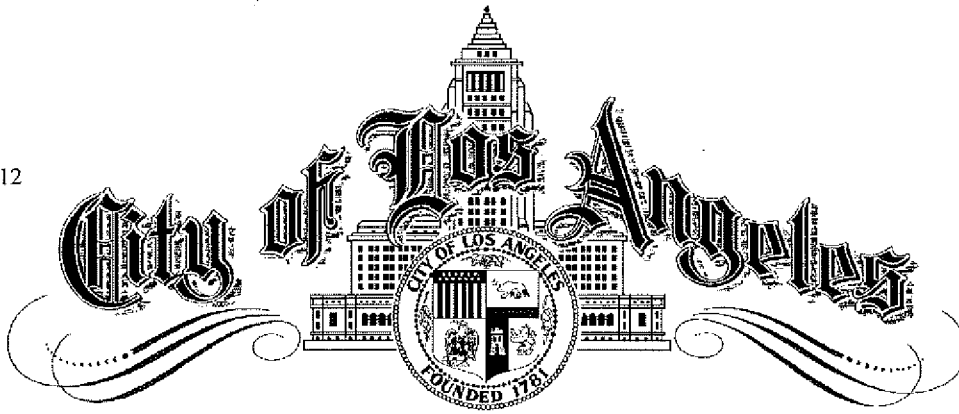


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**CARMEN A. TRUTANICH**  
City Attorney

**REPORT NO. R10-0052**  
**FEB 24 2010**

**REPORT RE:**

**A DRAFT ORDINANCE AMENDING SECTIONS 12.03, 12.17.1, 12.21, 12.24, 91.8501.3, 91.8502.1, 91.8502.9.1 AND 91.8502.9.2 AND DIVISION 85 OF ARTICLE 1 OF CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE RELATING TO JOINT LIVING AND WORK QUARTERS**

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. 09-1845  
CPC No. 2009-1771-CA

Honorable Members:

Pursuant to the instructions of the Planning and Land Use Management Committee of the City Council on January 12, 2010, we are transmitting to you for your consideration, approved as to form and legality, a draft ordinance amending Sections 12.03, 12.17.1, 12.21, 12.24, 91.8501.3, 91.8502.1, 91.8502.9.1 and 91.8502.9.2 of the Los Angeles Municipal Code relating to joint living and work quarters.

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 you adopt it. Should you adopt this ordinance, you may comply with the provisions of Charter Section 558 by either adopting the findings of the Director of Planning as set forth in her report dated February 11, 2010, or by making your own findings.

CEQA Finding

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, Subsection (m) of the City's CEQA Guidelines in that the draft ordinance merely adjusts the ratio of residential and working space allowed in live/work units, but does not change the zoning where these units are allowed or their maximum density and therefore will not have a significant effect on the physical environment. If you concur, you must make this finding prior to or concurrent with your action on the ordinance.

Summary of Ordinance Provisions

The enactment of this draft ordinance would adjust the ratio of living and work space in joint living and work quarters to clarify that these units are primarily residential spaces with accessory commercial uses. In addition, the draft ordinance also contains minor technical corrections relating to the CM (Commercial Manufacturing) zone and the Code's alternative building standards for joint living and work quarters.

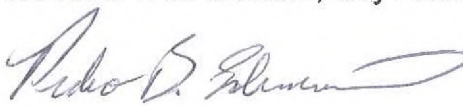
Council Rule 38 Referral

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

If you have any questions regarding this matter, you may contact Assistant City Attorney Sharon Siedorf Cardenas at (213) 978-8235. She or another member of this Office will be present to answer any questions you may have when you consider this matter.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA  
Chief Assistant City Attorney

PBE/SSC:pj  
Transmittal

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Sections 12.03, 12.17.1, 12.21, 12.24, 91.8501.3, 91.8502.1, 91.8502.9.1 and 91.8502.9.2 and Division 85 of Article 1 of Chapter IX of the Los Angeles Municipal Code concerning the definition of joint living and work quarters and the amount of work space required in these quarters, and related technical corrections concerning the CM Zone and the Code's alternative building standards for joint living and work quarters.

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

Section 1. The definition of "JOINT LIVING AND WORK QUARTERS" in Section 12.03 of the Los Angeles Municipal Code is amended to read:

**JOINT LIVING AND WORK QUARTERS.** A residential occupancy of one or more rooms or floors used as a dwelling unit with adequate work space reserved for, and regularly used by, one or more persons residing there.

Sec. 2. The first paragraph of Subdivision 1 of Subsection A of Section 12.17.1 of the Los Angeles Municipal Code is amended to read:

1. Any use permitted in the C2 Zone, provided that these uses are conducted in full compliance with all of the regulations of the zone, except that these uses may be conducted as wholesale businesses without limitation on the floor area used for storage. Provided further that residential uses shall be permitted but shall be limited to shelters for the homeless, joint living and work quarters, and those uses permitted in the R3 Multiple Residential Zone, which R3 uses shall be in compliance with all the regulations of the R3 Zone, except that front yard setbacks are not required.

Sec. 3. Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended by adding a new Subdivision 9 to read:

**9. Work Space for Joint Living and Work Quarters.** The total floor area in a joint living and work quarters shall be arranged to comply with one of the following standards:

(a) **Tier 1 Standard – Low Percentage of Work Space.** At least ten percent but no more than 25 percent of the total floor area in a joint living and work quarters shall be work space; or

(b) **Tier 2 Standard – Medium Percentage of Work Space.** At least 25 percent but no more than 50 percent of the total floor area in a joint living and work quarters shall be work space.

Sec. 4. The first paragraph of Subdivision 13 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

**13. Joint Living and Work Quarters.** A Zoning Administrator may, upon application, permit joint living and work quarters for artists and artisans, including individual architects and designers, in commercial and industrial buildings in the CR, MR1, MR2, M1, M2, and M3 Zones, and permit joint living and work quarters with reduced parking in the C1, C1.5, C2, C4, C5 and CM Zones.

Sec. 5. Division 85 of Article 1 of Chapter IX of the Los Angeles Municipal Code is amended by changing all references to the term "Joint Living and Work Quarter" to the term "Joint Living and Work Quarters."

Sec. 6. The definition of the term "JOINT LIVING AND WORK QUARTER" in Section 91.8501.3 of the Los Angeles Municipal Code is amended to read:

**JOINT LIVING AND WORK QUARTERS** is a residential occupancy of one or more rooms or floors used as a dwelling unit with adequate work space reserved for, and regularly used by, one or more persons residing there pursuant to Health and Safety Code (H&S) Section 17958.11(a).

Sec. 7. Section 91.8502.1 of the Los Angeles Municipal Code is amended to read:

**91.8502.1. Use or Occupancy.** When applying this division, Joint Living and Work Quarters shall be classified as Group R-2 occupancy and comply with all Group R-2 occupancy requirements of the Code, except as provided in this chapter.

Sec. 8. Section 91.8502.9.1 of the Los Angeles Municipal Code is amended to read:

**91.8502.9.1. Light.** Windows or skylights with a total area not less than one fifteenth of the floor area of the room may be used to satisfy the natural light requirements. Kitchens may be provided with artificial light. In lieu of required exterior glazed openings, artificial light may be provided in accordance with CBC Section 1205.3.

Sec. 9. Section 91.8502.9.2 of the Los Angeles Municipal Code is amended to read:

**91.8502.9.2. Ventilation.** Habitable rooms shall be provided with natural ventilation by means of openable exterior openings with an area of not less than one thirtieth of the floor area of the room. In lieu of required openable exterior openings, a mechanical ventilation system in accordance with the California Mechanical Code may be provided.

Public corridors or hallways shall be provided with an adequate ventilation system when all the habitable rooms in the Joint Living and Work Quarters on the floor

do not have openable exterior openings that comply with the requirements of CBC Section 1203.1.

An adequate ventilation system for the public corridors shall mean either an openable exterior window or a permanent exterior opening having a minimum area of five square feet, or a mechanical ventilation system that complies with the requirements of LAMC Section 91.8502.14 and CBC Section 1203.1.

Sec. 10. 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, by a vote of not less than two-thirds of all of its members, at its meeting of \_\_\_\_\_.

JUNE LAGMAY, City Clerk

By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By   
SHARON SIEDORF CARDENAS  
Assistant City Attorney

Date: FEB 17 2010

File No(s). CF 09-1845; CPC 2009-1771-CA

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Pursuant to Charter Section 559, I disapprove this ordinance on behalf of the City Planning Commission and recommend it not be adopted . . . . .

February 11, 2010

See attached report.

 FEB 16 2010  
S. Gail Goldberg  
Director of Planning

DEPARTMENT OF  
CITY PLANNING  
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LOS ANGELES, CA 90012-4801  
AND  
6262 VAN NUYS BLVD., SUITE 351  
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PRESIDENT  
REGINA M. FREER  
VICE-PRESIDENT  
SEAN O. BURTON  
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February 11, 2010

The Honorable Carmen A. Trutanich  
City Attorney  
City Hall East, 7<sup>th</sup> Floor  
200 North Main Street  
Los Angeles, CA 90012-4131

CF No: 09-1845  
CPC No: 2009-1771-CA

Attention: Sharon Siedorf Cardenas  
Assistant City Attorney

**RE: Draft of Ordinance Amending the Los Angeles Municipal Code Relating to  
Joint Living and Work Quarters**

Dear Mr. Trutanich:

Transmitted is the proposed draft ordinance prepared by your office that amends the Los Angeles Municipal Code concerning joint living and work quarters, or "live/work units." The draft ordinance adjusts the percentage of work space allowed in live/work units. It also contains minor technical corrections relating to the CM Zone and the Code's alternative building standards for live/work units.

The ordinance was prepared pursuant to the latest direction of the Planning and Land Use Management (PLUM) Committee at its meeting of January 12, 2010. At that meeting, the Planning Department presented recommendations establishing a two-tiered system for regulating work space in live/work units. The first tier specifies a minimum of 10 percent but no more than 25 percent allowable work space in live/work units. The second tier specifies a minimum of 25 percent but no more than 50 percent allowable work space in live/work units. Depending on development needs, an applicant may design the unit to conform to either tier.

In addition to establishing this two-tiered system, the draft ordinance clarifies that live/work units are a permitted use in the CM "Commercial Manufacturing" Zone. This action merely codifies a long-standing Zoning Administrator's interpretation that live/work units are permitted in the CM Zone. The ordinance also makes minor

technical corrections to the Code's alternative building standards for live/work units concerning light and ventilation.

The language contained in this draft ordinance is substantially different from the ordinance approved by the City Planning Commission (CPC) at its meeting of July 9, 2009, when the CPC capped the allowable percentage of work space in a live/work unit at no more than 25 percent. Therefore, the Director of Planning has disapproved this ordinance and recommends that it not be adopted by the City Council.

### **ENVIRONMENTAL IMPACT**

The attached, proposed ordinance is granted a categorical exemption (ENV-2009-1772-CE) 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. On all measures, the attached ordinance will have no effect on the physical environment. The ordinance makes no changes to existing zoning, any specific plans, or any other land use regulations that affect the physical environment. The proposed ordinance merely adjusts downward from the current 66 percent the percentage of work space allowed in live/work units. It does not materially change any discretionary approval processes or procedures that may authorize the development of live/work units. In addition, since the proposed ordinance specifies that live/work units are dwelling units, it is consistent with current City policy that live/work units must comply with the residential standards set forth in the zoning and building codes.

### **FINDINGS**

The following findings are provided regarding the attached, proposed ordinance:

1. In accordance with Charter Section 556, the proposed ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan. Specifically, the proposed ordinance implements Housing Element Objective 1.1, "Plan the capacity and develop incentives for the production of an adequate supply of rental and ownership housing for households of all income levels and needs."; and Housing Element Policy 1.1.1., "Promote home ownership opportunities and support current homeowners in retaining their homeowner status." The proposed ordinance promotes live/work development by changing a regulation that impedes the financing of for-sale projects comprised of live/work units. By specifically encouraging live/work development, the ordinance helps implement Air Quality Element Objective 2.1, "It is the objective of the City of Los Angeles to reduce work trips as a step toward attaining trip reduction objectives necessary to achieve regional air quality goals."

Live/work development by its nature increases opportunities for City residents to avoid the necessity of commuting to distant work sites, which reduces the number of vehicles on the City's street system, which in turn reduces noxious vehicle air emissions which degrade regional air quality. Similarly to vertical and horizontal mixed use development, live/work development also tends to



reduce vehicle trips and vehicle miles traveled: Live/work units are the ultimate form of mixed use development because residential and commercial uses are combined in the same unit rather than in the same building or neighborhood. Individual practitioners working out of live/work units will generate fewer trips by automobile than those who work in general office buildings because there will be no need for a morning or evening work commute ("telecommuting.") The location of live/work units in both vertical and horizontal mixed use settings will also tend to reduce the rate of trip generation; and

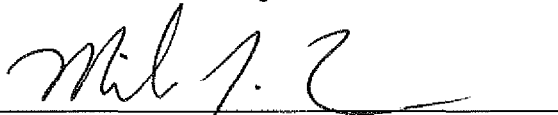
2. in accordance with Charter Section 558 (b) (2), the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. Consistent with City policy that live/work units are residential occupancies subject to zoning and building code residential standards, the ordinance adjusts downward the amount of working space permitted in live/work units and states that such units are residential occupancies. The ordinance does not increase allowable density or provide any new development rights to live/work projects.

**CHARTER SECTION 559**

For the foregoing reasons and as provided under the authority of Charter Section 559 and City Plan Case No. 13505-A, I find that the proposed ordinance conforms with all applicable portions of the General Plan. However, because the proposed ordinance does not conform with the July 9, 2009 action of the City Planning Commission, which is the latest action of the Commission on this matter, I disapprove the proposed ordinance (attached) and recommend that it not be adopted by the City Council.

Very truly yours,

S. GAIL GOLDBERG, AICP  
Director of Planning



MICHAEL LOGRANDE  
Chief Zoning Administrator

GG:VB:ML:AB:

Attachment