

ORDINANCE NO. 179184

An ordinance imposing interim regulations on the issuance of building permits for all single-family residentially zoned lots in a portion of the Sunland-Tujunga-Shadow Hills-Lake View Terrace-East La Tuna Canyon Community Plan (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 (Plan Area).

WHEREAS, the City Council on October 8, 2004, adopted a motion instructing the Department of City Planning to prepare an Interim Control Ordinance to prohibit the issuance of certain building and demolition permits; and

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 City Council on August 3, 2005, adopted Ordinance No. 176,908 to restrict the total floor area for all structures and buildings on the lot to 0.4:1 (40%) or a total of 2,400 square-feet, whichever is greater, on lots zoned R1, which are equal to or less than 8,000 square-feet in area, for a period of 365 days with two six-month extensions; and

WHEREAS, the City Council on September 12, 2006, adopted a motion instructing the Department of City Planning to extend the Sunland-Tujunga Interim Control Ordinance for the first extension; and

WHEREAS, the City Council on March 20, 2007, adopted a motion instructing the Department of City Planning to extend the Sunland-Tujunga Interim Control Ordinance for the second and final extension; and

WHEREAS, the Sunland-Tujunga Interim Control Ordinance will expire on September 25, 2007, and the conditions that gave rise to the need for the existing ordinance are still present in the community; and

WHEREAS, this residential neighborhood has a unique character where many of the residential structures in the Plan Area were built a century ago, on narrow, substandard R1 zoned lots that are approximately 4,000 square-feet, with primarily small, one-story 500 to 800 square-foot weekend and vacation homes; and

WHEREAS, the land prices in the Plan Area continue to be among the most affordable in the City of Los Angeles, which has resulted in the demolition of the original, small houses and replacement of them with large, box-like structures ranging from 3,000 to 4,000 square-feet in area, thereby creating structures that are out of character with the existing small one-story residences; and

WHEREAS, this mansionization in the Plan Area is intensifying development irreversibly deteriorating the character and inherent charm of this area; and

WHEREAS, the proposed citywide Baseline Mansionization Ordinance, which was originally intended to replace the existing ICO, does not adequately address mansionization issues in Sunland-Tujunga and will allow for the development of out-of-scale, large box-like structures. In order to maintain the scale and mass of new structures or additions to existing structures consistent with existing residential neighborhoods this area in particular requires stricter floor area requirements than what is being proposed by the existing Baseline Mansionization Ordinance; and

WHEREAS, the existing Sunland-Tujunga ICO only applies to R1 zoned lots that are 8,000 square-feet or less in area, but it has become clear that substandard lots exist within each single-family residential zone and are suffering from over-building similar to R1 zoned lots. The new proposed Sunland-Tujunga ICO includes all single-family residential zoned lots that are 8,000 square-feet or less in area in order to address the concerns of out-of-scale developments in all single-family residential zoned lots; and

WHEREAS, delaying the implementation of this ordinance could result in the continuation of the trend toward development that is inconsistent with the objectives of the General Plan, incompatible with the existing neighborhood, irreversible, and that will further impact the quality of life in the community; and

WHEREAS, the Planning Department is working expeditiously to complete permanent regulations to address the mansionization issues, but needs additional time to do so.

NOW THEREFORE,

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

Section 1. **DEFINITIONS.** The following term, whenever used in this ordinance, shall be as defined in this section. Words and phrases not defined here shall be construed as defined in Los Angeles Municipal Code Sections 12.03, 12.21.1.A.5 and 12.21.1 B3, if defined there.

PROJECT means the construction, erection, alteration of, or addition to any building or structure, which requires the issuance of a building permit, on any single-family residentially zoned lot (R1, RS, RE9, RE11, RE15, RA, RE20, and RE40) that is equal to or less than 8,000 square-feet in area, located in whole or in part within the area identified in Section 3 of this ordinance (Plan Area). The term Project shall not include interior or exterior improvements that do not increase the floor area of an existing structure.

Sec. 2. **PROHIBITION.** Notwithstanding any provision of the Los Angeles Municipal Code to the contrary, for a period of 180 days from the effective date of this ordinance or until permanent regulations pertaining to scale and structural mass within the Plan Area are in effect, whichever comes first, for any lot or parcel, which is located in whole or in part within the Plan Area:

1. No building permit or demolition permit shall be issued for any Project where the ratio of the total gross floor area of all buildings on the lot to the area of the lot (Floor Area Ratio or FAR) is equal to or less than 0.4:1. However, if that FAR calculation would result in a total gross floor area of less than 2,400 square-feet, then the gross floor area of all the structures and buildings on the lot may be up to 2,400 square-feet.

For purposes of this ordinance, the floor area is the area in square feet within the exterior walls of all buildings or structures above grade primarily for single-family residential purposes, including but not limited to garages and accessory buildings. Any attic or portion of an attic with a ceiling height of more than seven feet shall be counted as floor area or any portion of a building or structure with a ceiling height greater than 14 feet in height shall count as twice the square-footage of that area. Porches, patios, and breezeways with a solid roof, which are open on at least two sides and are not being used for parking, shall not count towards the floor area.

2. The prohibitions specified in Section 2 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. 3. **INTERIM CONTROL AREA.** The provisions of this ordinance shall apply to all single-family residentially zoned lots located in whole or in part within the Sunland-Tujunga Neighborhood Area 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 (Plan Area), as shown on the following map:

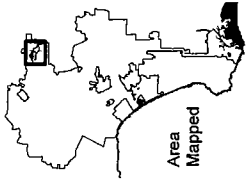
New Sunland-Tujunga Interim Control Ordinance (ICO)

CPC-2007-29886-ICO

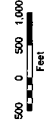
Single Family Zones

RA, RE40, RE15, RE11, RE9, RS, R1
City and Community Plan Area Boundaries

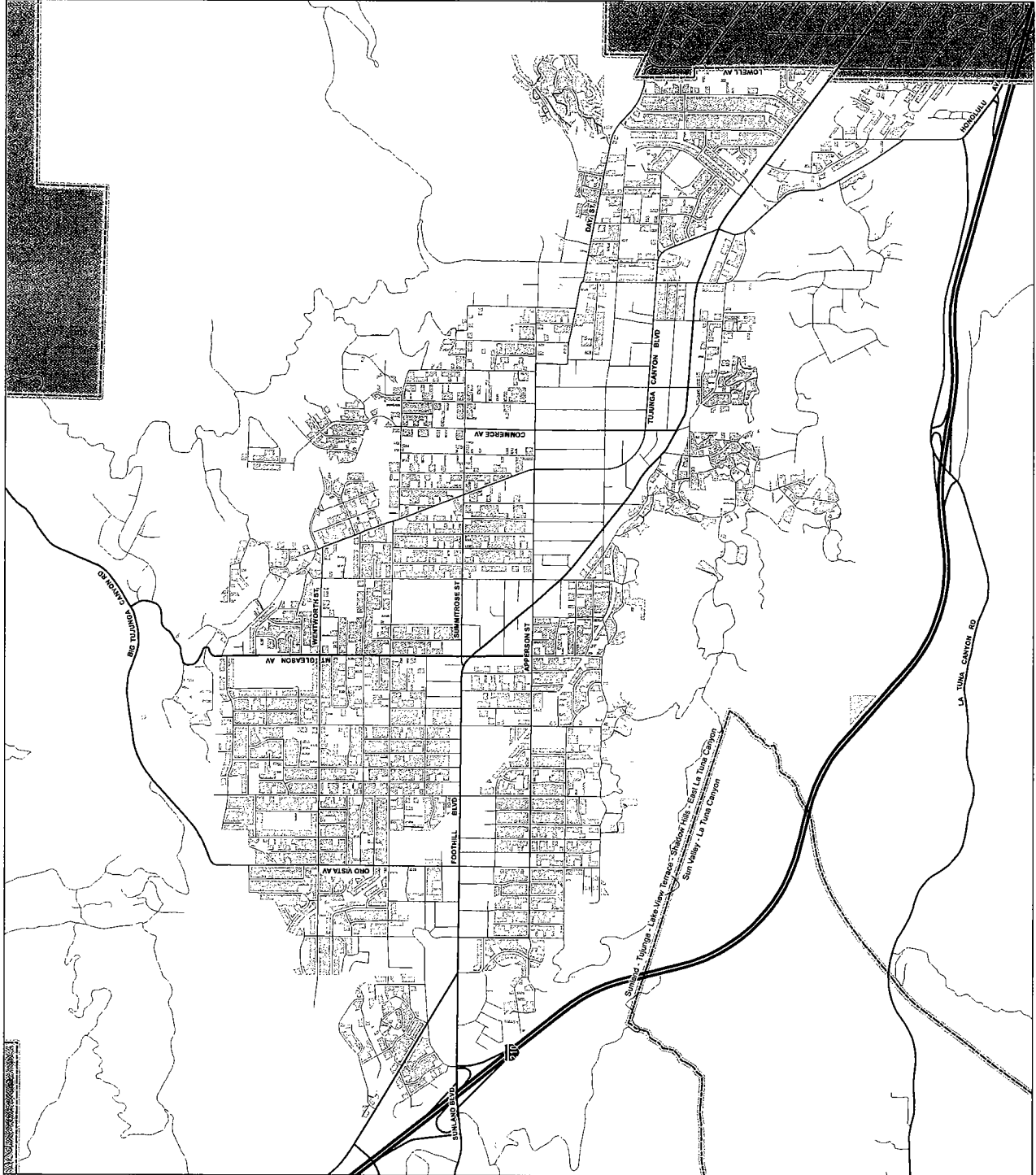
Transportation Network
Copyright (c) 2006 Thomas Brothers Maps, Inc.



Area
Mapped



Map Document: (C:\GIS\Work\Way\Sunland\SunlandICO11x11.dwg) 7/15/2007 - 12:05:43 PM



Sec. 4. **EXCEPTIONS.**

A. The prohibitions specified in Section 2 of this ordinance shall not apply to the issuance of any construction for which a building 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; or
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 2 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 the effective date of this ordinance;
2. All fees or guarantees for the payment of fees were accepted by the City on or before the effective date of this ordinance; and
3. 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.

Sec. 5. **EXTENSION OF REGULATIONS.** The City Council may, by resolution, extend the provisions of this ordinance for no more than one additional period of 180 days, for a total of 12 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 permanent regulations pertaining to scale and structural mass within the Plan 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. An application for hardship exemption shall be filed with the City Clerk on 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 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. 8. **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.

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: The Department of City Planning is currently proposing the Citywide Baseline Mansionization Ordinance, which would limit development on single-family residential zoned lots not located in hillside areas or coastal zones. However, the proposed Citywide ordinance does not prevent mansionization in the Sunland-Tujunga Neighborhood Area because of its unique characteristics and, as a result, the Sunland-Tujunga Neighborhood Area requires its own permanent solution. Additional interim measures are needed to regulate development in terms of scale and bulk in the Sunland-Tujunga Neighborhood Area to prevent the recent trend of developers demolishing small, single-story residential dwellings and constructing two to three times larger dwellings. The conditions that gave rise to the need for Ordinance No. 176,908 are still present in the community. Delaying the implementation of this ordinance could result in the continuation of the trend toward development that is inconsistent with the objectives of the General Plan, incompatible with the existing neighborhood, irreversible, and that will further negatively impact the quality of life in the community. For all these reasons, this interim control ordinance shall become effective upon publication pursuant to Los Angeles Charter Section 253.

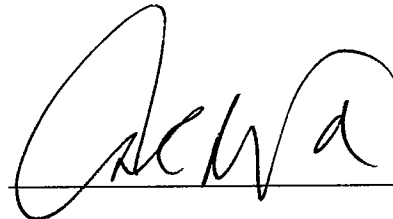
Sec. 10. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located 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 note less than three-fourths** of all its members, at its meeting of SEP 14 2007.

FRANK T. MARTINEZ, City Clerk

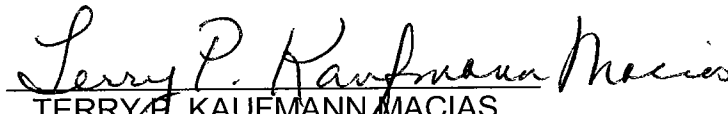
By 
Deputy

Approved SEP 19 2007


Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By 
TERRY P. KAUFMANN MACIAS
Deputy City Attorney

Date: SEP 12 2007

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

September 2, 2007

See attached report.


Gail Goldberg
Director of Planning

File No(s). CF 06-2840-S2; CPC 2007-2986-ICO