

LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300 www.lacity.org/PLN/index.htm

Determination Mailing Date: FEB 1 0 2005

City Council Room 395, City Hall CEQA: ENV-2004-7772-CE Location: Various Council District No. 2

Plan Area:

Sunland-Tununga-Shadow Hills-

Lakeview Terrace-East La Tuna

Canyon

Request:

Proposed Interim Control

Ordinance

CITY PLAN CASE NO. 2004-7771-ICO

Applicant: City of Los Angeles

At its meeting of January 27, 2005, the following action was taken by the City Planning Commission:

Adopted the attached staff report and findings as its report and findings:

<u>APPROVED</u> the proposed Interim Control Ordinance (ICO) to temporarily prohibit the issuance of certain building permits within the Sunland-Tujunga-Shadow Hills-Lakeview Terrace-East La Tuna Canyon Community Plan for all properties bounded by Lowell Avenue and the Los Angeles City limit on the east, the Foothill Freeway on the southwest, the eastern edge of the Big Tujunga Wash on the northwest and the Los Angeles City limit on the north as shown on the boundary map included in the attached (Exhibit C).

<u>APPROVED and RECOMMENDED</u> that the <u>City Council adopt</u> the attached Interim Control Ordinance (ICO). (Exhibit A).

<u>APPROVED and RECOMMENDED</u> that the <u>City Council adopt</u> Categorical Exemption No. ENV-2004-7772-CE. (Exhibit B)

<u>APPROVED and RECOMMENDED</u> that the City Council approve one new position for a City Planning Associate to undertake the review and updating of the Sunland-Tujunga Community Plan and the Foothill Specific Plan.

Fiscal Impact Statement: Recovery of the City administrative cost has been waived.

This action was taken by the following vote:

Moved:

Chang

5-0

Seconded:

Mahdesian

Ayes: Absent: Burg, Cline, George

Vote:

Atkinson, Cardenas, Mindlin, Schiff

Gabriele Williams, Commission Executive Assistant II

City Planning Commission

Attachments: Staff recommendation w/Findings, Draft ICO Ordinance (Exhibit A), ENV-2004-7772-CE (Exhibit B) and ICO Boundary Map (Exhibit C)

LOS ANGELES CITY PLANNING DEPARTMENT STAFF REPORT TO THE CITY PLANNING COMMISSION

COMMISSION MEETING:

DATE: January 27, 2005

TIME: After 8:30 A.M.*
PLACE: Braude Constituent Center

6262 Van Nuvs Boulevard

1st Floor, Public Meeting Room 1A

Van Nuys, CA 91406

CASE NO. CPC-2004-7771-ICO

CEQA: ENV-2004-7772-CE Council District: 2

Plan Area: Sunland - Tujunga - Shadow Hills - Lakeview

Terrace - East La Tuna Canyon

Plan Land Use: Low

Zone: R1

Public Hearing Required

SUBJECT/REQUEST: An Interim Control Ordinance (ICO) to temporarily prohibit the issuance of certain building permits within

the Sunland - Tujunga -Shadow Hills - Lakeview Terrace - East La Tuna Canyon Community Plan.

LOCATION: All properties bounded by Lowell Avenue and the Los Angeles' city limit on the east, the Foothill

Freeway on the southwest, the eastern edge of the Big Tujunga Wash on the northwest and the Los Angeles' city limit on the north, as shown on the map included in the attached Exhibit "A".

Applicant: City Council Initiated

RECOMMENDATION:

1. Adopt the staff report and the findings as the City Planning Commission's report and findings;

2. Adopt the Categorical Exemption No. ENV 2004-7772-CE (Exhibit "B"); and

3. Approve and Recommend that the City Council approve the Interim Control Ordinance (Exhibit "A").

4. Approve and Recommend that the City Council approve one new position for a City Planning Associate to undertake the review and updating of the Sunland-Tujunga Community Plan and the Foothill Specific Plan.

CON HOWE Director of Planning

APPROVED BY:

PREPARED BY:

PREPARED BY:

Daniel M. Scott

Senior City Planner

M. Susan Whisnant

City Planning Assistant

Anna M. Vidal

City Planning Associate

ATTACHMENTS:

EXHIBITS

"A" - Proposed Interim Control Ordinance

"B" - Categorical Exemption No. ENV 2004-7772-CE

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 communications may be mailed to the Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012 (Phone 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the 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 A ct, 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 its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later

STAFF REPORT

REQUEST

On October 8, 2004, the City Council adopted a motion instructing the City Attorney and the Department of City Planning, to prepare an Interim Control Ordinance (ICO) to prohibit the issuance of certain building permits within the Sunland - Tujunga area of the Sunland - Tujunga - Shadow Hills - Lakeview Terrace - East La Tuna Canyon Community Plan. The Sunland - Tujunga area is bounded by Lowell Avenue and the limit of the City of Los Angeles on the east, the Foothill Freeway on the southwest, the eastern edge of the Big Tujunga Wash on the northwest and the limit of the City of Los Angeles on the north.

DISCUSSION

Early subdivisions in Sunland - Tujunga created small, narrow residential lots of differing sizes. Other lots, although larger, were created with insufficient access. Residential structures were built on these lots for part time use—they were never intended to be full time residences—and most contained less than 1,000 square feet of living space. Some residences have no garages, while others have narrow, single car garages that are unusable for today's vehicles.

Land prices in the Sunland - Tujunga area are among the most affordable in the City of Los Angeles. Accordingly, for the past two years, developers have been buying small, narrow R1 lots in this area, tearing down the original, small houses and replacing them with large, box-like structures. Such structures are built out to all four setback lines and contain two full stories. They frequently amount to little more than four slab walls and a roof. Such mansionization is intensifying development unreasonably, and it is depriving the Sunland - Tujunga area of its inherent charm. Interim measures are needed to prevent irreversible and incompatible development that would be inconsistent with the character of the neighborhood.

PROPOSAL

Staff proposes an Interim Control Ordinance to be in effect for 365 days, with two possible 180 day extensions. The ICO includes certain exceptions, which would permit construction or demolition in compliance with a Department of Building and Safety order; rebuilding of structural damage as a result of fire or natural disaster; and the granting of a hardship exemption by the City Council, if warranted.

The Interim Control Ordinance shall apply to applications for building permits for R1 lots in the Sunland - Tujunga area that are equal to or less than 8,000 square feet, unless the plans for such structures conform to the following standards:

- 1. The ratio of the floor area of all structures on a Lot to the area of the Lot (Floor Area Ratio or F.A.R.) shall be equal to or less than 0.4:1. Notwithstanding the foregoing F.A.R. limitation, the floor area of all structures on a Lot need not be less than 2,400 square feet;
- Structures on Lots shall not exceed two stories in height.

The motion initiating this Interim Control Ordinance proposed a third standard:

In order to avoid the creation of slab-like walls facing public and private streets on Lots, such walls shall be articulated so that two or more substantial, parallel portions of an elevation view facing a public or private street shall be offset from each other by not less than 10 feet. A "substantial portion of an elevation view" shall mean a portion of the elevation view that is not less than 20% of such elevation view.

Due to the size of the Interim Control Ordinance area, and due to the increased work load for the Planning Department staff that would result from insuring that applicants adhere to this proposed third standard, it is recommended that this standard not be included in the Interim Control Ordinance.

STAFFING

In order for the Department of City Planning to undertake the appropriate studies to update the Sunland - Tujunga - Shadow Hills - Lake View Terrace - East La Tuna Canyon Community Plan and the Foothill Boulevard Specific Plan to permanently prohibit the issuance of building permits for structures on lots unless the plans conform to the standards outlined in the Interim Control Ordinance, an additional City Planning Associate is needed. It is therefore recommended that the City Council approve one new City Planning Associate position.

CONCLUSION

The proposed ordinance; which is a temporary measure to control over-development until a permanent ordinance has been established, will prevent irreversible and incompatible development that would be inconsistent with the character of the neighborhood. It directs the Department of City Planning to undertake appropriate studies to update the Sunland - Tujunga - Shadow Hills - Lake View Terrace - East La Tuna Canyon Community Plan and the Foothill Boulevard Corridor Specific Plan to permanently address the land use issues that prompted the need for the Interim Control Ordinance.

SUMMARY AND RECOMMENDATIONS

ACTIONS RECOMMENDED BY STAFF:

ADOPT the Staff Report and Findings as the Commission's Report;

<u>APPROVE</u> the draft Interim Control Ordinance (ICO), to prohibit the issuance of building permits within Sunland-Tujunga area; and

ADOPT the following findings:

- 1. Geographical Area: The ICO area includes all properties within the area bounded by Lowell Avenue and the limit of the City of Los Angeles on the east, the Foothill Freeway on the southwest, the eastern edge of the Big Tujunga Wash on the northwest and the limit of the City of Los Angeles on the north.
- 2. City Charter Section 556. The subject ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan in that it would protect and preserve well maintained residential neighborhoods of single family dwellings from over development. The Sunland Tujunga Shadow Hills Lakeview Terrace East La Tuna Canyon Community Plan designates the subject properties for Low Residential with corresponding zones of RE9, RS, and R1 (which require lot sizes of approximately 5,000 to 9,000 square feet). The proposed ICO by prohibiting certain new building permits would preserve these large lots from parcel map subdivision applications, until the land use designation changes to the Sunland Tujunga Shadow Hills Lakeview Terrace East La Tuna Canyon Community Plan are completed. The proposed ordinance is also consistent with the following objectives and policies of the Citywide Framework Element of the General Plan:
 - Objective 3.5 Ensure that the character and scale of the stable single family residential neighborhood 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 setback and building scale.

The proposed ordinance is also in substantial conformance with the policies and objectives of the Sunland - Tujunga - Shadow Hills - Lakeview Terrace - East La Tuna Canyon Community Plan, which proposes that the low density residential character of the community be preserved. Further, the plan seeks to encourage the preservation and enhancement of the varied and distinctive residential character of the community.

3. City Charter Section 558(b)(2). The proposed ordinance is related to the General Plan, and other plans being prepared by the Department of City Planning in that it would limit the adverse impact of development incompatible with the intent and provisions of the Sunland - Tujunga - Shadow Hills - Lakeview Terrace - East La Tuna Canyon Community Plan to preserve low-density, single-family areas and to preserve and enhance the varied and distinct residential character and integrity of existing single-family neighborhoods. The subject ordinance would prohibit building permits for certain new residential uses and thus prevent over development in the residential areas designated as Low Residential, until land use changes to the Sunland - Tujunga - Shadow Hills - Lakeview Terrace - East La Tuna Canyon Community Plan are completed.

- 4. City Charter Section 558 (b)(2). The subject ordinance is in conformity with the public necessity, convenience, general welfare, and good zoning practice in that it will protect the community from potentially irreversible adverse impacts to a well-maintained, stable residential neighborhood from incompatible over development, which degrades the original character of the community.
- 5. City Charter Section 253. The proposed ordinance contains an Urgency Clause making it effective upon publication, for the immediate protection of the public peace, health, and safety. Delaying the implementation of this ordinance could result in an increase in incompatible development that would be inconsistent with the objectives of the Sunland Tujunga Shadow Hills Lakeview Terrace East La Tuna Canyon Community Plan and the quality of life in the community. Therefore, the immediate implementation of the proposed ordinance is needed to protect the health and safety of the citizens by improving the physical environment by temporarily prohibiting residential development that would degrade stable neighborhoods and the quality of life of the community.
- 6. California Environmental Quality Act (CEQA). The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) of 1970, pursuant to Article 11, Section 3 (m) of the City of Los Angeles CEQA Guidelines in that it is only a temporary measure to prohibit the issuance of certain building permits until a land use change study is completed for the Sunland Tujunga -Shadow Hills Lakeview Terrace East La Tuna Canyon Community Plan.

0	R	D	N	A١	ICE	1	VC),	
---	---	---	---	----	-----	---	----	----	--

An ordinance imposing interim regulations for the issuance of certain building permits for residential structures on R1 lots equal or less than 8,000 square feet within the Sunland - Tujunga area of the Sunland - Tujunga - Shadow Hills - Lakeview Terrace - East La Tuna Canyon Community Plan that is bounded by Lowell Avenue and the Los Angeles' city limit on the east, the Foothill Freeway on the southwest, the eastern edge of the Big Tujunga Wash on the northwest and the Los Angeles' city limit on the north.

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

WHEREAS, the proposed Interim Control Ordinance (ICO) area is located within the boundaries of the Sunland - Tujunga - Shadow Hills - Lakeview Terrace - East La Tuna Canyon Community Plan, adopted on November 18, 1997, and includes areas covered by the Foothill Boulevard Corridor Specific Plan, adopted September 6, 1995 and the San Gabriel/Verdugo Mountains Scenic Corridor Specific Plan, adopted December 19, 2003; and

WHEREAS, many residential structures in the communities of Sunland and Tujunga were built a century ago, primarily as weekend and vacation homes in areas with unique scenic and clean air qualities that were within easy reach of urban Los Angeles; and

WHEREAS, the structures were built for part time use and were never intended to be full time residences and were on small, narrow, and frequently uneven residential lots, or on larger lots with insufficient access; and

WHEREAS, today, land prices in the Sunland-Tujunga area are among the most affordable in the City of Los Angeles so that for the past two years, developers have been buying small, narrow R1 lots in the area, tearing down the original, small houses and replacing them with large, box-like structures; and

WHEREAS, such mansionization is intensifying development unreasonably, and is depriving the Sunland - Tujunga area of its inherent charm; and

WHEREAS, the community is trying to maintain the original character of the neighborhood; and

WHEREAS, Staff is currently studying the appropriate land use changes for the Community Plan, which may take at least a year to be adopted by the City Council, and

WHEREAS, interim measures are needed to protect the community from development that is inconsistent with the intent of the General Plan to ensure that the character and scale of stable single family residential neighborhoods are maintained,

NOW THEREFORE,

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

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

Project. The construction of any building or structure, or portion thereof, on a lot located in whole or in part within the area identified in Section 3 of this Ordinance, unless the plans for such buildings or structures conform to the following standards:

- 1. The ratio of the floor area of all structures on a Lot to the area of the Lot (Floor Area Ratio or F.A.R.) shall be equal to or less than 0.4:1. Notwithstanding the foregoing F.A.R. limitation, the floor area of all structures on a Lot need not be less than 2,400 square feet.
- 2. Structures on Lots shall not exceed two stories in height.

Section 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, with two possible 180 day extensions, or until the Sunland - Tujunga - Shadow Hills - Lakeview Terrace - East La Tuna Canyon Community Plan is amended, whichever comes first, no building permit shall be issued for the construction of any new residential uses as defined above.

Section. 3. INTERIM CONTROL AREA. The provisions of this ordinance shall apply to all properties located in whole or in part along the area bounded by Lowell Avenue and the limit of the City of Los Angeles on the east, the Foothill Freeway on the southwest, the eastern edge of the Big Tujunga Wash on the northwest and the limit limit of the City of Los Angeles on the north, as set forth on the attached map.

Section 4. EXCEPTIONS. The prohibition specified in Section 2 of this Ordinance shall not apply to the issuance of any building permit for the following:

- In order to comply with an order issued by the Department of Building and Safety to repair, remove, or demolish an unsafe building 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; or
- If plans sufficient for a complete plan check were accepted by the Department of Building and Safety and a fee was paid, as per Section 12.26.A.3 of the Los Angeles Municipal Code, prior

- to January 27, 2005, and all Project fees or guarantees for the payment of fees were accepted by the City; and
- 4. If no subsequent changes are made to those plans which increase or decrease the height, 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 that the plan check fee was paid.
- Section 5. EXTENSION OF REGULATIONS. The City Council may, by Resolution, extend the provisions of this Ordinance for two additional 180 day periods not to exceed 365 days, 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.
- Section 6. HARDSHIP EXEMPTIONS. The City Council, acting in its legislative capacity and by Resolution, may 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.
- Section 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.
- Section 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.
- Section. 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 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 to the extent that it has a degrading effect upon the neighborhood, and would prevent potentially irreversible development to occur which would create adverse impacts on the community.

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 community. Therefore, the immediate implementation of the subject ordinance is needed, and it shall become effective upon publication pursuant to Section 253 of the Los Angeles Charter.

Section 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.

N:\COMMPLAN\VALLEY\SUNLAND\Sunland ICO\SunlandICOdraft.wpd

COUNTY CLERK'S USE

CITY OF LOS ANGELES

CITY CLERK'S USE

OFFICE OF THE CITY CLERK **ROOM 395, CITY HALL** LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(Article III, Section 3—City CEQA Guidelines)

Submission of this form is optional. The form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA90650, pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.										
LEAD CITY AGEN City of Los An	COUNCIL DISTRICT 2									
PROJECT TITLE		FERENCE 004-7772-CE								

PROJECT LOCATION

See attached.

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:

See attached.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:

* City of Los Angeles, Department of City Planning

CONTACT PERSON AREA CODE | TELEPHONE NUMBER I EXT. Anna M. Vidal *****374-5043

EXEMPT STATUS: (Check One)

CITY CEQA **GUIDELINES**

STATE EIR **GUIDELINE**

MINISTERIAL a

Art. III, Sec. 2b

Sec. 15268

DECLARED EMERGENCY

Art. III, Sec. 2a (1)

Sec. 15269

EMERGENCY PROJECT

Art, III, Sec. 2a (2) & (3)

Sec. 15269

✓ GENERAL EXEMPTION

Art. III, Sec. 1

Sec. 15061 (b) (3)

CATEGORICAL EXEMPTION

Art. III, Sec. 1

Sec. 15300 et seq.

Class Category

(City CEQA Guidelines)

(See Public Resources Code Sec. 21080 (b) and set forth state and city guideline provision. OTHER

JUSTIFICATION FOR PROJECT EXEMPTION:

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.

SIGNATURE

TITLE

None

City Planning Associate

FEE:

None

RECEIPT NO.

REC'D. BY

<u>Anna M. Vidal</u>

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record Form Gen. 183 (Rev. 8-90) (Appendix A) (C.S. 4/98) (P.C. 5/02)

THE APPLICANT CERTIFIES THAT HE OR SHE UNDERSTANDS THE FOLLOWING:

Completion of this form by an employee of the City constitutes only a staff recommendation that an exemption from CEQA be granted. A Notice of Exemption is only effective if, after a public review and any required public hearings, it is adopted by the City agency having final jurisdiction (including any appeals) over the project application. If a CEQA exemption is found inappropriate, preparation of a Negative Declaration or Environmental Impact Report will be required. IF THE INFORMATION SUBMITTED BY THE APPLICANT IS INCORRECT OR INCOMPLETE SUCH ERROR OR OMISSION COULD INVALIDATE ANY CITY ACTIONS ON THE PROJECT, INCLUDING CEQA FINDINGS.

Anna M. Vidal

NAME (PRINTED)

CPC-2004-7771-ICO

Sunland-Tujunga Interim Control Ordinance (ICO)

CASE NUMBER: ENV-2004-7772-CE

PROJECT LOCATION: All properties bounded by Lowell Avenue and the Los Angeles' city limit on the east, the Foothill Freeway on the southwest, the eastern edge of the Big Tujunga Wash on the northwest and the Los Angeles' city limit on the north (Regulated Area).

EXEMPT STATUS: Article 11, Section 3 (m)

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: An Interim Control Ordinance (ICO) to temporarily prohibit the issuance of certain building permits within the Regulated Area in the Sunland - Tujunga - Shadow Hills - Lakeview . Terrace - East La Tuna Canyon Community Plan area.

JUSTIFICATION FROM PROJECT EXEMPTION: Temporary measure to prohibit the issuance of certain building permits until a land use change study is completed for the Sunland - Tujunga - Shadow Hills - Lakeview Terrace - East La Tuna Canyon Community Plan.

N:\COMMPLAN\VALLEY\SUNLAND\Sunland ICO\STCOCE.wpd

