



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6443

PROJECT NUMBER R2007-03167-(5)
CONDITIONAL USE PERMIT NUMBER 200800183

PUBLIC HEARING DATE
 1/19/2010

AGENDA ITEM
 7

RPC CONSENT DATE

CONTINUE TO

APPLICANT
 George Wong

OWNER
 George Wong

REPRESENTATIVE
 King Woods

PROJECT DESCRIPTION

The proposed project includes the addition of a two bedroom second unit with two uncovered parking spaces and the addition of a 312 square foot two space covered garage.

REQUIRED ENTITLEMENTS

Conditional Use Permit: to allow for construction of a second unit dwelling unit and modification of the rear yard setback requirement in the Altadena Community Standards District.

LOCATION/ADDRESS

1207 Morada Place, Altadena

SITE DESCRIPTION

The site plan depicts a 2,225 square foot single family residence on the south portion of the property and a proposed 1,199 square foot second unit with two uncovered parking spaces adjacent to the second unit and a newly constructed enclosed two parking space garage.

ACCESS

Drive-way off of Morada Place

ZONED DISTRICT

Altadena

ASSESSORS PARCEL NUMBER

5847-013-016

COMMUNITY

Altadena

SIZE

0.38 Acres

COMMUNITY STANDARDS DISTRICT

Altadena

	EXISTING LAND USE	EXISTING ZONING
Project Site	Single-family residence	R-1-7500 (Single-family residential - 7,500 square foot minimum lot size)
North	Single-family residential	R-1-7500 (Single-family residential - 7,500 square foot minimum lot size)
East	Single-family residential	R-1-7500 (Single-family residential - 7,500 square foot minimum lot size)
South	Single-family residential	R-1-7500 (Single-family residential - 7,500 square foot minimum lot size)
West	Single-family residential	R-1-7500 (Single-family residential - 7,500 square foot minimum lot size)

GENERAL PLAN/COMMUNITY PLAN
 Altadena Community Plan

LAND USE DESIGNATION
 Category 2 - Low Density (1 to 6 du/gross ac)

MAXIMUM DENSITY

ENVIRONMENTAL DETERMINATION

Class 3 Categorical Exemption- New Construction or Conversion of Small Structures

RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

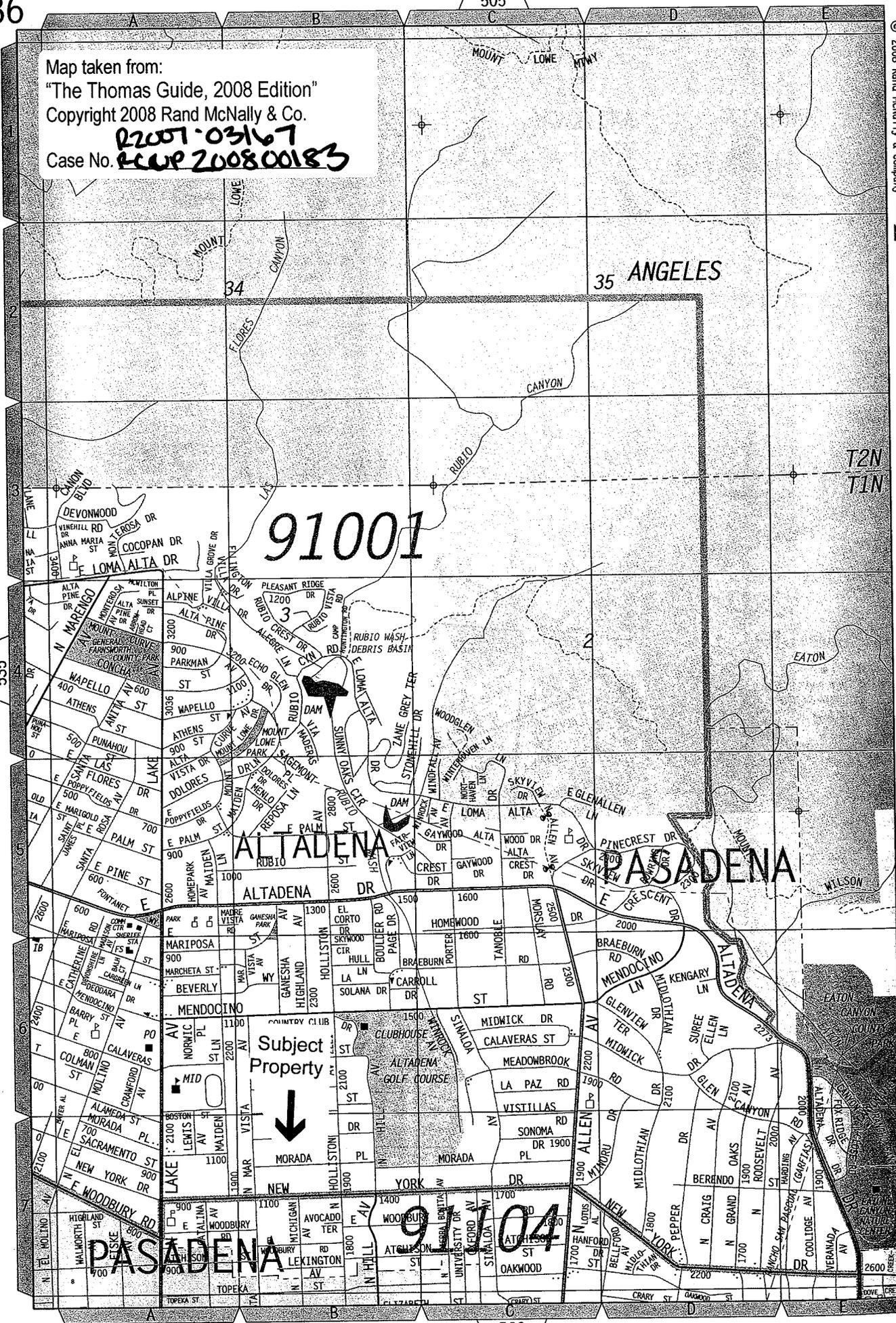
STAFF CONTACT PERSON: Anita Gutierrez		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

*(O) = Opponents (F) = In Favor

Map taken from:
 "The Thomas Guide, 2008 Edition"
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 Case No. **22001-03167**
PLUP 200800183

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SEE 535 MAP



0 .125 .25 .375 .5
 miles 1 in. = 1900 ft.

STAFF ANALYSIS
PROJECT NUMBER R2007-03167-(5)
CONDITIONAL USE PERMIT NUMBER 200800183

PROJECT DESCRIPTION

The proposed project includes the addition of a two bedroom second unit with two uncovered parking spaces and the addition of a two car covered garage. The second unit is located within the rear yard setback.

REQUIRED ENTITLEMENTS

Per Section 22.44.127 of the County Code, a conditional use permit is required to modify the rear yard setback requirements in the Altadena Community Standards District. The applicant is requesting conditional use permit to allow for reduction of 20 feet in the rear yard setback.

Per Section 22.56.1700 of the County Code the hearing officer may concurrently review and approve an application for a use subject to a director's review when a permit application is filed. In this case, the second dwelling unit would otherwise be a director's review without the request for rear yard setback modifications.

LOCATION

1207 Morada Place, Altadena

SITE PLAN DESCRIPTION

The site plan depicts a 2,225 square foot single family residence on the south portion of the property and a proposed 1,199 square foot second unit with two uncovered parking spaces adjacent to the second unit and a newly constructed enclosed two parking space garage (312 square feet).

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined that a Categorical Exemption, Class 3 Categorical Exemption- New Construction or Conversion of Small Structures, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PREVIOUS CASES/ZONING HISTORY

There are no previous cases on this property.

STAFF EVALUATION

Altadena Community Plan

The subject property is located within the Altadena Community Plan and has a land-use designation of Category 2 – Low density (1-6 du/gross acre), which corresponds to common suburban tract residential development. The purpose of this category is to maintain the existing single-family neighborhoods.

Zoning Ordinance and Development Standards Compliance

The subject property is located within the Altadena Community Standards District.

Altadena Community Standards District Development Standards

Section 22.44.127 Yard requirements

D. Zone Specific Development Standards for the R-1 Zone

- Front Yards. Each lot or parcel of land shall have a front yard of not less than 20 feet in depth.
- Interior Side Yards. Each lot or parcel of land shall have interior side yards of not less than five feet.
- Rear Yards. Each lot or parcel of land shall have a rear yard of not less than 25 feet in depth.

The proposed second unit is located 5 feet from the property line. The applicant is requesting a modification of the rear yard setback requirement of 25 feet.

Section 22.52.1750 County-Wide Development Standards for Second Units

A second unit shall be subject to the following development standards:

1. A second unit shall comply with the development standards for a single-family residence set forth in subsection A of Section 22.20.105, except for the width and floor area requirements of subsections A.3 and A.4 of that section;

This standard has been met.

2. Street Access. The lot or parcel of land on which the second unit is located shall take vehicular access from a street or highway with a right-of-way of at least 50 feet in width;

The subject property takes access from Morada Place, which is approximately 50 feet wide. The requirement has been met.

3. Parking for a second unit shall comply with the provisions of subsection E of Section 22.52.1180; a second unit with fewer than two bedrooms shall have one uncovered standard parking space. Additionally, each single-family residence is required to have two covered standard automobile parking spaces per dwelling unit.

A two car covered garage will be built to provide parking for the existing single-family dwelling. Two uncovered spaces will be located adjacent to the second unit to provide parking for the second unit. With the proposed development the requirement has been met.

4. Floor Area. The floor area requirements for a second unit shall be as follows:
 - a. The minimum floor area shall be 220 square feet; and
 - b. The maximum floor area shall be 1,200 square feet, for lots or parcels of land 10,000 square feet or larger in size;

The proposed second unit is 1,199 square feet. The standard has been met.

5. Height. The maximum height of a second unit shall be as follows:
 - a. In urban areas 17 feet for detached units; with the following exceptions: (1) Any portion of the structure that is set back more than 20 feet from the front property line may have an additional foot in height for every additional foot of setback, with a maximum of 35 feet in height; and (2) Any portion of the structure that is set back more than five feet from the side property line may have an additional foot in height for every additional foot of setback, with a maximum of 35 feet in height;

The proposed height for the second unit is 13 feet. The standard has been met.

6. Minimum Lot Size. The minimum size of a lot or parcel of land on which a second unit is developed shall be in urban areas, a net area of 5,000 square feet.

The subject property is 15,470 square feet (0.36 acres). The standard has been met.

7. Maximum Lot Coverage. In urban areas, the maximum lot coverage for all buildings shall be 40 percent;

Lot coverage is approximately 24% of the entire parcel. The standard has been met.

Neighborhood Impact/Land Use Compatibility

The surrounding neighborhood consists of single-family residences. The second dwelling unit would be compatible with the surrounding land uses. In regard to the rear yard setback modification, the applicant has provided building permits records that show three other residences directly adjacent to the applicants property that have an accessory structure built in the rear yard setback. Additionally, at least six other properties on the same block have some structure located within the rear yard setback.

The second dwelling unit and the reduced rear-yard setback would be compatible with the surrounding community and land-uses.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.52.17 of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

No other County departments were consulted.

PUBLIC COMMENTS

No public comments have been received.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

The proposed rear yard setback modification is consistent with other structures and setback in the surrounding neighborhood. The second dwelling unit is consistent with surrounding land uses and would provide additional housing for the family of the applicant.

Staff recommends approval of Project Number R2007-03167 and Conditional Use Permit Number 200800183 subject to the attached conditions.

Prepared by Anita Gutierrez

Reviewed by Mark Child, Supervising Regional Planner, Zoning Permits Section I

Attachments:

- Draft Conditions of Approval
- Applicant's Burden of Proof statement
- Environmental Document
- Site Photographs
- Site Plan
- Land Use Map

FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES

**PROJECT NUMBER R2007-03167-(5)
CONDITIONAL USE PERMIT NUMBER 200800183**

REQUEST:

The proposed project includes the addition of a two bedroom second unit with two uncovered parking spaces and the addition of a two car covered garage. The second unit is located within the rear yard setback.

HEARING DATE: January 19, 2010

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings

1. The subject property is located at 1207 Morada Place, Altadena
2. The proposed project includes the addition of a two bedroom second unit with two uncovered parking spaces and the addition of a two car covered garage. The second unit is located 20 feet within the rear yard setback.
3. The subject property is located within the Altadena Community Plan and has a land-use designation of Category 2 – Low density (1-6 du/gross acre), which corresponds to common suburban tract residential development. The purpose of this category is to maintain the existing single-family neighborhoods.
4. The subject property is located within the Altadena Community Standards District and the proposed second unit is located 5 feet from the property line. The applicant is requesting a modification of the rear yard setback requirement of 25 feet. With development as proposed on the Exhibit A, all other development standards have been met.
5. The surrounding neighborhood consists of single-family residences. The second dwelling unit would be compatible with the surrounding land uses. In regard to the rear yard setback modification, the applicant has provided building permits records that show three other residences directly adjacent to the applicants property that have an accessory structure built in the rear yard setback. Additionally, at least six other properties on the same block have some structure located within the rear yard setback. The second dwelling unit and the reduced rear-yard setback would be compatible with the surrounding community and land-uses.

6. The project requires a conditional use permit to modify the rear yard setback requirements in the Altadena Community Standards District, pursuant to Section 22.44.127 of the County Code. The applicant is requesting conditional use permit to allow for reduction of 20 feet in the rear yard setback.,
7. The applicant's request for a second unit was considered concurrently with the conditional use permit request. Per Section 22.56.1700 of the County Code the hearing officer may concurrently review and approve an application for a use subject to a director's review when a permit application is filed. In this case, the second dwelling unit would otherwise be a director's review without the request for rear yard setback modifications.
8. The proposed rear yard setback modification is consistent with other structures and setback in the surrounding neighborhood. The second dwelling unit is consistent with surrounding land uses and would provide additional housing for the family of the applicant.
9. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
10. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area when all conditions have been met;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;
- C. The proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as otherwise required in order to integrate said uses with the uses in the surrounding area;
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. I have considered the Class 3 Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit number 200800183 is approved subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

MC:ag
01/05/10

This grant authorizes the use of the subject property for the construction, operation and maintenance of an attached second unit with reduced rear-yard setback, as depicted on the approved Exhibit "A", subject to all of the following conditions of approval.

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and that the conditions have been recorded as required by Condition No. 7, and until all required fees have been paid. Notwithstanding the foregoing, this condition (No. 2), and Condition Nos. 3, 4 and 5 shall be effective immediately upon final approval of this grant by the County.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Section 2.170.010 of the Los Angeles County Code.

5. This grant shall expire unless used within 2 years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in such full compliance shall be a violation of these conditions.
9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
11. All existing structures without building permits depicted on approved Exhibit "A" shall be inspected and have building permits issued by the Department of Public Works, Building and Safety division prior to beginning any construction. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.
12. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of Los Angeles County to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
13. The subject facility shall be developed and maintained in compliance with requirements of Los Angeles County Department of Public Health. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.

14. If changes are required, within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of revised plans, similar to Exhibit "A" as presented at the public hearing, that depict all project changes required by these conditions of approval. Said Exhibit "A" shall indicate changes including the relocation of the swimming pool.
15. The permittee shall maintain all landscaping in a neat, clean and healthy condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.
16. During construction, the permittee and its contractor shall comply with Sections 12.12.010 – 12.12.100 of the Los Angeles County Code regarding building construction noise.
17. Limited outdoor storage during construction shall be permitted on the site in compliance with the requirements of Part 7 of Section 22.52 of the County Code.
18. Outdoor lighting shall be designed so as to direct light and glare only onto the second unit or single-family residence facility. Said lighting and glare shall be deflected, shaded and focused away from all adjoining property. Outdoor lighting shall not exceed an intensity of one foot-candle of light throughout the facility. Wherever feasible, lighting using motion sensors shall be installed.
19. A second unit may not be separately sold from the single-family residence on the same lot or parcel of land, but it may be a rental unit.
20. The applicant shall record in the office of the County Recorder, an agreement stating that the second unit applicant shall be an owner-occupant of the single-family residence that is located on the same lot or parcel of land. Thereafter, either the single-family residence or the second unit shall be owner-occupied in perpetuity. This effect as a covenant running with the land for the benefit of the county of Los Angeles, and the covenant shall also declare that any violation thereof shall be subject to the enforcement procedures of Part 6 of Chapter 22.60.

MC:AG
12/29/2009

CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

- 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or***
- 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity***

The subject parcel is a single family dwelling with a proposed second unit addition. It is located predominantly within a single to multi family housing in which many existing residence in this area have second dwelling unit. Proposed here is for a second dwelling unit observing reduced rear yard setback of 5 feet from the code required 25 feet. The applicant feels that the requested addition is a minor request and the proposed second dwelling would give the applicant an opportunity to utilize what was once a deteriorating guess house and now to be a second dwelling unit.

The proposed unit will have 919 sq. ft of floor area which includes two bedrooms, a living room, a bathroom, and a storage area. The two car garage will also be rebuilt with 316 sq. ft. of floor area. Both structures will architecturally and materially blend in the existing main dwelling.

Properties within this neighborhood are developed many years ago when many of the restricted ordinances were not in place. As a result, most of the adjacent properties of the proposed project have reduced rear yard setbacks and guess houses or assessorly building, in some cases, exceeded the minimum requirements as allowed by the County of Los Angeles. Therefore, the subject request will not be harmful to the adjacent properties and, in fact, is in conformance with the development of this neighborhood.

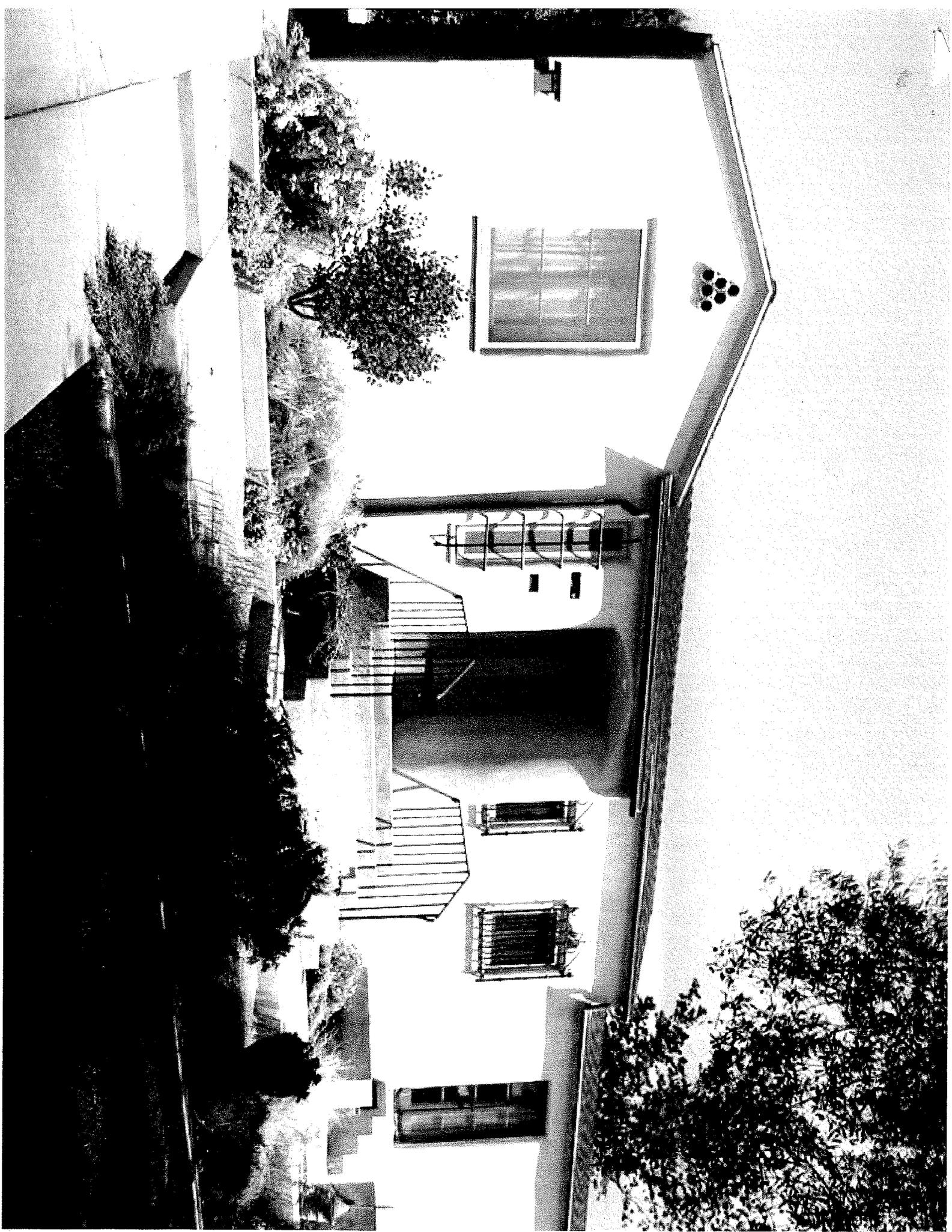
B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The subject parcel is approximately 16,870 sq. ft. in lot area and developed with a single family dwelling and a small guess house at a rear. The applicant is proposing to add a second dwelling in replace of the existing guess house which is structurally unsafe. This proposed unit will be beautifully design meeting building code requirements. Due to the location of the proposed structure, a minor modification of the rear yard setback of 5 ft in lieu of the required 25 feet and a reduced passageway of 6 feet between the new garage and the proposed unit is being requested. This minor request is not to be considered if approve as an example or be setting precedence within this neighborhood because as stated earlier, most residences in this area have minimum or lesser rear yard setback similar to the applicant's request.

C. That the proposed site is adequately served:

- 1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and***
- 2. By other public or private service facilities as are required.***

The subject site is adequately served by private service facilities and the local street Morada Place is well developed and improved to meet the demand of the proposed second dwelling. Also, there are many properties within this neighborhood that have second dwelling unit which therefore the requested addition will be compatible to existing uses in this area.









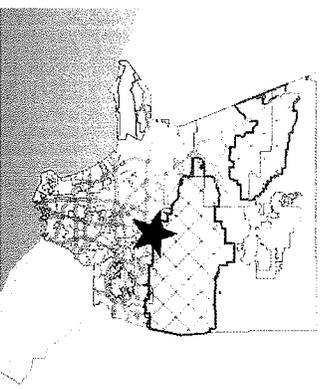
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Legend

- Parcel Boundary
- Highway
- Freeway
- Master Plan of Highways
 - Expressway - (E)
 - Interstate Highway - (I)
 - State Highway - (S)
 - Arterial Highway - (A)
 - Major Highway - (M)
 - Minor Highway - (M)
 - Secondary Highway - (S)
 - Local Highway - (L)
 - Local Access Road - (LAR)
 - Local Street - (LS)
- Railroad or Rapid Transit
- Rapid Transit
- Underground Rapid Transit
- Significant Right-of-Way
- Classic CSD Primary
- Classic CSD Secondary
- SMANNA Significant
- Census Tract (CDD)
- Assessor Map Book (AMB) Bay
- Zoning Index Map Grid
- Zoning Map Grid
- UTM Internal Page Grid
- UTM Internal Page Grid
- Very High Fire Hazard Severity
- Community Standards District (CSD)
- CSD Area Specific Boundary
- UTM Internal Page Grid
- Significant Ecological Area (SEA)
- Section Line
- UTM Internal Page Grid
- Transit Oriented District (TOD)
- Transit Oriented District (TOD)
- Supersession District Boundary
- State Related Stations (From TB)
 - Fire Station
 - Police Station
 - Ranger Station
 - Sheriff Station
- Zoning (Boundary)
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 - Zone A-2
 - Zone B-1
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- Landuse Policy (Not in Comm/ Area Plan)
 - 1 - Low Density Residential
 - 2 - Medium Density Residential
 - 3 - Medium Density Residential
 - 4 - High Density Residential
 - 5 - Major Commercial
 - 6 - Major Residential
 - 7 - Public and Semi-public Facilities
 - 8 - Rural Communities
 - 9 - Recreation
 - 10 - Transportation Corridor
 - 11 - Inland Waterbody
 - 12 - Perennial
 - 13 - Intermittent
 - 14 - Dry

Note: This is a static legend, which includes only a portion of layers. To view all layers, please use Display Map Legend tool on the top left side of screen.



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