



Los Angeles CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: JUL 12 2006

CITY COUNCIL
Room 395, City Hall

CASE NO. CPC-2006-2502-ICO

Applicant: City of Los Angeles

Location: R1-zoned properties fronting on and bounded by Colgate, Fairfax and Lindenhurst Avenues, and San Vicente Boulevard.

Council District: 5
Plan Area: Wilshire
Request(s): An Interim Control Ordinance (ICO) to temporarily prohibit the issuance of certain permits on any R1-zoned properties within the proposed Beverly Grove ICO Area.

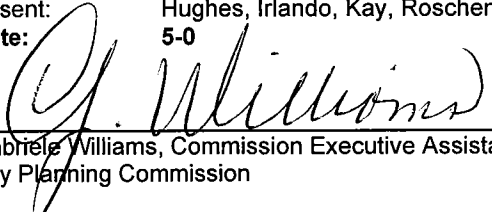
At its meeting on June 8, 2006, the following action was taken by the City Planning Commission:

1. **Approved** the proposed Interim Control Ordinance (Attachment II, Exhibit "A") prohibiting the issuance of any demolition, building, or change of use permits for a structure(s) 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 proposed Beverly Grove ICO area.
2. **Approved** an amendment to the proposed Interim Control Ordinance (Attachment II, Exhibit "A") to exclude the area provided for required parking, not to exceed 400 square-feet, from the total Floor Area calculation of a property (see Attachment I for amended Ordinance).
3. **Approved** the attached Staff Report and related Exhibits (Attachment II).
4. **Adopted** Categorical Exemption No. ENV-2006-2503-CE (Attachment II, Exhibit "B").
5. **Adopted** the Findings in the attached staff report.

Fiscal Impact Statement: There is a General Fund impact as administrative costs resulting from implementation are not recovered through fees.

This action was taken by the following vote:

Moved: Woo
Seconded: Freer
Ayes: Cardoso, Kezios, Usher
Absent: Hughes, Irlando, Kay, Roschen
Vote: 5-0



Gabrielle Williams, Commission Executive Assistant II
City Planning Commission

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Attachments: Attachment I (Amended Ordinance), Attachment II (Staff Report w/ Findings & Exhibits)

c: Geri Burge, Assistant City Attorney

ATTACHMENT I

ORDINANCE NO. _____

An ordinance imposing interim regulations prohibiting the issuance of any demolition, building, or change of use permits on any R1-zoned lot for a structure(s) 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 fronting on, and within the area 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, the City Council on February 24, 2006, adopted a motion instructing the Department of City Planning, with the assistance of the City Attorney, 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, many residential structures on R1-zoned properties in this area were built approximately 75 years ago and have a unique blend of architectural styles, massing, landscaping, and building setbacks; and

WHEREAS, property values in the "Beverly Grove" area have increased rapidly in recent years, and this high premium for land has driven property owners and developers to tear down the original, small houses and replace them with large, box-like structures; and

WHEREAS, such mansionization is intensifying development, and is depriving the "Beverly Grove" area of its inherent charm; and

WHEREAS, the Department of City Planning currently is 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

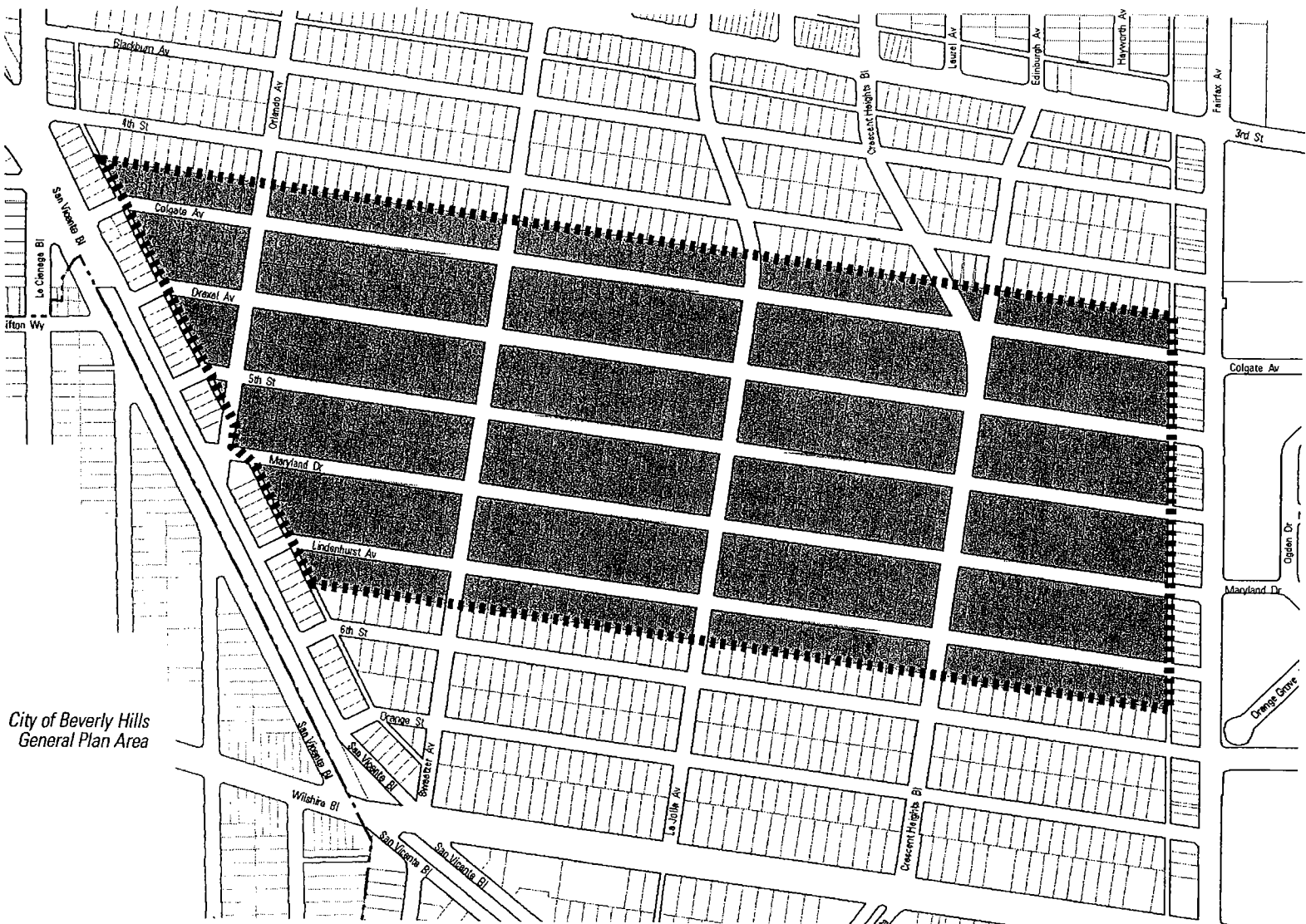
WHEREAS, interim measures are needed in "Beverly Grove" to protect this neighborhood from development that is inconsistent with the intent of the General Plan, and to ensure that the character and scale of this established single-family residential neighborhood is maintained,

NOW THEREFORE,

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

Section 1. 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, with two possible 180-day extensions, or until a permanent ordinance is put in place for the "Beverly Grove" area, whichever comes first, no building permit shall be issued for the demolition of, construction of, erection of, any alteration of, addition to, or change the use of any new or existing residential structure(s), on a lot zoned R1 located in whole or in part within the area identified in Section 3 of this Ordinance.

Section 2. INTERIM CONTROL AREA. The provisions of this ordinance shall apply to all R1-zoned properties fronting on, and located in whole or in part along the area bounded by Colgate Avenue on the north, Fairfax Avenue on the east, Lindenhurst Avenue on the south, and San Vicente Boulevard on the west; subject properties are demonstrated in a shade of grey and within the boundaries shown on the map below:

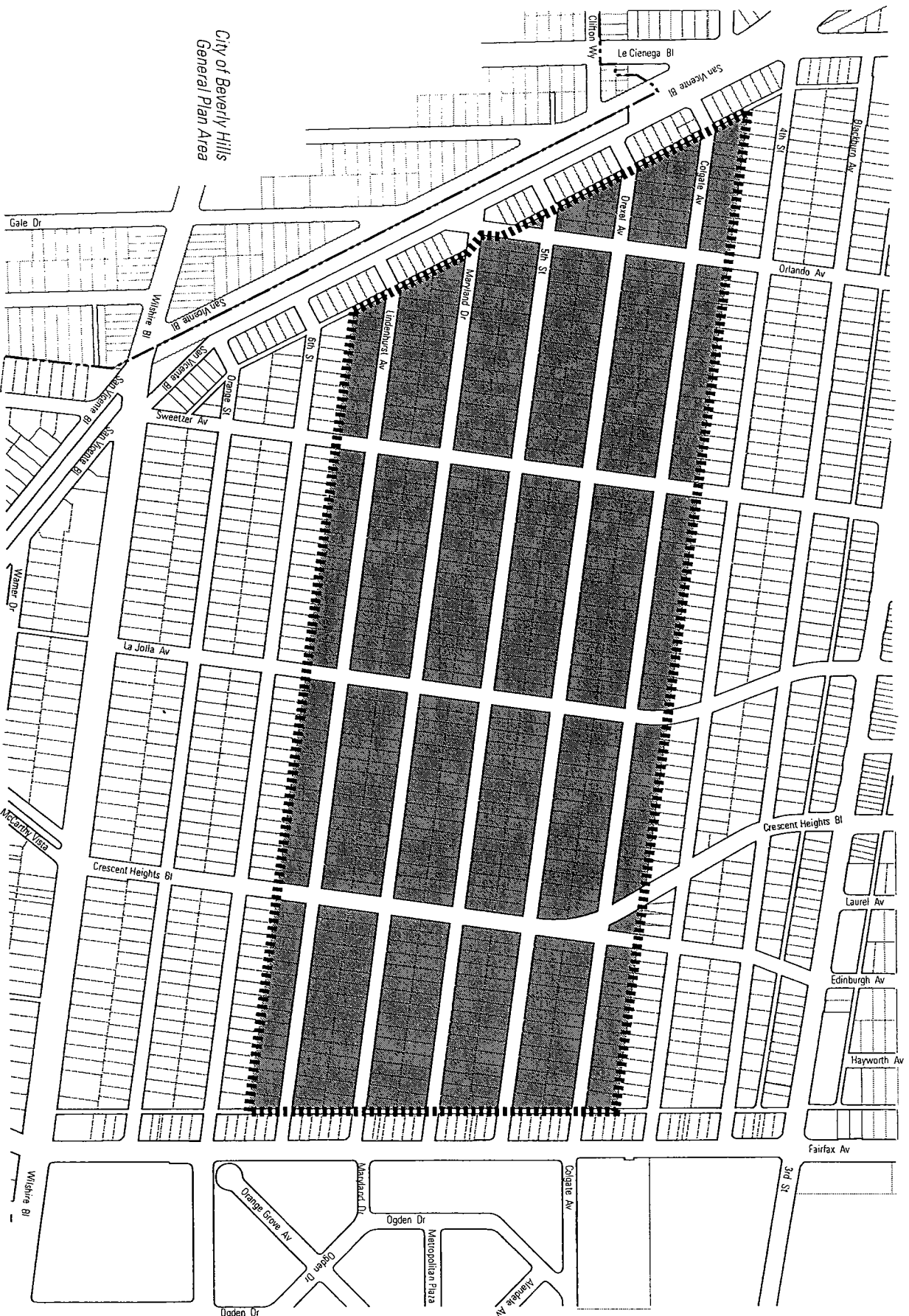


Section 3. EXCEPTIONS.

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

1. An order issued by the Department of Building and Safety to repair, remove, or demolish an unsafe building or a substandard condition; or
2. In order 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.

Beverly Grove Interim Control Ordinance



City of Beverly Hills
General Plan Area

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

Effective Date: -
Council File No. 06-0400

B. The prohibitions specified in Section 2 of this Ordinance shall not apply to any building permit or demolition 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 February 24, 2006;
2. All fees or guarantees for the payment of fees were accepted by the City on or before the adoption date of this Ordinance; and
3. If no subsequent changes are made to those plans which 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.

C. The prohibitions specified in Section 2 of this Ordinance shall not apply to the demolition of, erection of, construction of, addition to, any alteration of, or change of use of a building or structure provided the following:

1. The total Floor Area contained in all the main buildings on a lot does not exceed 1.1 times the Buildable Area on the lot, not including the area being provided for required parking up to 400 square-feet. However, the area in excess of 400 square-feet shall be included in the total Floor Area; and
2. The height of a building or structure does not exceed 30 feet (measured as defined in Section 12.03 of the LAMC), not including roof structures as defined in, and governed by Section 12.21.1 B.3 of the LAMC; and
3. The improvements are limited to interior improvements and changes of use that do not result in additional Floor Area, as defined in Section 12.03 and Section 12.21.1 A.5 of the LAMC.

Section 4. 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 a permanent ordinance addressing the concerns regarding mansionization in the "Beverly Grove" area is being processed expeditiously.

Section 5. 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.

Section 6. 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.

Section 7. 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.

Section 8. URGENCY CLAUSE. The City Council finds and declares that this Ordinance is required for the immediate protection of the public peace, health and safety for the following reasons: The Department of City Planning is analyzing single-family zones citywide focusing on residential structures that are out of scale with the existing neighborhood character and structural mass, and any resulting ordinances may take at least a year to be adopted by the City Council. Interim measures are needed in "Beverly Grove" to regulate development to the extent that it has a degrading effect upon the neighborhood, and would prevent potentially irreversible development to occur which would create adverse impacts on the community.

Delaying the implementation of this ordinance could result in an increase in incompatible development that would preclude the benefits to be accomplished by the Department of City Planning's "Neighborhood Character" study and any future ordinance that may result, the objectives of the General Plan, and the quality of life in the community. Therefore, the immediate implementation of the subject ordinance is needed, and it shall become effective upon publication pursuant to Section 253 of the Los Angeles Charter.

Section 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 in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; 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

Richard J. Delgadillo, City Attorney

By _____
TERRY P. KAUFMANN MACIAS
Deputy City Attorney

Date _____

File No. _____

ATTACHMENT II

**LOS ANGELES CITY PLANNING DEPARTMENT
STAFF REPORT TO THE CITY PLANNING COMMISSION**

CITY PLANNING COMMISSION:

DATE: June 8, 2006
TIME: After 8:30 A.M.*
PLACE: City Hall, Room 1010
200 North Spring Street
Los Angeles, CA 90012

CASE NO: CPC-2006-2502-ICO
Interim Control Ordinance
CEQA: ENV-2006-2503-CE
Location: R1-zoned properties fronting on and bounded by Colgate, Fairfax and Lindenhurst Avenues, and San Vicente Boulevard

PUBLIC HEARING REQUIRED

Council District: 5
Plan Area: Wilshire
Neighborhood Council: Mid City West
Plan Land Use: Low II Residential
Zone: R1-1 & R1-1-O
Related File: C.F. No. 06-0400

REQUEST: Interim Control Ordinance (ICO).

SUMMARY: A proposed ICO to temporarily prohibit the issuance of certain permits on any R1-zoned properties fronting on and bounded by Colgate Avenue on the north, Fairfax Avenue on the east, Lindenhurst Avenue on the south, and San Vicente Boulevard on the west, referred to as the "Beverly Grove" area, in the Wilshire Community Plan Area, and as shown on the map included in the attached Exhibit "A".

APPLICANT: City Council Initiated.

RECOMMENDATIONS:

1. **Adopt** the staff report and the findings as the City Planning Commission's report and findings;
2. **Approve and Recommend** that the City Council approve the ICO (Exhibit "A"); and
3. **Adopt** the Categorical Exemption No. ENV-2006-2503-CE (Exhibit "B").

STAFF: Betsy Weisman, Principal City Planner
Helene Bibas, City Planner, (213) 978-1176
Erick Lopez, City Planning Associate, (213) 978-1243

TABLE OF CONTENTS

	PAGE
Summary	3
Staff Recommendations (Findings)	3
Staff Report	
Request	6
Background	6
Proposal	7
Conclusion	8
Environmental Impact	8
Exhibits	
"A" – Proposed Interim Control Ordinance	Attached
"B" – Categorical Exemption No. ENV 2004-7772-CE	Attached
"C" – Council Motion	Attached

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012 (Phone 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date.

If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

SUMMARY

The proposed Interim Control Ordinance (ICO), attached as Exhibit "A", temporarily prohibits the issuance of any demolition, building, or change of use permits for a structure(s) 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. The prohibition would apply to any R1-zoned properties fronting on and bounded by Colgate Avenue on the north, Fairfax Avenue on the east, Lindenhurst Avenue on the south, and San Vicente Boulevard on the west, referred to as the "Beverly Grove" area, in the Wilshire Community Plan Area.

The ICO establishes interim measures to prevent potentially irreversible development to occur which would create adverse impacts on the community and to ensure that the character and scale of this established single-family residential neighborhood is maintained while the Department of City Planning completes the appropriate studies and prepare a permanent ordinance that addresses the size and massing concerns.

STAFF RECOMMENDATIONS

ACTIONS RECOMMENDED BY STAFF:

ADOPT the Staff Report and Findings as the Commission's Report;

APPROVE the proposed ICO, to prohibit the issuance of building permits within the "Beverly Grove" area; and

ADOPT the following findings:

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 it 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. **City Charter Section 253.** The proposed ordinance contains an Urgency Clause making it effective upon publication, for the immediate protection of the public peace, health, and safety. Delaying the adoption of this ICO may result in incompatible development that would be inconsistent with the objectives of the General Plan, and the quality of life in the community. Therefore, the immediate implementation of the

proposed ordinance is needed to protect the health and safety of the citizens by improving the physical environment by temporarily prohibiting residential development that would affect stable neighborhoods and the quality of life of the community.

- 5. **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 only a temporary measure to prohibit the issuance of certain building permits until the Department of City Planning's "Neighborhood Character" study is completed, and a permanent ordinance is put in place that addresses the concerns in the "Beverly Grove" area of the Wilshire Community Plan.

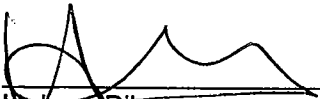
S. GAIL GOLDBERG, AICP
Director of Planning

Approved by:



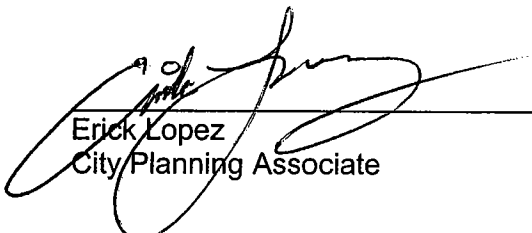
Betsy Weisman
Principal City Planner

Reviewed by:



Helene Bibas
City Planner

Prepared by:



Erick Lopez
City Planning Associate

STAFF REPORT

REQUEST

On February 24, 2006, the City Council adopted a motion (Exhibit "C") instructing the Department of City Planning, with the assistance of the City Attorney, to prepare an Interim Control Ordinance (ICO) to prohibit the issuance of certain building permits within the "Beverly Grove" area in the Wilshire Community Plan Area. The proposed Beverly Grove ICO applies to all R1-zoned properties fronting on, and bounded by Colgate Avenue on the north, Fairfax Avenue on the east, Lindenhurst Avenue on the south, and San Vicente Boulevard on the west.

BACKGROUND

Single-family dwelling units make up less than a quarter of the total number of dwelling units in the Wilshire Community Plan. Of these single-family units, Historic Preservation Overlay Zones (HPOZ) protect a significant percentage of them: North Miracle Mile HPOZ, Carthay Circle HPOZ, South Carthay HPOZ, and Windsor Square HPOZ. The "Beverly Grove" area is one of the few single-family residential neighborhoods in the Wilshire Community Plan that is not within an HPOZ or other special overlays.

The "Beverly Grove" neighborhood is comprised of R1-zoned properties with single-family residential structures built approximately 75 years ago, and has a unique blend of architectural styles, massing, landscaping, and building setbacks. However, property values in the "Beverly Grove" area have increased rapidly in recent years, resulting in a high premium for land that has driven property owners and developers to tear down the original, small houses and replace them with large, box-like structures that are built out to all four setbacks and the maximum height; one of the many manifestations of the phenomenon commonly referred to as "mansionization". This mansionization is intensifying development, and threatens to forever change the inherent charm of the "Beverly Grove" area.

The "Beverly Grove" neighborhood is made up of 696 lots zoned R1-1 and R1-1-O, and has been subdivided in a way that all but 37 lots (or 5.32%) fall within 6 typical lot types ranging from 6,025 sq-ft to 6,225 sq-ft in lot size. Currently, the Los Angeles Municipal Code (LAMC) establishes a maximum Floor Area Ratio (FAR) of 3:1 (calculated by buildable area) and allows for a maximum height of 33 feet for these properties, with allowances for certain "roof structures" to project slightly above that height.

An FAR of 3:1 allows for maximum Floor Areas (or largest possible structure) ranging from 9,234 to 9,720 sq-ft, which establishes a by-right scale of roughly 150% of the lot size. An ICO with a maximum FAR of 1.1:1 (calculated by buildable area) creates maximum Floor Areas ranging between 3,574 and 3,720 sq-ft, bringing the size of the structure to a more appropriate proportion to the lot size – roughly 60% of the lot size.

In addition to the limitations spelled out in the original City Council motion (Exhibit "C"), the proposed "Beverly Grove" ICO shown in Exhibit "A" includes a new provision that states "... improvements [that] are limited to interior improvements and changes of use that do not result in additional Floor Area ..." are exempt from the ICO. The intent of this provision is to allow for the

continued processing of projects that will not affect the existing neighborhood character, such as a kitchen remodel that does not increase the Floor Area of the existing residential structure.

The Department of City Planning is currently analyzing single-family zones citywide, focusing on residential structures that many consider out of scale with the existing neighborhood character and structural mass of established residential communities. The Department is developing permanent regulations to address these issues. However, 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 during this interim period.

PROPOSAL

Staff proposes an Interim Control Ordinance to be in effect for 365 days, with two possible 180-day extensions. The ICO includes certain exceptions, which would permit construction or demolition in compliance with a Department of Building and Safety order; rebuilding of structural damage as a result of fire or natural disaster; and the granting of a hardship exemption by the City Council, if warranted.

Prohibitions/Exceptions

The Interim Control Ordinance shall apply to applications for demolition, building, and change of use permits for R1-zoned lots in the "Beverly Grove" area, unless the plans for such structures conform to the following standards:

1. The total Floor Area contained in all the main buildings on a lot does not exceed 1.1 times the Buildable Area on the lot; and
2. The height of a building of structure does not exceed 30 feet (measured as defined in Section 12.03 of the LAMC), not including roof structures as defined in, and governed by Section 12.21.1 B.3 of the LAMC; and
3. The improvements are limited to interior improvements and changes of use that do not result in additional Floor Area, as defined in Section 12.03 and Section 12.21.1 A.5 of the LAMC.

The ICO would not apply to any building permit or demolition 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 February 24, 2006;
2. All fees or guarantees for the payment of fees were accepted by the City on or before the adoption date of this proposed Ordinance; and
3. If no subsequent changes are made to those plans which 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.

Hardship Exemptions

The proposed ICO includes language standard to all of the City's ICOs allowing the City Council to grant exemptions in cases of hardship duly established to its satisfaction.

Procedures

The Department of City Planning will have lead responsibility of administering and enforcing the proposed ICO, with the assistance of the Department of Building and Safety. To implement the ICO, the two departments will work out the following procedures:

- The Department of City Planning will record the "Beverly Grove" Area and ICO on its Zone Information and Map Access System (ZIMAS) so that all parcels subject to the ICO can be readily identified. The Department of Building and Safety will perform a similar procedure, recording the same data on its permit processing system program.
- The Department of City Planning and the Department of Building and Safety will develop a Zoning Information file that cross-references the ICO. This file will also be recorded on each parcel, so that Building and Safety staff are alerted when applications for demolition, building, and changes of use are filed.
- The Department of Building and Safety will not issue a permit to demolish or convert existing Floor Area, or construct new Floor Area unless the Department of City Planning has first determined that the application complies with the ICO.

CONCLUSION

The proposed ordinance, which is a temporary measure to control out-of-scale development until a permanent ordinance has been established, will prevent irreversible and incompatible development that would be inconsistent with the character of the neighborhood. It directs the Department of City Planning to undertake appropriate studies to prepare a permanent ordinance that addresses the size and massing concerns in the "Beverly Grove" area, and permanently address the land use issues that prompted the need for the Interim Control Ordinance.

ENVIRONMENTAL IMPACT

The proposed ICO is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2, Subsection (m) of the City of Los Angeles CEQA Guidelines (ordinances which do not of themselves have the impact on the physical environment). The ordinance will not affect the physical environment because it will preserve the status quo. While the ICO remains in effect, the scale of this established single-family residential neighborhood will be maintained until the Department of City Planning completes the appropriate studies and prepares a permanent ordinance that addresses the size and massing concerns raised by the community.

EXHIBIT "A"**ORDINANCE NO. _____**

An ordinance imposing interim regulations prohibiting the issuance of any demolition, building, or change of use permits on any R1-zoned lot for a structure(s) 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 fronting on, and within the area 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, the City Council on February 24, 2006, adopted a motion instructing the Department of City Planning, with the assistance of the City Attorney, 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, many residential structures on R1-zoned properties in this area were built approximately 75 years ago and have a unique blend of architectural styles, massing, landscaping, and building setbacks; and

WHEREAS, property values in the "Beverly Grove" area have increased rapidly in recent years, and this high premium for land has driven property owners and developers to tear down the original, small houses and replace them with large, box-like structures; and

WHEREAS, such mansionization is intensifying development, and is depriving the "Beverly Grove" area of its inherent charm; and

WHEREAS, the Department of City Planning currently is 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

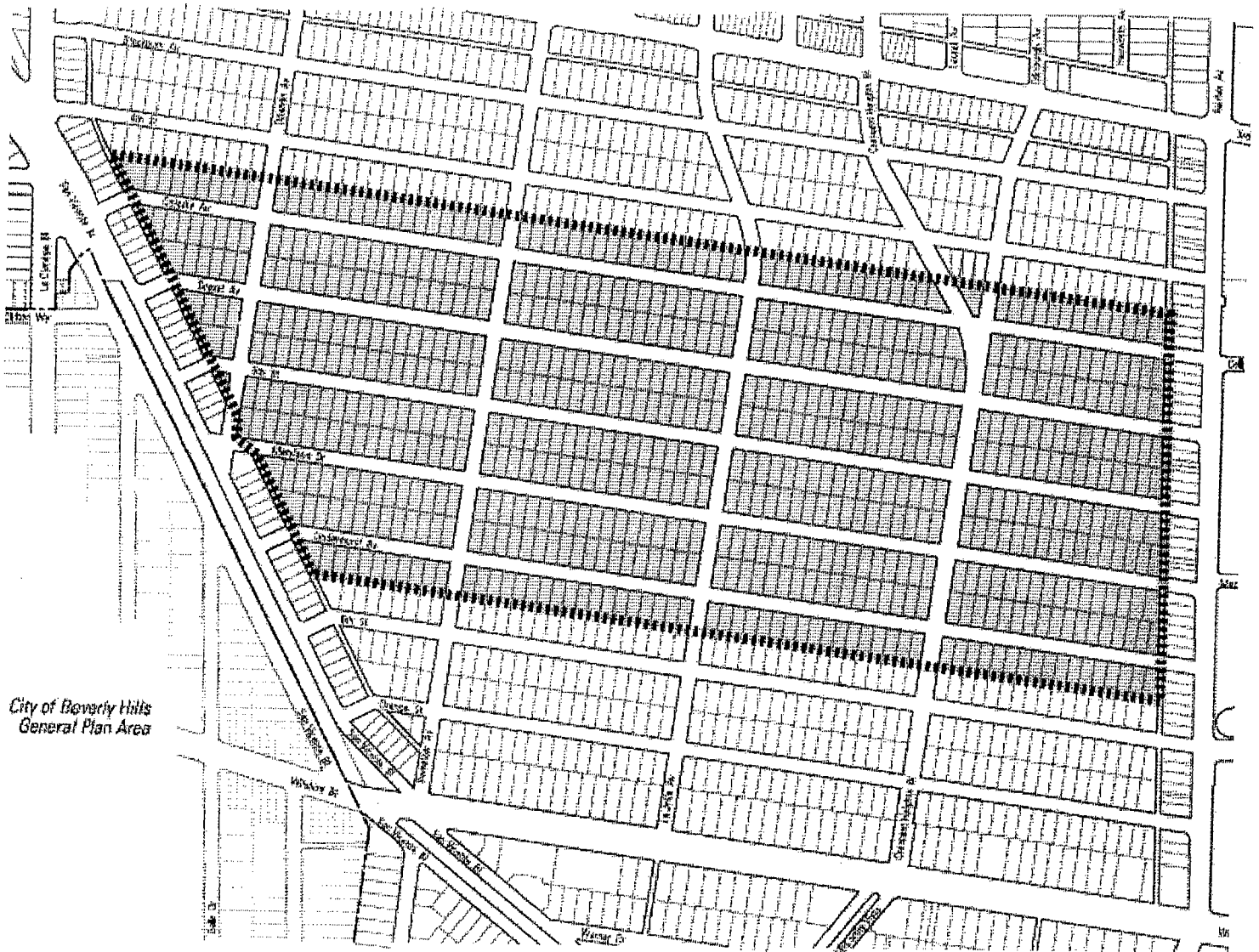
WHEREAS, interim measures are needed in "Beverly Grove" to protect this neighborhood from development that is inconsistent with the intent of the General Plan, and to ensure that the character and scale of this established single-family residential neighborhood is maintained,

NOW THEREFORE,

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

Section 1. 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, with two possible 180-day extensions, or until a permanent ordinance is put in place for the "Beverly Grove" area, whichever comes first, no building permit shall be issued for the demolition of, construction of, erection of, any alteration of, addition to, or change the use of any new or existing residential structure(s), on a lot zoned R1 located in whole or in part within the area identified in Section 3 of this Ordinance.

Section. 2. INTERIM CONTROL AREA. The provisions of this ordinance shall apply to all R1-zoned properties fronting on, and located in whole or in part along the area bounded by Colgate Avenue on the north, Fairfax Avenue on the east, Lindenhurst Avenue on the south, and San Vicente Boulevard on the west; subject properties are demonstrated in a shade of grey and within the boundaries shown on the map below:



Section 3. 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. An order issued by the Department of Building and Safety to repair, remove, or demolish an unsafe building or a substandard condition; or

ATTACHMENT II

2. In order 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 prohibitions specified in Section 2 of this Ordinance shall not apply to any building permit or demolition 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 February 24, 2006;

2. All fees or guarantees for the payment of fees were accepted by the City on or before the adoption date of this Ordinance; and

3. If no subsequent changes are made to those plans which 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.

C. The prohibitions specified in Section 2 of this Ordinance shall not apply to the demolition of, erection of, construction of, addition to, any alteration of, or change of use of a building or structure provided the following:

1. The total Floor Area contained in all the main buildings on a lot does not exceed 1.1 times the Buildable Area on the lot; and

2. The height of a building or structure does not exceed 30 feet (measured as defined in Section 12.03 of the LAMC), not including roof structures as defined in, and governed by Section 12.21.1 B.3 of the LAMC; and

3. The improvements are limited to interior improvements and changes of use that do not result in additional Floor Area, as defined in Section 12.03 and Section 12.21.1 A.5 of the LAMC.

Section 4. 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 a permanent ordinance addressing the concerns regarding mansionization in the "Beverly Grove" area is being processed expeditiously.

Section 5. 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.

Section 6. 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.

Section 7. 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

ATTACHMENT II

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.

Section 8. URGENCY CLAUSE. The City Council finds and declares that this Ordinance is required for the immediate protection of the public peace, health and safety for the following reasons: The Department of City Planning is analyzing single-family zones citywide focusing on residential structures that are out of scale with the existing neighborhood character and structural mass, and any resulting ordinances may take at least a year to be adopted by the City Council. Interim measures are needed in "Beverly Grove" to regulate development to the extent that it has a degrading effect upon the neighborhood, and would prevent potentially irreversible development to occur which would create adverse impacts on the community.

Delaying the implementation of this ordinance could result in an increase in incompatible development that would preclude the benefits to be accomplished by the Department of City Planning's "Neighborhood Character" study and any future ordinance that may result, the objectives of the General Plan, and the quality of life in the community. Therefore, the immediate implementation of the subject ordinance is needed, and it shall become effective upon publication pursuant to Section 253 of the Los Angeles Charter.

Section 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 in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; 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

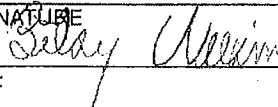
Richard J. Delgadillo, City Attorney

By _____
TERRY P. KAUFMANN MACIAS
Deputy City Attorney

Date _____

File No. _____

EXHIBIT "B"

COUNTY 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		CITY CLERK'S USE
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
PROJECT TITLE Beverly Grove Interim Control Ordinance (ICO)		LOG REFERENCE CPC-2006-2502-ICO ENV-2006-2503-CE	
PROJECT LOCATION The proposed ICO is located within the area unofficially 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 put in place for the "Beverly Grove" area.			
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 EXT. 978-1243
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 checked="" type="checkbox"/>	CATEGORICAL EXEMPTION Sec. 15300 <i>et seq.</i>	Art. II, Sec. 2(m)	
	Class _____ Category _____ (City CEQA Guidelines)		
<input type="checkbox"/>	OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.		
JUSTIFICATION FOR PROJECT EXEMPTION: The proposed establishment of the Interim Control Ordinance is exempt from the provisions of CEQA in that it meets the following exemption activity: Article II, Section 2 (m) The adoption of ordinances that do not result in impacts on the physical environment as listed in the City of Los Angeles CEQA Guidelines.			
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 April 13, 2006
FEE:	RECEIPT NO.	REC'D. BY	DATE