



## City Council Report

### Re: Ordinance No. 184,381

On June 29, 2016, the City Council of the City of Los Angeles, under Council File No. 16-0735, adopted Ordinance No. 184,381 as an urgency measure, pursuant to California Government Code Section 65858. The ordinance prohibits the issuance of building permits for the construction of single-family dwellings on RA, RE, RS, and R1-Zoned lots for which the proposed construction does not meet certain neighborhood-specific criteria in the following neighborhoods:

1. Brookside – Council District 4
2. Sherman Oaks – Council District 4
3. Sycamore Square – Council District 4
4. Picfair Village – Council District 10
5. Wilshire Vista – Council District 10

The ordinance was adopted to provide adequate time for the Department of City Planning to bring forward for the City Council's consideration changes to the City's Baseline Mansionization (BMO) and Baseline Hillside (BHO) regulations and to establish permanent contextual zoning for the above-listed neighborhoods. The ordinance will expire on August 12, 2016, unless extended for an additional 22 months and 15 days by the City Council prior to its expiration.

The Department of City Planning has prepared this report, for the City Council's adoption, describing the measures that the Department is taking to alleviate the conditions that led to the adoption of the ordinance.

### **Amending the BMO and BHO**

In 2008, the City Council passed the Baseline Mansionization Ordinance (BMO) (Ordinance No. 179,883), which established maximum size regulations for lots in the single-family zones, RA, RS, RE, and R1, but not located in a Hillside Area or the Coastal Zone. Among the key changes instituted by the 2008 BMO were:

- Defined Residential Floor Area (RFA) as a distinct technical term in the Zoning Code
- Exempted required covered parking, covered outdoor spaces, and accessory buildings from RFA
- Reduced the Floor Area Ratio used to calculate RFA from the prior 3:1 to 0.5:1 or less, with the precise ratio depending on the zone

- Provided a bonus of 20 percent additional RFA (30 percent on substandard lots in the R1 Zone) in exchange for meeting at least one design requirement (proportional upper story, front façade articulation, green building)

In 2011, the City Council passed the Baseline Hillside Ordinance (BHO) (Ordinance No. 181,624), which established development standards for lots in the single-family zones, RA, RS, RE, and R1 Zones, in a Hillside Area to address the impacts of large-scale home construction in hillside neighborhoods. These regulations were an update to the City's previously adopted Hillside regulations passed in 2002. The BHO established a system for limiting RFA based on the slope of the lot, and changed the building envelope to regulate height continuously, requiring that the maximum height follow the grade to ensure that new buildings step down the slope rather than tower over it. The BHO also established limits on grading of hillside properties, with a maximum quantity of earth allowed to be excavated and moved based on the size of the lot.

Since the enactment of the aforementioned legislation, development pressure on single family properties has increased, and vulnerabilities in the regulations have become more apparent. Particularly in the R1 Zone, the BMO and BHO were not as effective at curtailing large-scale homes and construction impacts as anticipated.

In 2014, the City Council directed the Department of City Planning to update the BMO, particularly with respect to the Residential Floor Area exemptions, design bonus options, bonus for compliance with green building standards, and overall Residential Floor Area maximums.

In 2015, and around the time the Department was developing its response to the City Council's direction regarding the BMO, the City Council enacted two ordinances, Ordinance Nos. 182,496 and 183497, establishing an ICO for five proposed Historic Preservation Overlay Zone areas and an ICO for 15 single family neighborhoods, respectively. Among these were two neighborhoods with large numbers of properties in Hillside Areas covered by the 2011 Baseline Hillside Ordinance (BHO): Bel-Air and The Oaks of Los Feliz. The Council's direction regarding these neighborhoods cited some of the same concerns over the size and scale of development as those expressed regarding the BMO. In addition, comments made to the Department and the Council expressed concern over traffic and safety impacts from extensive hillside grading and hauling of earth on narrow roadways. Furthermore, a variety of technical issues and ambiguities arose during the implementation of the 2011 BHO. Due to these factors, the Department of City Planning is incorporating an update to the BHO provisions in its preparation of the City Council requested Code amendment, which is still in the approval/adoption process.

A BMO/BHO Code amendment has been drafted. An earlier version was released to the public in late 2015, and four public meetings were held in different parts of the city to explain the details of the amendment to the public and obtain feedback. On April 21, 2016, a second version, modified to reflect public input and a revised approach was released, and another four public meetings were held in the same general areas of the

city as were the prior meetings. The Code amendment is schedule to be considered by the City Planning Commission on July 14, after which the Code amendment will proceed to the Planning and Land Use Management (PLUM) Committee of the City Council and then to the full City Council and the Mayor. It is highly unlikely, if not impossible, for the ordinance to become effective prior to the ICO's initial expiration date of August 12, 2016.

### **New Single-Family Zones**

Through the *re:code LA* initiative, which is the comprehensive rewrite of the City's Zoning Code, the Department of City Planning is working with a team of consultants to create new zones for all uses, applicable city-wide. The menu of new zones will include more contextual single-family zones. Approximately 58 percent of the City is zoned for single-family use (RA, RE, RS, and R1). A full 66 percent of the single-family zoned lots in the City are all zoned the same R1. Recognizing that one size does not fit all, the Department of City Planning is working to further differentiate the ubiquitous R1 Zone to provide more tailored development standards, including more refined size and massing provisions, to better meet the needs of the City's vastly different R1-Zoned neighborhoods. A completely rewritten Zoning Code, as well as the application of new zones to specific properties, is several years away. However, because the 2015 ICO for the 15 neighborhoods covered by a previous ordinance (Ordinance No. 183,497) will expire in March 2017, the availability of the new varieties of the R1 Zone has been accelerated. Instead of waiting for the adoption of the entire new Zoning Code, it is anticipated that the new R1 Zones will be incorporated into the existing Zoning Code sometime between the end of 2016 and before March 2017. These new zones will then be available for application to the neighborhoods covered by the subject ICO. It is anticipated that the Picfair Village and Wilshire Vista neighborhoods will be rezoned prior to March 2017. While no target has yet been set for rezoning the remaining three neighborhoods, the new zones will be ready and available prior to the subject ICO's expiration, if the ICO is extended beyond its initial 45 day period.

## RESOLUTION

**WHEREAS**, on June 29, 2016, the Council of the City of Los Angeles, under Council File No. 16-0735, adopted Ordinance No. 184,381 as an urgency measure pursuant to California Government Code Section 65858;

**WHEREAS**, Ordinance No. 184,381 prohibits the issuance of building permits for the construction of single-family dwellings on RA, RE, RS, and R1-zoned lots in the following neighborhoods where the proposed construction does not meet certain neighborhood-specific criteria:

1. Brookside – Council District 4
2. Sherman Oaks – Council District 4
3. Sycamore Square – Council District 4
4. Picfair Village – Council District 10
5. Wilshire Vista – Council District 10

**WHEREAS**, these residential neighborhoods present unique blends of scale, massing, building setbacks, architectural styles, and landscaping;

**WHEREAS**, a rapid increase of property values in these neighborhoods has accelerated a recent trend of property owners and developers tearing down original houses and replacing them with box-like structures or significantly remodeling existing structures with bulky two-story additions that are out of scale with neighboring properties;

**WHEREAS**, the proliferation of such construction poses a current and immediate threat to public welfare, including degradation of neighborhood character, loss of neighbor's privacy, curtailment of development potential, and negative impacts to aesthetics and general quality of life; and

**WHEREAS**, Ordinance No. 184,381 expires on August 12, 2016, unless extended by the City Council:

**NOW, THEREFORE, BE IT RESOLVED** that Ordinance No. 184,381 is extended for 22 months and 15 days.

I hereby certify that this resolution was adopted by the Council of the City of Los Angeles, **by a vote of not less than four-fifths** of all its members, at its meeting of

\_\_\_\_\_.

HOLLY L. WOLCOTT, City Clerk

By \_\_\_\_\_

Deputy

ORDINANCE NO. 184381

An interim ordinance, adopted as an urgency measure pursuant to California Government Code Section 65858, prohibiting the issuance of building permits for the construction of single-family dwellings on RA, RE, RS, and R1 zoned lots in designated neighborhoods where the proposed construction does not meet certain neighborhood-specific criteria.

**WHEREAS**, this ordinance covers the following residential neighborhoods, the boundaries of which are delineated below:

1. Brookside – Council District 4
2. Sherman Oaks – Council District 4
3. Sycamore Square – Council District 4
4. Picfair Village – Council District 10
5. Wilshire Vista – Council District 10

**WHEREAS**, these residential neighborhoods present unique blends of scale, massing, building setbacks, architectural styles and landscaping;

**WHEREAS**, a rapid increase of property values in these neighborhoods has accelerated a recent trend of property owners and developers tearing down original houses and replacing them with box-like structures or significantly remodeling existing structures with bulky two-story additions that are out of scale with neighboring properties;

**WHEREAS**, the proliferation of such construction poses a current and immediate threat to public welfare, including degradation of neighborhood character, loss of neighbors' privacy, curtailment of development potential, and negative impacts to aesthetics and general quality of life; and

**WHEREAS**, the Department of City Planning is currently modifying single family zoning regulations to establish a baseline that reduces the scale of buildings and adjusts massing:

**NOW, THEREFORE,**

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

Section 1. **DEFINITIONS.** For the purposes of this ordinance, the following terms shall be construed as defined in this section. To the extent applicable, terms not defined here shall be constructed as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC).

**PROJECT.** The construction, erection, alteration of, or addition to a structure on a residentially zoned lot located wholly or partly within the areas identified in Section 2 of this ordinance. The term Project excludes improvements that do not increase an existing or prior-existing structure's Residential Floor Area, as defined in Section 12.03 of the LAMC.

**Sec. 2. INTERIM CONTROL AREA.** The provisions of this ordinance shall apply to all RA, RE, RS, and R1 zoned lots located wholly or partly within the areas depicted by shaded areas on the attached maps:

1. Brookside – Council District 4
2. Sherman Oaks – Council District 4
3. Sycamore Square – Council District 4
4. Picfair Village – Council District 10
5. Wilshire Vista – Council District 10

**Sec. 3. PROHIBITION.**

**A. Brookside, Sycamore Square, Picfair Village and Wilshire Vista.** Notwithstanding any section of the LAMC, no building permit shall issue for a Project in the Brookside, Sycamore Square, Picfair Village or Wilshire Vista unless the proposed structure complies with the regulations set forth in the Beverly Grove Residential Floor Area District (Ordinance No. 182754).

**B. Sherman Oaks.** Notwithstanding any section of the LAMC, no building permit shall be issued for a Project in Sherman Oaks unless the proposed structure complies with the regulations set forth in the Studio City Residential Floor Area District (Ordinance No. 182048).

**Sec. 4. EXCEPTIONS.**

**A.** The prohibitions specified in Section 3 of this ordinance shall not apply to the issuance of a building permit for either of the following purposes:

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

**B.** The prohibitions specified in Section 3 of this ordinance shall not apply to the issuance of a building permit for a Project that satisfies all of the following conditions:

1. Architectural and structural plans sufficient for a complete plan check were accepted by the Department of Building and Safety before the effective



date of this ordinance, subject to the time limits set forth in section 12.26.A.3 of the LAMC;

2. A plan check fee was collected before the effective date of this ordinance; and

3. No subsequent changes have been made to those plans that increase or decrease the height, floor area, or occupant load by more than 5 percent, that change the use; or that violate the Zoning Code regulations in effect on the date that the plan check fee was paid.

C. The prohibitions specified in Section 3 of this ordinance shall not apply to Projects that involve the construction, redevelopment, rehabilitation or renovation of multifamily housing. Multifamily housing includes two-family dwellings, multiple dwellings, group dwellings and apartment houses.

**Sec. 5. HARDSHIP EXEMPTIONS.** The City Council, by resolution, may grant an exemption from the provisions of this ordinance in cases of extreme hardship duly established to the City Council's satisfaction. An application for hardship exemption shall be filed with the City Clerk on forms provided by the Department of City Planning.

**Sec. 6. DURATION OF ORDINANCE.** This ordinance shall be in force and effect for 45 days from its date of adoption. The City Council may extend this ordinance for 22 months and 15 days. Any extension shall be based on the City Council finding that the proliferation of hulking, box-like structures in certain residential neighborhoods continues to pose a current and immediate threat to the public health, safety or welfare.

**Sec. 7. APPLICABILITY OF ZONING CODE.** The provisions of this ordinance supplement those set forth in LAMC, Chapter 1 ("Planning and Zoning Code") and any other City ordinance, and do not confer any right or benefit not otherwise conferred under existing law.

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

**Sec. 9. SAVINGS CLAUSE.** The provisions of this ordinance do not apply to the extent that their application would result in a taking requiring compensation, would deprive any person of constitutional or statutory rights or privileges, or would otherwise be inconsistent with state or federal law.

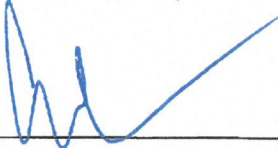
**Sec. 10. URGENCY CLAUSE.** The City Council finds that the proliferation of towering, box-like structures in certain residential neighborhoods poses a current and immediate threat to the public welfare, including degradation of neighborhood character, loss of neighbors' privacy, curtailment of development potential, and negative impacts to

aesthetics and general quality of life; and that the continued processing of building permits will result in that threat to the public welfare.

Sec. 11. 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 four-fifths of all of its members, at its meeting of JUN 29 2016.

HOLLY L. WOLCOTT, City Clerk

By  Deputy

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  SARO BALIAN  
Deputy City Attorney

Date 6-23-16

File No. 16-0735