

**ORDINANCE NO.** \_\_\_\_\_

An ordinance amending Title 21 – Subdivisions and Title 22 – Planning and Zoning of the Los Angeles County Code related to the addition of regulations concerning access requirements.

**SECTION 1.** Section 21.24.010-A is hereby amended to read as follows:

...

-- ~~Each street providing access to lots within a division of land shall have both legal access and physical access, as defined by Section 22.08.010-A of the Los Angeles County Code, to a publicly dedicated right-of-way. connect directly or through one or more other streets to a highway which is shown on the Highways Plan and which is maintained and open to public travel. Each route of p~~Physical access from a division of land to a publicly dedicated right-of-way~~highway which is shown on the Highway Plan, either directly or through one or more other publicly dedicated right-of-ways, shall be adequate to accommodate the composition and volume of vehicular traffic generated by the land uses which it~~within such division of land serves.

...

**SECTION 2.** Section 22.08.010-A is hereby amended to read as follows:

...

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

...

**SECTION 3.** 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 that pertain to a lot or parcel of land that does not directly adjoin and take physical access from a publicly dedicated right-of-way:

- 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. Addition or alteration 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 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; or

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 that consists of signed letters from:

1. A civil engineer authorized pursuant to Section 8731 of the California Business and Professions or a licensed land surveyor certifying that physical access exists or could be established; and

2. The Fire Department stating that the proof of physical access, required by subsection A.1 above, complies with all applicable Fire Department regulations.

B. Proof of legal access that is conterminous with the physical access required by subsection A above, as substantiated by a land survey. Proof shall consist of one of the following documents, provided that such document sufficiently describes the legal access 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:

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; 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.

3. For purposes of this subsection B:

a. Where an applicant provides proof of legal access, 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; and

b. 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.

#### **22.52.3430 Waiver**

The Director shall waive the proof of legal access required by Section 22.52.3420.B when:

A. The applicant submits written proof that a land title company has completed an access easement search for the subject lot or parcel of land and did not find evidence of legal access pursuant to Section 22.52.3420.B.2;

B. The subject lot or parcel of land was legally created per Title 21 of the Los Angeles County Code and the property owner has provided proof of physical access as required by Section 22.52.3420.A; and

C. The requested action is:

1. An addition or alteration to a legally permitted existing building or structure that increases the gross floor area of the building or structure by less than 50 percent;

2. 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;

3. 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 or the Department of Public Works; or

4. 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

D. The property owner records a covenant and agreement in the chain-of-title for the subject property at the office of the Registrar-Recorder/County Clerk 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 Director'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, pursuant to Section 22.52.3420.B; and

4. The property owner's agreement to 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 regarding 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.