

ITEM 23 - a

MOTION

I MOVE that the matter of the continued consideration of categorical exemption, Planning and Land Use Management Committee Report and Ordinance First Consideration relative to imposing interim regulations on the issuance of building permits for residential structures within the Sunland-Tujunga-Shadow Hills-Lake View Terrace-East La Tuna Canyon Community Plan, Item 23 on today's Council Agenda (CF 04-2085), BE AMENDED to PRESENT and ADOPT the attached ordinance in lieu of the ordinance attached to the file, in order correct a drafting error in the last sentence of Section 3 (c) of the ordinance.

PRESENTED BY: _____

WENDY GREUEL
Councilwoman, 2nd District

SECONDED BY: _____

July 27, 2005

ak

ORDINANCE NO. _____

An ordinance imposing interim regulations on the issuance of certain building permits for residential structures on R1 lots equal to or less than 8,000 square feet in the Sunland-Tujunga-Shadow Hills-Lakeview Terrace-East La Tuna Canyon Community Plan ("the Community Plan") area generally bounded by Lowell Avenue and the city boundary on the east, the Foothill Freeway on the southwest, the eastern edge of the Big Tujunga Wash on the northwest and the city boundary on the north ("the Plan Area").

WHEREAS, the proposed Interim Control Ordinance ("ICO") area is located within the boundaries of the Community Plan, adopted on November 18, 1997; and

WHEREAS, the Plan Area is aesthetically unique in that many residential structures in the communities within the Plan Area were built a century ago, on narrow R1 zoned substandard lots of approximately 4,000 square feet, primarily as small, one-story, 500 to 800 square foot weekend and vacation homes; and

WHEREAS, today, land prices in the Plan Area are among the most affordable in the City of Los Angeles so that for the past two years, developers have been buying parcels, tearing down the original, small houses and replacing them with large, box-like structures ranging from 3,000 to 4,000 square feet, thereby creating imposing structures out of character with the existing small one-story residences. These new residences are built up to the building set back lines and are approximately fifty feet in length and two stories in height, presenting an unarticulated blank wall that looms 30 feet above the existing one story residences on either side; and

WHEREAS, such mansionization is intensifying development irreversibly and unreasonably and is depriving the Plan Area of its inherent charm and unique aesthetic qualities; and

WHEREAS, the communities in the Plan Area are trying to maintain the original character of their neighborhoods; and

WHEREAS, six new large homes are under construction and 49 new large homes have already been constructed in the area, all of which are out of scale with the prevailing home size and threaten the character of the neighborhoods in the Plan Area. There are approximately 55 existing residences for sale, which could lead to the demolition of the existing residential structures and twenty vacant lots; and

WHEREAS, one of the policies of the Community Plan is to promote neighborhood preservation in existing residential neighborhoods. One of the Community Plan goals is to preserve and enhance the positive characteristics of

existing residential neighborhoods and to rehabilitate existing single family homes, which provide the foundation for community identity; and

WHEREAS, amendments to the Community Plan are being considered and the continued mansionization and intensification of development may be in conflict with the contemplated amendments. Additionally, interim measures are needed to protect these communities from development of large homes that are inconsistent with the existing Community Plan, particularly as to existing neighborhoods consisting primarily of homes with considerably smaller square footage. This will help ensure that the long-standing existing character and scale of stable single-family residential neighborhoods are maintained pending completion of the amendments to that Community Plan.

NOW THEREFORE,

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

Section 1. 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 the Community Plan is amended, whichever occurs first, no person, except as otherwise provided in this Ordinance, shall demolish, erect, construct, alter, add to or change the use of any building or structure, or portion thereof, on a lot zoned R1 which is equal to or less than 8,000 square feet in area and located in whole or in part within the area identified in Section 2 of this Ordinance.

Sec. 2. INTERIM CONTROL AREA. The provisions of this Ordinance shall apply to any lot located in whole or in part within the Plan Area generally bounded by Lowell Avenue and the city boundary on the east, the Foothill Freeway on the southwest, the eastern edge of the Big Tujunga Wash on the northwest and the city boundary on the north, as shown on the following map:

Sec. 3. EXCEPTIONS.

A. The prohibitions specified in Section 1 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, remove or demolish an unsafe or a 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 prohibitions specified in Section 1 of this Ordinance shall not apply to any building permit or demolition permit 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 January 27, 2005; and (2) all fees or guarantees for the payment of fees were accepted by the City on or before January 27, 2005. This exception shall only apply if no subsequent changes are made to the plans which increase or decrease the height or floor area or occupant load by more than five percent, or change the use, or if any changes violate the Zoning Code regulations in force on the date the plan check fee was paid.

C. The prohibitions specified in Section 1 of this Ordinance shall not apply to the erection, construction or alteration of a building or structure where the ratio of the floor area of all structures and buildings on the lot to the area of the lot (Floor Area Ratio or F.A.R.) is equal to or less than 0.4:1. However, if the foregoing F.A.R. calculation would result in a total floor area of less than 2,400 square feet, then the floor area of all the structures and buildings on the lot may be up to 2,400 square feet.

D. The prohibitions specified in Section 1 of this Ordinance shall not apply to any building permit for which a vested right has accrued prior to the effective date of this Ordinance.

Sec. 4. **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 appropriate City agencies and officials are exercising due diligence to assure that the proposed Community Plan amendment is being processed expeditiously.

Sec. 5. 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. An application for hardship exemption shall be filed with the City Clerk on forms provided by the Department of City Planning.

Sec. 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.

Sec. 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 provisions, and, to this end, the provisions of this Ordinance are declared to be severable.

Sec. 8. 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: The Community Plan amendment with the proposed land use changes may take at least a year to be adopted by the City Council. Meanwhile, interim measures are needed to regulate development on R1 zoned lots equal or less than 8,000 square feet located in the Plan Area to prevent the recent trend of developers buying small, narrow R1 zoned lots in the Plan Area, tearing down the original, small houses and replacing them with large, box-like structures, thereby overusing lots and intensifying development irreversibly and unreasonably, degrading the neighborhoods and further depriving the Plan Area of its original character, inherent charm and unique aesthetic qualities. There are approximately 55 existing residences for sale, which could lead to the demolition of the existing residential structures, twenty vacant lots, six new large homes are under construction, and 49 new large homes, completely out of scale with the prevailing home size, have already been constructed in the area, all of which threaten the original character of the neighborhoods in the Plan Area. Delaying the implementation of this Ordinance could result in an increase in incompatible development that would preclude the benefits to be accomplished by the proposed Community Plan amendment, the objectives of the General Plan, and the quality of life in the communities. For all these reasons, this Interim Control Ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles Charter.

(110070)

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 _____.

FRANK T. MARTINEZ, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

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

Rockard J. Delgadillo, City Attorney

May 17, 2005

see attached report.

By Jerry P. Kaufmann Macias
TERRY P. KAUFMANN MACIAS *JPM*
Deputy City Attorney

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CON HOWE
Director of Planning

Date June 9, 2005

File No. CF 04-2085; CPC 2004-7771-ICO