

ORDINANCE NO. 178124

An ordinance imposing interim regulations on the issuance of building permits on any R1-zoned lot fronting on and within the area generally bounded by Colgate Avenue on the north, Fairfax Avenue on the east, Lindenhurst Avenue on the south, and San Vicente Boulevard on the west, hereby unofficially referred to as "Beverly Grove" in the Wilshire Community Plan Area.

**WHEREAS**, on February 24, 2006, the City Council adopted a motion instructing the Department of City Planning to prepare an Interim Control Ordinance to prohibit the issuance of certain building permits; and

**WHEREAS**, the proposed Interim Control Ordinance (ICO) area is located within the Wilshire Community Plan, adopted on September 19, 2001; and

**WHEREAS**, this residential neighborhood presents a unique blend of scale, massing, building setbacks, architectural styles, and landscaping; and

**WHEREAS**, many structures on R1-zoned properties in this area are still the original modest-sized, single-story, single-family homes built approximately 75 years ago predominantly in the ranch style, with a detached one or two-car garage in the rear of the property, a driveway along the side-yard, with larger rear-yard setbacks than required by the current Municipal Code; and

**WHEREAS**, property values in the Beverly Grove area have increased rapidly in recent years, and this high premium for land has driven a trend where property owners and developers tear down the original houses and replace them with much larger structures, or significantly remodel existing structures with large two-story additions, which are out of scale with the neighboring properties and which, one-by-one, deteriorate the character and inherent charm of the Beverly Grove area; and

**WHEREAS**, recent construction activity has resulted in structures that are roughly 80% larger than the average single-family structure in the neighborhood, most of which are large, two-story, box-like structures built out to the required setbacks with only minimum spacing between houses and large second stories with multiple windows on each side, resulting in congested relationships between adjoining houses and a reduction or elimination of the neighbor's privacy; and

**WHEREAS**, the Beverly Grove area is one of the few single-family residential neighborhoods in the Wilshire Community Plan that is not regulated by any ordinance that helps to protect neighborhood character; and

**WHEREAS**, the Department of City Planning is currently analyzing single-family zones citywide focusing on residential structures that are out of scale with the existing neighborhood character and structural mass, and is developing measures to address the issue, which may take at least a year to be adopted by the City Council; and

**WHEREAS**, some of the objectives of the Citywide Framework Element and the Wilshire Community Plan include, respectively, to ensure that the character and scale of stable single-family residential neighborhoods is maintained, and to preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods; and

**WHEREAS**, interim measures are needed in Beverly Grove to protect this neighborhood from development that is inconsistent with the intent of the General Plan, and to ensure that the character and scale of this established, single-family residential neighborhood is maintained; and

**WHEREAS**, the proposed ordinance would prohibit building permits for certain new residential structures, or additions to existing residential structures that are out-of-scale in the Beverly Grove area until the citywide "Neighborhood Character" study is completed and a permanent ordinance can be put in place to address the issue of scale and mass; and

**WHEREAS**, the proposed ICO establishes a maximum floor area that prevents structures, which are extremely out of proportion with the existing scale of the neighborhood, but still allows for reasonable growth in terms of square footage, and creates a situation where a property can be developed with a single-story structure with a large footprint or a two-story structure with a smaller footprint and larger setbacks; and

**WHEREAS**, delaying the implementation of this ordinance could result in the continuation of the trend toward development, which is inconsistent with the objectives of the General Plan, incompatible with the existing neighborhood, irreversible and which will further impact the quality of life in the community.

**NOW THEREFORE,**

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

Section 1. **DEFINITIONS.** The following term, whenever used in this ordinance, shall be as defined in this section. Words and phrases not defined here shall be construed as defined in Sections 12.03, 12.21.1 A. 5 and 12.21.1 B. 3 of the Los Angeles Municipal Code, if defined there.

**PROJECT** means the construction, erection, alteration of, or addition to any building or structure on any R1-zoned lot located in whole or in part within the area identified in Section 3 of this ordinance, which requires the issuance of a building permit. The term Project shall not include interior or exterior improvements which do not increase the floor area of an existing structure.

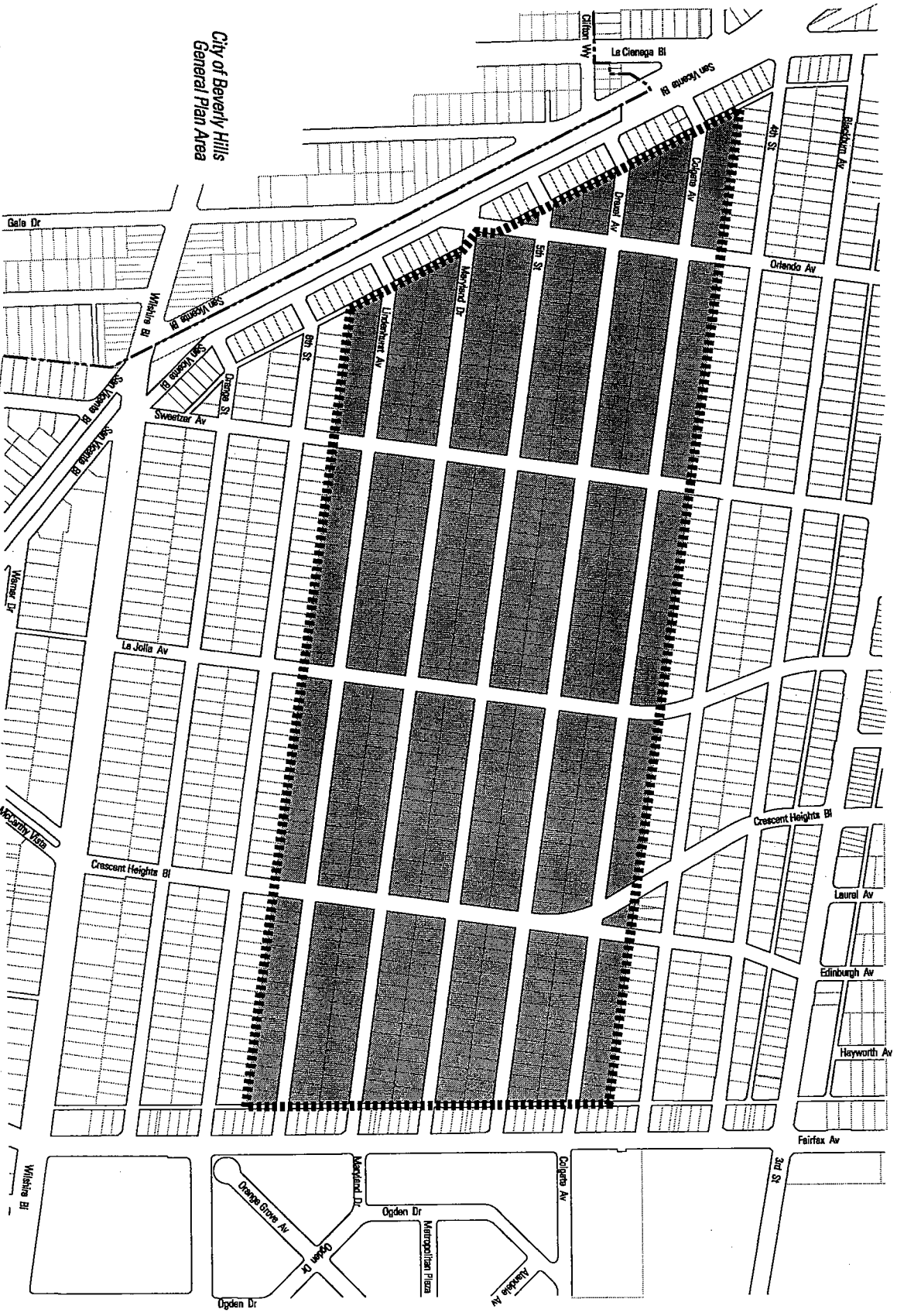
Sec. 2. **PROHIBITION.** Notwithstanding any provision of the Los Angeles Municipal Code to the contrary, for a period of 365 days from the effective date of this ordinance, or until the adoption of permanent regulations pertaining to scale and structural mass within the Beverly Grove ICO area, whichever occurs first:

A. No permit shall be issued for any Project where the total floor area contained in all the main buildings on a lot exceeds 1.1 times the buildable area of the lot, except that the square footage of a garage shall not be counted as part of the total floor area, provided the garage does not exceed 400 square feet. Any square footage in the garage in excess of 400 square feet shall be counted as part of the total floor area; and

B. No permit shall be issued for any Project that exceeds a height of 30 feet, not including roof structures.

Sec. 3. **INTERIM CONTROL AREA.** The provisions of this ordinance shall apply to all R1-zoned properties fronting on and located in whole or in part in the area generally bounded by Colgate Avenue on the north, Fairfax Avenue on the east, Lindenhurst Avenue on the south, and San Vicente Boulevard on the west as shown on the shaded area on the following map:

**Beverly Grove  
Interim Control Ordinance**



City of Beverly Hills  
General Plan Area

Ord. No. -  
CPC No. 2006-2502-1C0

Effective Date: -  
Council File No. 06-0400

**Sec. 4. EXCEPTIONS.**

A. The prohibition specified in Section 2 of this Ordinance shall not apply to the issuance of any building permit for the following:

1. To comply with an order issued by the Department of Building and Safety to repair, remove, or demolish an unsafe building or a substandard condition; or
2. To rebuild as a result of destruction by fire, earthquake, or other natural disaster, provided that the development is not prohibited by any provision of the Los Angeles Municipal Code.

B. The prohibition specified in Section 2 of this Ordinance shall not apply to the issuance of any building permit for which:

1. Architectural and structural plans sufficient for a complete plan check were accepted by the Department of Building and Safety on or before June 8, 2006;
2. All fees or guarantees for the payment of fees were accepted by the City on or before June 8, 2006; and
3. No subsequent changes are made to those plans that increase or decrease the height, floor area, or occupant load by more than five percent or change the use, or if any changes violate the Zoning Code regulations in force on the date that the plan check fee was paid.

**Sec. 5. EXTENSION OF REGULATIONS.** The City Council may, by Resolution, extend the provisions of this ordinance for two additional 180 day periods not to exceed 365 days, so long as the City Council makes the following finding: That appropriate City agencies and officials are exercising due diligence to assure that the Department of City Planning completes its "Neighborhood Character" study and that permanent regulations pertaining to scale and structural mass within the Beverly Grove area are being expeditiously processed.

**Sec. 6. HARDSHIP EXEMPTIONS.** The City Council, acting in its legislative capacity and by Resolution, may grant an exemption from the provisions of this Ordinance in cases of extreme hardship duly established to the satisfaction of the City Council. An application for hardship exemption shall be filed with the City Clerk on forms provided by the Department of City Planning.

**Sec. 7. APPLICABILITY OF THE ZONING CODE.** The regulations of this Ordinance are in addition to those set forth in the planning and zoning provisions of Chapter 1 of the Los Angeles Municipal Code and any other ordinances adopted by the

City Council, and do not contain any rights not otherwise granted under the provisions and procedures contained in that Chapter or any other ordinances.

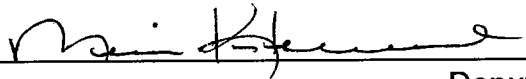
Sec. 8. **SEVERABILITY.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance, which can be implemented without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

(124485)

Sec. 9. 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.


I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of NOV 21 2006.

FRANK T. MARTINEZ, City Clerk

By   
Deputy

DEC 07 2006

Approved \_\_\_\_\_

  
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By   
JOLAINE HARKLESS  
Assistant City Attorney

Date 10/20/06

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

October 12, 2006

See attached report.

  
S. Gail Goldberg  
Director of Planning

File No. CF No. 06-0400; CPC No. 2006-2502-ICO

**DECLARATION OF POSTING ORDINANCE**

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

**Ordinance No. 178124 - Relative to Beverly Grove Interim Control Ordinance (ICO) for the Wilshire Community Plan Area - CPC 2006-2502-ICO** - a copy of

which is hereto attached, was finally adopted by the Los Angeles City Council on **November 21, 2006**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **December 12, 2006** I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on **December 12, 2006** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **12th** day of **December 2006** at Los Angeles, California.

  
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Maria C. Rico, Deputy City Clerk

**Ordinance Effective Date: January 21, 2007**

**Council File No. 06-0400**