

# FACT SHEET

## Local Emergency Code Amendment: Targeted Small Business Relief

### Summary

Los Angeles City Planning is implementing the Local Emergency Ordinance. The Ordinance supplements existing temporary regulations in the Zoning Code which may be enacted during a declared local emergency. These will complement the existing temporary provisions which generally relate to temporary uses and building reconstruction during a Local Emergency. The new provisions will provide new and existing businesses financial and regulatory relief to aid in the City's economic recovery, including relief from certain time limitations for certain approvals and a variety of automobile parking regulations for commercial and other nonresidential uses. The following information aims to provide clarity on how these temporary regulations may be useful to many businesses in Los Angeles.

### Background

In response to specific instructions from the City Council (Council File # [20-0380-S1](#)), the Department prepared an ordinance which allows the City Council and Mayor to enact certain temporary regulations during a local emergency.

The [Ordinance](#) was adopted by the City Council on June 23, 2021, and then signed by the Mayor. As part of City Council's adoption, a Resolution was incorporated activating the provisions in the Ordinance. The Ordinance was adopted with an urgency clause and became effective on July 1, 2021. The activation of the provisions is tied to the Local Emergency declaration issued by the Mayor on March 4, 2020 and subsequently extended, amended, and ongoing. Once the Local Emergency declaration expires or is terminated the provisions will be in effect for a further 12 months.

## Key Provisions

For the regulations contained in this Local Emergency Ordinance to take effect, the Mayor or City Council must declare a local emergency, and either the City Council must pass a resolution or the Mayor must issue an Emergency Order enabling the proposed provisions. The proposed provisions are active for the term of the local emergency and for 12 months after its expiration and termination. Council can extend some of the provisions for a maximum of 36 months past the expiration of the local emergency as well as terminate these provisions after the expiration of the local emergency.

The Ordinance has two main components: the **Extension of Time Limits**, which includes extensions for the expiration of certain conditional use permits and concurrent actions, and **Relief from Certain Automobile Parking Requirements**, which grants modifications to existing parking requirements for businesses that meet eligibility, in certain limited circumstances.

### **Extension of Time Limits:**

- Approved Conditional Use Permits: Utilization and effectuation periods for most Conditional Use Permits (CUP) and similar actions are eligible for an extension.
- Multiple Approvals: Any concurrent entitlement, as part of a multiple approval, is eligible.
- Expiring Conditional Use Permits: Additionally, a CUP with a term-limit or expiration is eligible.

### **Relief from Certain Automobile Parking Requirements:**

- Changes of Use: Applications submitted for a change of use within an existing building will not trigger new parking requirements.
- Outdoor Dining Areas: For new and expanded outdoor dining areas, no new parking will be required, nor will the maintenance of existing parking be required.
- Valet parking: Any conditions of approval requiring valet parking will not be enforced during the temporary relief.
- Off-site parking: Any conditions of approval requiring off-site parking will not be enforced during the temporary relief.

## FREQUENTLY ASKED QUESTIONS

### Who is eligible to apply under this new Ordinance?

The eligibility requirements vary for each type of relief provided.

Most approved or active CUPs are eligible for the extension of time limits, as are the concurrent actions that were approved simultaneously. However, permits that involve potentially intense environmental impacts such as petroleum extraction are not eligible. This ineligibility extends to those that have been subject to revocation proceedings that result in corrective action.

The suspension of enforcement of valet and off-site automobile parking conditions has limited eligibility criteria and encompasses all discretionary approvals including variances.

The Change of Use applications have the most restrictive requirements, and are limited to nonresidential uses. The parking relief is for the first 5,000 square feet per tenant space only, and there are limits on expansions and maintenance of the existing structure.

Only establishments that have indoor seating for on-premise dining are eligible for the automobile parking relief provided for Outdoor Eating Areas. This requirement does not necessitate that the indoor seating is currently utilized, if public health orders prohibit or restrict it.

### What is the application process?

An application (Form CP-7844) and payment of a fee to the City Planning Department is required to obtain an extension of time limitations. Once an end date for the current Local Emergency is established, an extension letter may be obtained from the Development Services Center.

The enforcement of any valet or off-site automobile parking that is required as part of a discretionary approval is automatically and temporarily suspended. No application is required. Note that enforcement action will resume 12 months from the termination of



the Local Emergency declaration. The termination date will be posted to the Planning website once determined.

The temporary suspension of enforcement on parking requirements for the creation or expansion of outdoor dining, including the maintenance of any existing parking, will require an application from the Department of Building and Safety. All other Zoning Code and Building Code requirements and limitations are still in effect (after the sunset of the L.A. Al Fresco program, which supersedes this relief until then).

An application is also required for any Change of Use taking advantage of the parking relief offered and should be submitted to the Department of Building and Safety. A specific plan referral to the City Planning Department may still be required as the relief is limited to parking and all other development standards still apply.

### **What happens after the local emergency expires?**

Once the local emergency expires, compliance with the permanent regulations in the Los Angeles Municipal Code (LAMC) is required. The provisions of this section will expire 12 months (unless extended by City Council) from the expiration or termination of the local emergency.

Any extension of time limits provided for the utilization/effectuation of a permit and for term-limited approvals will be limited to the length of the local emergency plus the 12 months thereafter. The extension for term-limited approvals does not negate any conditions imposed by a plan approval or application for a new approval. It only extends the date for compliance with said conditions.

The parking modifications for changes of use will be permanent for those eligible properties or businesses for the life of the use. This means that the City will not require those businesses or properties to provide additional parking after the expiration of these provisions, as it could be detrimental to require a business to provide parking once an approval under the emergency relief is granted.

All remaining parking relief is temporary and time limited. Once the temporary provisions sunset, currently set for 12 months after the termination of the Local Emergency, then any conditions of approvals requiring valet parking or off-site parking



will be fully enforced. Additionally, any outdoor dining areas will need to adhere to the existing provisions of the Zoning Code.

### **How do the time extension provisions in this ordinance compare to those in the Mayor's March 21, 2020 Tolling Order?**

The Tolling Order encompasses almost all applications and entitlements, and provides a 6-month extension past the termination of the local emergency order.

The Local Emergency Ordinance is limited to CUPs and any concurrent actions. It does, however, provide for a 12-month extension past the termination of the local emergency order, and it applies to term-limited CUPs which are not covered under the Tolling Order.

### **Will these provisions apply to specific plans or other overlays?**

These temporary provisions will be applicable citywide, including areas with specific plans or overlays. However, all other provisions of the Zoning Code and applicable specific plan or overlay remain in force.

### **Are these provisions only applicable to the current COVID-19 pandemic and economic downturn?**

No, these regulations can be applied to any declared local emergency that impacts the City. However, the City Council must activate them by passing a Resolution, or the Mayor through an emergency order to ensure that the specific provisions of the proposed ordinance are necessitated by the crisis at hand.

### **Who can I contact for additional information?**

Please submit questions and requests to join City Planning's email notification list for this proposed ordinance to Andrew Pennington: [andrew.pennington@lacity.org](mailto:andrew.pennington@lacity.org), (213) 978-1395.