



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R 0 6 - 0 3 7 1
OCT 2 0 2006

REPORT RE:

**DRAFT ORDINANCE IMPOSING INTERIM REGULATIONS ON THE ISSUANCE
OF BUILDING PERMITS ON ANY R1-ZONED LOT WITHIN AN AREA UNOFFICIALLY
REFERRED TO AS "BEVERLY GROVE" IN THE WILSHIRE COMMUNITY PLAN AREA**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 06-0400
(CPC No. 2006-2502-ICO - not transmitted)

Honorable Members:

Attached to this report is a final draft ordinance, approved as to form and legality, pertaining to the above-described subject matter. This ordinance has been approved by the Director of Planning on behalf of the City Planning Commission with a recommendation that it be enacted.

Background and Summary

This ordinance would impose interim regulations on the issuance of building permits for a project on any R1-zoned lot that exceeds a height of 30 feet; and, 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. This ordinance would remain in effect for 365 days or until permanent regulations pertaining to scale and structural mass are adopted for the Beverly Grove area.

On July 25, 2006, your Planning and Land Use Management Committee recommended adoption of the draft ordinance, following a public hearing and recommendation for adoption by the City Planning Commission on June 8, 2006.



Charter Findings

Pursuant to Charter Section 559, the Director of Planning has approved this draft ordinance on behalf of the City Planning Commission and recommended that the City Council adopt it. Should the City Council adopt this ordinance, it may comply with the provisions of Charter Section 558 by either adopting the findings of the Director of Planning as set forth in her letter dated October 18, 2006, or by making its own findings.

CEQA Findings

Regarding a finding pursuant to the California Environmental Quality Act (CEQA), the Department of Planning determined that the proposed ordinance is exempt from CEQA, pursuant to Article II, Section 2(m) of the City's CEQA Guidelines because the proposed ordinance will not result in impacts on the physical environment in that it is only a temporary measure to regulate height and total floor area of structures on residential properties until permanent regulations addressing structural mass and scale are adopted. If the City Council concurs, it must make this finding prior to, or concurrent with its action on the ordinance.

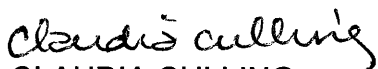
Council Rule 38 Referral

A copy of the final draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety for its comments. The Department has indicated that it has no objections to the draft ordinance.

If you have any questions, please contact Assistant City Attorney Jolaine Harkless at (213) 978-8202. She or another member of this staff will be available to answer any questions you may have when you consider this matter.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By 
CLAUDIA CULLING
Special Counsel - Municipal

ORDINANCE NO. _____

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.

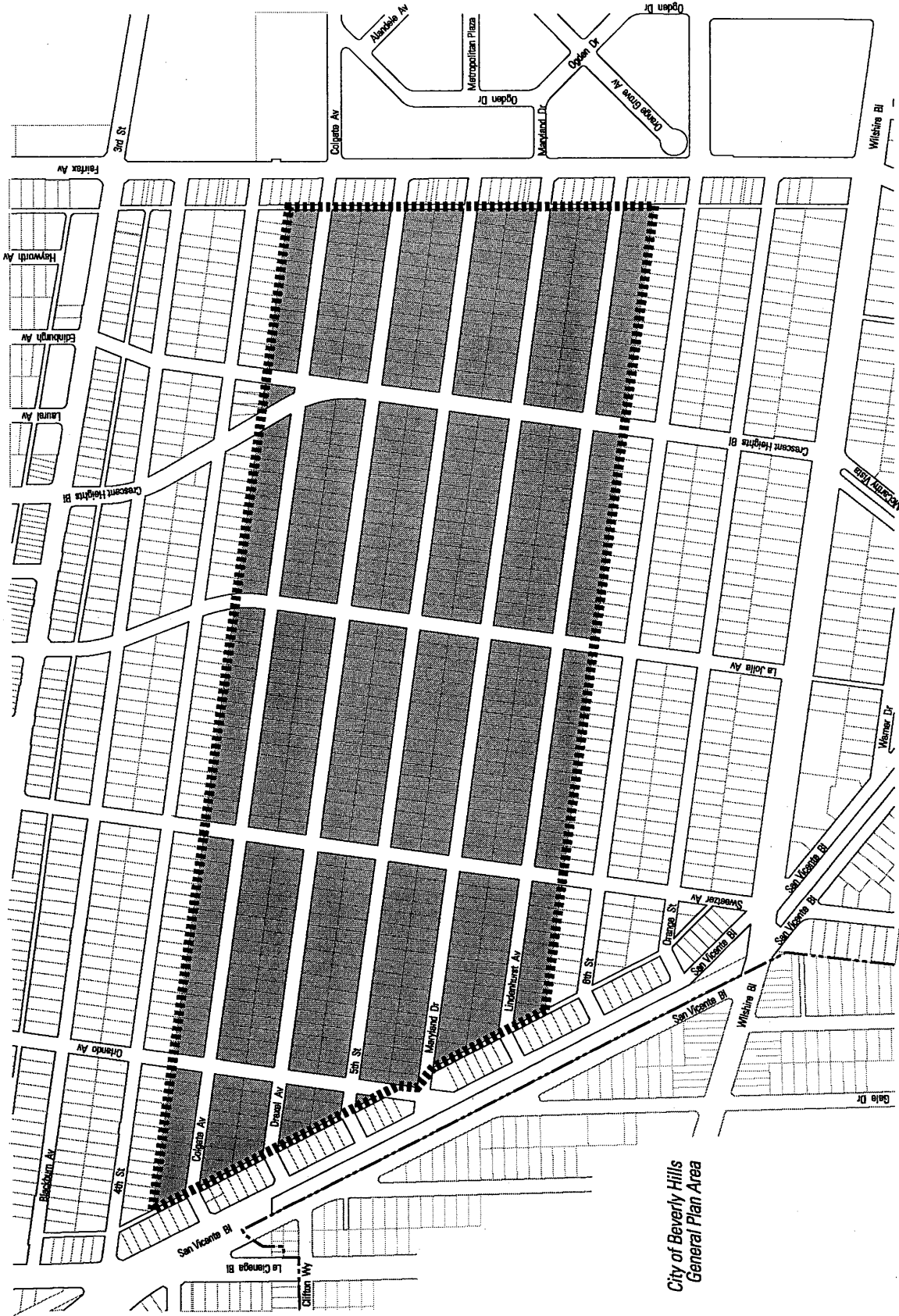
Sec. 2. **PROHIBITION.** Notwithstanding any provision of the Los Angeles Municipal Code to the contrary, for a period of 365 days from the effective date of this ordinance, or until the adoption of permanent regulations pertaining to scale and structural mass within the Beverly Grove ICO area, whichever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

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 _____.

FRANK T. MARTINEZ, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By Jolaine Harkless
JOLAINE HARKLESS
Assistant City Attorney

Date 10/20/06

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

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
S. Gail Goldberg
Director of Planning

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
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LOS ANGELES, CA 90012-4801
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INFORMATION
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www.lacity.org/PLN

October 18, 2006

CPC File No.: 2006-2502-ICO (transmitted)
Council File No.: 06-0400
Council District No.: 5

The Honorable Rockard J. Delgadillo
City Attorney
Room 1800, City Hall East
Mail Stop 140

Attention: Jolaine Harkless
Deputy City Attorney

AN ORDINANCE ESTABLISHING THE "BEVERLY GROVE INTERIM CONTROL ORDINANCE", REDUCING THE MAXIMUM FLOOR AREA AND HEIGHT OF STRUCTURES FOR R1 ZONED LOTS WITHIN THE BEVERLY GROVE AREA.

In response to correspondence from your office dated October 10, 2006, the Department of City Planning, in conjunction with your office, has prepared an ordinance establishing the Beverly Grove Interim Control Ordinance (ICO).

Therefore, it is recommended that the City Council:

ADOPT the ordinance establishing the Beverly Grove ICO; and

ADOPT the following findings of the Director:

1. **City Charter Section 556.** The Beverly Grove ICO is in substantial conformance with the purposes, intent, and provisions of the General Plan and the Wilshire Community Plan in that it would protect and preserve the established character and scale of this stable single-family residential neighborhood referred to in this ordinance as the Beverly Grove area from out-of-scale development.

The proposed ordinance is consistent with the following objectives and policies of the Citywide Framework Element of the General Plan:

- Goal 3B** Preservation of the City's stable single-family residential neighborhoods.
- Objective 3.5** Ensure that the character and scale of the stable single family residential neighborhood is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.
- Policy 3.5.2** Require that new development in the single-family neighborhoods maintains their predominant and distinguishing characteristics such as property setback and building scale.
- Policy 5.6.1** Revise Community Plan designations as necessary to conserve the existing urban form and community character of areas not designated as centers, districts, or mixed use boulevards.

The Beverly Grove ICO does not change the Wilshire Community Plan land use designation of the subject properties, which is currently Low II Residential with corresponding zones of R1, RS, and RD6 (requiring a minimum lot size of 5,000, 7,500, and 12,000 square feet, respectively). Furthermore, the proposed ordinance is not only consistent with, but will help to advance the following objectives and policies of the Wilshire Community Plan:

- Objective 1-1** Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010.
 - Policy 1-1.1** Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential uses and other uses that are incompatible as to scale and character, or would otherwise diminish quality of life.
 - Policy 1-1.2** Promote neighborhood preservation in all stable residential neighborhoods.
 - Objective 1-3** Preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.
2. **City Charter Section 558(b)(2).** The proposed ordinance is related to the General Plan in that it will help to ensure that the character and scale of the established, or stable, single-family residential neighborhood is maintained until a permanent ordinance can be adopted. The ICO also allows for additions or infill development that is compatible with and maintains the scale and character of the area.

The ordinance also helps to limit the adverse impact of development that is incompatible with the intent and policies of the Wilshire Community Plan to preserve low-density, single-family neighborhood and to preserve and enhance the distinct residential character and integrity. The subject ordinance would prohibit building permits for certain new residential uses and thus prevent out-of-scale development 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 residents' mansionization concerns.

3. **City Charter Section 558 (b)(2).** The subject ordinance is in conformity with the public necessity, convenience, general welfare, and good zoning practice in that it will protect the community from potentially irreversible adverse impacts to a well-maintained, stable residential neighborhood from incompatible out-of-scale development, which impacts the original character of the community.

4. **California Environmental Quality Act (CEQA).** The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) of 1970, pursuant to Article II, Section 2 (m) of the City of Los Angeles CEQA Guidelines in that it is imposing interim regulations prohibiting the issuance of any building permits on any R1-zoned lot for a structure in which the total Floor Area contained in all the main buildings on a lot exceeds 1.1 times the Buildable Area of said lot, and 30 feet in height within the "Beverly Grove" area. The adoption of the proposed ICO will not result in impacts on the physical environment because the ordinance is only a temporary measure to regulate height and total Floor Area of structures on residential properties until permanent regulations addressing structural mass and scale are adopted.

Based upon the above findings, the proposed ordinance establishing the Beverly Grove ICO is deemed consistent with the public necessity, convenience, general welfare and good zoning practice.

For the foregoing reasons and as provided under the authority of Charter Sections 556 and 558, and under the authority granted by Charter Section 559, the subject ordinance conforms with the July 12, 2006 action of the City Planning Commission and the July 25, 2006 action of the Planning and Land Use Management Committee of the City Council, which is the latest action on this matter.

S. GAIL GOLDBERG, AICP
Director of Planning



ROBERT H. SUTTON
Deputy Director

COUNTY CLERK'S USE

CITY CLERK'S USE

CITY OF LOS ANGELES
 OFFICE OF THE CITY CLERK
 200 NORTH SPRING STREET, ROOM 360
 LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
 (California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY City of Los Angeles Department of City Planning	COUNCIL DISTRICT 5
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PROJECT TITLE Beverly Grove Interim Control Ordinance (ICO)	LOG REFERENCE CPC-2006-2502-ICO ENV-2006-2503-CE
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PROJECT LOCATION
 The proposed ICO is located within the area referred to as "Beverly Grove", bounded by Colgate Avenue on the north, Fairfax Avenue on the east, Lindenhurst Avenue on the south, and San Vicente Boulevard on the west in the Wilshire Community Plan Area.

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:
 An ordinance imposing interim regulations prohibiting the issuance of any building permits on any R1-zoned lot for a structure in which the total Floor Area contained in all the main buildings on a lot exceeds 1.1 times the Buildable Area of said lot, and 30 feet in height within the "Beverly Grove" area. The ICO shall remain in effect for twelve (12) months with two (2) twelve (12) month extensions or until such time as a permanent ordinance is adopted.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:
 n/a


CONTACT PERSON Erick Lopez, City Planning Associate	AREA CODE (213)	TELEPHONE NUMBER 978-1243	EXT.
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EXEMPT STATUS: (Check One)

	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
<input type="checkbox"/> DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
<input type="checkbox"/> EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
<input type="checkbox"/> CATEGORICAL EXEMPTION	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1
Class _____ Category _____ (City CEQA Guidelines)		
<input checked="" type="checkbox"/> OTHER	(See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.) EXEMPTION, City CEQA Guidelines, Art. II, Sec. 2, Subdivision (m)	

JUSTIFICATION FOR PROJECT EXEMPTION: The adoption of the proposed Interim Control Ordinance will not result in impacts on the physical environment because the ordinance is only a temporary measure to regulate height and total Floor Area of structures on residential properties until permanent regulations addressing structural mass and scale are adopted.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE 	TITLE Principal City Planner	DATE October 10, 2006
FEE:	RECEIPT NO.	REC'D. BY
		DATE

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record
 Rev. 11-1-03 Rev. 1-31-06 Word