

ORDINANCE NO. 176363

An ordinance imposing interim regulations on the issuance of building, grading, foundation, use of land and demolition permits in a portion of the Northeast Community Plan Area generally bounded by Tyburn Street and the Glendale Freeway, and between the Union Pacific Railroad tracks and Delay Drive and lots on the east side of San Fernando Road, generally known as Fletcher Square.

WHEREAS, the Northeast Community Plan (Plan) area adopted by the City Council on June 15, 1999, called for the creation of Community Design Overlay (CDO) Districts to protect and enhance the major neighborhood commercial centers within the Plan area; and

WHEREAS, the San Fernando Road corridor is one of the areas of commercial and industrial development within the Plan area in need of protection; and

WHEREAS, the San Fernando Road corridor is experiencing dramatic growth and revitalization with the arrival of the Pasadena Gold Line, the acquisition of Taylor Yards by the California State Parks Service, and the identification of a large site for a new high school; and

WHEREAS, the City of Los Angeles has undertaken several major public works projects to support this revitalization, including an infrastructure project commonly known as Northeast Linkages; and

WHEREAS, the City of Los Angeles has committed resources to the improvement of the LA River and River-adjacent communities through the establishment of the Ad Hoc Committee on the LA River; and

WHEREAS, the Ad Hoc Committee, in coordination with stakeholder groups along the LA River, has secured three million dollars from the Federal Government to support a comprehensive land use planning effort for the LA River environs; and

WHEREAS, Fletcher Square, the intersection of San Fernando Road and Fletcher Drive, is within the vicinity of the LA River, and therefore, will be subject to additional analysis in the LA River Revitalization Plan; and

WHEREAS, Fletcher Square is the future home of a Los Angeles City College Satellite Campus in the restored, historic Van de Camps factory building where several thousand students will attend classes daily; and

WHEREAS, currently Fletcher Square is home to a mix of industrial, commercial and retail developments which have an inconsistent pattern of front yard setbacks and narrow sidewalks that is not conducive to a pedestrian environment; and

WHEREAS, San Fernando Road is a heavily traveled roadway used to access the Glendale Freeway. The combination of narrow sidewalks, inconsistent front yard setbacks and heavy street traffic creates an unsafe pedestrian environment for the anticipated increase in pedestrian traffic; and

WHEREAS, the Planning Department is in the process of preparing design-oriented planning regulations which will also address pedestrian safety concerns for the communities of Cypress Park and Glassell Park; and

WHEREAS, Fletcher Square is within the proposed boundaries of the design-oriented planning regulations; and

WHEREAS, while progress has been made toward the drafting and adoption of the design-oriented overlay district, an Interim Control Ordinance is necessary to protect the area from development which may be inconsistent with the intent of the pending design-oriented planning regulations; and

WHEREAS, it is urgent to immediately prevent the major alteration of the subject area until permanent design-oriented planning regulations can be adopted.

NOW THEREFORE,

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

Section 1. **DEFINITIONS.** The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this Section. Words and phrases not defined herein shall be construed as defined in Sections 12.03 and 91.6202 of the Los Angeles Municipal Code.

CAN SIGN. A wall sign whose text, logos and/or symbols are placed on the plastic face of an enclosed cabinet attached to the face of a building. The face may be translucent or opaque and may be illuminated or unilluminated.

PROJECT. (1) The grading of any lot or parcel, (2) any work that requires a building permit, (3) the construction or erection of any building or structure, (4) the addition, alteration, construction, reconstruction, rehabilitation, relocation, or restoration of any existing building or structure in excess of 300 square feet, and (5) the erection of a pole sign or the placement of a Can Sign.

The term Project shall not include:

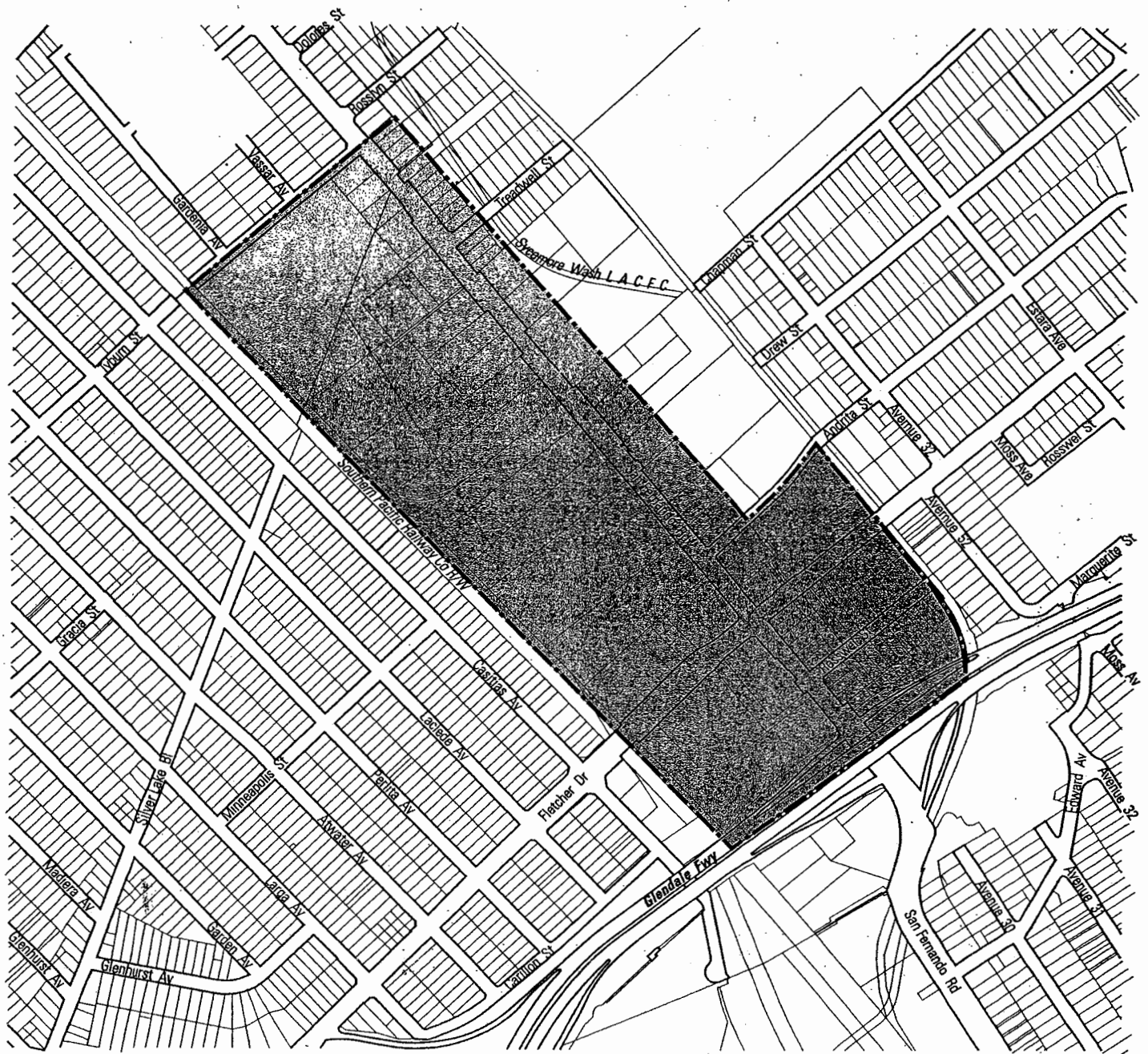
1. Interior improvements (unless the improvements affect the exterior of the building or structure);
2. The demolition of existing residential rental units;
3. A new mixed use project;
4. Any project with a proposed floor area of less than 50,000 square feet on an existing vacant lot and which complies with the guidelines of Chapter V of the Northeast Community Plan.

Sec. 2. PROHIBITION. Notwithstanding any provision of the Los Angeles Municipal Code to the contrary, for a period of 365 days from the effective date of this Ordinance, or until permanent design-oriented planning regulations for this area become effective, whichever occurs first:

A. No building permit, grading permit, foundation permit, use of land permit, or demolition permit shall be issued on or after December 16, 2004, for any Project located in whole or in part within the area identified in Section 3 of this Ordinance, unless a Hardship Exemption is granted pursuant to Section 6 of this Ordinance.

B. No person shall demolish, erect, construct or add to any building or structure and/or its facade which is located in whole or in part within the area identified in Section 3 of this Ordinance.

Sec. 3. INTERIM CONTROL AREA. The provisions of this Ordinance shall apply to any lot located in whole or in part within the area generally bounded by Tyburn Street and the Glendale Freeway, and between the Union Pacific Railroad tracks and Delay Drive and lots on the east side of San Fernando Road, as shown on the following map:



Fletcher Square ICO

 ICO Boundary

Sec. 4. EXCEPTIONS.

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

1. In order to comply with an order issued by the Department of Building and Safety to repair or demolish an unsafe or substandard condition;

2. In order to rebuild as a result of destruction by fire, earthquake or other natural disaster, provided that the development is not prohibited by any provision of the Los Angeles Municipal Code.

B. The prohibition specified in Section 2 of this Ordinance shall not apply to any permit for a Project for which (1) architectural and structural plans sufficient for a complete plan check were accepted by the Department of Building and Safety on or before December 16, 2004; and (2) all Project fees or guarantees for the payment of fees were accepted by the City on or before December 16, 2004. This exception shall only apply if no subsequent changes are made to these plans which increase or decrease the height or floor area by more than five percent.

Sec. 5. EXTENSION OF REGULATIONS. The City Council may, by resolution, extend the provisions of this Ordinance for not more than two additional periods of 180 days each, not to exceed a total time of 24 months, so long as the City Council makes the following finding: That the appropriate City agencies and officials are exercising due diligence to assure that permanent design-oriented regulations within the ICO area are being expeditiously processed.

Sec. 6. HARDSHIP EXEMPTIONS. The City Council, acting in its legislative capacity, may by resolution, grant an exemption from the provisions of this Ordinance in cases of extreme hardship duly established to the satisfaction of the City Council or for special circumstances. An application for hardship exemption shall be filed with the City Clerk using forms provided by the Department of City Planning.

Sec. 7. APPLICABILITY OF THE ZONING CODE. The regulations of this Ordinance are in addition to those set forth in the planning and zoning provisions of Chapter 1 of the Los Angeles Municipal Code and any other ordinances and do not contain any rights not otherwise granted under the provisions and procedures contained in that Chapter or any other ordinances.

Sec. 8. **SEVERABILITY.** If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Ordinance, which can be implemented without the invalid provisions, and, to this end, the provisions of this Ordinance are declared to be severable.

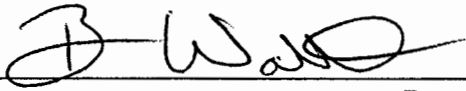
Sec. 9. **URGENCY CLAUSE.** The City Council finds and declares that this Ordinance is required for the immediate protection of the public peace, health and safety for the following reasons: Fletcher Square is within the proposed boundaries of the design overlay district that the Planning Department is in the process of preparing for the communities of Cypress Park and Glassell Park. This area is experiencing dramatic growth and revitalization with the proposed establishment of a Los Angeles City College satellite campus in the historic Van de Camps factory building, and the identification of a large site for a new high school. These identified new uses will have several thousand students attending classes daily and will result in additional student traffic and pedestrian activity. Currently Fletcher Square is home to a mix of industrial, commercial and retail developments which have an inconsistent pattern of front yard setbacks and narrow sidewalks that is not conducive to a pedestrian environment. An Interim Control Ordinance is necessary to protect the area from major alteration of the subject area until permanent design-oriented regulations which contains pedestrian safety measures can be adopted. For all of these reasons, this Interim Control Ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

(108556)

Sec. 10. 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 in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

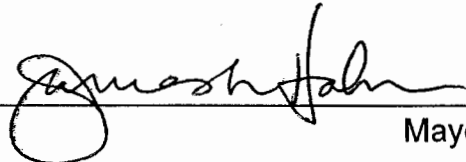
I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all of its members, at its meeting of DEC 17 2004.

FRANK T. MARTINEZ, City Clerk

By 
Deputy

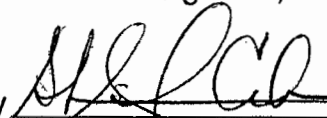
DEC 22 2004

Approved _____


Mayor

Approved as to Form and Legality

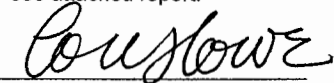
Rockard J. Delgadillo, City Attorney

By 
SHARON SIEDORF CARDENAS
Assistant City Attorney

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

December ¹⁶ 2004

see attached report.


CON HOWE
Director of Planning

Date DEC 16 2004

File No. CF No. 03-0318-S1

DECLARATION OF POSTING ORDINANCE


I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 176363 - Imposing interim regulations for the issuance of building permits within a portion of the North East Community Plan Area generally known as Fletcher Square - CPC 2004-7422 ICO - Urgency Clause - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on December 17, 2004, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on December 30, 2004, I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) One copy on the bulletin board at the Main Street entrance to Los Angeles City Hall; 2) 568 copy on the bulletin board at the ground level Los Angeles Street entrance to the Los Angeles Police Department; and 3) one copy on the bulletin board at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on December 30, 2004 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 30th day of December 2004 at Los Angeles, California.


Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: Jan. 9, 2005

Council File No. 03-0318-S1

(Rev. 3/21/03)