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CITY ATTORNEY

**REPORT NO. R 1 8 - 0 0 0 1**  
**JAN 0 8 2018**

**REPORT RE:**

**DRAFT ORDINANCE REPEALING ORDINANCE NO. 182,048 AND AMENDING THE  
ZONING MAP REFERENCED IN SECTION 12.04(B) OF THE LOS ANGELES  
MUNICIPAL CODE TO APPLY THE SINGLE-FAMILY R1 REGULATIONS**

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. 08-2332

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance repeals Ordinance Number 182,048, which established the Studio City Residential Floor Area (RFA) Supplemental Use District (SUD) adopted on February 7, 2012. The draft ordinance also amends Section 12.04 of the Los Angeles Municipal Code by changing the zone classifications for non-hillside single-family residential properties located in the same Studio City area to the Single Family R1 Regulations (BMO).

### Background

On February 7, 2012, the City Council adopted Ordinance Number 182,048, which established the Studio City RFA SUD and imposed limits on the size and RFA of approximately 3,900 designated non-hillside single-family zoned properties, of which 98 percent are zoned R1 and the remaining 2 percent RE11 and RE20.

On April 7, 2017, a motion was introduced before the City Council (Huizar-Farrell) requesting the City Attorney to prepare and present an ordinance to rescind the Studio City RFA SUD for all R1 and RE zoned properties, inasmuch as the land use regulatory controls of the recently adopted and amended Baseline Mansionization Ordinance (BMO) regulate development in single-family zones. On May 2, 2017, the City Council adopted the motion as amended (Huizar-Koretz) to include an urgency clause.

On October 12, 2017, the City Planning Commission (CPC) considered a draft ordinance prepared pursuant to the City Council's direction. The CPC voted to recommend the proposed ordinance's approval to the City Council.

On December 5, 2017, the PLUM Committee considered the CPC's recommendations and the Planning Department's proposed ordinance and requested that the City Attorney transmit the draft ordinance for the City Council's consideration.

### Summary of Ordinance Provisions

The draft ordinance repeals the Studio City Residential Floor Area (RFA) Supplemental Use District established by Ordinance No. 182048 for all non-hillside properties zoned R1, RE11 and RE20, and in its place applies the Single Family R1 Regulations. The draft ordinance also effectuates a Zone Change removing the RF designation for those parcels in the non-hillside single-family residential lots in the proposed Ordinance Map from R1-1-RFA-RIO to R1-1-RIO, R1-1VL-RFA-RIO to R1-1VL-RIO, RE11-1-RFA-RIO to RE11-1-RIO, and RE20-1-RFA-RIO to RE20-1-RIO for the project area located in the Studio City community, consisting of 3,900 single-family zoned properties and generally bounded by the Hollywood Freeway to the east, the Los Angeles River and Ventura Boulevard to the south, Ethel Avenue to the west and the Ventura Freeway to the north, including several hundred single-family properties south of Ventura Boulevard between Laurel Canyon Boulevard and Fulton Avenue. According to Planning Department staff, the purpose of the ordinance is to provide a better tool for addressing the issue of mansionization in the Studio City area, while also balancing the needs of property owners who wish to build larger homes with their neighbors' desire to protect privacy and enjoyment of the existing neighborhood.

Notably, the draft ordinance involves a zone change and thus is not a type of ordinance this Office normally reviews for form and legality pursuant to Council Rule 38. However, because the draft ordinance also involves repeal of the RFA SUD – which this Office is required to review – this Office has reviewed the ordinance in its entirety.

#### California Environmental Quality Act (CEQA)

The CPC recommends that the City Council adopt an addendum to a negative declaration for this project that was previously approved in March 2017. Adoption of an addendum to a previously adopted negative declaration is appropriate when the Council, having considered the whole administrative record, including the negative declaration and the addendum, and exercising its independent judgment, determines based upon substantial evidence that: (1) only minor technical changes or additions to the negative declaration are necessary; or (2) none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Specifically, this means there are no substantial changes to the project or to the circumstances under which the project will be undertaken, and no new information that was not available at the time the negative declaration was adopted that would require major revisions to the negative declaration.

Pursuant to CEQA Guidelines Section 15164(c), an addendum need not be circulated for public review but can be included in or attached to the adopted negative declaration. Pursuant to CEQA Guidelines Section 15164(d), the City Council should consider the addendum with the adopted negative declaration prior to making a decision on the project.

#### Charter Findings Required

Charter Section 558(b)(3) requires the City Council to make the findings required in Subsection (b)(2) of the same section; namely, whether adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. Charter Section 558(b)(3)(A) allows the City Council to adopt an ordinance conforming to the CPC's recommendation of approval of the ordinance, if the CPC recommends such approval. Similarly, Charter Section 556 requires the City Council to make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. The City Council can either adopt the CPC's findings and recommendations as set forth in the CPC's transmittal report to the City Council dated October 24, 2017, or make its own findings and recommendations.


Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety with a request that all provide comments, if any, be directed to the City Council or its Committee when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Len Aslanian at (213) 978-8196. He or another member of this Office will be present when you consider this matter to answer questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By   
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DM:LA:amg  
Transmittal