

MICHAEL N. FEUER CITY ATTORNEY

REPORT NO. R 1 5 - 0 0 3 3

REPORT RE:

DRAFT INTERIM CONTROL ORDINANCE ESTABLISHING A MORATORIUM ON THE ISSUANCE OF BUILDING AND DEMOLITION PERMITS WITHIN PROPOSED HISTORIC PRESERVATION OVERLAY ZONES AND

DRAFT INTERIM CONTROL ORDINANCE PROHIBITING THE ISSUANCE OF BUILDING PERMITS FOR THE CONSTRUCTION OF RESIDENTIALLY ZONED PROPERTIES WHERE CONSTRUCTION DOES NOT MEET NEIGHBORHOOD-SPECIFIC CRITERIA

The Honorable City Council of the City of Los Angeles Room 395, City Hall 200 North Spring Street Los Angeles, CA 90012

Council File No. 14-0656

Honorable Members:

Pursuant to City Council action of November 4, 2014, this Office is transmitting to you for your consideration, approved as to form and legality, the enclosed draft interim control ordinances (ICOs) for proposed Historical Preservation Overlay Zones and neighborhood conservation.

Summary of Ordinance Provisions

The first ICO prohibits the demolition and the major exterior alteration of single-family homes in the following proposed Historic Preservation Overlay Zones (the "HPOZ ICO"):

The Honorable City Council of the City of Los Angeles Page 2

- Sunset Square Council District 4
- Carthay Square Council District 5
- Holmby Westwood Council District 5
- Oxford Square Council District 10
- El Sereno Berkshire Craftsman District Council District 14

The second ICO prohibits the construction of single-family homes that do not meet specific criteria in the following neighborhoods (the "anti-mansionization ICO"):

- Valley Village Council District 2
- South Hollywood Council District 4
- La Brea Hancock Neighborhood Council District 4
- The Oaks of Los Feliz Council District 4
- Miracle Mile Council District 4
- Larchmont Heights Council District 4
- Lower Council District 5 Council District 5
- Beverlywood Council District 5
- Inner Council District 5 Council District 5
- Fairfax Area Council District 5
- Bel Air Council District 5
- Faircrest Heights Neighborhood Council District 10
- Kentwood Council District 11
- Mar Vista/East Venice Council District 11
- Old Granada Hills Council District 12

Charter Findings Not Required

Because the enclosed ICOs are being adopted as an urgency measure pursuant to California Government Code Section 65858, they are not subject to the procedures otherwise required before the adoption of a land use ordinance.

Council Rule 38 Referral

A copy of the enclosed draft ordinances were sent, pursuant to Council Rule 38, to the Department of Building and Safety, with a request that all comments and recommendations, if any, be presented directly to the City Council when this matter is considered.

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If you have any questions regarding this matter, please contact Deputy City Attorney Saro Balian at (213) 978-8242. He or another member of this Office will be present when you consider this matter to answer any questions that you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By David Michaelson (fun DAVID MICHAELSON

Chief Assistant City Attorney

DM/SB:cg Enclosures

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An interim ordinance, adopted as an urgency measure pursuant to California Government Code Section 65858, establishing a moratorium on the issuance of building and demolition permits for properties within the following five proposed Historic Preservation Overlay Zones (HPOZs):

- 1. Sunset Square Council District 4
- 2. Carthay Square Council District 5
- 3. Holmby Westwood Council District 5
- 4. Oxford Square Council District 10
- 5. El Sereno Berkshire Craftsman District Council District 14

WHEREAS, current trends to renovate or replace historic homes with large-scale, out-of-character new construction have led to the major alteration or demolition of important historic structures, irreversibly impairing their historical significance and the character of the surrounding neighborhood;

WHEREAS, on May 27, 2014, the City Council adopted a 2014-2015 Budget giving the Department of City Planning position authority and nine months of funding for four Planning Associate positions to support a newly created Neighborhood Conservation Program;

WHEREAS, the Department of City Planning is currently considering proposed HPOZs in the five neighborhoods noted above, but due to Civil Service hiring procedures, the Department will not have the four staff in place to begin establishing HPOZs until early 2015;

WHEREAS, the adoption of the five Historic Preservation Overlay Zones and Preservation Plans is consistent with the goals and objectives of the General Plan's conservation and housing element to "protect important cultural and historical sites and resources for historical, cultural, research, and community education purposes and to identify and protect architecturally and historically significant residences and neighborhoods"; and

WHEREAS, it is urgent to protect the public health, safety, and welfare by immediately preventing demolitions and alterations that could result in the loss of historically important resources and jeopardize the overall character of these five neighborhoods until the HPOZs or other appropriate land use regulatory controls can be adopted;

NOW THEREFORE,

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

Section 1. **DEFINITIONS.** For 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 construed as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC).

PROJECT. The erection, construction, demolition, alteration of, or addition to, a building or structure, or removal of an exterior feature of any building or structure on any lot located wholly or partly within the areas identified in section 3 of this ordinance.

- Sec. 2. **INTERIM CONTROL AREA.** The provisions of this ordinance shall apply to any lot located wholly or partly within the proposed HPOZ areas as shown on the attached maps:
 - 1. Sunset Square Council District 4
 - 2. Carthay Square Council District 5
 - 3. Holmby Westwood Council District 5
 - 4. Oxford Square Council District 10
 - 5. El Sereno Berkshire Craftsman District Council District 14
- Sec. 3. **PROHIBITION.** Notwithstanding any section of the LAMC, no building or demolition permit for a Project shall be issued on or after the effective date of this ordinance for any Project located wholly or partly within the area identified in Section 2 of this ordinance.

Sec. 4. EXCEPTIONS.

- A. The prohibitions specified in Section 3 of this ordinance shall not apply to any construction for which a building permit or demolition permit is required 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 five 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. Projects that involve the demolition of existing multifamily housing and its replacement with single-family housing shall be prohibited.
- D. The prohibitions specified in Section 3 of this ordinance shall not apply to the issuance of a building permit for any of the following:
 - 1. Interior remodeling of a legally constructed building or structure;
 - 2. Additions of less than 250 square feet that do not increase the height of the structure and are located in the rear yard area;
 - 3. Construction of gazebos, balconies, trellises, decks or garden sheds in the rear yard area that are not visible from the street;
 - 4. Seismic retrofitting, maintenance or repair of existing foundations with no physical change to the exterior;
 - 5. Work consisting of Maintenance and Repair only, or in-kind replacement with same materials, provided that the work will not change a defining exterior architectural feature, as determined by the Department of City Planning through reference to a completed historic resources survey or prevailing neighborhood architectural styles.

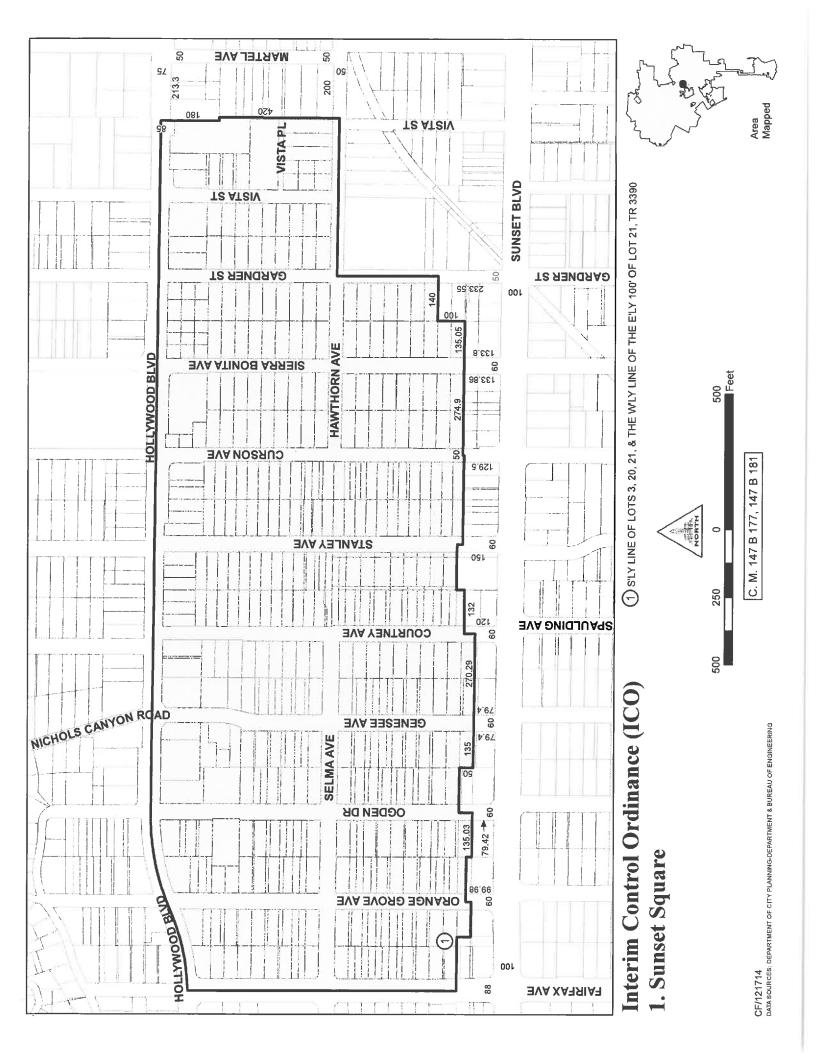
For purposes of this ordinance, Maintenance and Repair shall be as defined in Section 12.20.3.B of the LAMC, and shall include any work done to correct the deterioration, decay of, or damage to, a building, structure or lot, including in-kind replacement where required, and that does not involve a change in the existing design, materials or exterior paint color;

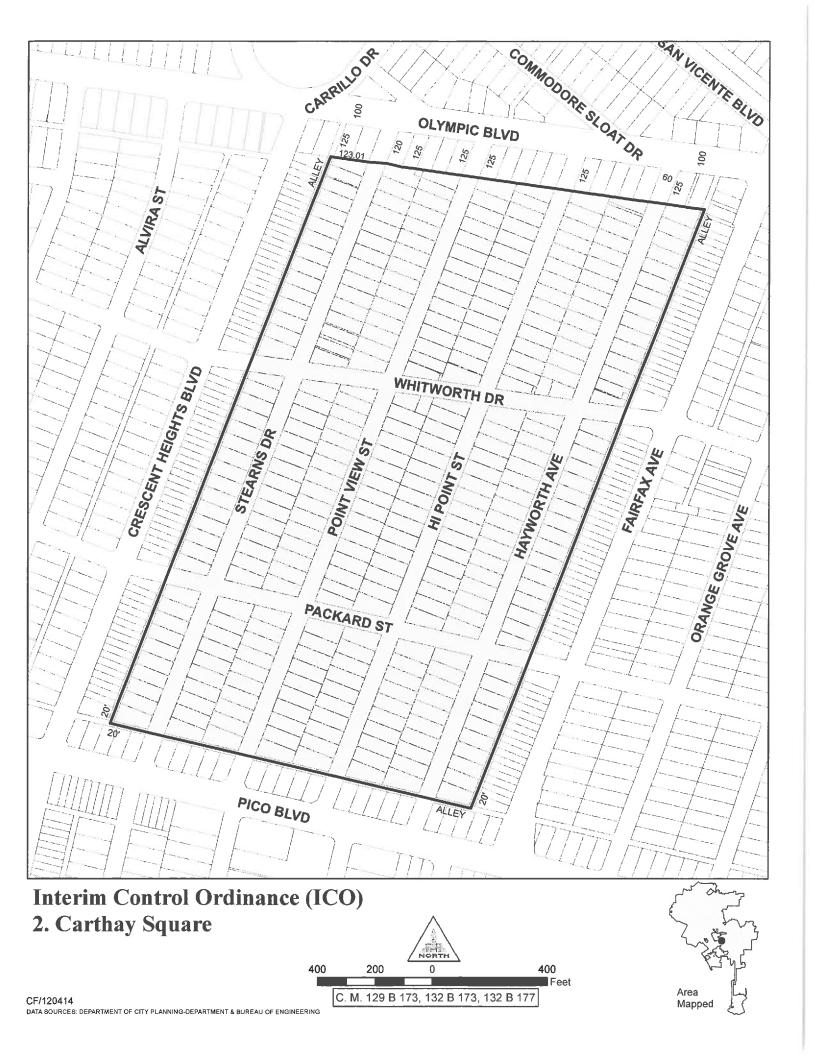
- 6. Installation of rear yard swimming pools or spas;
- 7. Installation of rear or side yard fencing;
- 8. Re-roofing with no change in building materials; or
- 9. Installation of solar energy systems, as defined by California Government Code Section 801.5.
- Sec. 5. **HARDSHIP EXEMPTIONS**. The City 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 an additional 22 months and 15 days. Any extension shall be based on the City Council finding that demolitions of or alterations to historically significant resources 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 provisions. 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 there is a current and immediate threat to the public welfare because the continued processing of building and demolition permits will result in the loss of irreplaceable, historically significant structures and neighborhoods, thereby thwarting City efforts to create HPOZs or other neighborhood conservation tools meant to preserve these public resources.

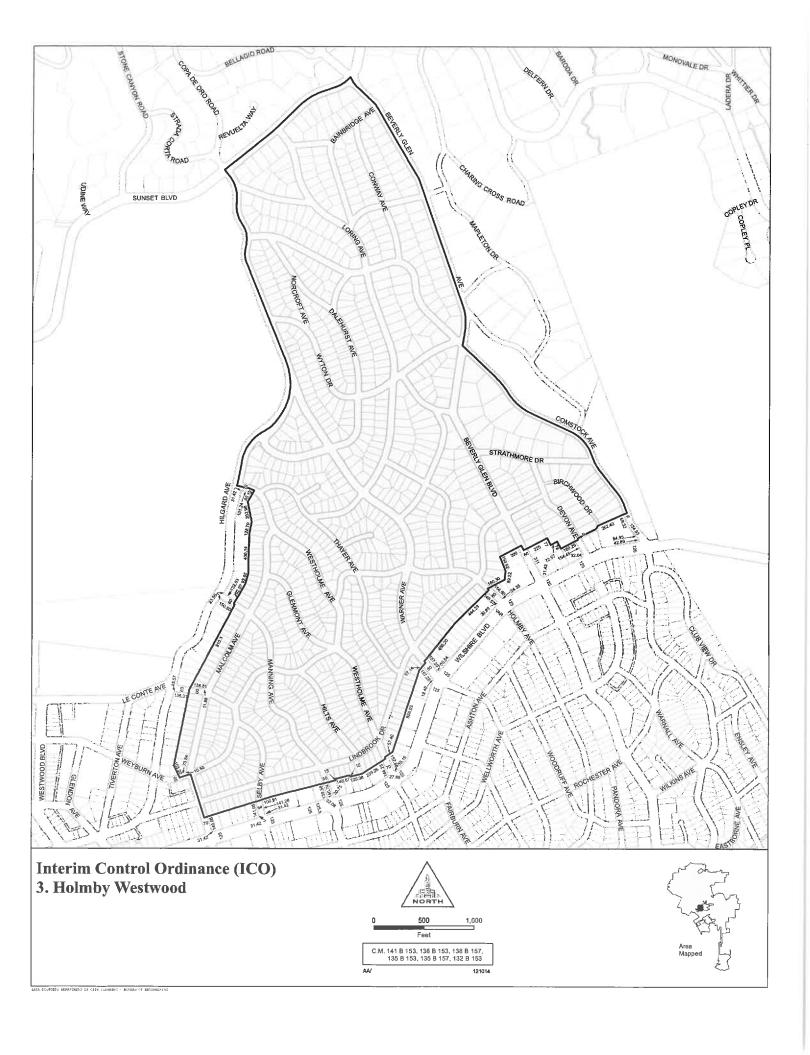
Sec. 11. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board 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						
	HOLLY L. WOLCOTT, City Clerk					
	By					
Approved						
	Mayor					
Approved as to Form and Legality						
MICHAEL N. FEUER, City Attorney						
SARO BALIAN Deputy City Attorney						
Date 2 - 11-15						
File No						

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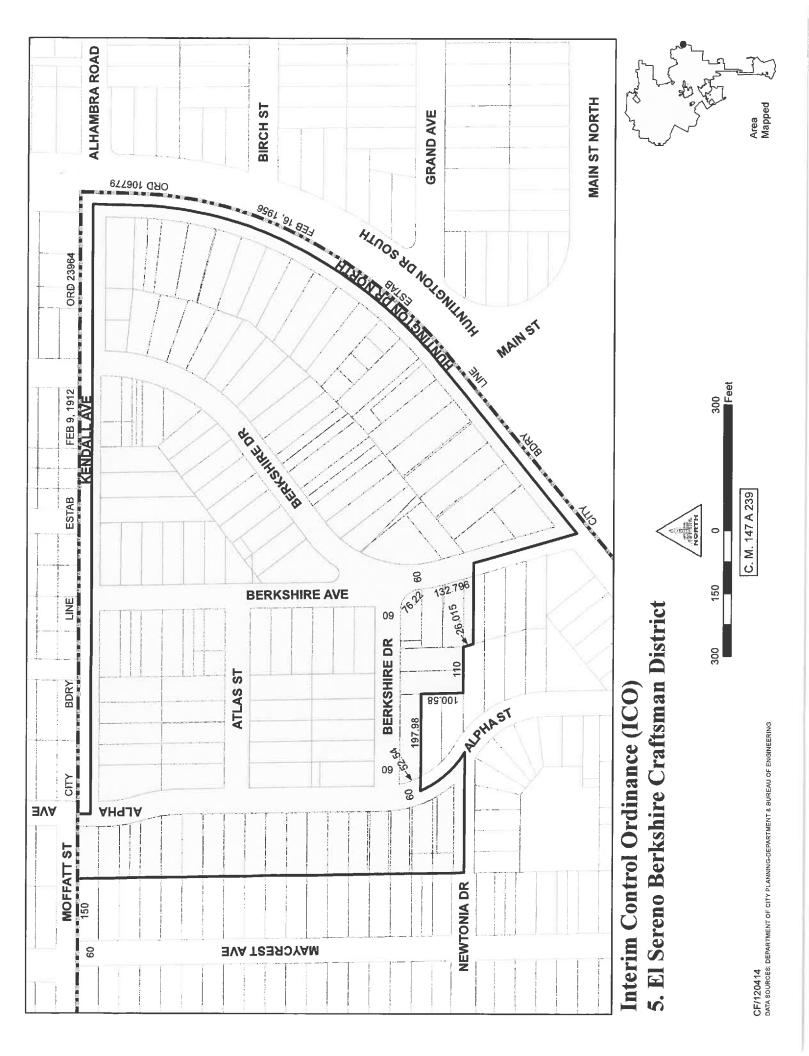


Interim Control Ordinance (ICO)

4. Oxford Square







ORDINANCE NO.	
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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. Valley Village Council District 2
- 2. South Hollywood Council District 4
- 3. La Brea Hancock Neighborhood Council District 4
- 4. The Oaks of Los Feliz Council District 4
- 5. Miracle Mile Council District 4
- 6. Larchmont Heights Council District 4
- 7. Lower Council District 5 Council District 5
- 8. Beverlywood Council District 5
- 9. Inner Council District 5 Council District 5
- 10. Fairfax Area Council District 5
- 11. Bel Air Council District 5
- 12. Faircrest Heights Neighborhood Council District 10
- 13. Kentwood Council District 11
- 14. Mar Vista/East Venice Council District 11
- 15. Old Granada Hills Council District 12

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 hulking, 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 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

WHEREAS, the Department of City Planning is currently analyzing single-family zones as part of its comprehensive revision to the Zoning Code – re:code LA – to establish tailored single-family zoning that will provide better development predictability and limit residential structures that are incompatible with existing neighborhood character and scale.

NOW THEREFORE,

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

Section 1. **DEFINITIONS.** For 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 construed as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC).

PROJECT. The construction, erection, alteration of, or addition to a structure in 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. Valley Village Council District 2
 - 2. South Hollywood Council District 4
 - 3. La Brea Hancock Neighborhood Council District 4
 - 4. The Oaks of Los Feliz Council District 4
 - 5. Miracle Mile Council District 4
 - 6. Larchmont Heights Council District 4
 - 7. Lower Council District 5 Council District 5
 - 8. Beverlywood Council District 5
 - 9. Inner Council District 5 Council District 5
 - 10. Fairfax Area Council District 5
 - 11. Bel Air Council District 5
 - 12. Faircrest Heights Neighborhood Council District 10
 - 13. Kentwood Council District 11
 - 14. Mar Vista/East Venice Council District 11
 - 15. Old Granada Hills Council District 12

Sec. 3. PROHIBITION.

A. Valley Village. Notwithstanding any section of the LAMC, no building permit shall issue for a Project in Valley Village unless the proposed structure complies with the regulations set forth in the adjacent Studio City Residential Floor Area District (Ordinance No. 182048).

- B. South Hollywood, La Brea Hancock Neighborhood, Miracle Mile, Larchmont Heights, and Old Granada Hills. Notwithstanding any section of the LAMC, no building permit shall issue for a Project in South Hollywood, La Brea Hancock Neighborhood, Miracle Mile, Mar Vista, or Old Granada Hills unless the proposed structure's Residential Floor Area does not exceed 120% of the prior or existing structure's Residential Floor Area. The prohibition specified in this paragraph shall not apply where there has been no single-family dwelling on a lot in the five years before the effective date of this ordinance.
- C. The Oaks of Los Feliz. Notwithstanding any section of the LAMC, no building permit shall issue for a Project in the Oaks of Los Feliz on a Hillside Area lot unless the proposed structure's Residential Floor Area, which shall include the floor area of any new basement, does not exceed the base Residential Floor Area set forth in the Zoning Code.
- D. Lower Council District 5, Kentwood, and Mar Vista/East Venice.

 Notwithstanding any section of the LAMC, no building permit shall issue for a Project in Lower Council District 5, Kentwood, or Mar Vista/East Venice unless the proposed structure's Residential Floor Area—without exceptions for required covered parking; detached accessory buildings; porches, patios and breezeways; and over-in-height ceilings—does not exceed the base Residential Floor Area set forth in the Zoning Code. No Residential Floor Area bonus shall be allowed for green building, proportional stories, or front façade articulation.
- E. Beverlywood, Inner Council District 5, and Fairfax Area. Notwithstanding any section of the LAMC, no building permit shall issue for a Project in Beverlywood, Inner Council District 5, or Fairfax Area unless the proposed structure's Residential Floor Area—without exceptions for detached accessory buildings and over-in-height ceilings—does not exceed the base Residential Floor Area set forth in the Zoning Code. Residential Floor Area bonuses permitted by the Zoning Code shall be limited to 15% of the maximum Residential Floor Area.
- **F. Bel Air.** Notwithstanding any section of the LAMC, no building permit shall issue for a Project in Bel Air on a Hillside Area lot where the exempted grading under Section 12.21.C.10(f)(3)(i) of the LAMC exceeds 5,000 cubic yards.
- **G.** Faircrest Heights Neighborhood. Notwithstanding any section of the LAMC, no building permit shall issue for a Project in Faircrest Heights Neighborhood unless the proposed structure complies with the regulations set forth in the Beverly Grove Residential Floor Area District (Ordinance No. 182754).

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:

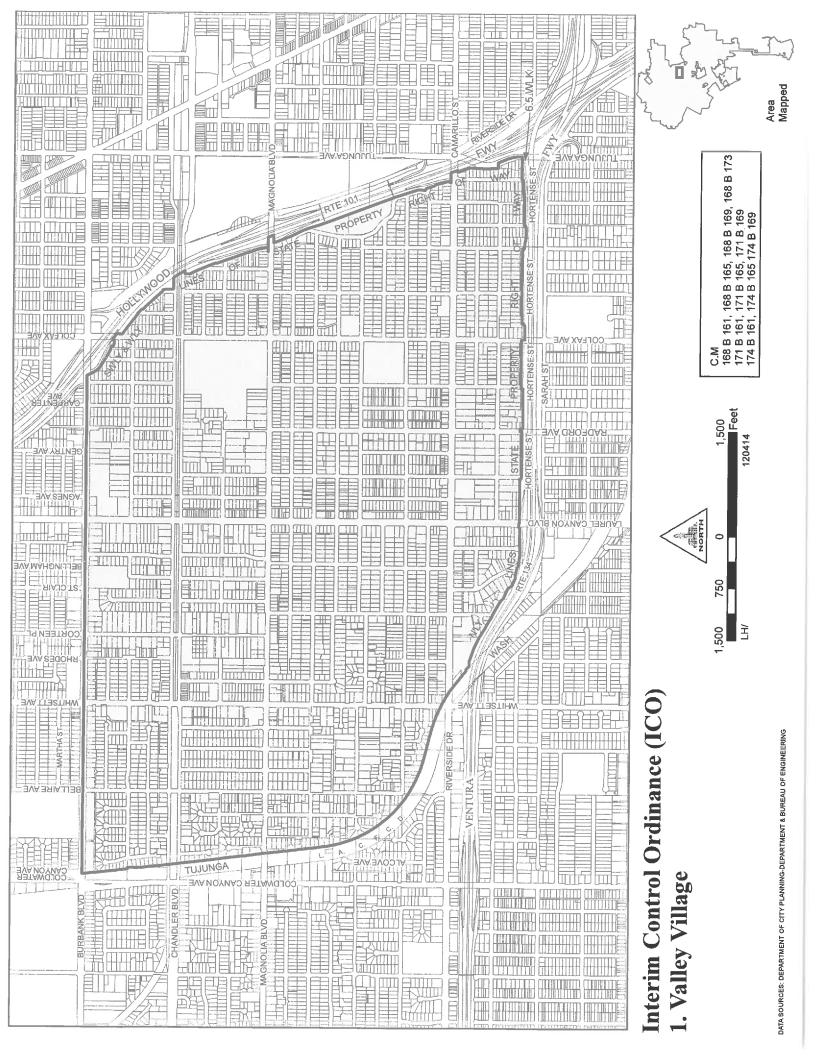
- 1. To comply with an order issued by the Department of Building and Safety to repair, remove or demolish an unsafe building or substandard condition; or
- 2. To rebuild a structure destroyed by fire, earthquake or other natural disaster, provided that the development is not prohibited by any other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

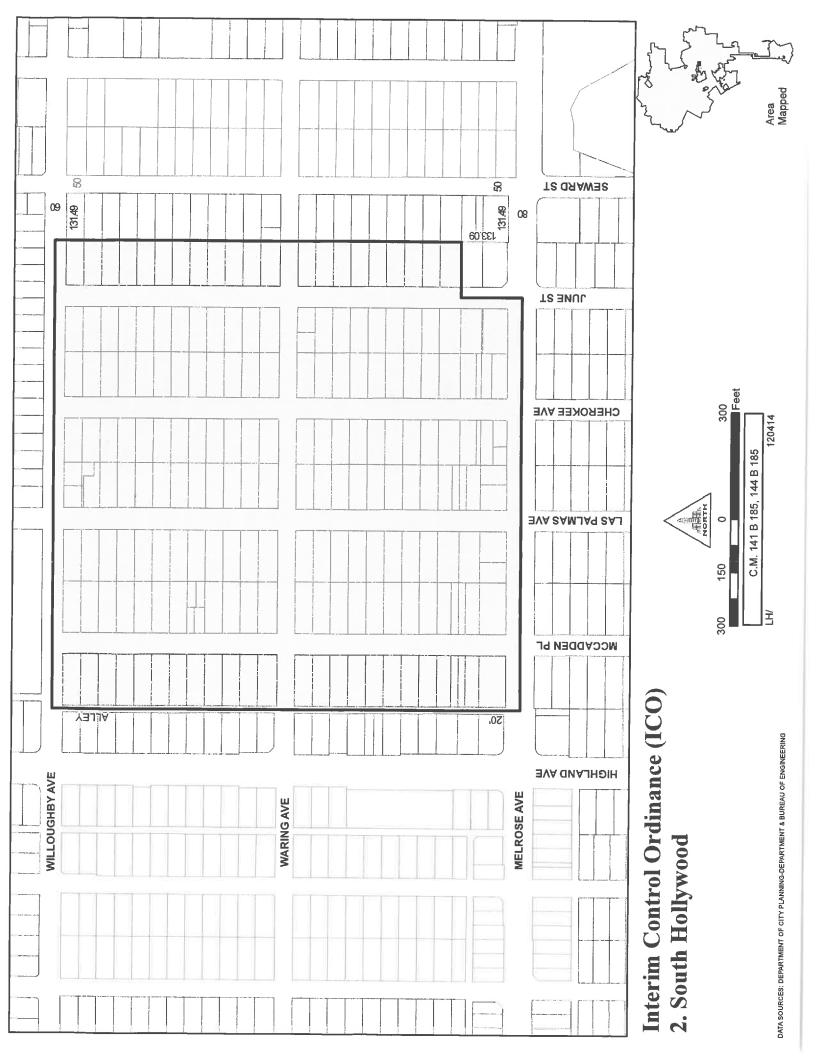
- Sec. 8. **SEVERABILITY.** If any provision of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions of this ordinance that can be implemented without the invalid provision. To this end, the provisions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

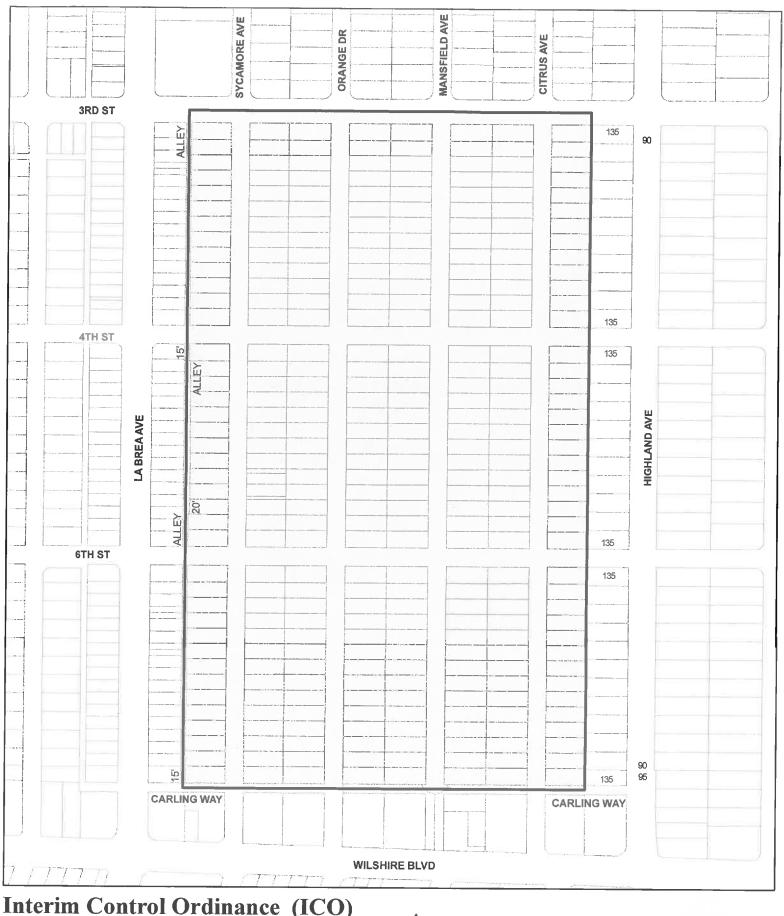
Sec. 11. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board 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 p Los Angeles, by a vote of not less than four- of	
	HOLLY L. WOLCOTT, City Clerk
	ByDeputy
Approved	
	Mayor
Approved as to Form and Legality	
MICHAEL N. FEUER, City Attorney	
By SARO BALIAN Deputy City Attorney	
Date 2 - 11 - 15	
File No	

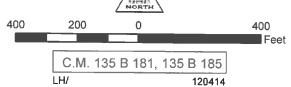
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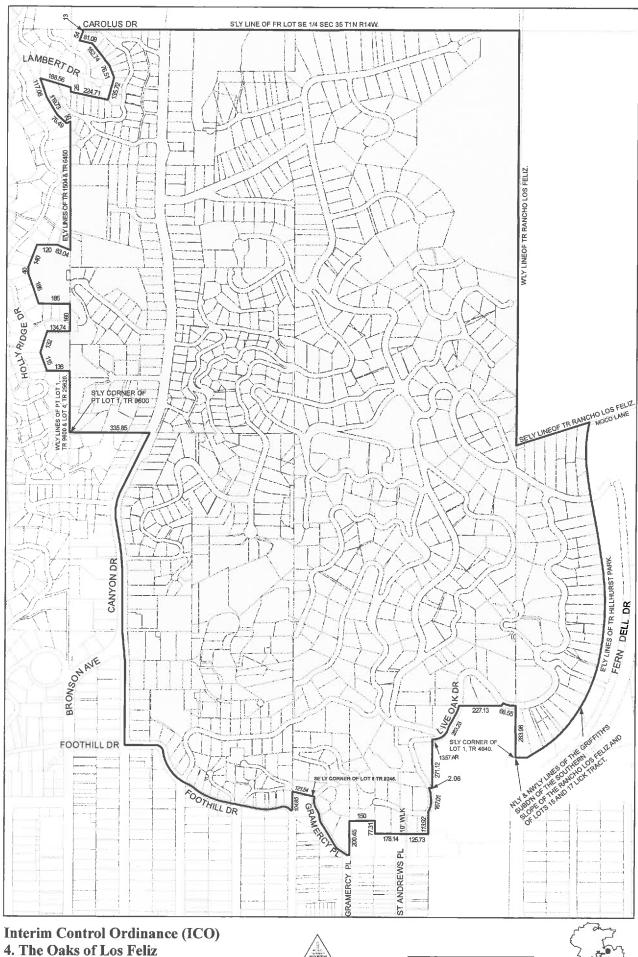






Interim Control Ordinance (ICO) 3. La Brea Hancock Neighborhood



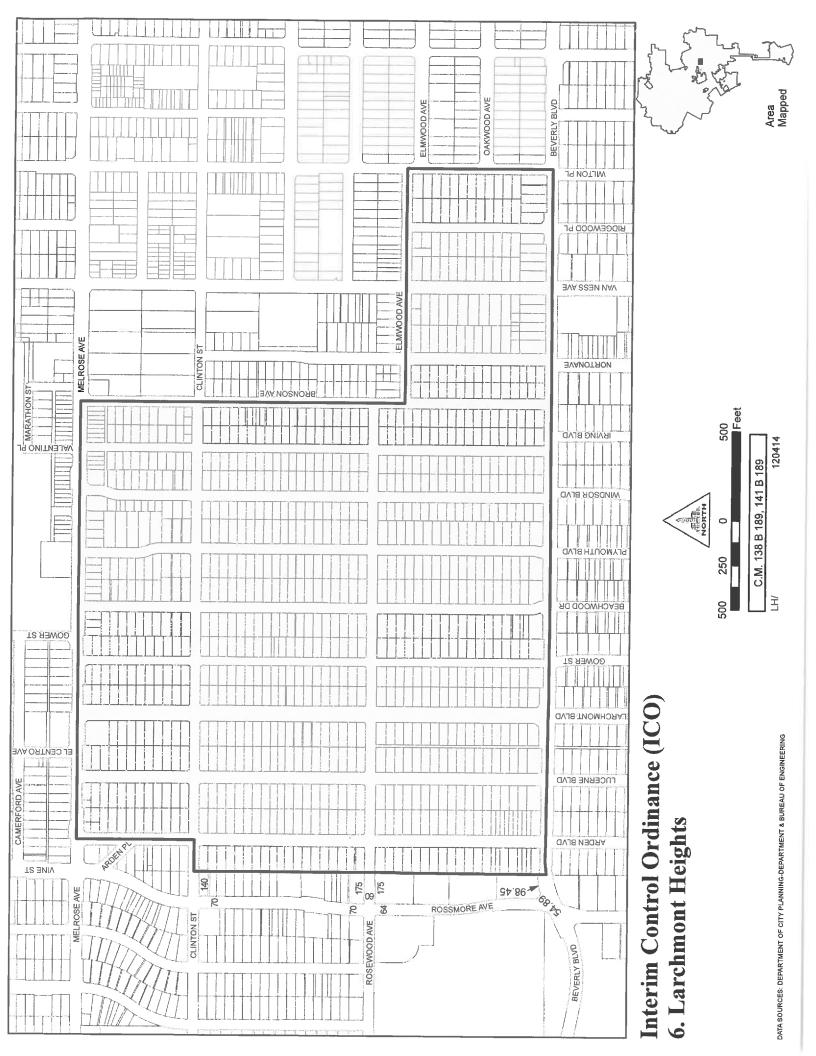


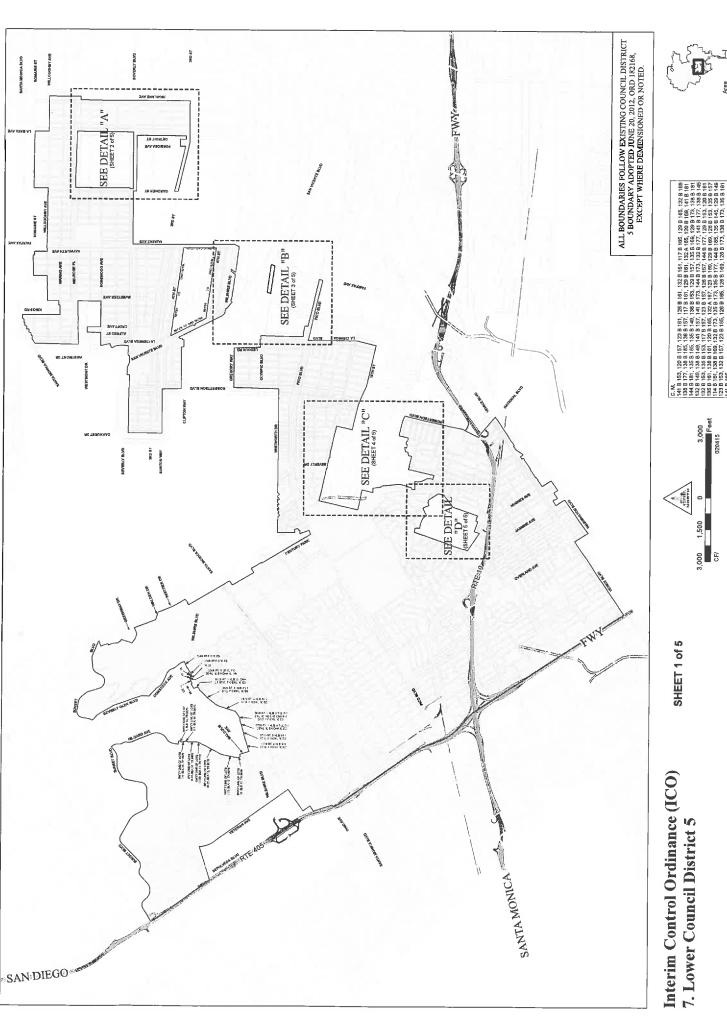


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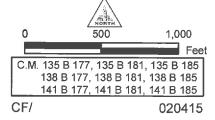


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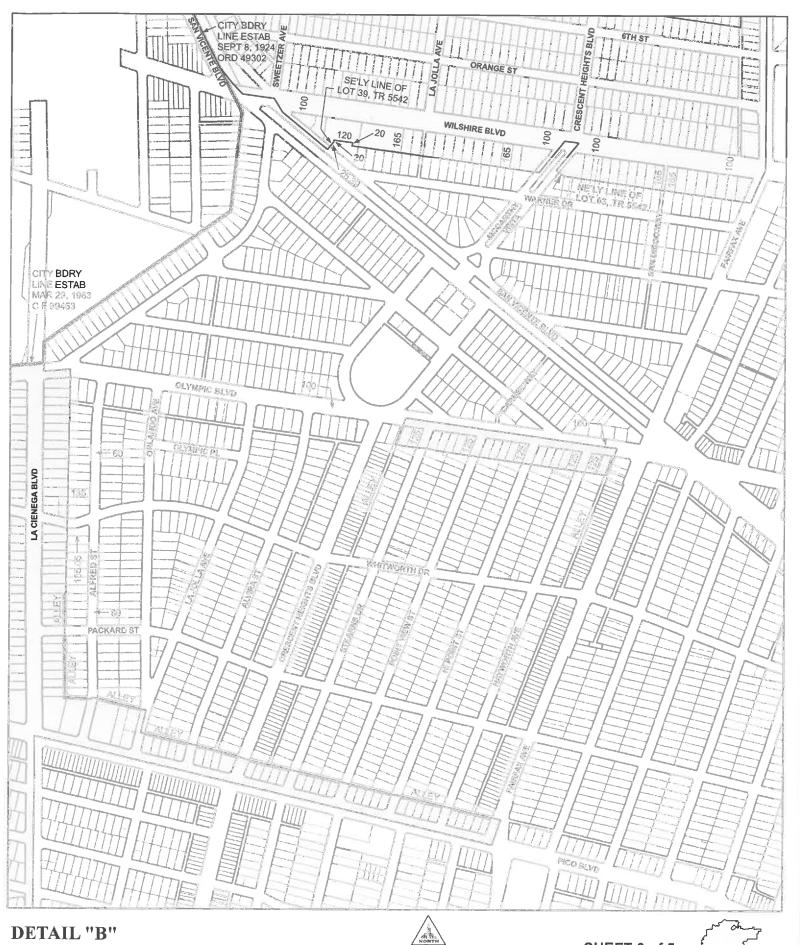


DETAIL "A"
Interim Control Ordinance (ICO)
7. Lower Council District 5

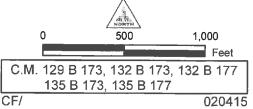


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DETAIL "B"
Interim Control Ordinance (ICO)
7. Lower Council District 5

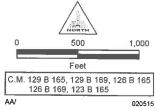


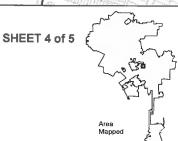
SHEET 3 of 5

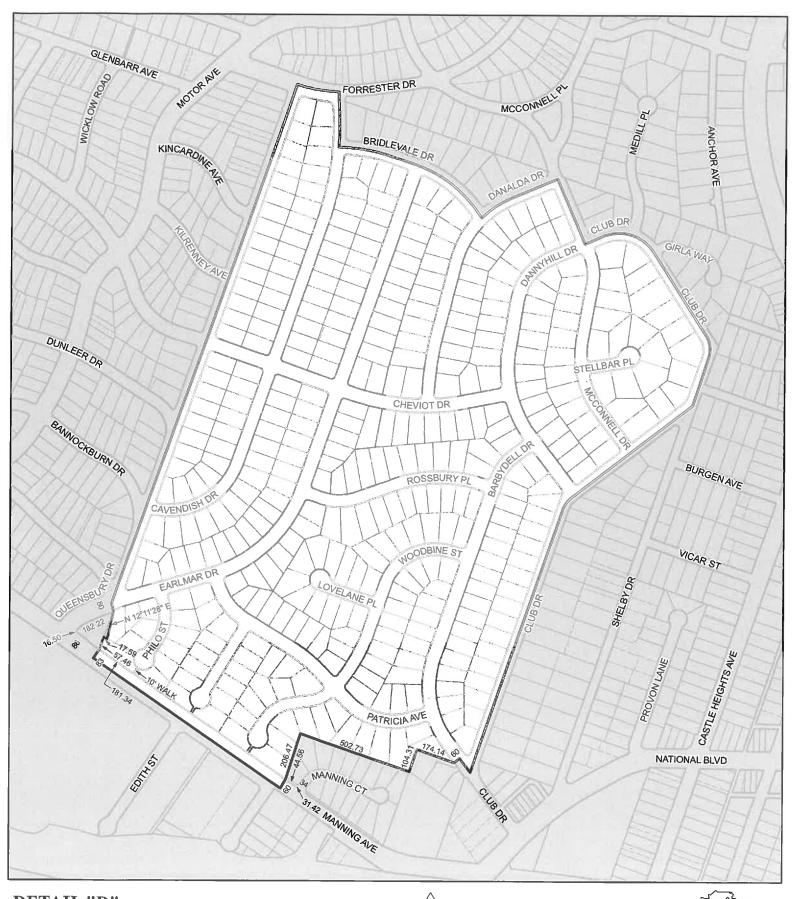




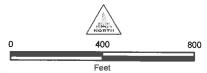
DETAIL "C"
Interim Control Ordinance (ICO)
7. Lower Council District 5











SHEET 5 of 5

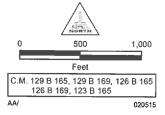


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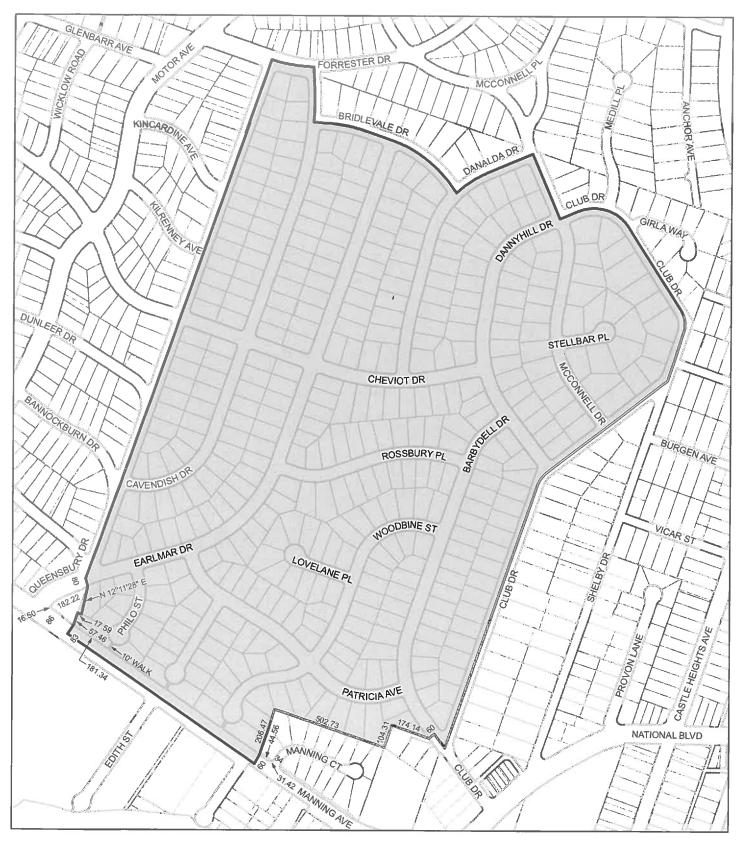
C.M. 126 B 161, 126 B 165, 123 B 161, 123 B 165 AA/ 020315



Interim Control Ordinance (ICO) 8. Beverlywood

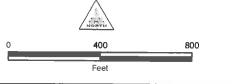






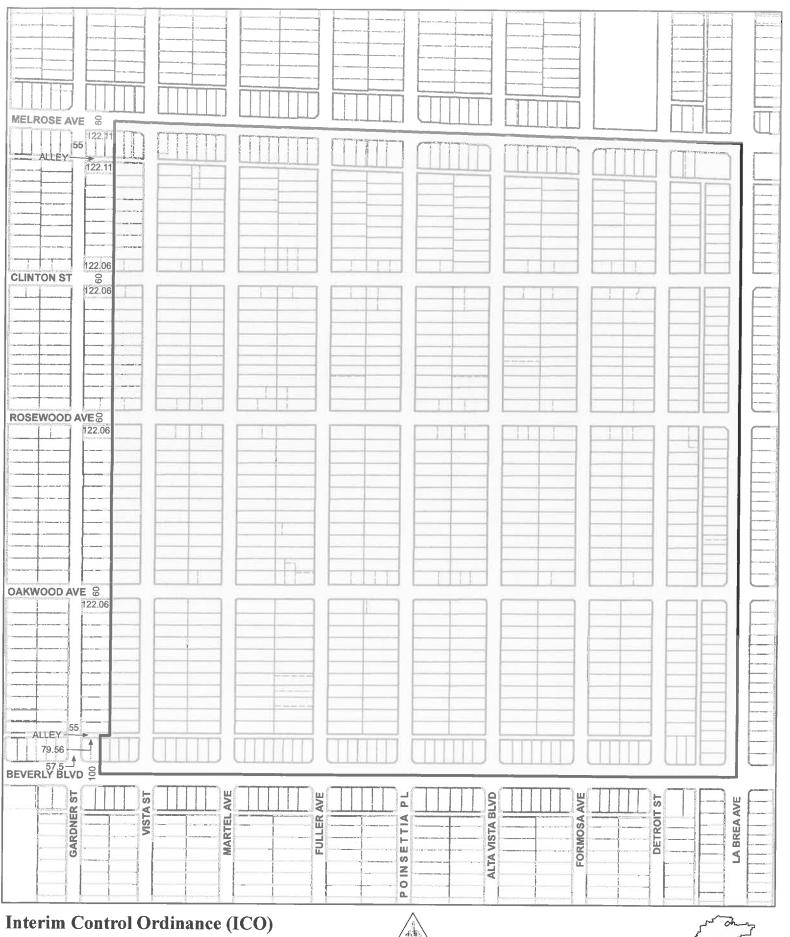




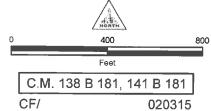


C.M. 126 B 161, 126 B 165, 123 B 161, 123 B 165 AA/ 020315

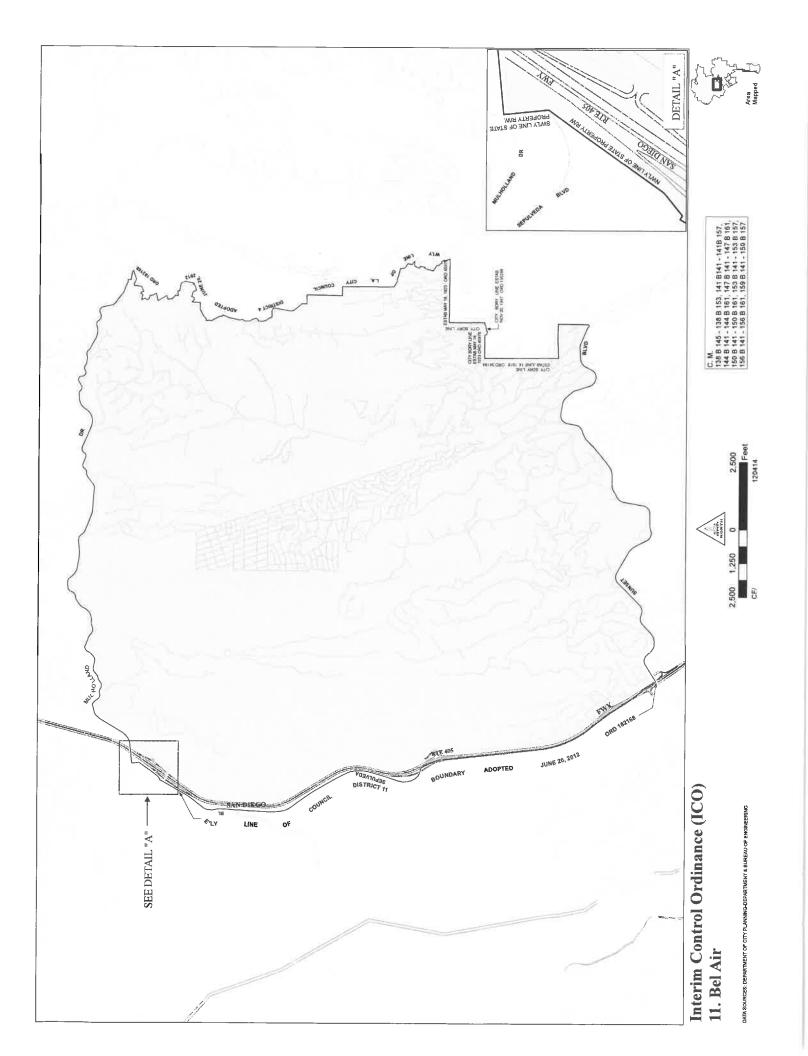




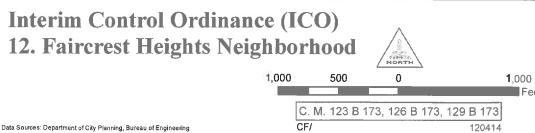
10. Fairfax Area







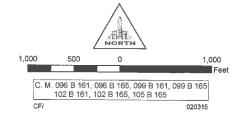






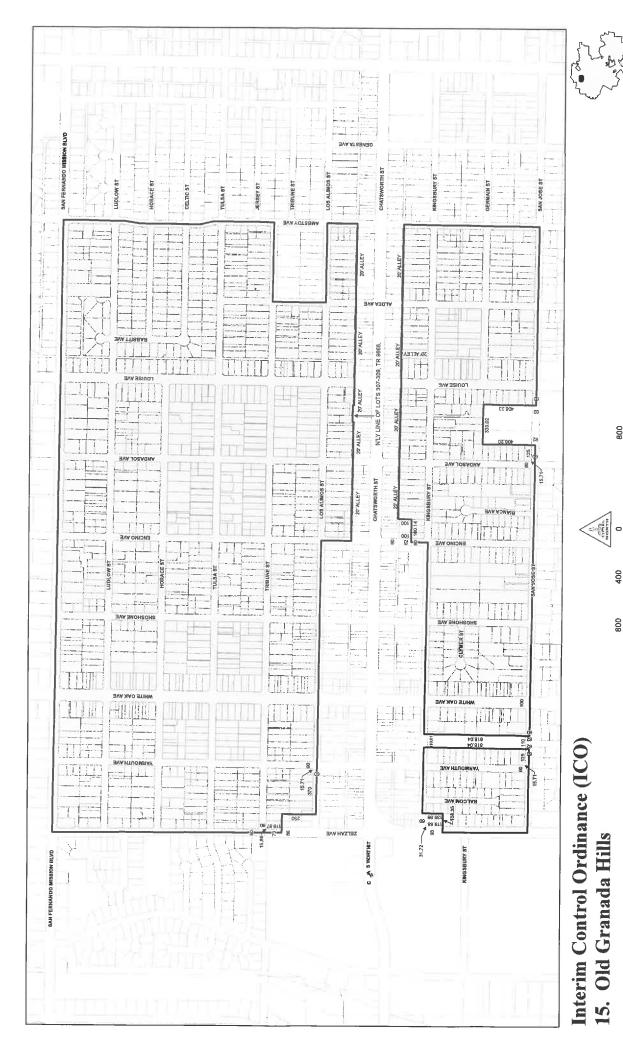


Interim Control Ordinance (ICO) 13. Kentwood









C. M. 207 B 129, 207 B 133, 210 B 129, 210 B 133 CF/ 020315