Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 21, 2016

TO: Stephanie Pincetl, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Mitch Glaser, AICP, Assistant Administrator
Current Planning Division

ADVANCE PLANNING CASE NO. RPPL2016001716-(1-5) – ACCESS REQUIREMENTS ORDINANCE – RPC MEETING: MAY 4, 2016 – AGENDA ITEM: 8

At your meeting on May 4, 2016, I will provide your Commission with an overview of a proposed ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code to establish access requirements ("Access Requirements Ordinance") and will recommend that your Commission take action to initiate its preparation.

BACKGROUND

Neither Title 22 nor Title 26 (Building) of the Los Angeles County Code currently require proof of physical and legal access prior to the issuance of zoning approvals and building permits. This limits the County's ability to respond to constituent concerns about new development on "landlocked" parcels that do not directly adjoin, and take access from, a publicly dedicated right-of-way.

In December 2014, the Department of Public Works initiated collaborative discussions with this Department and the Office of County Counsel regarding "landlocked" parcels and access requirements. These discussions led to a consensus position that it would be preferable for the County Code to require proof of physical and legal access prior to the issuance of zoning approvals and building permits in a manner similar to provisions in the San Bernardino County Code.

This Department conducted a Geographic Information System (GIS) analysis to determine the number and location of potentially "landlocked" parcels that would be affected by the potential Access Requirements Ordinance. This information is provided below and has also been entered into a web-based GIS application that will be shown to

your Commission and made available to the public for outreach purposes if your Commission takes the recommended action.

A total of 53,264 parcels could be affected by the potential Access Requirements Ordinance. Most of these parcels are located in rural unincorporated areas, such as portions of the Santa Monica Mountains, Santa Clarita Valley, and Antelope Valley planning areas. However, some of these parcels are located in urban unincorporated areas. The following is a breakdown by Supervisorial District:

District	Parcels
1	420
2	200
3	2,386
4	440
5	49,818

The aforementioned County departments provided a briefing to the Board of Supervisors' Planning Deputies on March 28, 2016. The Planning Deputies were advised that staff's goal is to bring similar amendments to Title 22 and Title 26 to the Board of Supervisors for consideration at a public hearing in the autumn of 2016.

PROPOSED AMENDMENT

The latest draft of the Access Requirements Ordinance is attached. However, as a working draft, it will continue to be refined if your Commission takes the recommended action. The latest draft includes the following components:

- Addition of definitions for "legal access" and "physical access" to Section 22.08.020-A;
- Addition of a new Part 31 to Chapter 22.52 (General Regulations) concerning access requirements;
- Within Part 31, an applicability section that requires proof of legal and physical access for most types of development that require zoning approvals and/or building permits, including new structures, additions to existing structures, and repair or reconstruction of existing structures;
- Within Part 31, a description of the proof of legal and physical that an applicant would need to submit; and
- Within Part 31, an ability for the Director to waive proof of legal access for certain types of development under limited, well-defined circumstances.

Since the Access Requirements Ordinance does not change the allowable uses and development standards prescribed by Title 22, staff anticipates that it will be found exempt from the California Environmental Quality Act (CEQA). However, a more in-depth CEQA analysis will occur if your Commission takes the recommended action.

STAFF RECOMMENDATION

Based on the foregoing, staff recommends that your Commission:

- Instruct this Department to prepare an ordinance amending Title 22 to establish access requirements;
- Instruct this Department to continue to coordinate with other County departments, including but not limited to the Department of Public Works, the Fire Department, and the Office of County Counsel, with regard to this effort;
- Instruct the Department to notify all individuals and organizations identified on its courtesy mailing lists when the ordinance is scheduled for a public hearing before your Commission.

NEXT STEPS

Pursuant to your Commission's direction, staff will prepare the ordinance, CEQA analysis, and staff report to your Commission. Staff will schedule the public hearing before your Commission at a future date and will send public notice in accordance with the County Code and your Commission's direction.

If you need further information, please contact me at (213) 974-4971 or mglaser@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6 p.m. This Department is closed on Fridays.

SUGGESTED MOTION

I MOVE THAT THE REGIONAL PLANNING COMMISSION INSTRUCT THE DEPARTMENT OF REGIONAL PALNNING TO:

1. PREPARE AN ORDINANCE AMENDING TITLE 22 OF THE LOS ANGELES COUNTY CODE TO ESTABLISH ACCESS REQUIREMENTS.

2. CONTINUE TO COLLABORATE WITH OTHER COUNTY DEPARTMENTS, INCLUDING BUT NOT LIMITED TO THE DEPARTMENT OF PUBLIC WORKS, THE FIRE DEPARTMENT, AND THE OFFICE OF COUNTY COUNSEL, WITH REGARD TO THIS EFFORT.

3. NOTIFY ALL INDIVIDUALS AND ORGANIZATIONS IDENTIFIED ON ITS COURTESY MAILING LISTS WHEN THE ORDINANCE IS SCHEDULED FOR A PUBLIC HEARING BEFORE THIS COMMISSION.

MWG:mwg

Attachment

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to the addition of regulations concerning access requirements.

SECTION 1. Section 22.08.010-A is hereby amended to read as follows:

...

-- "Access, legal" means the legal right to use a certain course of travel to access a lot or parcel of land from the nearest publicly dedicated right-of-way.

-- "Access, physical" means a course of travel that is used to access a lot or parcel of land from the nearest publicly dedicated right-of-way.

...

SECTION 2. Part 31 of Chapter 22.52 is hereby added to read as follows:

PART 31

ACCESS REQUIREMENTS

22.52.3400 Purpose

22.52.3410 Applicability

22.52.3420 Proof of Access

22.52.3430 Waiver

22.52.3400 Purpose

The purpose of this Part 31 is to ensure safe and orderly development through the provision of adequate physical access and legal access to each lot or parcel of land.

22.52.3410 Applicability

The provisions of this Part 31 shall apply to any of the following actions pertaining to a lot or parcel of land that does not directly adjoin and take physical access from a highway as defined in Section 16.04.100 of the Los Angeles County Code:

A. Establishment of a new land use, building, structure, or grading, including but not limited to establishment of a new single-family home, agricultural use, or water well;

B. Additions or alterations to an existing building or structure that was legally permitted;

C. Repair or reconstruction of an existing building or structure that was legally permitted, including but not limited to repair or reconstruction after a fire or natural disaster;

D. Permit issuance for an existing building or structure that was not legally permitted, including but not limited to an existing building or structure that is the subject of a code enforcement action by the Department of Regional Planning and/or the Department of Public Works;

E. Authorization of an existing land use that was legally permitted but requires a new zoning permit listed in Chapter 22.56, including but not limited to an existing land use with an expired Conditional Use Permit; and

F. Clearance of conditions related to proof of physical and legal access that are noted in any Conditional Certificate of Compliance recorded in the chain-of-title of the subject lot or parcel of land.

22.52.3420 Proof of Access

Prior to the issuance of a grading permit, building permit, zoning conformance review, site plan review, or any zoning permit listed in Chapter 22.56, the applicant shall provide the following to the satisfaction of the Director:

A. Proof of physical access, as defined by Section 22.08.010, that complies with all applicable Fire Department regulations. Proof shall consist of a signed and

sealed letter from a civil engineer authorized pursuant to Section 8731 of the California Business and Professions or a licensed surveyor certifying that physical access is established; and

B. Proof of legal access, as defined by Section 22.08.010, that is conterminous with the physical access required by subsection A, as substantiated by a land survey. Proof shall consist of the following:

1. A right of access, including but not limited to prescriptive easement rights established by a final judgment rendered by a court of competent jurisdiction, in which the access is sufficiently described by metes and bounds or other descriptive means so that such description can be plotted on local surveying maps or engineering maps and located on the ground by a land survey; or

2. A recorded document affirmed by a land title company in a Preliminary Title Report and/or Policy of Title Insurance, including but not limited to a Deed of Easement or a Grant Deed with Reservation for an Easement, in which the access is sufficiently described by metes and bounds or other descriptive means so that such description can be plotted on local surveying maps or engineering maps and located on the ground by a land survey.

C. Evidence that a particular course of travel has been continuously used shall not be sufficient to establish legal access for the purposes of this section.

D. For the purposes of this section, where an applicant provides proof of legal access pursuant to subsection B, such proof shall be sufficient to establish legal access by any means, including but not limited to vehicular and pedestrian means, and of any intensity, including but not limited to intensities associated with residential,

commercial, and agricultural uses, unless the judgment or recorded document expressly limits the access described therein.

22.52.3430 Waiver

The Director may waive the proof of legal access required by Section 22.52.3420.B when the property owners submits written proof that a land title searcher has completed an access easement search for the subject lot or parcel of land and found nothing, subject to the following conditions:

A. The subject lot or parcel of land was legally created and the property owner has provided proof of physical access as required by Section 22.52.3420.A;

B. The requested action is not:

1. Establishment of a new land use, building, or structure, including but not limited to establishment of a new single-family home, agricultural use, or water well; or

2. An addition or alteration to an existing building or structure that increases the gross floor area of the building or structure by more than 50%; or

3. Clearance of conditions related to proof of physical and legal access that are noted in any Conditional Certificate of Compliance recorded in the chain-of-title of the subject lot or parcel of land; and

C. The property owner records a covenant and agreement in the Office of the Department of Registrar Recorder which includes the following:

1. The property owner's representation that he or she has a right to physical access;

2. The property owner's acknowledgement that proof of legal access has not been provided to the County's satisfaction;

3. The property owner's agreement to disclose to any subsequent owners that proof of legal access has not been provided to the County's satisfaction in the form of a notice that legal access has not been proven, which is recorded in the chain-of-title of the subject property; and

4. The property owner's agreement to relieve the County and all officers and employees thereof of any liability for any damage or loss that may result from the issuance of the waiver. This agreement shall provide that it is binding on all successors in interest of the owner and shall continue in effect until proof of legal access is provided pursuant to the provisions of this Part 31.