



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R 0 8 - 0 0 5 6

FEB 22 2008

REPORT RE:

**DRAFT OF ORDINANCE IMPOSING INTERIM REGULATIONS ON THE ISSUANCE
OF BUILDING PERMITS IN A PORTION OF THE HOLLYWOOD COMMUNITY PLAN
AREA KNOWN AS THE OAKS**

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. 07-2283
Case No. CPC-2007-2065-ICO

Honorable Members:

We are transmitting to you for your action, approved as to form and legality, a final draft ordinance imposing interim regulations on the issuance of building permits for any building or structure in a portion the Hollywood Community Plan area, generally bounded by Griffith Park on the north, Griffith Park, Fern Dell Drive, Tyron Drive, and Live Oak Drive on the east, Franklin Avenue and Foothill Drive on the south, and Canyon Drive on the west, known as the Oaks.

Background

On July 12, 2007, the City Planning Commission held a public hearing on the proposed draft ordinance and recommended that it be adopted. On September 18, 2007, your Planning and Land Use Management Committee instructed this office to draft the ordinance.

Summary of Ordinance Provisions

The draft ordinance imposes interim regulations on the construction or addition to any building that would exceed specified square footage thresholds. The initial

FEB 27 2008

**PLANNING & LAND
USE MANAGEMENT**



prohibition under the ordinance is for a period of 365 days from the effective date of the ordinance and may be extended for two additional periods of 180 days, for a total of 24 months.

Charter Findings

Pursuant to Charter Section 559, the Director of Planning has approved the draft of the 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 City Planning Commission as set forth in the Commission's determination dated July 12, 2007, or by making its own findings.

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 has been requested to submit its comments directly to you.

CEQA Findings

Regarding a finding pursuant to the California Environmental Quality Act of 1970 (CEQA), the Department of City Planning has determined that the adoption of the ordinance is categorically exempt from the requirements of CEQA, pursuant to Article II, Section 2(m) of the City's Guidelines, in that it is only a temporary measure to regulate floor area until permanent regulations can be established. If the City Council concurs, it should adopt this finding prior to or concurrent with its action on the ordinance.

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

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By *Claudia Culling*
CLAUDIA CULLING
Special Counsel - Municipal

CC/SSC:pj
Transmittal

ORDINANCE NO. _____

An ordinance imposing interim regulations on the issuance of building and demolition permits in a portion of the Hollywood Community Plan Area for the properties generally bounded by Griffith Park on the North; Griffith Park, Fern Dell Drive, Tyron Drive, and Live Oak Drive on the East; Franklin Avenue and Foothill Drive on the South; Canyon Drive on the West including properties west of Canyon Drive north of Argosy Way (Oaks).

WHEREAS, on September 29, 2006 the City Council instructed the Department of City Planning to initiate proceedings to develop planning tools to reinforce existing residential character in many hillside neighborhoods experiencing new infill development, including the Oaks; and

WHEREAS, the Oaks contains an eclectic mixture of older homes, that were predominantly built in the 1930s, 40s and 50s, in a variety of architectural styles, many sited on lots with significant topography; and

WHEREAS, the older homes in the Oaks range in size from 900 square feet to 4500 square feet; and

WHEREAS, the Oaks is a designated hillside area that includes ridge lines, canyons, desirable natural and protected vegetation, including prominent and native trees, natural water courses, and areas particularly abundant in wildlife; and

WHEREAS, the Oaks is characterized by substandard, steeply sloped lots and substandard infrastructure, such as narrow roads and limited access for residents and emergency vehicles. These substandard lots may require significant grading to develop single family homes; and

WHEREAS, approximately 52 permits for the expansion of existing homes and properties, as well as infill development on vacant lots have been issued between 2001 and 2005, resulting in homes that have ranged in size from approximately 3,000 square feet to 8,200 square feet in size. This development often results in insensitive, out-of-scale development which is frequently incompatible in scale with the adjacent properties and surrounding neighborhood and, in addition, requires extensive hillside grading; and

WHEREAS, the floor area of structures impacts the amount of required grading, lot coverage, and impermeable coverage. The reduction of permitted floor area will have the effect of reducing excessive grading, lot coverage, and impermeable coverage; and

WHEREAS, the impact of excessive grading in the hillside areas in the Oaks increases the likelihood of soil erosion, landslides, deforestation and depletion of plant and animal life; and

WHEREAS, the articulated objectives and policies of the Hollywood Community Plan, which was updated in December, 1988, are to (1) preserve and enhance the varied and distinctive residential character of the community, and (2) to encourage that hillside residential areas retain the natural terrain and ecological balance, and (3) provide a standard of land use intensities compatibility with street capacity, public service facilities, utilities, and topography; and

WHEREAS, the proposed Interim Control Ordinance is required in the interest of the health, safety, and general welfare of the people.

NOW THEREFORE,

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

Section 1. **DEFINITIONS.** The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section. Words and phrases not defined herein shall be construed as defined in Section 12.03 of the Los Angeles Municipal Code.

Addition: An extension or increase in floor area or height of a building or structure.

Floor Area: The area in square feet confined within the exterior walls of a building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing building-operating equipment or machinery, parking areas with associated driveways and ramps, basement storage areas, and the square footage of a garage provided the garage does not exceed 500 square feet. Any square footage in the garage in excess of 500 square feet shall be counted as part of the total floor area.

Floor Area Ratio: A coefficient, which is multiplied by the gross lot area to determine the maximum floor area of all buildings on a lot.

Project: The demolition, construction, erection, reconstruction, or addition to any building that increases floor area and which requires the issuance of a building permit, grading permit, excavation permit, or foundation permit (permit) on any lot located in whole or in part within the area identified in Section 3 of this

ordinance. The term "Project" shall not include interior remodeling that does not add to the square footage of any building on a lot.

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 permanent regulations are adopted which address grading, size and bulk of residential construction, no permit shall be issued for any Project that exceeds the following thresholds. Except that, the total permitted Floor Area on the lot may be at least 1,600 square feet.

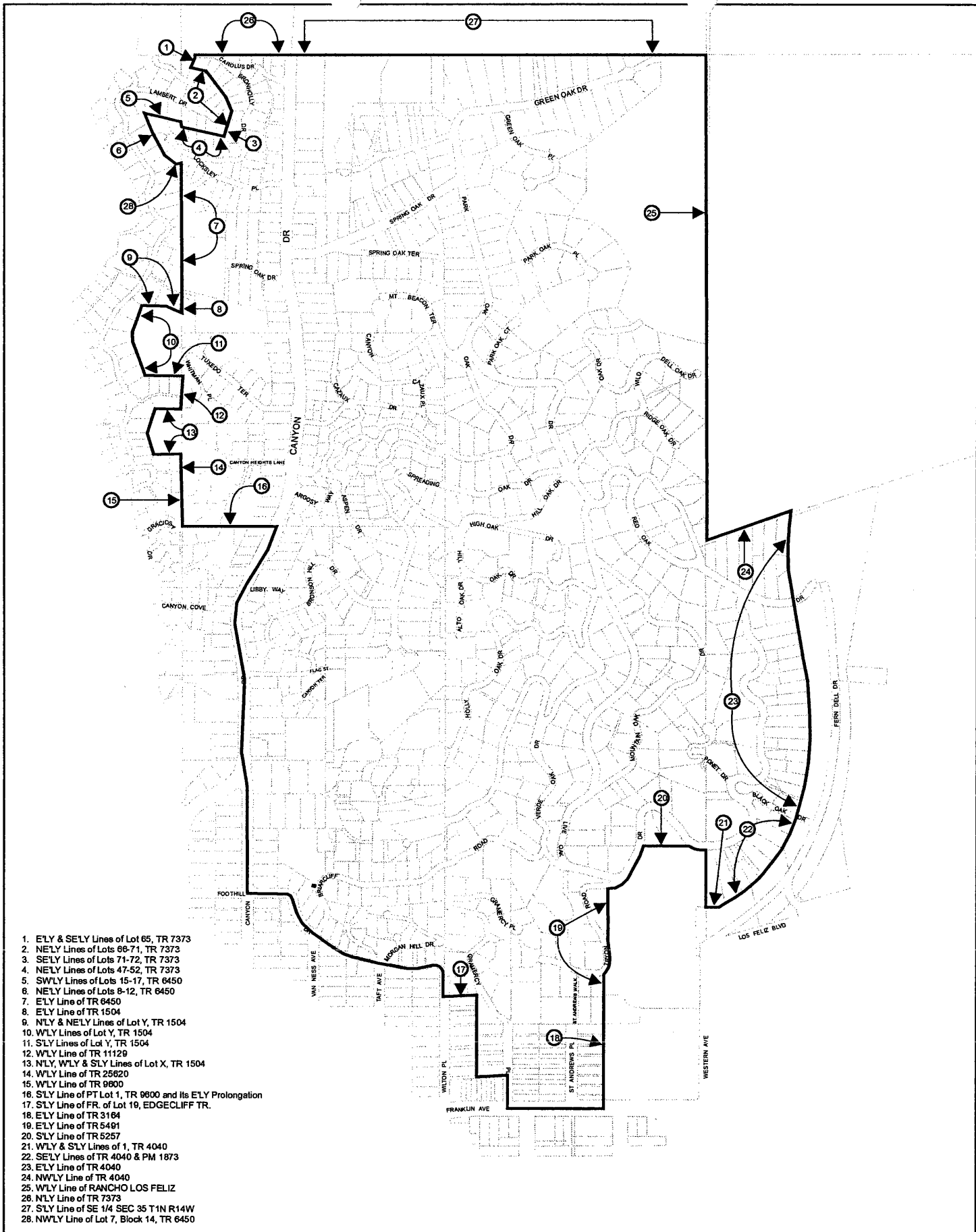
A. The Floor Area Ratio shall be:

1. On lots 4,000 square feet or less, the maximum Floor Area Ratio shall be: 0.37:1.
2. For lots greater than 4,000 square feet and up to 8,000 square feet in size, the total Floor Area shall be increased by 0.27 of the amount of lot area exceeding 4,000 square feet.
3. For lots greater than 8,000 square feet and up to 12,000 square feet, the total Floor Area shall be increased by 0.17 of the amount of lot area exceeding 8,000 square feet.
4. For lots greater than 12,000 square feet and up to 16,000 square feet, the total Floor Area shall be increased by 0.1 of the amount of lot area exceeding 12,000 square feet.
5. For lots greater than 16,000 square feet, the total Floor Area shall be increased by 0.025 of the amount of lot area exceeding 16,000 square feet.

B. An addition up to 250 total square feet, measured cumulatively from the effective date of this ordinance, may be permitted to any structure for which a Certificate of Occupancy was issued prior to the effective date of this ordinance, provided the addition meets all relevant requirements of the LAMC. These 250 square feet may be in excess of those limitations in Subsection A of this section.

Sec. 3. INTERIM CONTROL AREA. The provisions of this ordinance shall apply to any lot located whole or in part within the boundaries as shown on the following map.

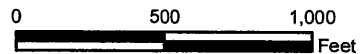
THE OAKS ICO



1. E'LY & S'ELY Lines of Lot 65, TR 7373
2. N'ELY Lines of Lots 66-71, TR 7373
3. S'ELY Lines of Lots 71-72, TR 7373
4. N'ELY Lines of Lots 47-52, TR 7373
5. SW'LY Lines of Lots 15-17, TR 6450
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17. S'LY Line of FR. of Lot 19, EDGECLIFF TR.
18. E'LY Line of TR 3164
19. E'LY Line of TR 5491
20. S'LY Line of TR 5257
21. W'LY & S'LY Lines of 1, TR 4040
22. S'ELY Lines of TR 4040 & PM 1873
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26. N'LY Line of TR 7373
27. S'LY Line of SE 1/4 SEC 35 T1N R14W
28. NW'LY Line of Lot 7, Block 14, TR 6450

C.M. 150 A 191, 150 A 193, 151 5A 191
 151 5A 193, 153 A 191, 153 B 193
 154 5A 191, 156 A 191, 156 B 193

CPC-2007-2065-ICO



Sec. 4. EXCEPTIONS.

A. The prohibition specified in Section 2 of this ordinance shall not apply to any construction for which a building permit or demolition permit is required:

1. To comply with an order issued by the Department of Building and Safety or the Housing Department to repair or demolish an unsafe or 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 any permit for a Project for which:

1. Architectural and structural plans sufficient for a complete plan check were accepted by the Department of Building and Safety prior to the effective date of this ordinance; and
2. A plan check fee was accepted by the City on or before September 18, 2007; and
3. 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.

Sec. 5. EXTENSION OF REGULATIONS. The City 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 the appropriate City agencies and officials are exercising due diligence to assure that the appropriate land use regulatory controls for the subject 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 as determined by 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 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, such 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.

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

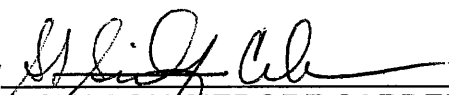
By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By 
SHARON SIEDORF CARDENAS
Assistant City Attorney

Date FEB 20 2008

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted

February 19, 2008

See attached report.


S. Gail Goldberg
Director of Planning

File No(s). CF No. 07-2283; CPC 2007-2065-ICO

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CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

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AND
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VAN NUYS, CA 91401

CITY PLANNING COMMISSION

JANE ELLISON USHER
PRESIDENT

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VICE-PRESIDENT

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REGINA M. FREER

ROBIN R. HUGHES

SABRINA KAY

FR. SPENCER T. KEZIOS

CINDY MONTAÑEZ

MICHAEL K. WOO

GABRIELE WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 978-1300

February 19, 2008

Honorable City Council
City of Los Angeles
Room 615, City Hall
MAIL STOP: 160

Case No. CPC 2007-2065-ICO
Council File No.07-2283
Council District No. 4
Hollywood Community Plan Area

Dear Honorable Members:

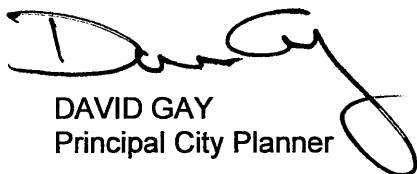
ORDINANCE IMPOSING INTERIM REGULATIONS ON THE ISSUANCE OF BUILDING PERMITS IN A PORTION OF THE HOLLYOOD COMMUNITY PLAN AREA KNOWN AS THE OAKS.

The attached Interim Control Ordinance is to be substituted for action for the Interim Control Ordinance that was approved by the City Planning Commission. This Interim Control Ordinance is consistent with that as approved by the City Planning Commission on July 12, 2007 and has been prepared as recommended by the Planning and Land Use Management Committee on September 18, 2007. Subsequent changes have been limited to incorporating additional language to clarify existing conditions in the Oaks and technical corrections to provide clear language for the Department of Building and Safety and City Council.

Pursuant to Sections 558 and 559 of the City Charter, I have reviewed the findings of the City Planning Commission's action taken relative to Case No. CPC-2007-2065-ICO on July 12, 2007, and on behalf of the Commission, I adopt their findings, and approve this Interim control Ordinance, and recommend that it be adopted insofar as it does conform to the latest action of the Planning Commission in this matter.

Pursuant to Rule No. 38, transmitted herewith is the revised Interim Control Ordinance as requested by the Planning and Land Use Management Committee, for appropriate action by the City Council.

S. GAIL GOLDBERG, AICP
Director of Planning



DAVID GAY
Principal City Planner

DG:BEK
Attachments

History

The history of the proposed Interim Control Ordinance for the subject properties is as follows:

July 12, 2007 The City Planning Commission approved an Interim Control Ordinance to temporarily prohibit the issuance of building permits in excess of certain floor area thresholds. The proposed floor area thresholds are based on lot sizes: as lot sizes increase, the permitted floor area increases, but at a slower rate. The Interim Control Ordinance would allow for minor additions, and would exempt up to 500 SF of garage area.

September 18, 2007 The Planning and Land Use (PLUM) Committee of the City Council approved the Interim Control for the initiated area with the incorporation of additional language clarifying the existing conditions in the Oaks and technical corrections to provide clear language for the Department of Building and Safety and City Council with regard to Exceptions and Hardship Exemptions.

Discussion

On July 12, 2007 the City Planning Commission recommended approval of an Interim Control Ordinance to temporarily prohibit the issuance of building permits in excess of certain floor area thresholds within the Oaks. Prior to the City Planning Commission hearing, Planning Staff worked closely with the Council Office and community stakeholders between December and April 2007, and held a workshop in the Oaks to discuss community concerns relative to recent development.

Findings

Adoption of the PLUM Committee recommended Interim Control Ordinance for CPC 2007-2065-ICO will not require that the City Council adopt new findings.

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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 permanent regulations are adopted which address grading, size and bulk of residential construction, no permit shall be issued for any Project that exceeds the following thresholds. Except that, the total permitted Floor Area on the lot may be at least 1,600 square feet.

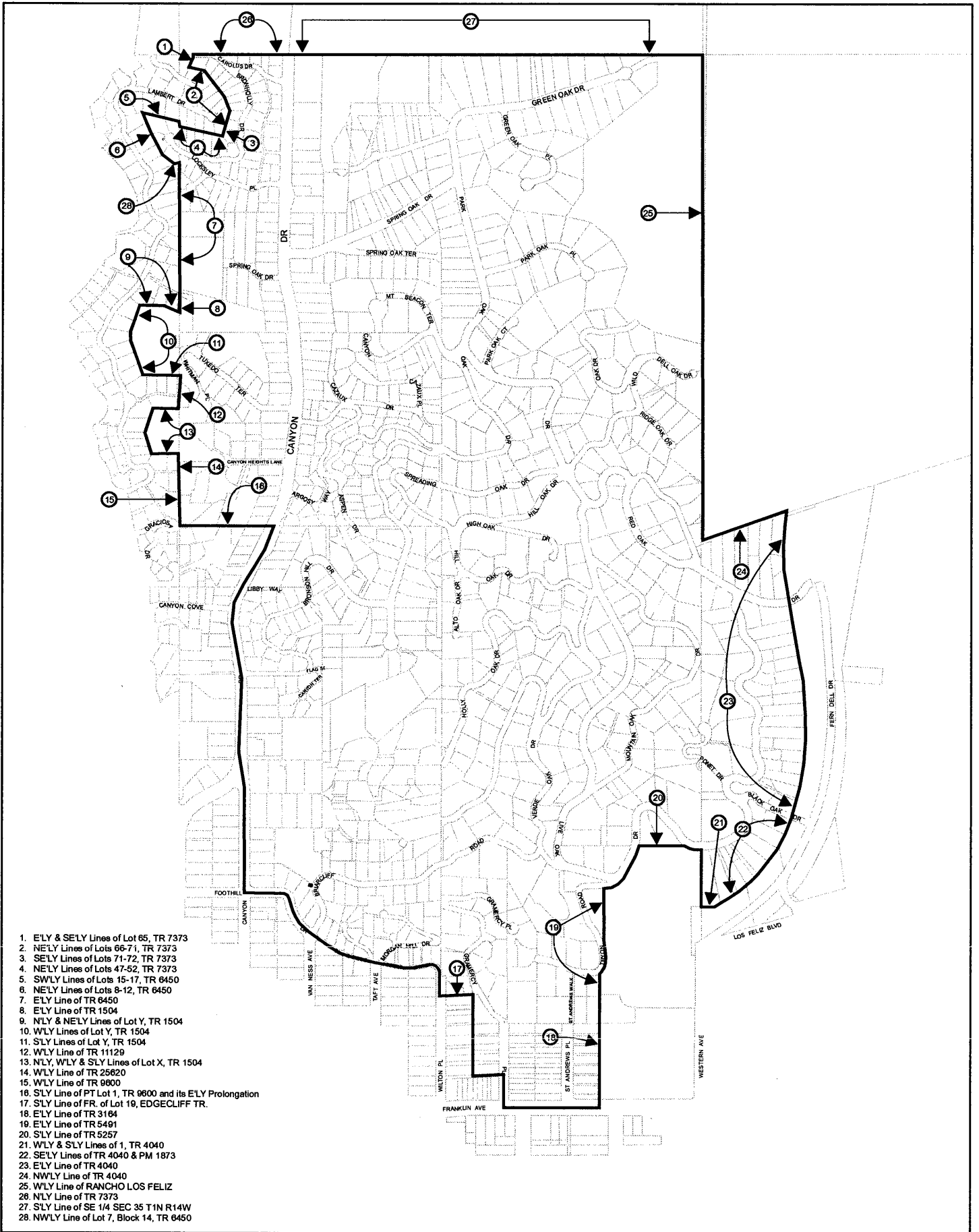
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B. An addition up to 250 total square feet, measured cumulatively from the effective date of this ordinance, may be permitted to any structure for which a Certificate of Occupancy was issued prior to the effective date of this ordinance, provided the addition meets all relevant requirements of the LAMC. These 250 square feet may be in excess of those limitations in Subsection A of this section.

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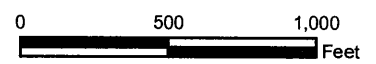
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CPC-2007-2065-ICO



Sec. 4. EXCEPTIONS.

A. The prohibition specified in Section 2 of this ordinance shall not apply to any construction for which a building permit or demolition permit is required:

1. To comply with an order issued by the Department of Building and Safety or the Housing Department to repair or demolish an unsafe or 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 any permit for a Project for which:

1. Architectural and structural plans sufficient for a complete plan check were accepted by the Department of Building and Safety prior to the effective date of this ordinance; and
2. A plan check fee was accepted by the City on or before September 18, 2007; and
3. 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.

Sec. 5. EXTENSION OF REGULATIONS. The City 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 the appropriate City agencies and officials are exercising due diligence to assure that the appropriate land use regulatory controls for the subject 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 as determined by 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 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, such 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.

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 
SHARON SIEDORF CARDENAS
Assistant City Attorney

Date FEB 20 2008

Pursuant to Charter Section 559, I **approve** this ordinance on behalf of the City Planning Commission and recommend that it be adopted

February 19, 2008

See attached report.


S. Gail Goldberg
Director of Planning

File No(s). CF No. 07-2283; CPC 2007-2065-ICO

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