



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT



City Planning Commission

Date: December 10, 2009
Time: After 8:30 AM
Place: City Hall, Room 1010
200 North Spring Street
Los Angeles, CA 90012

Public Hearing: October 28, 2009
Appeal: N/A

Case No.: CPC-2009-2949-HD
CEQA No.: ENV-2009-2950-ND
Incidental Cases: None
Related Cases: None
Council No.: 4 (Tom LaBonge)
Plan Area: Hollywood
Specific Plan: N/A
Certified NC: Hollywood United
GPLU: Very Low II, Low I, and Low II Residential
Zone: R1-1, RE9-1, RE11-1, RE15-1
Applicant: City of Los Angeles

PROJECT LOCATION: The project area is generally bounded by: Griffith Park on the north; Griffith Park, Fern Dell Drive, Tryon 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 (shown in Exhibit A).

PROPOSED PROJECT: The project involves a height district change of approximately 1,200 parcels within the Oaks Neighborhood Study area. The height district change involves the addition of "D" Development Limitations to the existing zones, and would maintain the existing General Plan/Community Plan land use designations of Very Low II Residential, Low Residential I, and Low II Residential. The purpose of the project is to protect the hillside neighborhood character from out of scale development and preserve the neighborhood's sensitive hillside environment. The height district change would effectuate these goals through regulations including floor area, lot coverage and height.

REQUESTED ACTION:

1. Pursuant to Section 12.32 of the Municipal Code, the adoption of "D" Development Limitations contained in Exhibit B for the properties within the project boundaries as shown on Exhibit A.
2. Adoption of a Negative Declaration for the above referenced project.

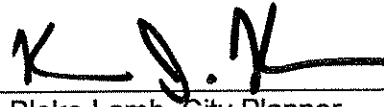
RECOMMENDED ACTIONS:

1. Approve and Recommend that the City Council Adopt the requested "D" Development Limitations, as modified and subject to the review of the City Attorney as to form and legality, attached as Exhibit B.
2. Adopt the attached findings, including the related environmental finding that Negative Declaration prepared for this action, ENV-2009-2950-ND, is adequate environmental clearance for the subject request.

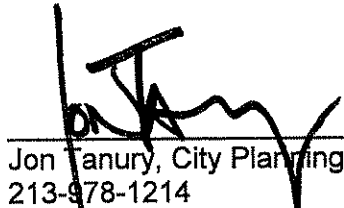
S. GAIL GOLDBERG, AICP
Director of Planning



Kevin J. Keller, Senior City Planner

 FOR BLAKE LAMB

Blake Lamb, City Planner



Jon January, City Planning Assistant
213-978-1214

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, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 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 this 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.

TABLE OF CONTENTS

Project Analysis A-1

- Project Summary
- Background
- Regulations
- Issues
- Conclusion

Findings F-1

- General Plan/Charter Findings
- "D" Development Limitation Findings
- CEQA Findings

Public Hearing and Communications P-1

Exhibits:

- EXHIBIT A – The Oaks "D" Development Limitations Ordinance Map
- EXHIBIT B – Draft "D" Development Limitations Ordinance
- EXHIBIT C – Negative Declaration (ENV-2009-2950-ND)
- EXHIBIT D – Correspondence Received

PROJECT ANALYSIS

Project Summary

The Planning Department is proposing "D" Development Limitations to address environmental and community character issues in the Oaks project area. This proposed ordinance is a measure to reasonably limit construction through floor area, height and lot coverage regulations, which may minimize grading and the building footprint. These criteria may also reduce the likelihood of soil erosion, deforestation and depletion of plant and animal life. The proposed ordinance will protect the neighborhood from development that is inconsistent with the character and scale of the community.

The majority of development in the Oaks occurred during the 1930's, 40's, and 50's. Current development of properties in the Oaks is primarily occurring in two different forms. The first is the infill development of homes on vacant, substandard lots with steep topography. The second is the redevelopment of large lots, through either additions or demolitions. The traditional pattern of development in the Oaks was a modest-sized house on a large lot. Many of the lots in the community are large, gently sloped, and appropriately zoned as RE-9, RE-11, and RE-15. As development pressure has increased over time, the large lots have afforded residents the opportunities to expand existing structures as well as build large secondary structures, with some over 1,000 square feet. Many of these developments are significantly out of scale with the surrounding community and traditional building pattern.

There are also many vacant lots in the Oaks, and these are often undersized with steep slopes and substandard infrastructure such as narrow roads with poor access for residents and emergency vehicles. Because these lots were subdivided prior to our modern zoning code, they are legal lots. Historically, the cost of engineering new homes on these steep lots was prohibitively expensive. However, with advances in engineering, these vacant lots have become more desirable for single-family home development. There is a need to develop specially tailored land use tools to integrate new development on these lots into the existing community – the proposed "D" Development Limitations address these issues. The impacts of gradual, inappropriate development in this kind of terrain constitute a threat to the health, safety and welfare of the community due to soil erosion and excessive grading, loss of permeable surfaces, and the depletion of plant and animal habitat.

The enactment of the proposed "D" Development Limitations would:

- Prohibit the issuance of building permits in excess of certain:
 - Floor Area Ratios based on lot size and slope.
 - Lot Coverage thresholds based on lot size.
 - Building Height regulations based on slope.
- Prohibit the construction of decks or additional stories which would have exposed underfloors of over 6 feet above grade.
- Set a "by-right" floor area for new development to ensure that lots are not rendered "unbuildable" by the proposal.
- Allow property owners to construct additions of a certain floor area to existing structures, regardless of the size of the existing structure.

Background

On September 29, 2006, Councilmember Tom LaBonge (Council District 4) introduced a motion directing the Planning Department and City Attorney to prepare and process an Interim Control Ordinance (ICO) addressing limits on floor area, lot coverage, impermeable cover, and grading in "The Oaks" neighborhood. The ICO was adopted by the City Council on April 9, 2008 and included those 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.

The original motion referenced the following areas of study:

- hillside development appropriate in scale, and minimally disruptive of the natural terrain;
- protection of ridgelines, plant life, wildlife, landform;
- minimization of grading and soil erosion; and
- adequate access for residents and emergency vehicles.

Interim Control Ordinance

Because of environmental and community character concerns, the ICO was developed to contain regulations that prohibit the issuance of building permits in excess of certain floor area thresholds. The regulations contained within the ICO were developed after data analysis of existing relationships between lot and structure sizes in the Oaks. The ICO first went into effect on May 31, 2008, and was adopted for a term of one year. Since that time, the ICO has been extended twice, with an expiration date of May 25, 2010.

The Oaks is a single-family zoned neighborhood within the Hollywood Community Plan. Many of the properties in the Oaks have significant topography. The development of these lots is currently governed by the Hillside Ordinance and the ICO, which provides regulations for new construction, additions, and remodeling, and establishes regulations and definitions for height, front and side yards, fire protection, lot coverage, parking, street access, sewer connections, and grading.

The zoning in the Oaks includes the R1, RE-9, RE-11, and RE-15 designations. Despite these zoning designations, existing lots within each zone vary considerably in size, and there are many lots that do not conform to the minimum lot sizes of the zone in which they are located. Because the lots vary considerably in size, the floor area thresholds contained in the ICO are tied to the size of a lot, rather than zoning designation. For example, at the time the data was analyzed, there were 147 vacant lots within the Oaks. Of these lots only 49, or 33%, conformed to the minimum lot size of the zone in which they are located. Likewise, data on the developed lots also show a large number of non-conforming lot sizes.

These ICO floor area thresholds were developed by analyzing properties in the Oaks, best practices citywide, and a review of hillside regulations of other municipalities. The interim floor area thresholds are significantly lower than what is permitted under the Hillside Ordinance but are very similar to existing conditions. This analysis was achieved by reviewing existing average and median structure sizes, lot sizes, and floor area ratios for properties in the Oaks. The goal of the floor area thresholds was to permit the type of development that exists in the area, with some flexibility to accommodate future growth.

Draft Regulations

From October 2008 through March 2009, planning staff held four focus groups with representatives of the Oaks Community regarding the preparation of "D" Development Limitations. As a result of these meetings, draft concepts were prepared and presented to the larger Oaks neighborhood at a community wide public workshop in March 2009. At this workshop, many residents were concerned that the existing Hillside Ordinance did not adequately address issues of scale in their community. They were worried about out-of-scale structures, lack of landscaping, increased water run-off due to decreased permeability, parking shortages, and the disruption of the existing neighborhood character. However, planning staff also heard comments that the existing Hillside Ordinance was sufficient for the Oaks, and that current homeowners and property owners would suffer if development was limited. On October 7, 2009, staff conducted a Public Workshop and presented the draft "D" Development Limitations, and on October 28, 2009, staff conducted a Public Hearing and received comments regarding the proposed ordinance. Based on comments and community concerns voiced at this meeting, staff made several changes to the recommended ordinance, which are presented as part of this report.

Relationship to the Baseline Hillside Ordinance

Currently, Planning Department Staff is developing a citywide ordinance to address the issue of mansionization in hillside areas. This future ordinance may address development regulations for floor area, structure height, retaining walls, ridgeline protection, as well as others. Planning staff on both projects have worked in close collaboration in developing recommendations for this specific neighborhood, and this project has informed the development of the future citywide ordinance. The floor area, height, and lot coverage regulations contained within the Proposed Oaks "D" Development Limitations are intended to work in tandem with forthcoming regulations, and will supersede any such regulations adopted as part of the Baseline Hillside Ordinance.

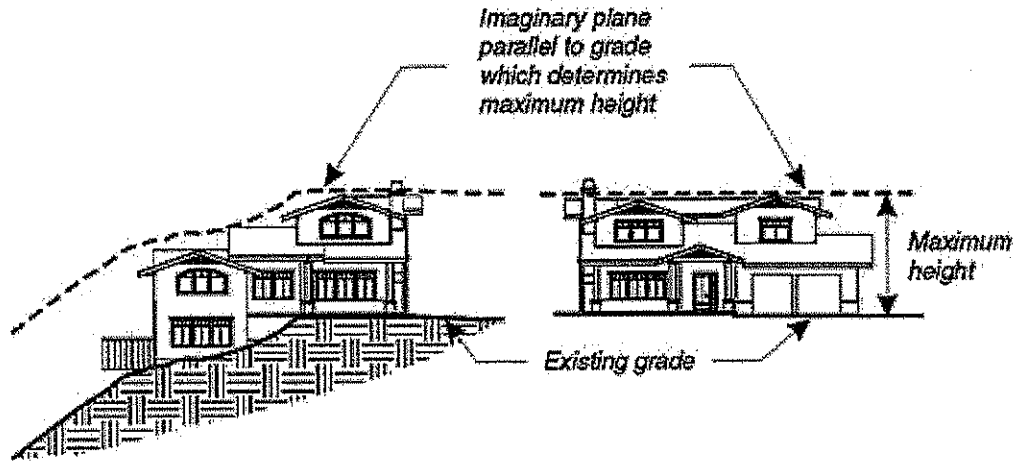
Regulations

The enactment of the proposed "D" Development Limitations would include restrictions on height, floor area, and lot coverage, which are further explained below.

Height

The height regulations contained in the proposed "D" Development Limitations seek to address issues of out-of-scale new construction in the project area. In the proposal,

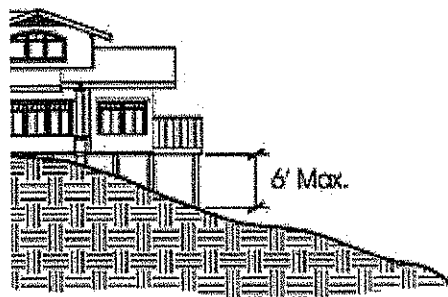
height would be measured and regulated in two ways – the height from grade and the total height of the building. To measure height from grade, an invisible line would be drawn 26 feet above the slope of a lot, following the shape of the hillside; at no point would development be allowed to exceed the imaginary 26 foot high line. To measure the total height of the building, the height would be measured as the vertical distance between the highest and lowest points of development; this height would be restricted to 39 feet.



Lots with slopes less than 45% would have to follow both height regulations, but lots with slopes greater than 45% would only have to meet the standard for total building height. The premise behind this proposal is that new development on flatter lots would be terraced; two modest stories would be allowed at any point, but in order to get a third story, the development would have to follow the contour of the lot. For steeper lots, development height would simply be restricted to 39 feet, in recognition of the difficulty of construction on such lots. These regulations are generally stricter than the current hillside ordinance, and will help to maintain the aesthetic quality of the neighborhood.

| Slope of Lot | Allowable Height – Grade | Allowable Height – Total Building |
|---------------------|---------------------------------|--|
| Less Than 45% | 26' | 39' |
| Greater Than 45% | N/A | 39' |

Currently, newer development on steeper lots in the Oaks often employs the use of stilts sunk into the adjacent hillside in order to build out horizontally from the adjacent slope. This type of development is undesirable because of grading and aesthetic concerns. To address these concerns, the proposed ordinance limits both houses and decks to be built with stilts to no more than 6 feet above adjacent grade.



The regulation does not prevent the construction of cantilevered decks or building elements, as those designs would not require additional grading and would not directly affect the appearance of the adjacent hillside.

Floor Area

The floor area regulations contained in the proposed "D" Development Limitations seek to maintain the traditional building pattern in the Oaks, while at the same time limiting environmental impacts of new development. Combined with the proposed height and lot coverage regulations, the proposed ordinance may indirectly reduce the amount of grading required to build projects, the amount of vegetation that has to be removed for construction, and the impacts to public views of the hillsides and into the Los Angeles basin.

Similar to the proposed height regulations, the floor area regulations are tied to the steepness of a lot. The steeper a lot becomes, the less floor area would be permitted. Tapering the permitted floor area as lots get steeper is designed to limit grading for development on steep lots, which generally requires the movement of many more cubic yards of dirt than development on flatter lots. After being categorized by steepness, lots are also sorted by size. In an effort to maintain the character of the neighborhood, the amount of developable floor area granted per square foot of lot area is reduced as lots increase in size. Accordingly, if a person owns an 8,000 square foot lot, more floor area is granted for the first 4,000 square feet than for the second 4,000 square feet.

For lots with a slope less than 45%:

| Lot Size Interval (Square feet) | FAR Multiplier |
|--|-----------------------|
| 0-4,000 | 0.40 |
| 4,000 – 8,000 | 0.30 |
| 8,000 – 12,000 | 0.15 |
| 12,000 and greater | 0.1 |

Example FAR Calculation:

Lot size = 6,000 square feet

Slope = 25%

Calculation = $(4,000 \times 0.4) + (2,000 \times 0.3)$

Floor Area = 2,200 square feet

For lots with a slope greater than 45%:

| Lot Size Interval (Square feet) | FAR Multiplier |
|--|-----------------------|
| 0-4,000 | 0.37 |
| 4,000 – 8,000 | 0.27 |
| 8,000 – 12,000 | 0.13 |
| 12,000 and greater | 0.1 |

Example FAR Calculation:

Lot size = 6,000 square feet

Slope = 40%

Calculation = $(4,000 \times 0.37) + (2,000 \times 0.27)$

Residential Floor Area = 2,020 square feet

Lot Coverage

As a third method of maintaining neighborhood character and protecting the hillside environment, the proposed "D" Development Limitations provide restrictions on maximum building lot coverage. Much of the Oaks neighborhood is comprised of large lots developed with modestly sized houses. The lot coverage restrictions developed for this proposal are intended to accommodate existing housing stock, while better regulating additions, accessory structures and new houses. The proposed lot coverage regulations are tiered based on lot size – as a lot increases in size, the percentage of lot coverage permitted reduces.

| Lot Area | Maximum Permitted Lot Coverage |
|--------------------------------------|---------------------------------------|
| Less than 4,000 square feet | 35% |
| Between 4,000 and 12,000 square feet | 30% |
| Greater than 12,000 square feet | 20% |

This regulation directly addresses environmental concerns voiced by the neighborhood. Tighter lot coverage restrictions mean that new development in the neighborhood will cover smaller portions of lots with impervious cover and buildings, which lessens the need for extensive grading and clearing of native vegetation. Smaller amounts of impervious coverage also allow for a greater rate of soil retention and water absorption during the rainy season, which could lessen the chances of significant mudslides and runoff-related pollution into nearby bodies of water.

Issues

During the public outreach conducted by staff, community members voiced a number of concerns, questions and comments regarding the proposed ordinance. Many of those comments have been incorporated into the proposed ordinance, as discussed below.

Maximum Residential Floor Area/Height

Staff received comments at early public meetings that the floor area maximums permitted for large lots were too restrictive. In its early stages, the proposed regulations had more lot size categories for the largest lots, which further limited the buildable area granted per square foot of lot area. In response to these comments, the number of large lot categories was reduced, and the amount of floor area permitted for these lots was increased accordingly. Also prior to the public hearing, community members recommended increasing the initial draft amount of floor area permitted per lot for all lots, to more closely match the regulations in the adopted Interim Control Ordinance, as well as to more closely mirror the built form of the neighborhood. Staff was able to incorporate these comments into the proposed ordinance now being recommended.

At the public hearing, comments were voiced regarding the proposed slope categories indicated in the height regulations, with a desire to increase the slope threshold from 35% to 45%. Staff is now recommending a slope threshold of 45% and has revised Section 3 of the proposed ordinance, Building Height, to be consistent with this threshold. These changes were recommended after staff made the appropriate analysis of existing conditions data, and best practices from other communities.

Creating Habitable Space in an "Understory"

A concern has been raised that the proposed ordinance will prevent the construction of additional square footage that would be located within the existing footprint of existing structures. Essentially, some structures in the Oaks have vacant space (crawl space) located within the foundation and structural walls.

A request has been made to insert an exemption for the conversion of space like this into habitable space, so long as there is no change in structural footprint or building height and no significant grading requirements. This exemption would not place a floor area size limit to such an addition of habitable space.

Staff recognizes that there is a large variety of lots sizes, slopes, and structures within the Oaks. It is a very eclectic neighborhood. However, rather than propose an exemption that would only apply to a very narrow type of property, staff has created an exemption that would be applied fairly to all property owners.

The proposed ordinance contains an exemption for an addition of 400 total square feet, measured cumulatively from the effective date of this ordinance, to any one-family dwelling, regardless of the size of the existing 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. The building resulting from any additions permitted by this shall not exceed the height of the original building or the height permitted in this ordinance, whichever is greater.

Deck Height Restrictions

A concern has been raised that this proposed Ordinance places an undue restriction on decks, which would not allow pools to be feasibly constructed on hillsides. Pools are not regulated as floor area or lot coverage, provided they are not over 6 feet above grade. However, the proposed height restrictions do not allow the walking surface of a deck with visible underpinnings to exceed a height of six feet above grade. This regulation does not prohibit attached decks with cantilevered underpinnings which are not grounded in the adjacent hillside.

A request has been made to include a regulation that would prohibit decks with visible underpinnings to exceed a height of six feet above grade, unless those underpinnings are screened with landscaping or some other screening device. Staff understands the concern regarding pools and decks; however the purpose of this regulation is to reduce the large structures that are constructed on supporting poles which make a structure look far more massive from downhill lots. By limiting the height to 6 feet, this encourages the terracing of decks, which positively contributes to the character of the Oaks and minimizes the bulk of structures.

Conclusion

The Oaks is an important resource to the City, retaining many of its original design features, natural resources, and community character. However, without protection, The Oaks will continue to be susceptible to inappropriate vacant lot infill development and the redevelopment of properties, resulting in the loss of character, scale, and pattern of development of this established single-family residential neighborhood. The enactment of the proposed "D" Development Limitations is necessary to maintain an established pattern of development in an established neighborhood, as well as protect the neighborhood from unwanted negative environmental effects associated with excessive building patterns.

FINDINGS

General Plan/Charter Findings

Findings under Charter Section 556: Conformance with the General Plan

Los Angeles City Charter Section 556 and LAMC Section 12.32(C)(7) require that prior to adopting a land use ordinance, the City Council make findings that the ordinance is in substantial conformance with the purposes, intent and provisions of the General Plan.

The proposed "D" Development Limitations are in substantial conformance with the purposes, intent and provisions of the General Plan in the following respects:

1. Hollywood Community Plan

The "D" Development Limitations will promote the objectives, policies and goals of the Hollywood Community Plan by continuing to protect the character of the existing single-family neighborhood in the Oaks area. By instituting more restrictive development regulations, the proposed regulations require new development to be compatible with neighborhood character, while at the same time providing some environmental benefits. As new houses are developed in conformance with the proposed regulations, and are built with smaller height, floor area and lot coverage envelopes, impacts related to grading, aesthetics and the natural landscape and vegetation could be lessened. The "D" Development Limitations are consistent with applicable objectives and policies of the Hollywood Community Plan, including the following:

OBJECTIVE 3: *To encourage preservation and enhancement of the varied and distinctive residential character of the community, and to protect lower density housing from the scattered intrusion of apartments.*

OBJECTIVE 3: *To minimize grading so as to retain the natural terrain and ecological balance. To provide a standard of land use intensity which will be compatible with street capacity, public facilities and utilities, and topography and in coordination with development in the rest of the City.*

OBJECTIVE 4: *To promote the preservation of views, natural character and topography of mountainous parts of the Community for the enjoyment of both local residents and persons throughout the Los Angeles region.*

HOUSING: *The Plan encourages the preservation and enhancement of well defined residential neighborhoods in Hollywood through preparation of neighborhood preservation plans which further refine and tailor development standards to neighborhood character.*

These objectives will be accomplished through the implementation of the proposed project. The "D" Development Limitations were developed based on data from the existing housing stock in the Oaks neighborhood, including floor area and lot coverage; the proposal will require all new development to be similar in character to the majority of existing houses in the project area. No changes are proposed to the community's

residential density – the project area will remain designated for single family development. The project does not directly affect grading; however, the combination of further height, lot coverage, and floor area restrictions could mean that the amount of grading required to construct a house is lessened. A reduction in grading due to reduced permitted envelopes for development could help to retain the natural terrain and ecological balance of the Oaks neighborhood. On the whole, the proposed “D” Development Limitations act as a refinement of the existing hillside regulations contained in the Los Angeles Municipal Code, tailoring existing types of development regulations to more specifically address the needs of a well-defined community.

2. General Plan Framework

The proposed project is in substantial conformance with the purposes, intent, and provisions of the General Plan, and is in conformity with public necessity, convenience, general welfare, and good zoning practice in that the proposed “D” Development Limitations seek to limit the adverse impacts of hillside development incompatible with the scale of existing neighborhoods, including:

OBJECTIVE 3.5: *Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.*

The Oaks community in Hollywood is an existing, stable single-family neighborhood. The proposed project is seeking to maintain the existing use and character of that neighborhood. The proposed regulations do not prohibit infill construction, and do not prohibit additions to existing houses. The proposed project will limit the scale of new construction through tighter restrictions on floor area, lot coverage and building height. However, in the proposed “D” Development Limitations, minimum thresholds are set to allow existing houses a “by-right” addition of square footage and to set a “by-right” house size a property owner may construct, regardless of maximum floor area regulations. These minimum thresholds will allow continued development of new housing, as well as reasonable additions to existing single-family dwellings, while still achieving the goal of maintaining the overall character of the Oaks neighborhood. The “by-right” house size was generated through examination of the average existing housing on the smallest lots in the Oaks, as well as calculations factoring in other relevant regulations, including height, lot coverage, and setbacks.

Findings under Charter Section 558

Los Angeles City Charter Section 558 and LAMC Section 12.32(C)(7) require that prior to adopting a land use ordinance, the City Council make findings that the ordinance conforms with public necessity, convenience, general welfare and good zoning practice. The “D” Development Limitations conform to public necessity, convenience, general welfare and good zoning practice in the following respects:

The proposed project began with a desire voiced by the community to preserve the built character of the Oaks neighborhood. Planning staff responded by researching building permit data for the community, as well as extensive field work and meetings with community members to better understand the issues facing the area. Through this

methodology, staff determined that there was an impetus for additional development regulations in the Oaks; it was true that the built form of the neighborhood was beginning to change, and that the changes were potentially negatively affecting the environment. Both residents and staff wanted a simple, easily understood mechanism, requiring little additional review from the City, which would help achieve the goal of maintaining traditional development practices in the Oaks. The proposed ordinance provides regulations that protect the Oaks hillsides from the negative environmental impacts of current development practices. The proposed "D" Development regulations provide a convenient method to achieve the goals outlined by staff for the Oaks neighborhood that is consistent with good zoning practice. The height, lot coverage and floor area restrictions contained in the proposed project are regulations that will not cause a Planning entitlement to be required when a property owner wishes to develop his or her land. The project may also indirectly limit grading and destruction of native vegetation in the Oaks by reducing the size and bulk of structures that will be permitted to be constructed.

Entitlement Findings

The enabling language for the establishment of "D" Development Limitations contained in Section 12.32(G.4) of the Code requires that the following finding shall be made:

That the proposed "D" Development Limitations are necessary to protect the best interests of and assure a development more compatible with the surrounding property or neighborhood.

The proposed project is necessary to assure that new development in the Oaks is compatible with the existing housing in the neighborhood. The majority of the larger, more flat lots in the Oaks were developed in the early 20th century. This development pattern created a neighborhood with often modest sized houses on larger, less steeply sloped lots. Today, significantly larger houses are proposed on vacant lots in the neighborhood, many of which have a significant slope. The goal of many developers to construct "spec" houses on these steep lots, which often sacrifice design for the maximization of square footage, is putting the idyllic, woodsy character of the Oaks at risk. Permit data since 1999 has shown that the size of new houses, and of additions to existing houses, has been steadily increasing; the scale of the new development is much greater than that of existing housing stock. The earlier, traditional development pattern may also have required less grading, and therefore may have had fewer environmental impacts, than larger, more modern houses recently proposed for construction in the area. The proposed regulations seek to maintain the open, wooded character of the Oaks through limits on building massing and envelopes, resulting in new construction that is both comparably scaled with existing houses in the neighborhood and potentially less harmful to the environment.

CEQA Findings

A Negative Declaration (ENV-2009-2950-ND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Negative

Declaration (Exhibit C) reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Community Planning Section of the Planning Department in Room 667, 200 North Spring Street. Staff hereby recommends adoption of the Negative Declaration (ND).

CEQA Response to Comments

No comments were received by staff regarding the Negative Declaration prepared for the proposed project.

PUBLIC HEARING AND COMMUNICATIONS

Public Hearing

A public hearing on this matter was held at the American Film Institute, 2021 N. Western Ave., Room Warner 102 on October 28, 2009 at 7:00 PM.

1. Present: Approximately 25 people attended.
2. Speakers: 10 in SUPPORT; 2 in OPPOSITION; 1 with GENERAL COMMENTS
3. A representative from Council District 4 was present and spoke in support of the project.

Communications Received

1. Two letters were received in support of the project. One letter was received in opposition to the project, as well as one email.

Summary of Public Hearing Testimony and Communications Received

1. Councilmember Tom LaBonge, Council District 4 (Representative):

- Expression of support for the project
- Acknowledges that the project may not satisfy the needs or desires of the entire neighborhood, but will help achieve the original goals of the neighborhood.

2. Points in Favor: The project:

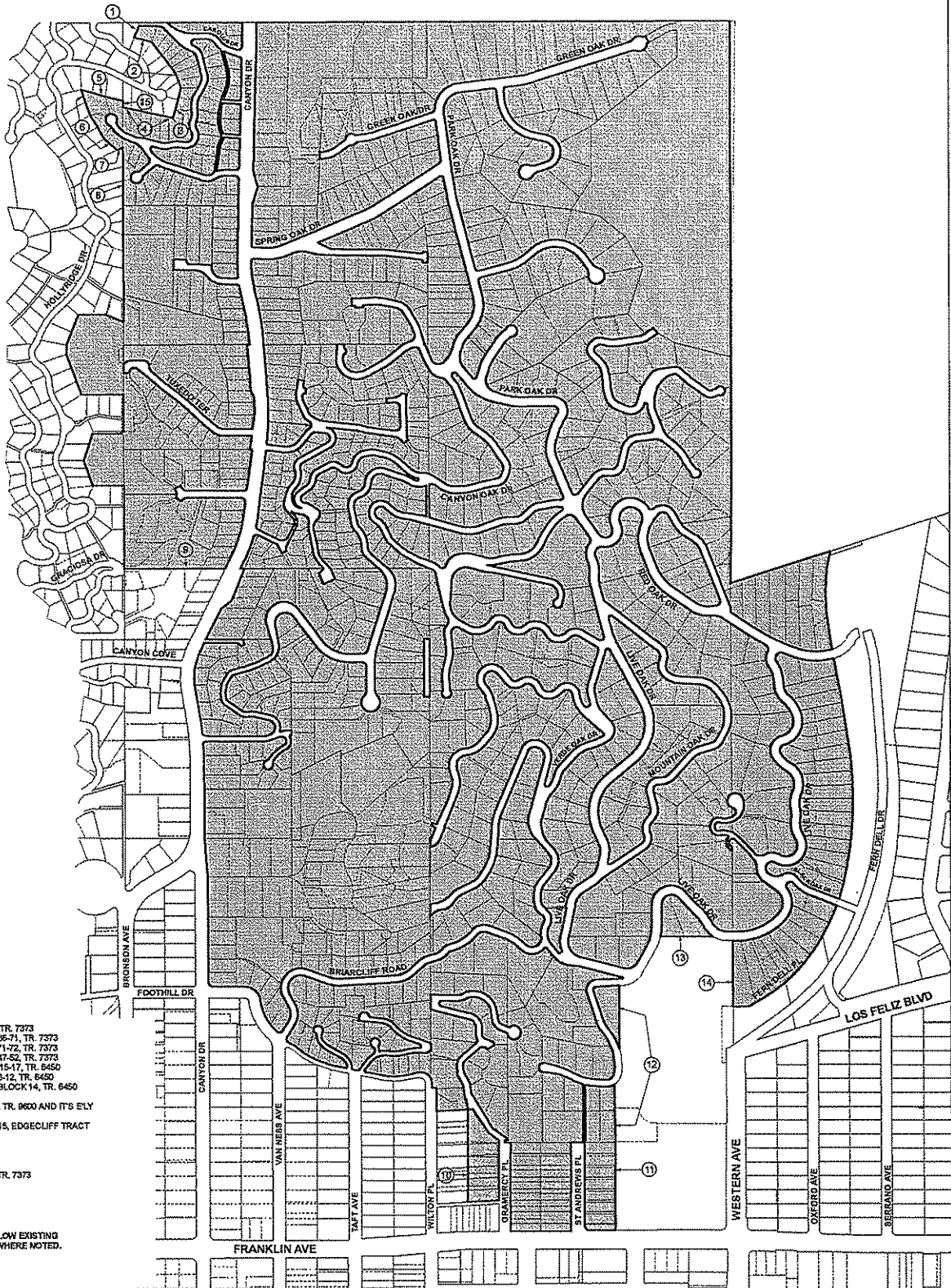
- will limit the ability to construct large "speculation" homes on small, steep lots.
- is based on an analysis of existing development patterns.
- will address the issue of "overscale" development in the Oaks neighborhood.
- will prevent "overscale" development in a simple way, without reviewing design or style.
- proposes the implementation of limited, easily understandable regulations.
- will preserve the character of the Oaks neighborhood.
- allows for an addition of at least 400 square feet to existing structures, which the speaker believed was equitable.
- creates regulations that allow for the feasible design and construction of new houses.

3. Points in Opposition: The project:

- will create height limitations that make it impossible to build an addition of the same height as the existing structure.

- will create floor area ratio limitations that make it impossible to build large houses on the largest lots, similar to some already constructed in the neighborhood.
- may not interface well with existing retaining wall regulations; the proposed height regulations may not allow conformance with the City's retaining wall ordinances.
- will prevent the construction of additional square footage that would lie within the footprint of, or underneath, existing structures.
- will create undue restrictions on decks, which would not allow pools to be feasibly constructed on hillsides.
- want more done as far as grading regulations.
- the Interim Control Ordinance was easier to understand – the proposed "D" Limitation are too complicated.

THE OAKS "D" DEVELOPMENT LIMITATIONS



1. S'ELY LINE 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. S'WLY LINES OF LOTS 15-17, TR. 6450
6. N'ELY LINES OF LOTS 8-12, TR. 6450
7. NW'LY LINE OF LOT 7, BLOCK 14, TR. 6450
8. E'LY LINE OF TR. 6450
9. S'LY LINE OF PT LOT 1, TR. 9600 AND IT'S E'LY PROLONGATION
10. E'LY LINE OF LOTS 11-15, EDGECLIFF TRACT
11. E'LY LINE OF TR. 3164
12. E'LY LINE OF TR. 5491
13. S'LY LINE OF TR. 5257
14. W'LY LINE OF TR. 4040
15. W'LY LINE OF LOT 76, TR. 7373

NOTES:
ALL BOUNDARIES FOLLOW EXISTING ZONE LINES, EXCEPT WHERE NOTED.

 FROM R1-1 TO R1-1D
 FROM RE11-1 TO RE11-1D
 FROM RE15-1 TO RE15-1D
 FROM RE9-1 TO RE9-1D



NOT TO SCALE

CPC 2009-2948-HD

AAV 111000



Area Mapped

THE OAKS "D" DEVELOPMENT CONDITIONS

CITY PLANNING COMMISSION DRAFT 11/20/09

ORDINANCE NO. _____

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

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

SECTION 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone classifications on properties shown upon portions of the zoning maps titled "Zone Change Ordinance Map The Oaks Hillside Height District Change" and the table for Section 1 below and incorporated herein by this reference, and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code.

Table for SECTION 1

| Existing Zone: | New Zone: |
|----------------|-----------|
| RE15-1 | RE15-1D |
| RE11-1 | RE11-1D |
| RE9-1 | RE9-1D |
| R1-1 | R1-1D |

SECTION 2. Pursuant to Section 12.32 G of the Los Angeles Municipal Code, and any amendment thereto, the following limitations are hereby imposed upon the use of that property described in Section 1 hereof which are subject to the Permanent "D" Development Limitations. Where the zone symbols of the new zoning designation as shown in the table for Section 1, are followed by the symbol "D" in the suffix, the conditions and limitations imposed by the new "D" Development Limitation are set forth as follows:

A. All properties located within the Zone Change Ordinance Map The Oaks Hillside Height District Change shall be subject to the following [D] Development Limitations:

- 1. Maximum Residential Floor Area**
 - a) Maximum Residential Floor Area Calculation Table for lots with a Slope between 0-45%.** The table shown below shall be used to calculate the maximum Residential Floor Area for a lot based on slope of the lot. The area of each portion of a lot within a Lot Size Interval shall be multiplied by the corresponding FAR multiplier; the products of these calculations shall be added together to compute the maximum permitted Residential Floor Area for a lot.

| Lot Size Interval (Square feet) | FAR Multiplier |
|------------------------------------|----------------|
| 0-4,000 | 0.40 |
| 4,000 – 8,000 | 0.30 |
| 8,000 – 12,000 | 0.15 |
| 12,000 and greater | 0.1 |

Example FAR Calculation (For Reference Only):

Lot size = 6,000 square feet
 Slope = 25%
 Calculation = $(4,000 \times 0.4) + (2,000 \times 0.3)$
 Floor Area = 2,200 square feet

- b) **Maximum Residential Floor Area Calculation Table for lots with a Slope greater than 45%.** The table shown below shall be used to calculate the maximum Residential Floor Area for a lot based on slope of the lot. The area of each portion of a lot within a Lot Size Interval shall be multiplied by the corresponding FAR multiplier; the products of these calculations shall be added together to compute the maximum permitted Residential Floor Area for a lot.

| Lot Size Interval (Square feet) | FAR Multiplier |
|------------------------------------|----------------|
| 0-4,000 | 0.37 |
| 4,000 – 8,000 | 0.27 |
| 8,000 – 12,000 | 0.13 |
| 12,000 and greater | 0.1 |

Example FAR Calculation (For Reference Only):

Lot size = 6,000 square feet
 Slope = 40%
 Calculation = $(4,000 \times 0.37) + (2,000 \times 0.27)$
 Residential Floor Area = 2,020 square feet

- c) **Minimum Residential Floor Area.** Regardless of the maximum Residential Floor Area and square footages granted through the other regulations contained in this Section, each lot shall be permitted a Minimum Residential Floor Area of 1,400 square feet.

d) Minimum Permitted Addition.

1. An addition up to 400 total square feet, measured cumulatively from the effective date of this ordinance, may be permitted to any one-family dwelling 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 400 square feet may be in excess of those limitations in Subsections A and B of this section.
2. The building resulting from any additions permitted by Subsection D above shall not exceed the height of the original building or the height permitted in Section 6 of this ordinance, whichever is greater.

2. LOT COVERAGE.

- a) **Lots less than 4,000 square feet in area.** Buildings and structures extending more than six feet above grade shall cover no more than 35 percent of the area of a lot.
- b) **Lots between 4,000 square feet and 12,000 square feet in area.** Buildings and structures extending more than six feet above grade shall cover no more than 30 percent of the area of a lot.
- c) **Lots greater than 12,000 square feet in area.** Buildings and structures extending more than six feet above grade shall cover no more than 20 percent of the area of a lot.

3. BUILDING HEIGHT.

- a) **For lots with a Slope of less than 45 percent:**
 - 1) In addition to the height limitations contained in LAMC Section 12.21 A17(c), no building or structure shall exceed 26 feet in height from adjacent grade, measured as the vertical distance from the adjacent grade of the site to an imaginary plane located above and parallel to grade.
 - 2) In addition to the height limitations contained in LAMC Section 12.21 A17(c), no building or structure shall exceed 39 feet in height, measured from the lowest elevation on the site where the structure touched grade, to the highest point of the roof.
- b) **For lots with a Slope of greater than 45 percent:**

- 1) In addition to the height limitations contained in LAMC Section 12.21 A17(c), no building or structure shall exceed 39 feet in height, measured from the lowest elevation on the site where the structure touched the grade, to the highest point of the roof.
- c) The vertical distance between the lowest point where a foundation meets grade and the lowest floor line of a structure shall not exceed six feet. This regulation shall not prohibit attached stories above the first story with cantilevered underpinnings which are not grounded in the adjacent hillside.
- d) No portion of the walking surface of a deck with visible underpinnings shall exceed a height of six feet above grade. This regulation shall not prohibit attached decks with cantilevered underpinnings which are not grounded in the adjacent hillside.

EXHIBIT D

CPC-2009-2949-HD

Correspondence Received

Exhibit D

The Oaks Homeowners Association

P.O. Box 29155
Los Angeles, California 90029-0155



October 28, 2009

TO: The Planning Department

RE: The New Permanent Regulations for Development in The Oaks

The Oaks Homeowners Association, which represents 800 households in The Oaks neighborhood, is strongly in support of the permanent regulations proposed by the Planning Department here tonight. For many years, our neighborhood has been threatened by out-of-scale development -- usually speculative -- in which overly large homes have been constructed on modestly sized lots. This sort of development changes the character of the neighborhood and threatens to make it less livable to those of us who have put down roots here. The speculators who build these large out-of-character homes, have no such roots, have no stake in preserving the long-standing open and wooded character of The Oaks, and have no interest in the long-term survival of the neighborhood. Because of the destructive nature of this sort of out-of-scale development, we asked the Planning Department to develop simple, narrowly defined regulations intended only to limit the massing of structures on lots. We sought no control over design or style elements. The Planning Department has succeeded in created such a set of specific, modest regulations which serve merely to preserve the existing character of our neighborhood going forward. We fully support these new regulations.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Robert Young'. The signature is fluid and cursive, with a large 'R' and 'Y'.

Robert Young
The Oaks Homeowners Association, President

Gerald L Hans & Mary J Button
2624 Green Oak Place
Los Angeles, CA 90068

October 28, 2009

City of Los Angeles
Department of Planning

Re: The Oaks "D" Development Limitations Public Hearing

Sir or Madam,

We, as 23 year residents of The Oaks, fully support the proposed regulations limiting floor areas ratios and height limitations for homes in our community.

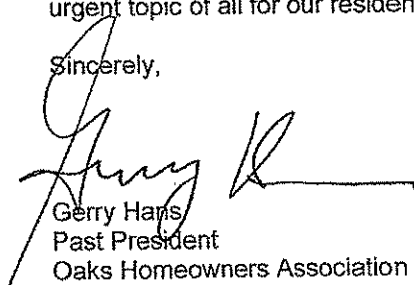
Development of large homes on small lots, especially on steep lots, has degraded the character of the neighborhood during the last decade. Nearly all these homes have been "spec homes", which maximize square-footage, regardless of lot size, because of real estate and investment economics. This kind of unscrupulous practice leaves integrity and character of the community as a whole out of the equation.

The residents' crusade to preserve the character and charm is nothing new. Even back as early as 2000 and 2001, proposals and surveys for an Oaks HPOZ were circulated to residents. Although residents' reaction to HPOZ was warm, it was probably not the best solution for our area. Later, the idea of a "Specific Plan" was floated but it was problematic and complicated, too. Finally, further analysis of the root problem pointed directly to the size of homes relative to lot size. With just control of that ratio, FAR, most of the untoward development could be held in check.

We are glad that Council District 4 and Planning Department acknowledged our problem and delighted that this proposed solution is now coming to fruition.

As past President of Oaks Homeowners Association and as eight year member of its Board of Directors, I can attest to the fact that issue of over-scale homes in the Oaks has been the most urgent topic of all for our residents.

Sincerely,



Gerry Hans
Past President
Oaks Homeowners Association

And



Mary Button
Mary Button

Oct 28, 2009

To: L.A. Dept. of City Planning

Re: Proposed "D" development limitations

I own a home at 5693 Holly Oak Dr., Los Angeles that will fall under their proposed plan.

I am planning an addition to my home that would be materially harmed by the height restrictions, I would be prevented from adding a symmetrical addition appropriate to the existing structure due to the 26ft and 36ft height limits. Hence I object to the plan.

Note that my home is difficult to even see from the St below and hidden completely from Holly Oak, and the adjacent properties are each more than double the square footy I would be limited to on my 35,000 ft lot.

Best regards, Nicholas Babchuk



~~RECEIVED~~
RECEIVED 12/28/09
FROM SHAWN ROSENBERG

Example of Proposed Language for Oaks "D" Development Conditions to be included in
Draft for City Council, Section 4 Part D:

(Note the addition of Section 4, Part D, Number 1a. New language is represented in Bold.)

Section 4. – Maximum Residential Floor Area

D. Minimum Permitted Addition

1. An addition up to 400 total square feet, measured cumulatively from the effective date of this ordinance, may be permitted to any one-family dwelling 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 400 square feet may be in excess of those limitations in Subsections A and B of this section.
 - a. An addition up to **750 total square feet**, measured cumulatively from the effective date of this ordinance, may be permitted to any one-family dwelling for which a Certificate of Occupancy was issued prior to the effective date of this ordinance, **provided the addition does not change the existing structural footprint or building height and has no significant grading requirements. This type of addition will be subject to the Revised Hillside Ordinance. These 750 square feet** may be in excess of those limitations in Subsections A and B of this section.
 - i. **Footprint is defined as the surface space occupied by a structure.**
2. The building resulting from any additions permitted by Subsection D above shall not exceed the height of the original building or the height permitted in Section 6 of this ordinance, whichever is greater.

THE OAKS HILLSIDE DEVELOPMENT ORDINANCE COMMENT SHEET

CPC-2009-2949-HD

10/7/2009

NAME: Arlene Van Greems
EMAIL: locksteylady@hotmail.com
PHONE: 323-464-0414

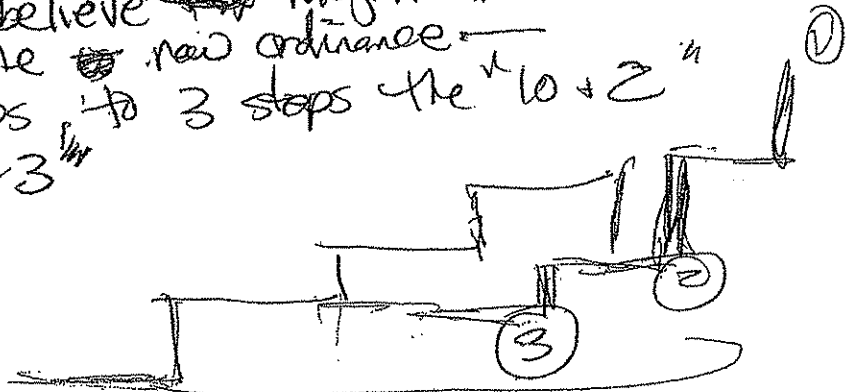
COMMENTS:

As a homeowner of an original "Hollywoodland" house (1920's) I appreciate the tremendous amount of work (man/woman hours) that has gone into this proposed ordinance. I support this carefully drafted ordinance and the necessity for its passage. My neighborhood (Tract 873) has been ~~prey~~ prey to serious developers — my opinion.

I also ^{strongly} appreciate the fact that the Planning Department has made sure our last meeting ~~they~~ have addressed my concerns both as a longtime homeowner (1951) and the owner of an upside lot.

OK

My ~~only~~ ~~concern~~ remaining concern is that your stepped construction Δ be interfaced w retaining wall ~~and~~ provisions of the current codes. I believe ~~it~~ ^{changes} might need to be written into the new ordinance. ~~Being~~ raising perhaps to 3 steps the "10 + 2" provision \rightarrow to "10 + 3"



October 26, 2009

Ms. Blake Lamb
Mr. Jon Tanury
Department of City Planning
200 N Spring Street
Room 667
Los Angeles, CA 90012

RE: Public Testimony – Los Feliz Oaks “D” Development Conditions

Ms. Lamb and Mr. Tanury:

We are submitting this letter as public testimony regarding the Los Feliz Oaks Hillside Neighborhood “D” Development Conditions. We are specifically suggesting an exclusion to this proposition that takes into account existing structures where an addition would not alter the footprint or height of the building nor require significant grading.

Please note that we initiated this conversation with the Department of City Planning on April 10, 2007 at the Oaks Study Workshop. However, despite repeated attempts, we find it disconcerting that a discussion has not taken place until one week prior to the public hearing. This is more than 2 ½ years following our initial conversation. During this time, we have also communicated with Bob Young, President of the Oaks Homeowner’s Association, who also recommended to City Planning that such an exclusion be included.

We are suggesting an exclusion be represented in the Oaks Hillside “D” Conditions for cases where a homeowner is adding interior space *without* altering the existing footprint, building height, or significant grading. As you can easily ascertain from driving the Oaks neighborhood, many hillside homes exist with vacant space (ie. “crawl space” or above grade basement) located *within* the original foundation and structural walls. Considering any impact to the natural geography, we propose language such as the following:

A permitted addition of an existing structure with no change in structural footprint or building height and no significant grading requirements (the standards set forth in the Oaks Hillside “D” Development Conditions) shall be excluded from the FAR requirement however remain subject to the Revised Hillside Ordinance. The Revised Hillside Ordinance limits an addition of this kind to 750 sf considering the dwelling was built prior to 9/14/92, is on a Substandard Hillside Limited Street, has no increase in existing building height, and 2 off-street parking spaces are provided.

(see attached example)

This type of exclusion supports community development, family growth, and the sustainability of the Los Feliz Oaks neighborhood. As seen below, an exclusion of this type does not in any way conflict with the purpose established in the Oaks "D" Development Conditions Public Hearing Draft:

SECTION 2. PURPOSE

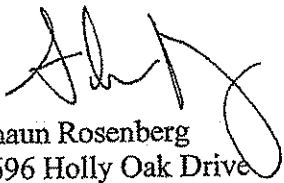
This Ordinance is enacted to establish guidelines and standards to:

1. Reduce the impact of excessive grading in the hillside areas in the Oaks in order to decrease the likelihood of soil erosion, landslides, deforestation and depletion of plant and animal life; and
2. Prevent insensitive, out-of-scale development which is incompatible in scale with the adjacent properties and surrounding neighborhood.

In our understanding, most ordinances carry a set of exclusions to prevent future complications and hindrances to those that support the general purpose as outlined in Section 2. However to date, there have been no proposed exclusions that take into consideration existing building structures that do not alter the footprint, height, or requirement for significant grading. The current Oaks "D" Development Conditions only lists a broad minimum addition of 400 sf for any existing structure regardless of the impact on footprint, height, or grading.

We support an ordinance that considers the geographical impact while also controlling out-of-scale development. However it is vital to conduct thorough research of the existing building styles and structures and potential issues that may present which could hinder the overall purpose of such an ordinance.

Sincerely,



Shaun Rosenberg
5696 Holly Oak Drive
Los Angeles, CA 90068



Rachel Goodman
5696 Holly Oak Drive
Los Angeles, CA 90068

Cc: Mr. Tom LaBonge, City Council District 4

Example of Proposed Language for Oaks "D" Development Conditions to be included in Draft for City Council, Section 4 Part D:

(Note the addition of Section 4, Part D, Number 1a. New language is represented in Bold.)

Section 4. – Maximum Residential Floor Area

D. Minimum Permitted Addition

1. An addition up to 400 total square feet, measured cumulatively from the effective date of this ordinance, may be permitted to any one-family dwelling 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 400 square feet may be in excess of those limitations in Subsections A and B of this section.
 - a. An addition **up to 750 total square feet**, measured cumulatively from the effective date of this ordinance, may be permitted to any one-family dwelling for which a Certificate of Occupancy was issued prior to the effective date of this ordinance, **provided the addition does not change the existing structural footprint or building height and has no significant grading requirements. This type of addition will be subject to the Revised Hillside Ordinance.** These 750 square feet may be in excess of those limitations in Subsections A and B of this section.
 - i. **Footprint is defined as the surface space occupied by a structure.**
2. The building resulting from any additions permitted by Subsection D above shall not exceed the height of the original building or the height permitted in Section 6 of this ordinance, whichever is greater.

