



# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT



### LOS ANGELES CITY PLANNING COMMISSION

**Date:** May 10, 2007  
**Time:** After 8:30 a.m.  
**Place:** Room 1010 – City Hall  
200 N. Spring Street  
Los Angeles, CA 90012

**Public Hearing:** March 21, 2007 and March 29, 2007

**Case No.:** CPC-2007-106-CA  
**CEQA No.:** ENV-2007-107-ND  
**Incidental Cases:**  
**Related Cases:** CPC-2004-2391-ICO, CPC-2004-4516-ICO, and CPC-2006-2502-ICO  
**Council District:** Citywide (All)  
**Plan Area:** Citywide (All)  
**Specific Plan:** Citywide (All)  
**Certified NC:** Citywide (All)  
**GPLU:** Minimum, Very Low I, Very Low II, and Low Density Residential  
**Zone:** R1, RS, RE9, RE15, RA, RE20, and RE40  
**Applicant:** City of Los Angeles  
**Representative:** City of Los Angeles

**PROJECT LOCATION:** All properties zoned single-family residential (R1, RS, RE9, RE15, RA, RE20, and RE40) not located in Hillside Area or Coastal Zone.

**PROPOSED PROJECT:** Citywide code amendment to the Los Angeles Municipal Code (LAMC) as described below.

**REQUESTED ACTIONS:** Amendments to the following Sections of the LAMC:

Section 12.03 Definitions – amend the existing definition of Floor Area, add a new Single-Family Residential Floor Area definition, and add a new Base Floor definition; and

Subsection C of Section 12.07 “RA” Suburban Zone, Section 12.07.01 “RE” Residential Estate Zone, Section 12.07.1 “RS” Suburban Zone, and Section 12.08 “R1” One-Family Zone – rename Subsection C of each zone, and include new Single-Family Residential Floor Area requirements (1:1) and Proportional Stories FAR Bonus (1.25:1) in each zone; and

Subsection A of Section 12.21.1 – add a Single-Story Height District, and amend this section to reference the new Single-Family Residential Floor Area requirements in each single-family zone; and

Subsection A of Section 12.28 Adjustments – amend the Zoning Administrator authority to exclude adjustments to Single-Family Residential Floor Area.

**RECOMMENDED ACTIONS:**

1. **Approve and Recommend that the City Council Adopt** the amendments to the LAMC as detailed in the proposed Ordinance (Exhibit A).
2. **Adopt** the attached Findings.
3. **Approve and Recommend that the City Council Adopt** Negative Declaration No. ENV-2007-107-ND (Exhibit B).

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Director of Planning

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**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 communication may be mailed to the *Commission Secretariat, 200 North Main Street, Room 532, 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 a 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, assisted listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than 3 working days (72 hrs.) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

## TABLE OF CONTENTS

<b>Project Analysis .....</b>	<b>A-1</b>
Project Summary	A-1
Background	A-1
Issues	A-2
Conclusion	A-3
<b>Findings .....</b>	<b>F-1</b>
General Plan/Charter Findings	F-1
CEQA Findings	F-5
<b>Public Hearings and Communications.....</b>	<b>P-1</b>

### Exhibits:

- A – Proposed Ordinance
- B – Negative Declaration ENV-2007-107-ND
- C – Affected Area Map
- D – Council Motion, CF No. 06-1293

## PROJECT ANALYSIS

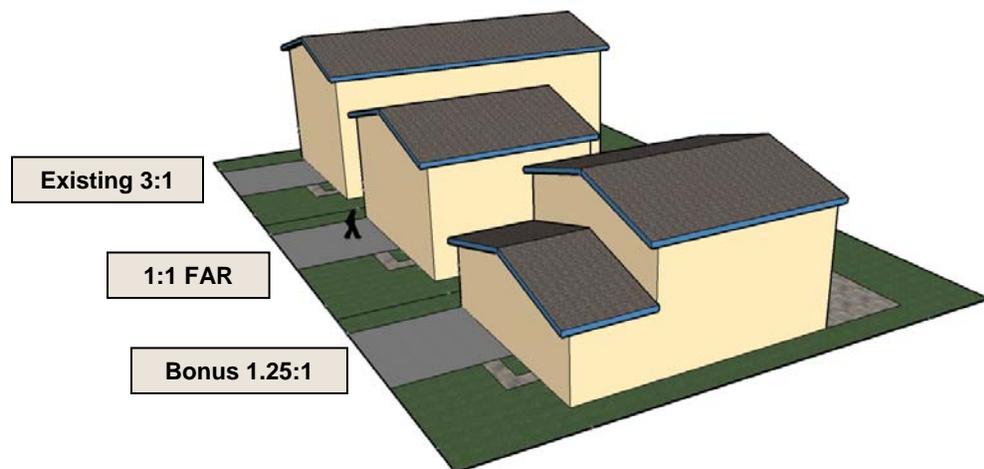
### Project Summary

The proposed Ordinance (Exhibit A) would amend several provisions of the Los Angeles Municipal Code (LAMC) that deal with massing, scale, and size of new construction, additions to, and remodels on single-family residential zoned lots, not located in Hillside Areas or the Coastal Zone (Exhibit C). The proposed code amendments would protect single-family lots from mansionization, or out-of-scale development, in established neighborhoods.

The proposed amendments would:

- Reduce the existing Floor Area Ratio (FAR) from 3:1 to 1:1, and add a new Proportional Story FAR Bonus that allows for an additional 0.25 FAR (1.25:1) if all the other stories are less than two-thirds of the largest floor.

### Example of Proposed Reduction



- Create new Single-Family Residential Floor Area and Base Floor definitions in order to address massing concerns and to determine Proportional Stories compliance.
- Rename Subsection C of each single-family zone to Development Standards, and move the new FAR requirements to each zone.
- Add a new Single-Story Height District with a maximum height of 18 feet available only for properties zoned single-family residential. This would not be applied to any specific neighborhood as part of this action. Communities could request this new Height District through the standard zone change process or future Community Plan updates or revisions.
- Clarify that the Zoning Administrator's Adjustment authority does not include adjustments to Single-Family Residential Floor Area.

Properties located within Hillside Areas and the Coastal Zone will not be affected by the Ordinance. With regards to Specific Plans, the strictest FAR standards would prevail.

### Background

In early 2005, in response to a flurry of public requests for Interim Control Ordinances (ICOs) regarding over-sized single-family dwellings, the Department of City Planning (DCP) began work on the Neighborhood Character Ordinance. The intent of this ordinance was to develop a

citywide proposal that would address key issues raised by various communities with regards to mansionization. Mansionization is defined as new construction, additions, and remodels on residentially zoned lots that are out-of-scale with the surrounding neighborhood, but which comply with current City zoning regulations.

Several City Council motions have been adopted to temporarily address this issue. In August of 2005, the first geographically-specific mansionization Interim Control Ordinance (ICO) was adopted for Sunland-Tujunga. Subsequently adopted ICOs include Beverly Grove and Old Granada Hills. Several new ICOs are currently proposed for other communities.

On June 6, 2006, the City Council adopted a motion directing the DCP to prepare an ordinance amending the LAMC in order to establish the appropriate size of single-family dwellings in both the flats and hillside areas (Exhibit D). This proposed ordinance addresses the flat areas. The DCP will address the hillside mansionization issues in a subsequent proposal.

### **Issues**

Current development regulations in the Municipal Code for single-family residential zones allow for the development of excessively large single-family residential structures that are incompatible with the surrounding neighborhood.

The current FAR of 3:1 (three times the Buildable Area) for single-family residential zones allows for the construction of homes that are clearly out-of-scale with surrounding homes. Today more developers and home owners are choosing to maximize the development potential of their lot than have done so historically. For example a 5,000 sq-ft, R1-1 zoned lot has a current development potential of:

- 2,600 sq-ft for a single-story structure\*
- 4,940 sq-ft for a two-story structure\*
- 7,020 sq-ft for a three-story structure\*

*\* These numbers do not include the garage space.*

Using the same example as above, the proposed 1:1 FAR would result in the development potential of:

- 2,600 sq-ft for a single-story structure\*\*
- 2,470 sq-ft for a two-story structure\*\*
- 2,340 sq-ft for a three-story structure\*\*

*\*\* These numbers do not include the first 400 sq-ft of garage space.*

In order to test this proposal against recent development activity, the DCP reviewed the Department of Building and Safety's 2005 permit records for new home construction citywide. Based on permits issued for R1-Zoned lots, the median lot size was 6,643 square feet and the median house size was 3,520 square feet. The proposed 1:1 FAR on a 6,500 sq-ft lot would allow approximately 3,600 sq-ft of development. This analysis helped to confirm that the proposed 1:1 FAR is an appropriate limitation that will reduce excessive size but still allows for the development of incrementally larger homes than were built 30 or 40 years ago.

An FAR of 1:1 was also deemed appropriate in light of the ICOs which have been adopted, or are in the process of being adopted. Given that this proposed ordinance is a citywide solution, the goal was for a proposed FAR that would realistically address the general concerns of these ICO areas. When the identified existing and proposed ICOs are converted to an FAR by Buildable Area, the analysis shows that the FARs proposed by the ICOs varied from a low 0.7:1 to a high 1.3:1. The 1:1 FAR is roughly the average of all the aforementioned ICOs.

Furthermore, to discourage the development of large, box-like structures and encourage articulated structures, the ordinance includes an incentive of a 25 percent FAR increase if all the other stories of the structure are less than two-thirds of the largest floor, or Base Floor.

Another part of the proposal is to provide a new Single-Family Residential Floor Area definition. The current Floor Area definition is inadequate because it is geared to commercial and industrial structures and does not include portions of a building that add significantly to the mass and bulk of residential structures. The proposed Single-Family Residential Floor Area calculation would include:

- The area within the exterior walls of a residential structure.
- Portions of a building, in excess of 100 sq-ft, with ceiling height greater than 14 ft would count as twice the floor area.
- Any attic, or portion thereof, with ceiling height more than 7 ft.

The following would not be counted towards the total square-footage:

- First 400 sq-ft, of attached or detached garage space.
- Detached structures used for storage purposes, no greater than 200 sq-ft; the total area not to exceed 400 sq-ft.
- First 250 sq-ft, of porches, patios, and breeze-ways with a solid roof open on at least 2 sides.
- Basements, when the ceiling height does not exceed 2 ft in height above the finished or natural grade, whichever is less.

The new definition would include the portions of a building or structure that add to the mass and bulk of homes and are currently excluded from the maximum square footage of development on a lot. The new definition would also exclude some design elements which help to articulate and reduce the bulk of structures which are currently counted as Floor Area.

In addition, the proposal includes a new Base Floor definition which is the largest of the floors at or above grade that is not considered a basement. This definition is necessary for the effective implementation of the Proportional Stories FAR Bonus compliance.

It is understood that one citywide ordinance cannot completely address the unique issues of every neighborhood. Therefore, additional neighborhood-specific tools will also be necessary to deal with neighborhood character.

The current proposal provides one such tool, the Single-Story Height District. Single-story neighborhoods that want to preserve their single-story character can choose to rezone to this new height district. Other neighborhood-specific controls on mansionization can be implemented as part of the New Community Plan process.

## **Conclusion**

The proposed ordinance is intended to preserve the character of single-family residential neighborhoods while balancing individual needs and property rights. Adoption of the proposed Ordinance (Exhibit A) will address many of the concerns raised by the existing ICOs and will prevent the need for additional temporary moratoria on house size.

This ordinance is intended to address the mass and scale issues as directly as possible and to prevent the worst case scenarios on a citywide basis. By establishing a new base Floor Area Ratio that limits the size of box-like structures and provides an incentive for more articulated structures, the character of single-family neighborhoods across the City will be respected.

## FINDINGS

1. In accordance with **Charter Section 556**, the proposed code amendments are in substantial conformance with the purposes, intent, and provisions of the General Plan in that they establish regulations that would reduce the development potential of single-family residential structures, in terms of mass and size, on single-family zoned lots not located in Hillside Areas or a Coastal Zone.

The proposed code amendments are consistent with, and help to further accomplish the following goals, objectives, and policies of the General Plan Framework, in addition to several similar provisions echoed in most of the Community Plans that make up the Land Use Element of the General Plan:

- Goal 3B** Preservation of the City's stable single-family residential neighborhoods.
- 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.
- Policy 3.5.2** Require that new development in single-family neighborhoods maintains its predominant and distinguishing characteristics such as property setbacks and building scale.
- Policy 3.5.4** Require new development in special use neighborhoods such as water-oriented, rural/agricultural, and equestrian communities to maintain their predominant and distinguishing characteristics.

The current FAR of 3:1 allows large, box-like structures that compromise the character of established neighborhoods. The citywide FAR reduction is necessary in order to preserve and maintain the character and scale of existing single-family neighborhoods and ensure that future development is more compatible. Both the new base FAR of 1:1 and Proportional Stories FAR Bonus of 1.25:1 allow for the construction of structures that are slightly larger, but still compatible with a typical single-family neighborhood.

Furthermore, the current Floor Area definition is inadequate for single-family residential development because the current definition does not include many portions of a building that add significantly to the mass and bulk of structures. The new definition would include the portions of a building or structure that are currently excluded from the maximum square footage of development on a lot. In addition, the proposed Base Floor definition is necessary for the Department of Building and Safety to effectively implement the Proportional Stories FAR Bonus.

Currently, the Municipal Code does not have a Single-Story Height District. For those neighborhoods that want to maintain their single-story character, unless they are eligible for a Historic Preservation Overlay Zone, there are no tools available that can provide comprehensive protection from multi-story homes. Therefore, the proposed Single-Story Height District is a necessary tool for preserving the defining characteristic of single-story single-family residential neighborhoods.

Lastly, the existing Zoning Administrator's Adjustment authority does not explicitly exclude adjustments to Floor Area limitations. This ordinance would clarify that adjustments to Single-Family Residential Floor Area are specifically excluded from the Zoning Administrator's authority. When there is a hardship, the variance process is adequate for requests for deviations from the FAR limitations. Included in the ordinance are two ways for a property owner to increase the amount of habitable square-footage:

the Proportional Stories FAR Bonus, and the exemption of habitable Basements that meet the qualifications. This amendment insures that deviations from the new FAR requirements are reviewed by the variance process, and are held up to strict findings requirements.

2. In accordance with **Charter Section 558(b)(2)**, the adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice because its measures are needed to regulate single-family residential development in order to avoid the further degrading effects of out-of-scale structures in the various neighborhoods throughout the City of Los Angeles as a result of the current FAR of 3:1.

**a) *Reduction of Existing FAR for Single-Family Zones and New Proportional Story FAR Bonus***

FAR Reduction

The current FAR of 3:1 for single-family residential zones is extremely permissive and has resulted in the construction of large structures that are incompatible with the existing surrounding neighborhoods. The proposed reduction in FAR is necessary in order to directly address the issue of house size, prevent the worst case scenarios, establish a new base from which to work for future code amendments and/or overlays dealing with mansionization, and for the protection of neighborhood character.

This ordinance also prevents the irreversible adverse impacts associated with the new construction and additions at the current 3:1 FAR which result in out-of-scale structures that will otherwise be permitted by-right, and further degrade the quality of life in existing single-family residential neighborhoods.

A review of the Department of Building and Safety's 2005 permit records for new home construction citywide confirmed that the proposed 1:1 FAR is an appropriate limitation. The reduction still allows for the construction of a median-sized home, and the 1.25:1 FAR still allows for some additional growth, while preventing the most extreme examples of homes that are overbuilt relative to their lot size. The proposed FAR reduction helps to directly address what have been identified as the primary concerns, out-of-scale and large box-like structures, while at the same time indirectly addressing some of the others.

An FAR of 1:1 was also deemed appropriate in light of several ICOs which have been adopted, or are in the process of being adopted, with more restrictive FARs. Given the fact that this proposed ordinance is a citywide solution, the goal was for a proposed FAR that would realistically address the general concerns of these ICO areas.

Proportional Stories FAR Bonus

The Proportional Stories FAR Bonus allows for slightly larger two-story structures by granting an FAR Bonus of 25% (1.25:1) as long as the stories other than the Base Floor are not greater than two-thirds of the Base Floor. This tool will provide a floor area incentive that encourages articulation by requiring that the second floor be smaller than the first floor, thereby changing the perception of size and scale of a structure. The Proportional Stories FAR Bonus also allows for design flexibility by allowing the property owner to determine where this area is to be used.

**b) *Add New Single-Family Residential Floor Area and Base Floor Definitions***

Single-Family Residential Floor Area

The existing Floor Area definition does not differentiate between the various building types and zones, and is applied to all development in the same manner, unless otherwise stated. This means that the floor area of a single-family home is calculated in the same manner as a commercial shopping center or an industrial park, yet the structures are very different.

The existing Floor Area definition also excludes areas such as garage space, atriums, and stairwells that contribute significantly to the mass and scale of residential structures. The new Single-Family Residential Floor Area definition would include such areas that are currently excluded from the maximum development potential for a lot. The existing definition still applies to uses other than single-family residential.

In order to control the mass and bulk of a building, the definition will also count portions of a building, in excess of 100 sq-ft, with ceiling height greater than 14 ft as twice the area, and include any attic space with a ceiling height greater than 7 ft. The proposed definition exempts the first 100 sq-ft of any portion of a building or structure with a ceiling height greater than 14 ft in order to emphasize entry treatments which can help to mitigate building mass when properly designed.

The exemption of the first 400 sq-ft of garage area is in place in to compensate for the parking provisions required in the LAMC. Floor area in excess is counted in order to prevent unnecessarily large garages which would otherwise contribute to the overall mass and scale of single-family residences or detached structures on a lot.

Detached structures used for storage purposes (such as tool sheds and pool equipment rooms), no greater than 200 sq-ft, that are not used for parking purposes, are exempted from the total Single-Family Residential Floor Area calculation because these structures generally do not contribute to the overall mass of the development on a lot. However, the new definition limits the cumulative total area of these structures to 400 sq-ft to avoid an unchecked clustering of these structures which would likely result in aggregate massing problems on a single-family property.

Currently, all porches, patios, and breezeways are counted towards the development potential of a single-family lot; this ordinance exempts the first 250 sq-ft of these types of spaces, as long as they are open on at least two sides. These architectural elements help to articulate a structure and mitigate the overall bulk of a building.

The proposed definition specifically excludes basements with a solid roof containing habitable or nonhabitable rooms as an alternative for property owners seeking additional square-footage in a way that does not add to the bulk of a building. The 2-foot above grade ceiling height requirement is established in order to insure that these basements are inconspicuous.

Base Floor Definition

The Base Floor definition is needed as a base from which the Proportional Story provisions will be taken, and there is currently no such definition in the zoning code. The reason for not using the first floor as the default base is because there are sloped lots where it is entirely possible that a second floor can be larger than the first. This approach allows for maximum flexibility in calculating for Proportional Stories compliance regardless of the slope conditions on a lot.

**c) *Rename Subsection C of Each Single-Family Residential zone and Move Single-Family Residential Floor Area Regulations to Each Zone.***

Currently, the Floor Area regulations for all zones, including single-family residential, are found in Subsection A of Section 12.21.1 of the LAMC. Furthermore, Subsection C of Sections 12.07, 12.07.01, 12.07.1, and 12.08, contain the “Area” requirements such as Front, Side, and Rear Yards, as well as the Lot Area for each zone.

As a result of the proposed Single-Family Residential Floor Area regulations, the proposed ordinance will rename Subsection C of each single-family zone to “Development Standards”, and move the proposed FAR requirements to each zone. The ordinance also includes a reference in Section 12.21.1 of the LAMC to the new FAR requirements in each zone. This revision will allow each zone to have its own specific single-family development standards, making these regulations easier to find in the LAMC.

**d) *New Single-Story Height District for Single-Family Zones***

To preserve the defining characteristic of one-story single-family neighborhoods, the ordinance establishes a new Single-Story Height District.

The preservation of predominantly single-story neighborhoods was a critical issue raised by residents before and during the public outreach meetings. Adding a Single-Story Height District would create a tool that allows one-story neighborhoods that want to remain one-story the ability to limit construction to one story and 18 feet in height.

The proposed ordinance is enabling legislation and this new Height District would not apply to any specific neighborhood at this time. Communities would now have the opportunity to request this new Height District through the standard zone change process or future community plan revisions.

**e) *Clarify that Zoning Administrator’s Adjustment Authority Does Not Include Adjustments to Single-Family Residential Floor Area***

The proposed Code Amendment would clarify that the Zoning Administrator cannot grant adjustments to the Single-Family Residential Floor Area. The proposed provisions already allow for two primary ways for a property owner to increase the amount of habitable square-footage: the Proportional Stories FAR Bonus, and the exemption of habitable Basements that meet the qualifications. Additionally, the Variance process is available when there are special circumstances or hardships.

Although the measures in this ordinance are not tailored to any specific neighborhood, such as the Sunland-Tujunga area, and are instead a citywide approach, they are needed to avoid the continuing negative impacts upon established neighborhoods around the City created by the current development standards.

The proposed code amendments substantially advance a legitimate public interest in that they would further protect single-family residential neighborhoods from economic forces, such as a booming real estate market, that often leads to structures that are built-out to the maximum size allowed in the LAMC. In recent years, Citywide property values have increased rapidly and this high premium for land has driven a trend where property owners and developers tear down the original houses and replace them with much

larger structures or significantly remodel existing houses with large-scale two-story additions which are out-of-scale with the neighboring properties. Further exacerbating the problem, much of the existing housing stock is reaching maturity (80 years or older). Good zoning practice requires new development standards for single-family residential zones to further maintain and control the preservation of neighborhood character. This proposed ordinance accomplishes this requirement.

The proposed code amendments are not arbitrary as Planning staff has thoroughly analyzed many different approaches and has determined that the proposed amendments are the simplest and most direct way of dealing with the issue of mansionization. There is a reasonable relationship between a legitimate public purpose which is maintaining existing single-family residential neighborhood character and the means to effectuate that purpose. Delaying the implementation of these code amendments could result in the continuation of over-sized development of single-family residential neighborhoods which is inconsistent with the objectives of the General Plan and would create an irreversible negative impact on the quality of life in the communities within the City of Los Angeles.

Furthermore, delaying the implementation of this ordinance will result in a lapse of protection from mansionization for the Sunland-Tujunga Interim Control Ordinance area (CPC-2004-2391-ICO, Council File No. 04-2085) that will expire on September 25, 2007. If allowed to expire without adoption of a permanent ordinance, further irreversible development that is inconsistent with the objectives of the General Plan and incompatible with this neighborhood would be likely.

3. In accordance with **Charter Sections Charter 559**, and in order to insure the timely processing of this ordinance, the City Planning Commission authorizes the Director of Planning to approve or disapprove for the Commission any modification to the subject ordinance as deemed necessary by the Department of Building and Safety and/or the City Attorney's Office. In exercising that authority, the Director must make the same findings as would have been required for the City Planning Commission to act on the same matter. The Director's action under this authority shall be subject to the same time limits and shall have the same effect as if the City Planning Commission had acted directly.
4. **California Environmental Quality Act (CEQA).** The Department of City Planning on Friday, April 6, 2007, determined that the proposed code amendments would not have a significant impact on the environment. A Negative Declaration (ENV-2007-107-ND, Exhibit B) was prepared for the ordinance after a review of the proposed ordinance for any potential impacts on the physical environment.

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 negative effect on the environment. The attached Negative Declaration was published in the Los Angeles Times on Thursday, April 12, 2007, and reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are located at the Community Planning Bureau of the Planning Department in Room 621, 200 North Spring Street.

Based upon the above findings, the proposed code amendment is deemed consistent with public necessity, convenience, general welfare, and good zoning practice.

## PUBLIC HEARINGS AND COMMUNICATIONS

The Department of City Planning has conducted extensive outreach to the community. Below is a summary of the Department's communication and efforts:

### **Focus Group Meetings**

The intent of the focus groups was to get feedback on our preliminary concepts from design and development professionals, as well as from community members directly affected by mansions. The Focus Groups were made up of residents of the communities with ICO activity (existing or proposed), local developers, as well as architects and designers (see the Focus Group Invitation Letters found in the case file).

These were held on the following dates:

- |                      |  |
|----------------------|--|
| <u>June 14, 2006</u> | Staff met with several architects, including City Planning Commissioner Roschen, to share preliminary concepts for the proposed code amendment. Overall, the architects expressed the need to propose new requirements on single-family residential neighborhoods. |
| <u>July 11, 2006</u> | Staff met with community members and developers of Sunland-Tujunga and Council Office District 2 staff.  |
| <u>July 18, 2006</u> | Staff met with community members and developers from Valley Glen and Valley Village and Council Office District 2 staff.   |
| <u>July 25, 2006</u> | Staff met with community members and developers from the South Valley area and Council Office District 5 staff.  |
| <u>July 27, 2006</u> | Staff met with community members and developers from the Westside, Wilshire, and Beverly Grove area and Council Office District 5 staff.   |

While many participants felt that new requirements restricting the mass and scale of single-family residential structures should be considered, reaching an agreement on the appropriate FAR limit for single-family structures was difficult because the recommendation was different for various communities. A significant number of participants wanted design standards to be part of the solution. One thing was clear, almost all of the participants felt that the reconsideration of single-family development standards has been long overdue.

### **Public Workshops**

Four Public Workshops were held in four different regions of the City of Los Angeles. The intent of these workshops was to introduce the public to possible code amendments (as refined by the input received from the focus groups) and to get a sense of whether there was a need for what was being proposed. Invitations were mailed to the focus group participants, interested parties, local expeditors, and Certified Neighborhood Councils. The invitation was also emailed to the entire Department of Neighborhood Empowerment list (see the Public Workshop Invitation found in the case file).

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|--------------------------|--|
| <u>November 9, 2006</u>  | Central/East Region: Los Angeles City Hall             |
| <u>November 14, 2006</u> | Valley Region: Marvin Braude Building                  |
| <u>November 15, 2006</u> | West Region: Felicia Mahood Senior Multipurpose Center |
| <u>November 16, 2006</u> | South/Harbor Region: Locke High School – Hobbs Hall    |

A total of 136 participants attended the four public workshops. Of the total attendees, a total of 57 completed surveys which were handed out at each of the workshops. Respondents evaluated the proposals presented at the workshops including: a citywide reduction in FAR for single-family zones, Proportional Stories FAR Bonus, and the Single-Story Height District. The survey results corroborated the general comments we had received via phone and email and at the workshops.

- Approximately 79% of respondents favored the citywide proposal to uniformly reduce FAR from 3:1 to 1:1.
- Overall, a majority (over 75%) of respondents viewed the Proportional Stories FAR Bonus as potentially effective at preserving or improving the visual character of single-family neighborhoods.
- 75% of respondents claimed that the establishment of a Single Story Height District would effectively address the perceived increase in density in low-rise neighborhoods. Many respondents commented that better design of two-story homes would do more to preserve neighborhood character than the creation of a single-story height district alone.
- The most commonly cited attributes contributing to out-of-character structures mentioned were: box-like structures, building size and height, front and side yard setbacks, and architectural style.

A large number of the participants at the workshops strongly believed that a “one size fits all” citywide reduction in FAR for a City of our size should only be one part of the solution, and that a more “neighborhood-specific” vehicle or tool is still needed to address mansionization on a neighborhood-by-neighborhood basis. The most commonly heard comment was that the citywide reduction in FAR works for the city as a whole, but they would like additional tools for their particular neighborhood.

### **Public Information Sessions**

Staff conducted 6 information sessions on the proposed ordinance before, during, and after the public hearings, addressing many groups and organizations for the benefit of community members, architects, and developers. These were held to inform the public on the proposed code amendments, as well as assist in the identification of issues and potential solutions regarding mansionization. Approximately 550 people attended.

<u>March 8, 2007</u>	Westside Neighborhood Council
<u>March 18, 2007</u>	"Saving Los Angeles" Conference
<u>March 19, 2007</u>	The American Institute of Architects (AIA) - Los Angeles Chapter
<u>March 20, 2007</u>	South Robertson Neighborhood Council's Land Use Committee Meeting
<u>March 22, 2007</u>	Mid-City West Neighborhood Council Meeting
<u>April 11, 2007</u>	Tract 7260 Association Annual Meeting

Because of the extensive interest in this ordinance, the Department felt it was important to present the proposal to as many groups as indicated an interest. The PowerPoint presentation and the handouts that were made available at these sessions were also made available to the general public on the Department's website.

**Open House/Public Hearing**

Two open houses/public hearings were held in late March of 2007. More than 275 participants attended the hearings. The majority of the participants attended the Valley hearing, with nearly 200 participants and 42 of them providing public testimony. Roughly 30 participants provided public testimony at the West Los Angeles Hearing.

March 21, 2007

Valley Region: Marvin Braude Building

March 29, 2007

West Region: Henry Medina Parking Enforcement Facility

Overall, a majority of participants were in support of the proposed code amendments. Many felt that more tailored provisions would still be appropriate. Participants voiced that the “one size fits all” approach is not practical for individual neighborhoods across the City. Others voiced that the affected area should be re-evaluated to consider flat lots in Hillside Areas. Lastly, several speakers expressed that the Floor Area Ratio be determined as a percentage of lot size rather than the current method of using Buildable Area. Generally, participants were in favor of the reduction in FAR and updated development standards for single-family residential neighborhoods.

**Public Communication Received**

The Hearing Officer left the public comment period open to any written communication received prior to the hearing and up until Friday, April 6, 2007. A total of 95 letters were received from the general public regarding the proposed ordinance.

Of these letters, 45 were in complete support of the proposed ordinance. Almost the same number of letters, 49, were either in support of the ordinance with some minor modifications, were in support of the proposed ordinance but felt that we need to follow up with more amendments, or were in support of the general intent of the ordinance but proposed their own solutions. Only one letter was received that opposed the proposed ordinance.

Many of the letters were from people who attended the public hearings and echo the comments that were given at the Public Hearings.

**EXHIBIT A****PROPOSED ORDINANCE****ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Section 12.03, 12.07, 12.07.01, 12.07.1, 12.08, Section 12.21.1 of the Los Angeles Municipal Code to establish new regulations for all single-family residential zoned properties (RA, RE, RS, and R1) not located in a Hillside Area or Coastal Zone.

**WHEREAS**, the City Council on June 6, 2006, adopted a motion instructing the Department of City Planning, in conjunction with the City Attorney and the Department of Building and Safety, to prepare an ordinance amending the Los Angeles Municipal Code (LAMC) to establish the appropriate size of single-family homes in flat and hillside areas; and

**WHEREAS**, the said motion instructed that such ordinance should consider: the size of the structure in relation to the size of the lot (floor area ratio) for new construction and additions to existing homes; the relationship between percentage of slope and allowable Buildable Area; amendments to existing Specific Plans and municipal code provisions to ensure consistency of new development with existing structures; and

**WHEREAS**, this ordinance deals with properties zoned single-family residential which are not located in Hillside Areas, as defined in Section 12.03 of the LAMC – referred to in the June 6, 2006 motion as the “flats” and that properties zoned single-family residential and located in Hillside Areas will be addressed in a subsequent ordinance tailored to residential hillside development; and

**WHEREAS**, this ordinance deals with properties zoned single-family residential which are not located in the Coastal Zone, as defined by the California Coastal Commission because the proposed code amendments required to address mansionization in the Coastal Zone will require substantial coordination and review by the Coastal Commission; and

**WHEREAS**, one of the main objectives of the Citywide Framework Element is to preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods, and that most of the Community Plans in the City of Los Angeles include the objective of ensuring that the character and scale of stable single-family residential neighborhoods are maintained; and

**WHEREAS**, the Department of City Planning has analyzed the current development standards for single-family zones and has determined that the municipal code currently allows for structures that are excessively large and that a citywide code amendment is required to reduce the maximum size of single-family development in single-family zones; and

**WHEREAS**, the Municipal Code contains two principal tools, Historic Preservation Overlay Zones and Specific Plans, which currently help to protect neighborhood character; however, those tools are not applicable to, or appropriate for most single-family residential neighborhoods, and an additional tool is needed; and

**WHEREAS**, property values citywide have increased rapidly in recent years, and this high premium for land has encouraged and/or enabled property owners and developers to tear down the original modest-sized houses and replace them with much larger structures, or significantly remodel existing structures with large-scale two-story additions which are out of scale with neighboring properties; and

**WHEREAS**, recent construction activity has resulted in structures that are significantly larger than the average single-family structure in the City of Los Angeles, approximately 1,700 square-feet, many of which are large two-story box-like structures built out to the required setbacks with only minimum spacing between houses and large second stories, resulting in congested relationships between adjoining houses and a reduction of the neighbors’ access to direct sunlight and privacy; and

**WHEREAS**, this ordinance establishes a maximum Single-Family Residential Floor Area, which varies depending on lot size, that prevents structures which are extremely out of proportion with the existing scale of existing neighborhoods, addresses massing and scale issues raised by various communities, but still allows for reasonable growth in terms of square-footage, and creates a scenario where a property can either have a single-story structure with a large footprint, a two-story structure with a smaller footprint and larger setbacks, or a slightly larger two-story structure which is articulated; and

**WHEREAS**, this ordinance clarifies that deviations from the new proposed Single-Family Residential Floor Area requirements shall not be granted per the Adjustments authority granted to the Zoning Administrator in Subsection A of Section 12.28 of the LAMC; and

**WHEREAS**, delaying the implementation of this ordinance will result in a lapse of time of protection from mansionization for the area within the Sunland-Tujunga Interim Control Ordinance (CPC-2004-2391-ICO, Council File No. 04-2085), and will result in further development that is incompatible with the existing neighborhoods; and

**WHEREAS**, although the measures in this ordinance are not specifically tailored to the Sunland-Tujunga area, and are instead a citywide approach, they are still needed in order to avoid the continuing degrading effect upon that neighborhood that the current FAR of 3:1 creates; and

**WHEREAS**, the condition stated above is present in many other neighborhoods across the City of Los Angeles, some of which have also adopted Interim Control Ordinances, or are in the process of developing and/or adopting Interim Control Ordinances of their own as measures of protection from mansionization; and

**WHEREAS**, the measures in this ordinance are needed to regulate single-family residential development in order to avoid a degrading effect that out-of-scale structures have on the various neighborhoods throughout the City of Los Angeles, and to prevent irreversible construction of these structures that will otherwise occur which create adverse impacts on these communities and result in further impacts on the quality of life in existing single-family residential neighborhoods; and

**WHEREAS**, delaying the implementation of this ordinance could result in the continuation of the trend toward development which is inconsistent with the objectives of the General Plan, incompatible with the existing neighborhoods, and irreversible and that will also result in further impacts to the quality of life in the communities within the City of Los Angeles, and this ordinance needs to take effect upon its publication.

**NOW THEREFORE,**

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

**Section 1.** Section 12.03 of the Los Angeles Municipal Code is amended by adding the definitions of "Single-Family Residential Floor Area" and "Base Floor" in proper alphabetical order to read:

**BASE FLOOR.** Is the largest of the floors at or above grade that is not considered a basement. All levels within four (4) vertical feet of each other shall count as a single floor.

**FLOOR AREA.** Is that 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, space for the landing and storage of helicopters, and basement storage areas. Except that single-family residences on properties zoned RA, RE, RS, and R1, and not located in a Hillside Area or Coastal Zone shall be governed by the definition of Single-Family Residential Floor Area. (Added by Ord. No. 163,617, Eff. 6/21/88, Amended by Ord. No. ###,###, Eff. #/##/##.)

**FLOOR AREA, SINGLE-FAMILY RESIDENTIAL.** Is that area in square feet confined within the exterior walls of a building or structure used primarily for single-family residential purposes on a property zoned RA, RE, RS, or R1, and not located in a Hillside Area or Coastal Zone. When a property zoned RA, RE, RS, or R1 is developed primarily for uses other than single-family residence, the Floor Area definition shall apply.

When calculating the Single-Family Residential Floor Area, any portion of a building or structure with a ceiling height greater than 14 feet shall count as twice the square-footage of that area. Any attic or portion thereof with a ceiling height of more than seven (7) feet shall be counted as Single-Family Residential Floor Area.

Except that the following areas shall not be counted towards the Single-Family Residential Floor Area:

1. The first 400 square-feet of existing or proposed attached or detached garage space or parking area; however, the area being provided for parking in excess of 400 square-feet shall be included as Single-Family Residential Floor Area.
2. Detached structures used for storage purposes and not for parking, which are no greater than 200 square feet; however, the total area of these structures shall not exceed 400 square feet.
3. The first 250 square-feet of porches, patios, and breeze-ways with a solid roof which are open on at least two (2) sides, which are not being used for parking purposes; however, the area in excess of 250 square-feet shall be included as Single-Family Residential Floor Area.
4. The first 100 square-feet of any portion of a building or structure with a ceiling height greater than 14 feet shall be counted only once.
5. Basements that comply with the yard setbacks containing habitable or nonhabitable rooms, when the ceiling height does not exceed two feet in height above the finished or natural grade, whichever is less.

**Section 2.** Subsection C of Sections 12.07, 12.07.01, 12.07.1, and 12.08 of the Los Angeles Municipal Code is amended as follows:

**Area Development Standards.** No building or structure nor the enlargement of any building or structure shall be ~~hereafter erected or maintained~~ unless the following yards ~~and~~ lot areas, and floor area requirements are ~~provided~~ adhered to and maintained in connection with such building, structure, or enlargement:

**Section 3.** Subsection C of Sections 12.07, 12.07.01, 12.07.1, and 12.08 of the Los Angeles Municipal Code is also amended by adding a new Subdivision 5 to read:

5. **Maximum Single-Family Residential Floor Area.** For a lot located in a Hillside Area or Coastal Zone, or a lot not located in a Hillside Area or Coastal Zone developed primarily for uses other than single-family residence, the maximum Floor Area shall be determined by Subdivision 1 of Subsection A of Section 12.21.1.

The maximum Single-Family Residential Floor Area contained in all buildings or structures shall not exceed the Buildable Area of the subject lot, as defined in Section 12.03.

An additional amount of Single-Family Residential Floor Area of one-quarter (0.25) times the Buildable Area of said lot shall be allowed if the total Single-Family Residential Floor Area for each story, floor, or level other than the Base Floor does not exceed two-thirds (2/3) of the Base Floor, as defined in Section 12.03.

**Section 4.** Subdivision 1 of Subsection A of Section 12.21.1 of the Los Angeles Municipal Code is amended as follows:

1. ~~(Amended by Ord. No. 163,627, Eff. 6/20/88.)~~ The total floor area contained in all the main buildings on a lot in a commercial or industrial zone in Height District No. 1 shall not exceed one-and-one-half times the buildable area of said lot; for a lot in all other zones, except RA, RE, RS, and R1-zoned properties not located in a Hillside Area or Coastal Zone and developed primarily for single-family residential uses, the total floor area contained in all the main buildings on a lot in Height District No. 1 shall not exceed three times the buildable area of said lot. For RA, RE, RS, and R1-zoned properties not located in a Hillside Area or Coastal Zone and developed primarily for single-family residential uses, the total Single-Family Residential Floor Area shall be as determined by the Development Standards in Subsection C of each zone.

Portions of Height District No. 1 may be designated as being in an "L" Limited Height District, and no building or structure in Height District No. 1-L shall exceed six stories, nor shall it exceed 75 feet in height. Portions of Height District No. 1 may be designated as being in a "VL" Very Limited Height District, and no building or structure in Height District No. 1-VL shall exceed three stories, nor shall it exceed 45 feet in height. Notwithstanding that limitation, portions of Height District No. 1-VL that are also in the RAS3 or RAS4 zones shall not exceed 50 feet in height. Portions of Height District No. 1 may also be designated as being in an "XL" Extra Limited Height District, and no building or structure in Height District No. 1-XL shall exceed two stories, nor shall the highest point of the roof of any building or structure located in such District exceed 30 feet in height. ~~(Amended by Ord. No. 174,999, Eff. 1/15/03.)~~ In the RA, RE, RS, and R1 zones, portions of Height District No. 1 may also be designated as being in an "SS" Single Story Limit Height District, and no building or structure in Height District No. 1-SS shall exceed one Habitable Level, nor shall the highest point of the roof of any building or structure located in such District exceed 18 feet in height. For the purposes of Height District No. 1-SS, Habitable Level shall mean all floor levels used for overnight stay by the occupants or their guests of a dwelling within four (4) feet of each other.

**Section 5.** Subsection A of Section 12.28 of the Los Angeles Municipal Code is amended as follows:

**A. Adjustments.** ~~(Amended by Ord. No. 173,492, Eff. 10/10/00.)~~ The Zoning Administrator shall have the authority to grant adjustments in the yard, area, building line and height requirements of Chapter I of this Code. An adjustment shall not be permitted for relief from a density (lot area per unit), single-family residential floor area or height requirement, excluding fences and hedges, if the request represents an increase of 20 percent or more than what is otherwise permitted by this Code. A request for an increase of 20 percent or more shall be made as an application for a variance pursuant to Section 12.27.

**Section 6. 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 adopted by the City Council, and do not contain any rights not otherwise granted under the provisions and procedures contained in that Chapter or any other ordinances.

**Section 7. SEVERABILITY.** If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that 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.

**Section 8.** 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 three-fourths of all of its members, at its meeting of \_\_\_\_\_.

FRANK T. MARTINEZ, City Clerk

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

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

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

June , 2007

See attached report

By \_\_\_\_\_  
(CITY ATTORNEY STAFF)  
(Title)

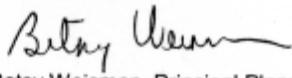
\_\_\_\_\_  
S. Gail Goldberg  
Director of Planning

Date \_\_\_\_\_

File No. \_\_\_\_\_

## EXHIBIT B

NEGATIVE DECLARATION  
ENV-2007-107-ND

CITY OF LOS ANGELES OFFICE OF THE CITY CLERK ROOM 395, CITY HALL LOS ANGELES, CALIFORNIA 90012 CALIFORNIA ENVIRONMENTAL QUALITY ACT <b>NEGATIVE DECLARATION</b>		
<b>LEAD CITY AGENCY</b>		<b>COUNCIL DISTRICT</b>
LOS ANGELES CITY PLANNING DEPARTMENT		Citywide
<b>PROJECT TITLE</b>		<b>CASE NO.</b>
Neighborhood Character Ordinance		CPC-2007-0106-CA ENV-2007-0107-ND
<b>PROJECT LOCATION</b>		
Citywide excluding Hillside Areas and the Coastal Zone.		
<b>PROJECT DESCRIPTION</b>		
<p>The proposed Ordinance includes amendments to the Los Angeles Municipal Code (LAMC sections 12.03, 12.07, 12.07.01, 12.07.1, 12.08 and 12.21.1) to establish new regulations for single-family residential uses in the City. The amendments would result in: a reduction to the existing Floor Area Ratio (FAR); a Proportional Story provision addressing the massing of a residence; creation of a Single-Family Residential Floor Area and Base Floor definition; creation of a Single-Story Height District available only for properties zoned single-family residential; and a discretionary review process for projects that exceed the new FAR requirements.</p>		
<b>NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY</b>		
N/A		
<b>FINDING:</b>		
<p>The <u>City Planning Department</u> of the City of Los Angeles has proposed that a negative declaration be adopted for this project.</p> <p>The Initial Study indicates that no significant impacts are apparent which might result from this project's implementation.</p> <p>This action is based on the project description above.</p>		
<p>Any written comments received during the public review period are attached together with the response of the Lead City Agency. The project decision-maker may adopt this negative declaration, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record and appropriate findings made.</p>		
THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.		
<b>NAME OF PERSON PREPARING THIS FORM</b>	<b>TITLE</b>	<b>TELEPHONE NUMBER</b>
Michelle Sorkin	City Planning Assistant	(213) 978-1199
<b>ADDRESS</b>	<b>SIGNATURE (Official)</b>	<b>DATE</b>
200 N. Spring St., Rm 621 Los Angeles, CA 90012	 Betsy Weisman, Principal Planner	04/06/2007

### EXHIBIT C AFFECTED AREA MAP



**Note:** Areas shaded light gray reference regions of the City.

EXHIBIT D

COUNCIL MOTION, CF NO. 06-1293

MOTION PLANNING and LAND USE MGT.

JUN 06 2006

Preservation of established single-family neighborhood character has emerged as a citywide issue, in both the flat and hillside areas of the City. Changes in land value, housing preference and housing inventory are all playing a part in the trend toward larger and larger single family homes being constructed in the City. These larger homes, however, are often incompatible with the established scale and character of existing single-family neighborhoods.

Current Los Angeles Municipal Code (LAMC) provisions governing building height, yard setbacks and, in hillside areas, building footprint lot coverage, are insufficient to address the issues of massing and bulk of single family homes, both in relationship to the property on which they are built and to the neighboring existing homes. For example, a 7,020 square-foot house can be constructed by right on a 5,000 square-foot lot; on a 7,500 square-foot lot, a 11,040 square-foot house can be constructed, also without any variances or other entitlements.

Existing communities and neighborhoods have been demanding interim control ordinances to control this overbuilding. However, ICO's are temporary measures which are meant to curb activity until permanent legislation is approved. Creation of ICO's and processing of hardship exemptions consume staff resources that would be more efficiently used in pursuing a permanent solution. Therefore, rather than creating a patchwork of ICOs, a comprehensive, citywide approach is needed.

I THEREFORE MOVE that the Department of City Planning, in conjunction with the City Attorney and the Department of Building and Safety, be directed to prepare an ordinance amending the LAMC to establish the appropriate size of single family homes in flat and hillside areas. Such ordinance should consider: the size of the structure in relation to the size of the lot (floor area ratio), for both new construction and additions to existing homes the relationship between percentage of slope and allowable buildable area amendments to existing Specific Plans and municipal code provisions to ensure consistency.

PRESENTED BY:

*[Handwritten signature]*

SECONDED BY:

*[Handwritten signature]*

JUN 06 2006

EG

06-1292

*[Handwritten signature]*

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*[Handwritten signature]*