

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Karen Simmons, Supervising Regional Planner
Ordinance Studies Section

**SUBJECT: AGENDA ITEM NO. 8
RADV T2009-00002-1(1-5)
AMENDMENT TO TITLE 22 (ZONING ORDINANCE) OF THE COUNTY CODE
TO CLARIFY THE SINGLE-FAMILY EXEMPTION TO THE LOT LINE
CONDITIONAL USE PERMIT REQUIREMENT WITHIN HILLSIDE
MANAGEMENT AND SIGNIFICANT ECOLOGICAL AREAS**

Background

On April 15, 2008, the Board of Supervisors (Board) adopted a motion that requested the Regional Planning Commission prepare and consider an amendment to the hillside management ordinance for the Boards' review and approval. Staff was instructed to clarify the requirements when a Conditional Use Permit (CUP) is required within Hillside Management (HM) and Significant Ecological Areas (SEA) when adjusting lot lines. A CUP shall be required for all lot line adjustments of two or more property lines between three or more contiguous parcels.

Current Provisions

Currently, the Zoning Ordinance requires a Conditional Use Permit for many construction and land division activities within HM and SEA areas. In 1998, the Board added the application for a "relocation of two or more lot lines between three or more contiguous parcels" to the list of activities that would require a CUP. Multiple lot line adjustments are often designed to increase the ability to develop within these highly sensitive areas by facilitating easier access to parcels or creating additional building sites. Therefore, lot line adjustments in HM and SEA areas should be reviewed carefully.

In order to minimize burdens on the single-family homeowner, the Board created a special exemption from the CUP requirement for individual property owners who are building their own residence on an existing lot. Section 22.56.215.C.3 states, "Individual single-family residences where not more than one such residence is proposed to be built by the same person on contiguous lots or parcels of land." The way this exemption was written, however, allows developers to set up different Limited Liability Corporations for each property they own. This allows corporations to hide their ownership interests in large tracts of land and qualify for an exemption to the CUP requirement. The single-owner exemption was not intended to allow situations where multiple property owners are working together to use the lot line adjustment procedure to increase the development potential of highly sensitive areas.

Proposed Draft Ordinance Amendment

Revising the exemption can protect individual property owners of single lots, while not allowing the exemption to be used incorrectly by developers. Section 22.56.215.C.3 should be modified by adding the following sentence: Notwithstanding this provision, the relocation of two or more property lines between three or more contiguous parcels shall require a conditional use permit regardless of the ownership of any of the parcels under consideration. This amendment will make it clear that despite the exemption, the relocation of two or more property lines between three or more contiguous parcels shall require a conditional use permit regardless of the ownership of any of the parcels under consideration.

Environmental Documentation

This project is clarification of existing policy. As such, the amendment could not cause a direct physical change in the environment nor cause a reasonably foreseeable indirect physical change on the environment. This is not a project under California Environmental Quality Act (Public Resources Code section 21065).

Legal Notification

A 1/8 page legal advertisement was published in The Malibu Times newspaper on March 19, 2009. Case related materials were sent to all county libraries on March 26, 2009 and also posted on the Department of Regional Planning's web site (<http://planning.co.la.ca.us>) under "Ordinances".

Staff Recommendation

Staff recommends that the Regional Planning Commission adopt the attached resolution and forward Project No. R2009-00166-(1-5) to the Board of Supervisors for consideration in a public hearing.

SUGGESTED MOTION

"I MOVE THAT THE REGIONAL PLANNING COMMISSION ADOPT THE ATTACHED RESOLUTION AND FORWARD PROJECT NO. 2009-00166-(1-5) TO THE BOARD OF SUPERVISORS FOR CONSIDERATION IN A PUBLIC HEARING."

Attachments: Resolution
Draft Ordinance
Board of Supervisors Motion dated April 15, 2008
Public Hearing Notice

KMS

04/29/09