

ALSTON & BIRD

LAND USE MATTERS

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Land Use Matters provides information and insights into legal and regulatory developments, primarily at the Los Angeles City and County levels, affecting land use matters and new CEQA appellate decisions.

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Los Angeles City Planning

Proposed Processes and Procedures Ordinance

On October 25, 2021, the City Planning Commission (CPC) recommended that the City Council approve the [Processes and Procedures Ordinance](#), an amendment to the Los Angeles Municipal Code. The prior draft of the amendment was proposed by the CPC in 2018, but additional time was added for further internal and external review. The amendment, which would establish a new Chapter 1A, Zoning Code and a new Article 13 – Administration, aims to consolidate the administrative provisions of the Zoning Code in one location and lay a groundwork for a more accessible set of zoning regulations for a new Zoning Code to come. The proposed ordinance is a part of the re:code LA project.

The City Council will consider the Staff Recommendation Draft of the Ordinance, which proposes processes and procedures including: standardizing the deadline for mailing public hearing notices to 24 days and a 15-day appeal period; renaming zoning administrator determinations and conditional use permit (CUP) to Class 1, 2, and 3 CUPs and reassigning Area Planning Commission CUPs to the City Planning Commission; creating a process for CEQA appeals; establishing an enforcement process for improper segmentation of projects; requiring mail notice of public hearings to be received by Certified Neighborhood Councils for certain processes; codifying procedures for abandonment of approval; amending subdivision processes by allowing Vesting Parcel Maps; adding publication notice requirement for Parcel Maps, Tract Maps, and Private Street Maps; establishing a de novo standard of review for appellate decisions; and creating a window of General Plan Amendment initiation requests for applicants. The new draft, in comparison to the 2018 draft, also made clarifications on procedures, definitions, and requirements of topics such as CEQA appeals, Specific Plans, expiration date of approvals, and Modification of Entitlement. The ordinance will apply citywide upon its effective date, and all community plan areas will use the same set of standardized, consolidated, and centralized processes and procedures.



Hollywood Community Plan Update

On March 18, 2021, the CPC recommended approval of the [Hollywood Community Plan Update](#) (HCPU), which was last updated in 1988. The HCPU proposes incentives for affordable housing in the Regional Center area, new provisions to expand the Media and Entertainment District to preserve the industrial area and create jobs, and redesignating hundreds of acres of residential hillside land as open space. The update will go before the City Council Planning and Land Use Management Committee and to the full City Council for adoption later this year.

California Environmental Quality Act

Organizacion Comunidad de Alviso v. City of San Jose (Microsoft) (6th App. Dist., February 9, 2021)

The Court of Appeal affirmed the trial court's dismissal of a CEQA lawsuit based on the plaintiff's failure to name the project applicant (real party in interest) within the 30-day statute of limitation. While failure to name all necessary parties within the statute of limitation, which is triggered by the filing of the notice of determination (NOD), is mandatory under CEQA, the plaintiff in this case argued that the city should be estopped from asserting the statute of limitation defense because it failed to provide the operative NOD to the plaintiff even though the plaintiff requested special mailing of the NOD during the entitlement process. The court of appeal held that while the city had violated CEQA in failing to provide the requested NOD to the plaintiff, that was no defense to the statute of limitation, which is triggered on the posting of the NOD with the county and not on any individual's actual receipt of the NOD.


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