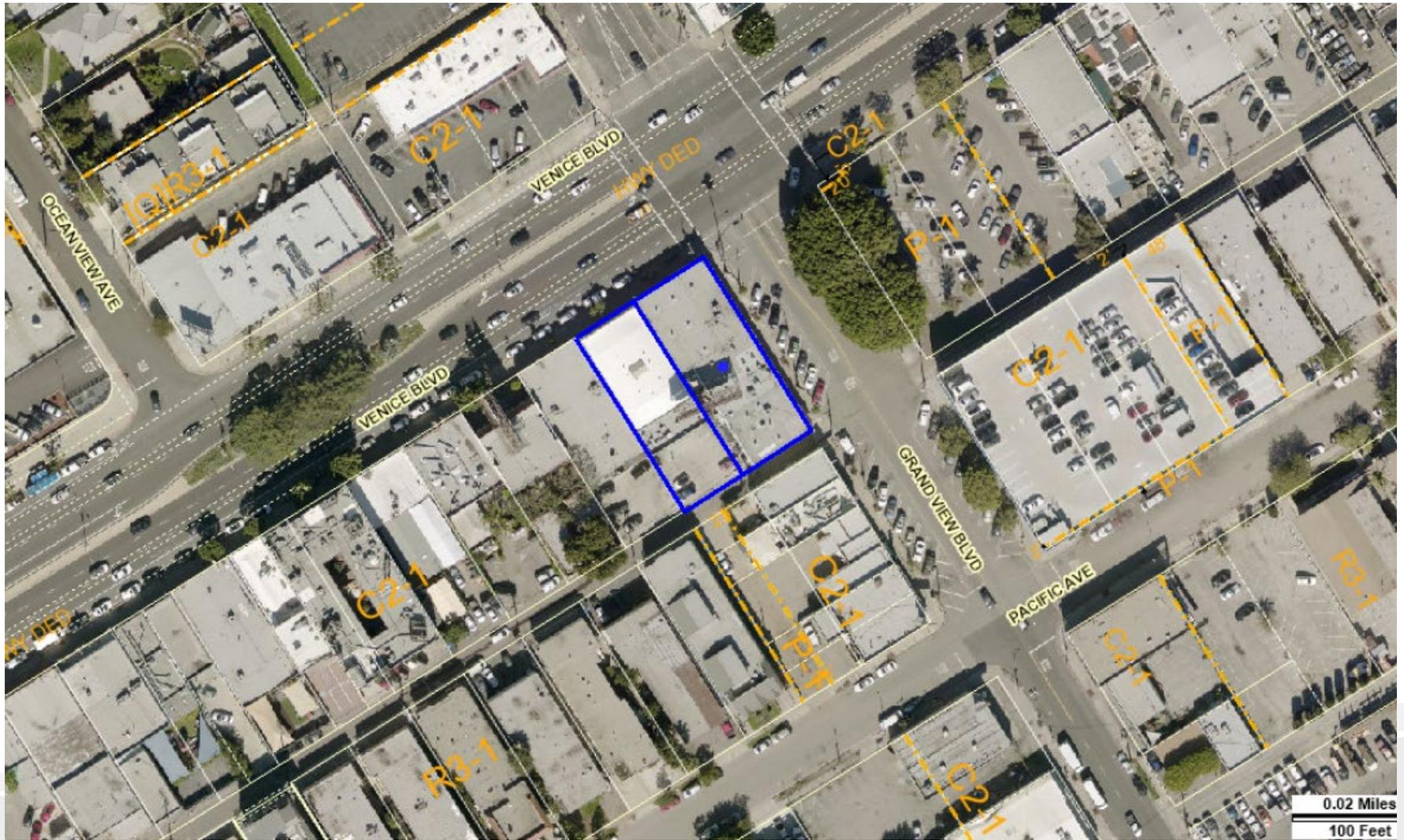
Planning and Land Use Committee Meeting

September 13, 2021



# Vicinity Map









## General Project Info

- Site Address: 12204-12206 W. Venice Boulevard
- Case Number: ZA-2021-3129-CUB-CU
- Request: Convert retail to restaurant
  - Conditional Use Permit - Full Line of Alcoholic Beverages
  - Hours of operation: 8:00 am – 2:00 am, daily
  - 50 SF stage for live band entertainment, no dancing



**CONDITIONAL USE PERMIT FOR ALCOHOLIC BEVERAGES**

Map Prepared by:  
 APEX LA  
 11301 W Olympic Blvd #700  
 Los Angeles CA 90064  
 213-330-0335  
 mike@apex-la.com

Date: 11/13/2020  
 Update

Case #  
 Uses

Legal Desc: Tract EAST OCEAN PARK TRACT, Lot 17 500/600 FEET  
 APN: 4235023002  
 Address: 12210 W VENICE BLVD

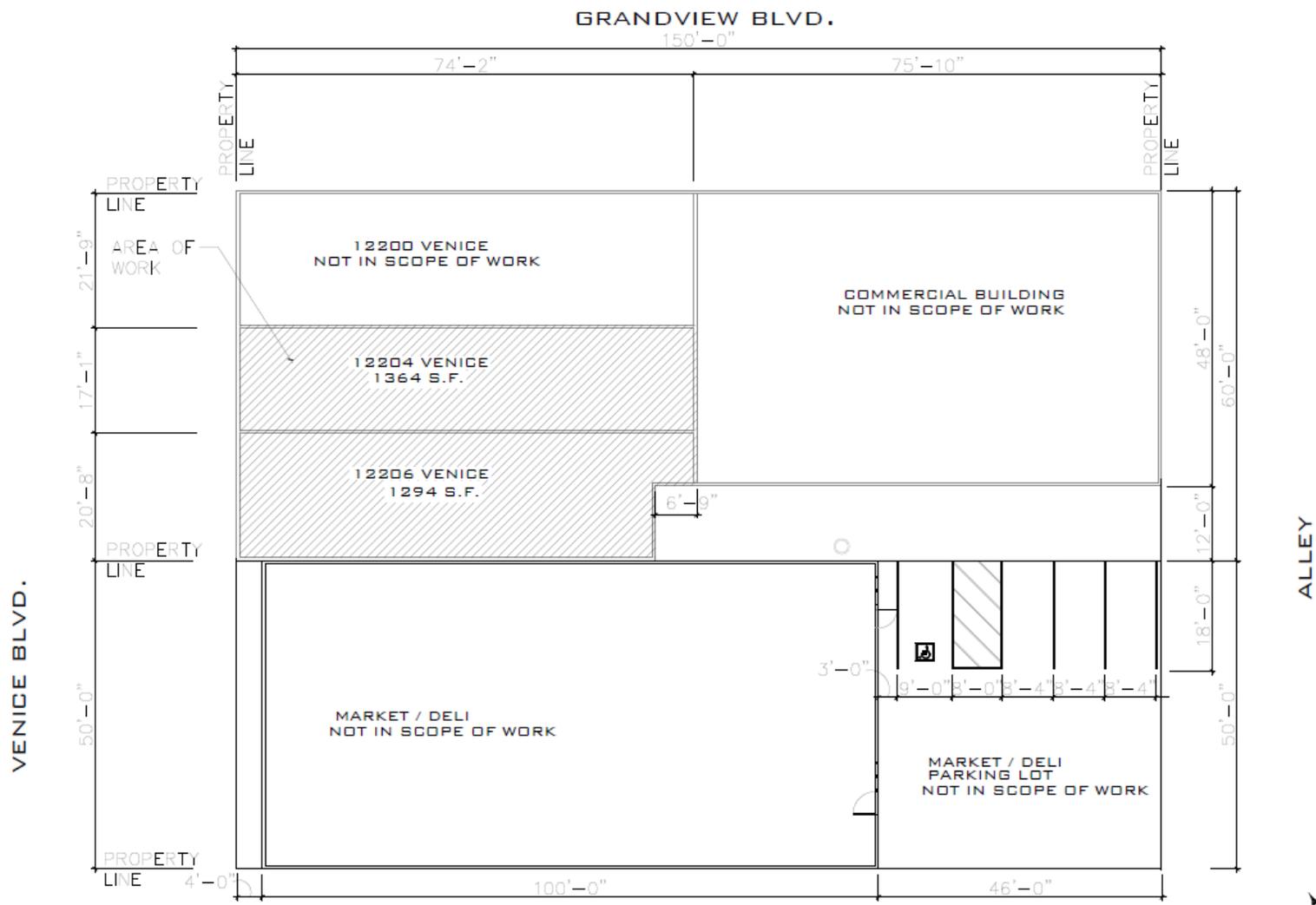
Thomas Brothers Grid PAGE 672 - GRID C4  
 Community Plan Area Palms - Mar Vista - Del Rey  
 Area Planning Commission West Los Angeles  
 Neighborhood Council Mar Vista  
 Council District CD 11 - Mike Bonin  
 Census Tract # 2723.02



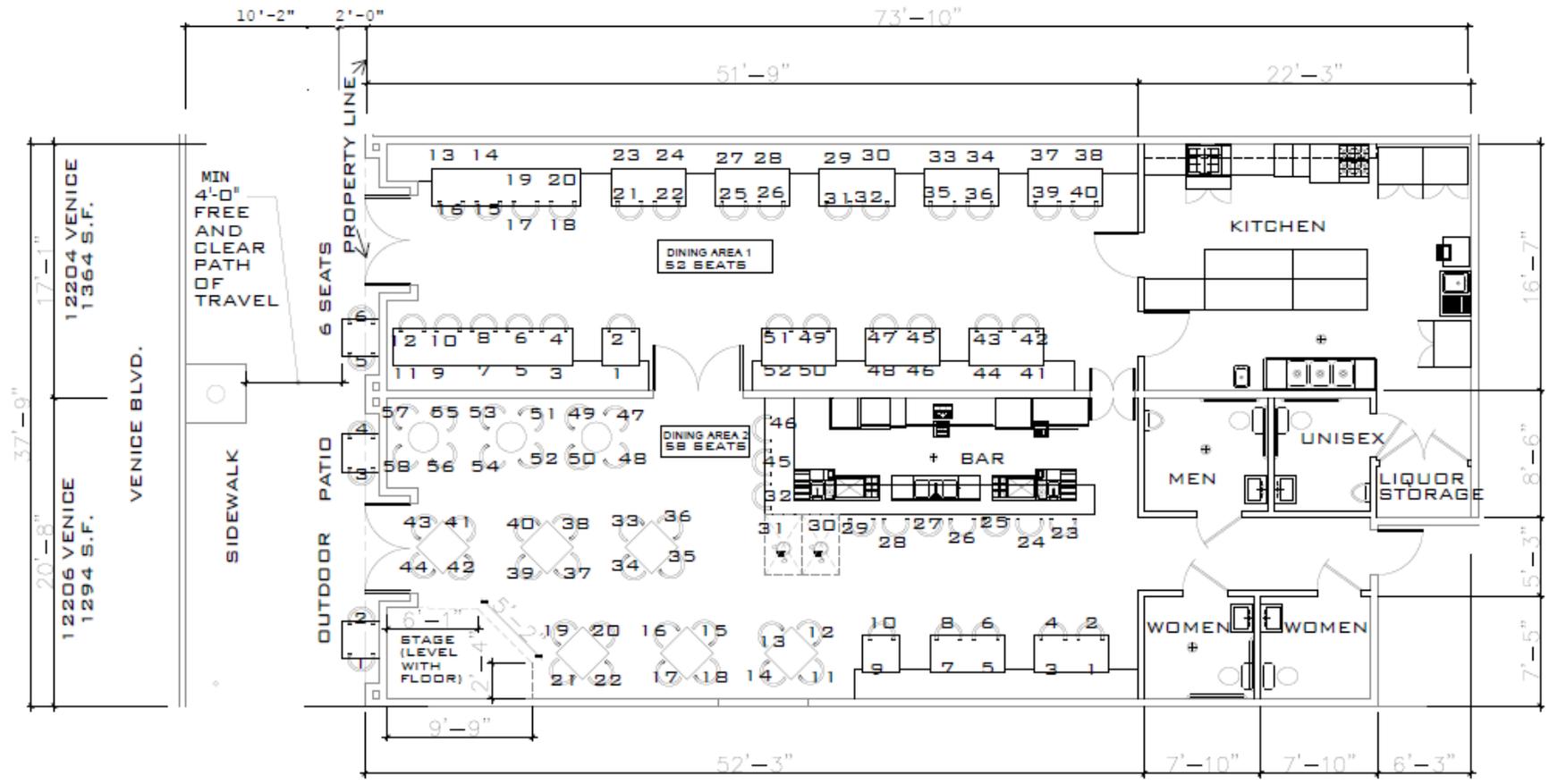
1 inch = 100 feet



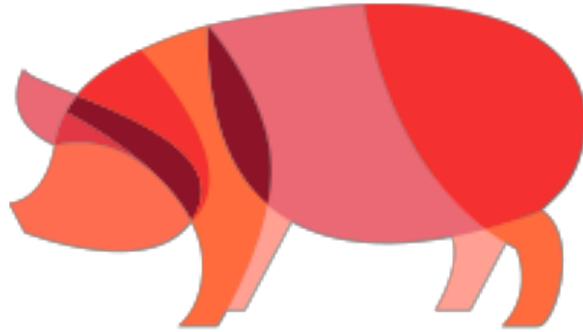
# Site Plan



# Floor Plan



# **Big Fatty Menu**



*Little Fatty*

**Cheese Burger**

**Double Cheese Burger**

**Chili Cheese Burger**

**Black Pepper Burger**

**Chicken Burger**

**Vegan Burger**

**Fried Chicken Sandwich**

**Spicy Fried Chicken Sandwich**

**Fries**

**Chili Fries**

**Wedge Salad**

**Shrimp cocktail**

**French onion dip and chips**

**Fried Apple pie ala mode**



Thank you!

*Any Questions:*

*Margaret@Apex-LA.com*



**APPLICATIONS:**

**DEPARTMENT OF CITY PLANNING APPLICATION**

THIS BOX FOR CITY PLANNING STAFF USE ONLY

Case Number \_\_\_\_\_

Env. Case Number \_\_\_\_\_

Application Type \_\_\_\_\_

Case Filed With (Print Name) \_\_\_\_\_ Date Filed \_\_\_\_\_

Application includes letter requesting:

- Waived hearing
  - Concurrent hearing
  - Hearing not be scheduled on a specific date (e.g. vacation hold)
- Related Case Number \_\_\_\_\_

**Provide all information requested. Missing, incomplete or inconsistent information will cause delays.**

All terms in this document are applicable to the singular as well as the plural forms of such terms.

Detailed filing instructions are found on form CP-7810

**1. PROJECT LOCATION**

Street Address<sup>1</sup> 12204-12206 West Venice Boulevard\* Unit/Space Number \_\_\_\_\_

Legal Description<sup>2</sup> (Lot, Block, Tract) Lot 16 and 17 EAST OCEAN PARK TRACT

Assessor Parcel Number 4235-023-001 and 4235-023-002 Total Lot Area 16,500 SQ FT  
[\*12200 - 12210 W. Venice Blvd and 3807-3813 S. Grand View Boulevard, inclusive]

**2. PROJECT DESCRIPTION**

Present Use Retail

Proposed Use Restaurant with on-site full line of alcohol and live entertainment (no dancing)

Project Name (if applicable) Big Fatty

Describe in detail the characteristics, scope and/or operation of the proposed project Tenant improvement change of use from retail to restaurant for a 2,658 square-foot portion of a commercial building. Restaurant will include sale of a full line of alcoholic beverages for on-site consumption and live entertainment (no dancing).

Additional information attached  YES  NO

Complete and check all that apply:

**Existing Site Conditions**

- Site is undeveloped or unimproved (i.e. vacant)
- Site has existing buildings (provide copies of building permits)
- Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial)
- Site is located within 500 feet of a freeway or railroad
- Site is located within 500 feet of a sensitive use (e.g. school, park)
- Site has special designation (e.g. National Historic Register, Survey LA)

<sup>1</sup> Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)

<sup>2</sup> Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

**Proposed Project Information**

(Check all that apply or could apply)

- Demolition of existing buildings/structures
- Relocation of existing buildings/structures
- Interior tenant improvement
- Additions to existing buildings
- Grading
- Removal of any on-site tree
- Removal of any street tree

- Removal of protected trees on site or in the public right of way
- New construction: \_\_\_\_\_ square feet
- Accessory use (fence, sign, wireless, carport, etc.)
- Exterior renovation or alteration
- Change of use and/or hours of operation
- Haul Route
- Uses or structures in public right-of-way
- Phased project

**Housing Component Information**

Number of Residential Units: Existing 0 – Demolish(ed)<sup>3</sup> 0 + Adding 0 = Total 0  
 Number of Affordable Units<sup>4</sup> Existing 0 – Demolish(ed) 0 + Adding 0 = Total 0  
 Number of Market Rate Units Existing 0 – Demolish(ed) 0 + Adding 0 = Total 0  
 Mixed Use Projects, Amount of Non-Residential Floor Area: \_\_\_\_\_ N/A \_\_\_\_\_ square feet

**Public Right-of-Way Information**

Have you submitted the Planning Case Referral Form to BOE? (required)  YES  NO  
 Is your project required to dedicate land to the public right-of-way?  YES  NO  
 If so, what is/are your dedication requirement(s)? None ft.  
 If you have dedication requirements on multiple streets, please indicate: N/A

**3. ACTION(S) REQUESTED**

Provide the Los Angeles Municipal Code (LAMC) Section that authorizes the request and (if applicable) the LAMC Section or the Specific Plan/Overlay Section from which relief is sought; follow with a description of the requested action.

Does the project include Multiple Approval Requests per LAMC 12.36?  YES  NO

**Authorizing Code Section** 12.24 W 1

**Code Section from which relief is requested (if any):** N/A

**Action Requested, Narrative:** Conditional Use Permit for the on-site sale of a full line of alcoholic beverages for on-site consumption in conjunction with the operation of a 2,658 square-foot, 110 seat restaurant with 6 outdoor seats in the public right-of way for a total of 116 seats. Hours of operation: 8:00 am - 2:00 am, daily.

**Authorizing Code Section** 12.24 W 27

**Code Section from which relief is requested (if any):** \_\_\_\_\_

**Action Requested, Narrative:** Live entertainment (no dancing) including a 50 square-foot stage for up to 4 live performers.

Additional Requests Attached  YES  NO

<sup>3</sup> Number of units to be demolished and/or which have been demolished within the last five (5) years.  
<sup>4</sup> As determined by the Housing and Community Investment Department

**4. RELATED DEPARTMENT OF CITY PLANNING CASES**

Are there previous or pending cases/decisions/environmental clearances on the project site?  YES  NO

If YES, list all case number(s) ZA-2018-1317-CUB-ZV, ZA-2016-3148-CUB, ZA-2015-1646-CUB-ZV, ZA-2010-3163-CUB. No cases for the subject site tenant space.

If the application/project is directly related to one of the above cases, list the pertinent case numbers below and complete/check all that apply (provide copy).

Case No. None Ordinance No.: \_\_\_\_\_

- Condition compliance review
- Modification of conditions
- Revision of approved plans
- Renewal of entitlement
- Plan Approval subsequent to Master Conditional Use
- Clarification of Q (Qualified) classification
- Clarification of D (Development Limitations) classification
- Amendment to T (Tentative) classification

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project?  YES  NO

Have you filed, or is there intent to file, a Subdivision with this project?  YES  NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City:

**5. RELATED DOCUMENTS / REFERRALS**

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please provide a copy of any applicable form and reference number if known.

- a. Specialized Requirement Form Supplemental Alcohol Questionnaire
- b. Geographic Project Planning Referral None
- c. Citywide Design Guidelines Compliance Review Form None
- d. Affordable Housing Referral Form None
- e. Mello Form None
- f. Unpermitted Dwelling Unit (UDU) Inter-Agency Referral Form None
- g. HPOZ Authorization Form None
- h. Management Team Authorization None
- i. Expedite Fee Agreement None
- j. Department of Transportation (DOT) Referral Form None
- k. Preliminary Zoning Assessment Referral Form None
- l. SB330 Preliminary Application None
- m. Bureau of Engineering (BOE) Planning Case Referral Form (PCRF) None
- n. Order to Comply None
- o. Building Permits and Certificates of Occupancy Not yet submitted
- p. Hillside Referral Form (BOE) None
- q. Low Impact Development (LID) Referral Form (Storm water Mitigation) None
- r. SB330 Determination Letter from Housing and Community Investment Department None
- s. Are there any recorded Covenants, affidavits or easements on this property?  YES (provide copy)  NO

**PROJECT TEAM INFORMATION** (Complete all applicable fields)

**Applicant<sup>5</sup> name** David Kuo  
Company/Firm Baldy's Restaurant Group, LLC  
Address: 5215 Sepulveda Boulevard Unit/Space Number 23F  
City Culver City State CA Zip Code: 90230  
Telephone (310) 869-5946 E-mail: david@littlefatty.com  
Are you in escrow to purchase the subject property?  YES  NO

**Property Owner of Record**  Same as applicant  Different from applicant  
Name (if different from applicant) ZLOTOLOW, MIRIAM TR ET AL A AND M ZLOTOLOW TRUST  
Address 12210 Venice Boulevard Unit/Space Number \_\_\_\_\_  
City Los Angeles State CA Zip Code: 90066  
Telephone (310) 433-7936 E-mail: miriamzlotolow@yahoo.com

**Agent/Representative name** Margaret Taylor  
Company/Firm Apex LA  
Address: 11301 W. Olympic Blvd. Unit/Space Number 700  
City Los Angeles State CA Zip: 90064  
Telephone (818) 398-2740 E-mail: Margaret@Apex-la.com

**Other** (Specify Architect, Engineer, CEQA Consultant etc.) N/A  
Name \_\_\_\_\_  
Company/Firm \_\_\_\_\_  
Address: \_\_\_\_\_ Unit/Space Number \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone \_\_\_\_\_ E-mail: \_\_\_\_\_

**Primary Contact for Project Information**  Owner  Applicant  
(select only one)  Agent/Representative  Other

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List, and the Abutting Property Owners List.

<sup>5</sup> An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e. usually not the agent/representative).

**PROPERTY OWNER**

7. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service or process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g. John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.

- a. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.
- b. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
- c. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
- d. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.  
The City requires an original signature from the property owner with the "wet" notary stamp.  
A Notary Acknowledgement is available for your convenience on following page.*

Signature Miriam Zlotow

Date 11/12/2021

Print Name MIRIAM ZLOTOW

Signature \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_

Space Below For Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On 2/12/2021 before me, Justin K. Martinez Notary Public  
(Insert Name of Notary Public and Title)

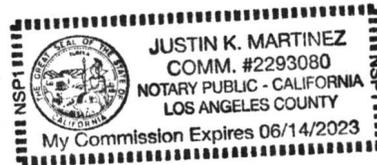
personally appeared Miriam Zlotolow, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Handwritten Signature]  
Signature

(Seal)





**APPLICANT**

- 8. APPLICANT DECLARATION.** A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.
- a. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
  - b. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
  - c. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required.
  - d. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
  - e. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
  - f. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
  - g. I understand that if this application is denied, there is no refund of fees paid.
  - i. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.
  - i. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

*The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.*

Signature:   
Print Name: David Huo

Date: 2-13-21

**OPTIONAL**  
**NEIGHBORHOOD CONTACT SHEET**

9. **SIGNATURES** of adjoining or neighboring property owners in support of the request are not required but are helpful, especially for projects in single-family residential areas. Signatures may be provided below (attach additional sheets if necessary).

NAME (PRINT)	SIGNATURE	ADDRESS	KEY # ON MAP

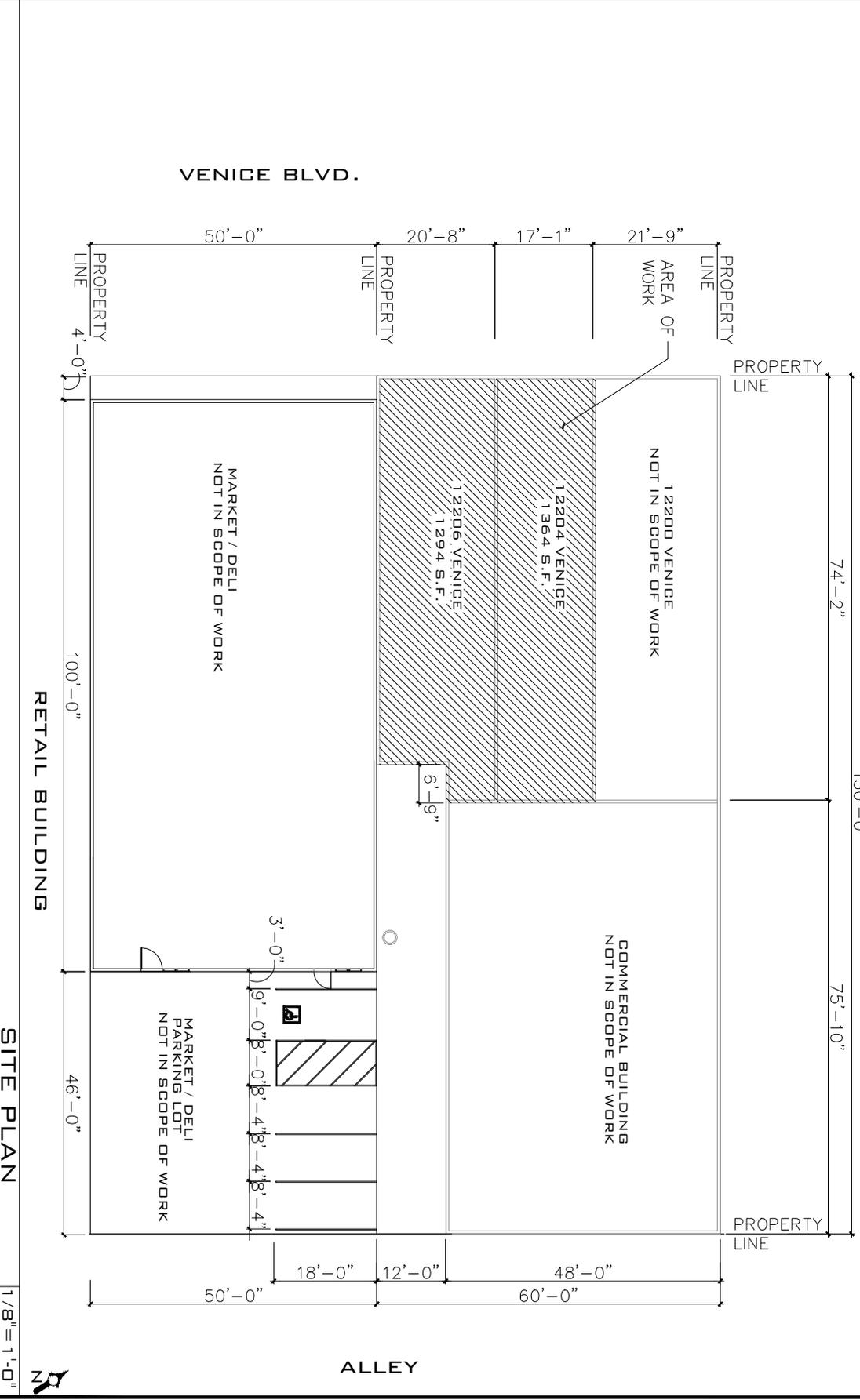
**REVIEW** of the project by the applicable Neighborhood Council is not required, but is helpful. If applicable, describe, below or separately, any contact you have had with the Neighborhood Council or other community groups, business associations and/or officials in the area surrounding the project site (attach additional sheets if necessary).

PROJECT DESCRIPTION:	
12204 VENICE 1364 S.F.	CHANGE OF USE FROM RETAIL TO RESTAURANT
12206 VENICE 1294 S.F.	CHANGE OF USE FROM RETAIL TO RESTAURANT
TOTAL = 2,658 S.F.	

LOT 8 AND 17  
TRACT - EAST OCEAN PARK TRACT  
APN - 4235023002 & 4235023001  
BLOCK - NONE  
LOT AREA, 8,500  
BUILDING AREA, 13,822  
FAR 0.80  
PARKING REQUIRED/PROVIDED: 0  
(PER 21.24.89)  
ZONE - C2-1

INTERIORING:	10 SEATS
EXTERIORING:	6 SEATS
TOTAL:	16 SEATS

GRANDVIEW BLVD.  
150'-0"



NEWMAN BUILDINGS  
6529 VISTA DEL MAR  
LOS ANGELES, CA 90029  
(310) 384-9473  
NEWMANBUILDINGS@GMAIL.COM

ARCH PLANS 8/18/21

**KUO**  
12204 VENICE BLVD.  
LOS ANGELES, CA. 90066

CHANGE OF USE TO RESTAURANT  
KUO  
12204 VENICE BLVD.  
LOS ANGELES, CA. 90066

SITE PLAN  
Date 8/18/21 Scale Per Plan  
X - 2

8/18/21

10'-2" 2'-0" ↗

MIN

DINING AREA 1

DINING AREA 2

FLOOR PLANS

X - 1

**ORDINANCE NO.** 187096

An ordinance amending Article 6 of Chapter I of the Los Angeles Municipal Code to provide regulatory relief from certain zoning and land use requirements during a local emergency.

**WHEREAS**, the City Council of the City of Los Angeles (City Council) recognizes the significant public health and economic impacts of the novel Coronavirus pandemic (pandemic) on the City of Los Angeles (City), and further appreciates the need to facilitate temporary zoning code relief to support the local economy and livelihood of those living and working in the City;

**WHEREAS**, the City Council further recognizes the uncertainty surrounding the current local emergency, a result of the pandemic, and the risk of subsequent local emergencies to unduly impact the local economy and employment necessitates temporary regulations;

**WHEREAS**, during the current pandemic and local emergency the City Council has undertaken extraordinary measures to support residents, tenants, business owners, and property owners Citywide;

**WHEREAS**, the City Council desires to provide regulatory relief during declared local emergencies that allows for reductions in parking requirements and extensions of time for the utilization of certain land use entitlements;

**WHEREAS**, the City Council intends for the relief to provide needed flexibility for businesses and projects by extending time limits for approvals and providing targeted parking relief for small scale projects, thereby allowing local proprietors to achieve cost savings while furthering the environmental and mobility goals of the General Plan;

**WHEREAS**, the City Council aims for this relief to support the vitality and viability of its commercial corridors and districts that support the employment of local residents and contribute to the overall health of the local economy and generally improve the public welfare of the City; and

**WHEREAS**, the Council has determined that the provisions of this ordinance are consistent with and implements the goals and objectives of the City's General Plan.

**NOW THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. The title of Article 6 of Chapter I of the Los Angeles Municipal Code is renamed as follows:

## ARTICLE 6

### LOCAL EMERGENCY TEMPORARY REGULATIONS

Sec. 2. The table of contents for Article 6 of Chapter I of the Los Angeles Municipal Code is amended to include a new Section 16.02.1 as follows:

Section

- 16.00 Declaration of Purpose.
- 16.01 Long-term Temporary Uses.
- 16.02 Special Provisions for Other Land Use Proceedings.
- 16.02.1 Relief from Specified Land Use Provisions.
- 16.03 Restoration of Damaged or Destroyed Buildings.
- 16.04 Critical Response Facilities.
- 16.04.1 Short-term Temporary Uses.
- 16.04.2 Activation and Termination of Effect.

Sec. 3. A new Section 16.02.1 is added to Article 6 of Chapter I of the Los Angeles Municipal Code to read as follows:

#### **SEC. 16.02.1. RELIEF FROM SPECIFIED LAND USE PROVISIONS.**

**A.** The provisions of this section may be invoked upon the adoption of a City Council resolution following the Mayor's declaration of emergency pursuant to local and state law, and upon the filing of an application on a form provided by the Department of City Planning and the payment of a fee, provided the resolution does not conflict with any Mayoral orders issued in relation to the declared emergency. The provisions of this section do not supersede state law or the Mayor's authority under the Charter and Los Angeles Administrative Code.

**B. Effective Dates.** Notwithstanding any other provisions of this article to the contrary, the provisions of this section shall automatically terminate 12 months after the expiration or termination date of the relevant emergency declaration, or upon City Council's action by resolution to terminate the provisions of this section earlier than that date. However, the City Council may, by resolution, extend the provisions of this section for up to an additional 24 months, thereby allowing the provisions to apply for a total of 36 months after the termination or expiration of the local emergency order. The City Council retains the discretion to terminate these provisions by resolution at any time after the expiration or termination of the local emergency order.

**C. Time Limit Extension.**

1. **Extension of Time Limitations.** Notwithstanding the expiration periods set forth in Section 12.25 of this Code, the expiration of a conditional use or other quasi-judicial approval(s) that was either approved or valid during the application of these provisions, shall be calculated by adding the term of the local

emergency, plus up to an additional 12 months when the criteria in Section 16.02.1 D.3 of this Code are met, to the term prescribed in Section 12.25 A.1. This extension does not confer a vested right, unless a Vesting Conditional Use was applied for and granted pursuant to Section 12.24 T.

(a) **Multiple Approvals.** Notwithstanding the expiration periods defined in Sections 12.36 of this Code, if an eligible conditional use or other quasi-judicial approval is part of a project that has multiple approvals and is subject to the expiration period set forth in Section 12.36 of this Code, then the expiration period set forth in Section 12.36 G.1 is extended by a term equivalent to the time period of the local emergency, plus up to an additional 12 months from the expiration of the local emergency for all approvals concurrently granted.

(b) **Exception.** The uses listed in Section 16.02.1 D.3(a) shall not be granted an extension, regardless of whether said use was approved concurrently with an eligible approval.

2. **Extension of Term-Limited Grants.** Notwithstanding any condition of approval that specifies an expiration date or term limit for a conditional use or other quasi-judicial approval(s), where the expiration date occurs during the local emergency that expiration date is automatically extended for the term of the local emergency, plus up to an additional 12 months when the criteria in Section 16.02.1 D.3 are met.

(a) **Multiple Approvals.** Notwithstanding any other provision of this Code to the contrary, if an eligible conditional use or other quasi-judicial approval is part of a project that has multiple approvals and any of the approvals include a condition with a separate expiration date or term limit, said expiration date shall be extended concurrently with the eligible approval.

(b) **Exception.** The uses listed in Section 16.02.1 D.3.(a) shall not be granted an extension regardless of whether said use was approved concurrently with an eligible approval.

### 3. **Eligibility.**

(a) Only a conditional use or quasi-judicial approval listed in Section 12.24 is eligible for the time extension.

**Exception.** No conditional use or other quasi-judicial approval related to fossil fuel extraction, fossil fuel production, fossil fuel storage, or hazardous waste facilities is eligible for the time extension within this section. This includes, but is not limited to, the following:

**Section 12.24 U.10.** Hazardous waste facilities in M2 and M3 zones.

**Section 12.24 U.11.** Hazardous waste facilities in M3 zones.

**Section 12.24 U.17.** Natural resources development.

**Section 12.24 U.18.** Onshore installations required in connection with the drilling for or production of oil, gas or hydrocarbons, under specified conditions.

**Section 12.24 U.29.** Petroleum-Based Oil Refineries.

**Section 12.24 W.47.** Temporary geological exploratory core holes in all zones except the M3 Zone, under specified conditions.

(b) **Revocation.** Businesses or properties that are or have been the subject of revocation proceedings that resulted in corrective conditions or revocation are not eligible for a time extension.

(c) **Application.** In order to benefit from the relief provided by these provisions, an application to verify eligibility shall be filed and a fee paid, in accordance with procedures set forth by the Department of City Planning.

(d) **Original Approval.** The Director or designee shall verify that the prior discretionary approval and existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the extension.

(e) **Notification.** The applicant shall notify, in accordance with the procedures set forth by the Department of City Planning, the Los Angeles Police Department, the Department of Building and Safety, and the City Councilmember whose district includes any portion of the property as part of the application process for the extension of the time limits.

#### **D. AUTOMOBILE PARKING RELIEF**

1. **Changes of Use.** Notwithstanding Section 12.21 A.4, 12.23 B.8.(b), or any other Code section, ordinance, or specific plan to the contrary, when plans are submitted and accepted by the Department of Building and Safety for a change of use during an emergency declaration and after the adoption of a resolution by City Council invoking the provisions of this section, the change of use shall not trigger increased automobile parking beyond that required by the existing approved use if all the following requirements are met:

(a) **Requirements.**

(1) The change of use is limited to a nonresidential use allowable pursuant to the zoning applicable to the property's location.

(2) The building wherein the change of use is occurring has one of the following: a valid certificate of occupancy; temporary certificate of occupancy; or a building permit if the building predates the certificate of occupancy requirement. The aforementioned documents must have been issued prior to the declaration of the local emergency related to the City Council's resolution invoking this section.

(3) The automobile parking relief only applies to the first 5,000 square feet of Floor Area for any tenant space. Any Floor Area in excess of 5,000 square feet for said tenant space shall conform to the automobile parking requirements in LAMC Section 12.21 A.4, Section 12.23 B.8.(b), and any applicable Specific Plan, inclusive of any aggregate Floor Area, including Floor Area sectioned from a separate tenant space that may have been previously eligible or approved for the automobile parking reduction enumerated within this subdivision.

(4) Any additions to the building occurring during the invocation of this section by City Council resolution, and which result in an increase of Floor Area are limited to the area within the existing walls and existing roofline of the building, and do not include any outdoor space.

(5) No net loss of guest rooms and/or dwelling units result from the change of use.

**Consistency.** The relief provided in this subdivision is limited to the provisions enumerated herein, and any project for which relief is sought shall otherwise be consistent with this Code and the General Plan.

2. **Outdoor Eating Areas.** Notwithstanding any provisions of this Code or any Zoning Administrator Interpretations of this Code to the contrary, any new or expanded Outdoor Eating Area shall not require any automobile parking, and the maintenance of existing automobile parking shall not be required for any portion of the parking lot utilized for an approved Outdoor Eating Area during the period that these provisions are invoked, pursuant to this section if the following requirements are met:

(a) **Eligibility.** Only permitted establishments with verifiable indoor seating for on-premise dining are eligible for the relief provided within this subdivision.

(b) **Consistency.** The relief provided in this subdivision is limited to the automobile parking provisions enumerated herein, and the project shall otherwise be consistent with this Code and the General Plan.

(c) **Termination.** Whenever the provisions of this section cease to apply, the automobile parking requirements that existed prior to the declaration of the local emergency shall be met, and any Outdoor Eating Areas shall comply with this Code and any applicable Specific Plan, notwithstanding this Section.

3. **Conditions of Approval.** Notwithstanding any provisions of this Code, ordinance, or Specific Plan to the contrary, any condition of approval that requires valet automobile parking or off-site automobile parking is suspended and shall not be enforced during the period when these provisions are invoked, if all the following requirements are met:

(a) **Eligibility.** Only the following grants are eligible for relief, and only if they were approved or active during the period that these provisions are invoked.

**Section 11.5.7 E.** Project Permit Adjustments.

**Section 11.5.7 F.** Exceptions from Specific Plans.

**Section. 12.24.** Conditional Use Permits and Other Similar Quasi-Judicial Approvals. Inclusive of the entire Section.

**Section 12.27.** Variances.

**Section 12.28.** Adjustments and Slight Modifications.

**Section 12.32.** Land Use Legislative Actions.

(b) **Existing Covenant.** The suspension of enforcement activity as a result of the invocation of the provisions of this section shall not be construed to terminate or void any recorded covenant documenting valet or off-site parking requirements.

(c) **Termination.** Whenever the provisions of this section cease to apply, all conditions of approval and associated covenants shall be enforced and, if the conditions were never met, the applicant shall provide verification to the Department of City Planning, in accordance with

procedures set forth by the Department of City Planning, within 90 days of the termination of the provisions of this section.

Sec. 4. Section 16.04.2 of Article 6, Chapter I, of the Los Angeles Municipal Code is amended in its entirety to read as follows:

The provisions of this article shall be applicable to a particular area upon the declaration of an emergency by the Governor relating to that area, pursuant to state law. The provisions of this article shall cease to be applicable to a particular area two years following the date of declaration of emergency, and for one additional year if an extension is approved by the City Council, provided, however, that the provisions of this article shall be considered as still remaining in full force and effect thereafter for the purpose of maintaining or defending any civil or criminal proceeding with respect to any right, liability or offense that may have arisen under the provisions of this article during its operative period, or with respect to enforcing any condition of approval of the temporary land use permit. The City Council may also extend by resolution any other time limits in this article for one additional year. Notwithstanding the provisions within this section to the contrary, the provisions in Section 16.02.1 shall only be activated by following the procedure outlined in Section 16.02.1 B.

Sec. 5. **SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this article is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this article. The City Council hereby declares that it would have passed this article and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 6. **URGENCY.** The City finds that the continued application of certain conditional use permit and parking requirements during a local emergency will be injurious to the economic recovery resulting from said emergency. Economic uncertainty and devastation poses a threat to the health, safety, and general welfare of the City. The ongoing novel Coronavirus pandemic has brought an unprecedented amount of uncertainty to the City both in terms of public health and economic recovery, and immediate action is necessary to stem the continuing loss in business ownership and employment during these unprecedented times. The immediate enactment of these provisions will assist in minimizing permanent loss of employment, permanent closure of businesses, loss of redevelopment potential, curtailment of City revenues and subsequent curtailment of vital services, and the negative consequences for quality of life, health, safety, and public welfare during a severe economic slowdown and delayed economic recovery. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 7. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By   
ADRIENNE S. KHORASANEE  
Deputy City Attorney

Date 5/13/21

File No. 20-0380-S1

Pursuant to Charter Section 559, I **approve** this ordinance on behalf of the City Planning Commission and recommend that it be adopted.

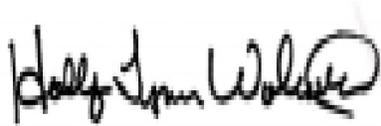
  
VINCENT P. BERTONI, AICP  
Director of Planning

Date 5/12/21

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

  
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Ordinance Passed June 23, 2021

MAYOR

  
\_\_\_\_\_

Approved 06/28/2021

Published Date: 07-01-21  
Ordinance Effective Date: 07-01-21