Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

June 11, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

HEARING ON AMENDMENT TO COUNTY CODE (TITLE 22 – PLANNING AND ZONING) RELATING TO EXEMPTIONS FOR CONDITIONAL USE PERMIT REQUIREMENTS WITHIN HILLSIDE MANAGEMENT AND SIGNIFICANT ECOLOGICAL AREAS (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)

SUBJECT

The proposed modification to the ordinance clarifies the requirements when a Conditional Use Permit is required within Hillside Management and Significant Ecological Areas when adjusting lot lines.

IT IS RECOMMENDED THAT YOUR BOARD, AFTER THE PUBLIC HEARING:

1. Approve the recommendation of the Regional Planning Commission to amend the County Code to revise the exemption for individual single-family residences.

2. Instruct County Counsel to prepare an ordinance amending the County Code as recommended by the Regional Planning Commission.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

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.

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.

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.

IMPLEMENTATION OF COUNTYWIDE STRATEGIC PLAN GOALS

The Countywide Strategic Plan directs that we provide Operational Effectiveness (Goal 1). Approval of the proposed amendment to the County Code will provide clarification to the ordinance and support customer-oriented and efficient public service.

FISCAL IMPACT

Implementation of the proposed ordinance will not result in any loss of revenue to the County or insignificant new costs to the Department of Regional Planning or other County departments. Adoption of this ordinance will not result in the need for additional departmental staffing.

FINANCING

The proposed ordinance will not result in additional net County costs and therefore a request for funding is not being made at this time

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Regional Planning Commission conducted a public hearing regarding the proposed ordinance on April 29, 2009. There was no public testimony.

A public hearing is required pursuant to Section 22.16.200 of the County Code and Section 65856 of the Government Code. Required notice must be given pursuant to the procedures and requirements set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Section 6061, 65090, and 65

IMPACTS ON CURRENT SERVICES (OR PROJECTS)

Approval of the proposed ordinance will not significantly impact County services.

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).

CONCLUSION

The proposed code amendment will clarify the County's requirement for when a conditional use permit is required within Hillside Management and Significant Ecological Areas when adjusting lot lines. . Revising the exemption for single-family homeowners will protect individual property owners of single lots, while not allowing the exemption to be used incorrectly by developers.

Respectfully submitted,

DEPARTMENT OF REGIONAL PLANNING

Jon Sanabria
Acting Director of Planning

JS:KMS
Attachments:
1. Project Summary
2. Resolution of Regional Planning Commission
3. Recommended Ordinance for Board Adoption
8. Legal Notice of Hearing
9. List of persons to be notified

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors
Auditor-Controller
Director, Department of Public Works
Assessor

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING

LIST OF PERSONS TO BE NOTIFIED

The List of Persons to be Notified has been submitted to the Executive Office of the Board of Supervisors.

DEPARTMENT OF REGIONAL PLANNING

HILLSIDE MANAGEMENT/SIGNIFICANT ECOLOGICAL AREAS PROJECT SUMMARY

PROJECT IDENTIFICATION:	The project is an amendment to clarify the single-family exemption to the Conditional Use Permit requirement when moving lot lines in Hillside Management (HM) and Significant Ecological Areas (SEA). Proposed amendment to Title 22 (Planning and Zoning) clarifying the CUP requirement in HM and SEAs.
REQUEST:	Approve the proposed amendment to Title 22
LOCATION:	Countywide
STAFF CONTACT:	Ms. Karen Simmons at (213) 974-6432
RPC MEETING DATES:	April 29, 2009
RPC CONSENT DATE:	April 29, 2009
RPC RECOMMENDATION:	Board Hearing and approval of proposed ordinance amendment
MEMBERS VOTING AYE:	Bellamy, Modugno, Rew, Valadez
MEMBERS ABSENT:	Helsley
BOARD HEARING:	June 23, 2009

KEY ISSUES:

Currently, the Zoning Ordinance requires a Conditional Use Permit (CUP) 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. 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.

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.

MAJOR POINTS FOR:

The proposed amendment will make it clear that despite the exemption for single-family property owners, 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.

RESOLUTION
REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES

WHEREAS, the Regional Planning Commission of the County of Los Angeles conducted a public hearing on April 29, 2009 on the amendment to Title 22 (Planning and Zoning) of the Los Angeles County Code relating to additional requirements for hillside management and significant ecological areas.

WHEREAS, the Commission finds as follows:

1. 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.

2. The Board's motion included that the ordinance amendment should clarify the requirements when a Conditional Use Permit (CUP) is required within hillside management and significant ecological areas 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.

3. The resulting Hillside Management and Significant Ecological Area Amendment Ordinance, presented as Project No. 2009-00166-(1-5), is a modification to the exemption of when a conditional use permit is required for multiple lot line adjustments for a single-family homeowner, which is consistent with the directive of the Board.

4. Revising the exemption can protect individual property owners of single lots, while not allowing the exemption to be used incorrectly by developers. This amendment clarifies 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.

5. 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).

THEREFORE, BE IT RESOLVED THAT the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. That the Board hold a public hearing to consider the proposed amendment to Title 22 of the Los Angeles County Code to modify the Hillside Management and Significant Ecological Areas Ordinance;

2. That the Board adopts the ordinance as recommended by this Commission and amend Title 22 accordingly, and determine that the amendment is consistent with the goals and policies of the Los Angeles County General Plan.

I hereby certify that the foregoing resolution was adopted by the Regional Planning Commission of the County of Los Angeles on April 29, 2009.

Rosie O. Ruiz, Secretary
Regional Planning Commission
County of Los Angeles

ORDINANCE NUMBER ___DRAFT___

An ordinance amending Title 22- Planning and Zoning of the Los Angeles County Code, related to the modification of additional regulations for hillside management and significant ecological areas.

The Board of Supervisors of the County of Los Angeles hereby ordains as follows:

...

SECTION 1. Section 22.56.215 of Title 22 is hereby amended as follows:

22.56.215 Hillside management and significant ecological areas--Additional regulations.

...

C. Exemptions from Permit. Permit exemptions include:

...

3. 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~~;~~. 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;

...

3/24/09

COUNTY OF LOS ANGELES

NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENT TO TITLE 22 (ZONING ORDINANCE)
OF THE LOS ANGELES COUNTY CODE

Proposed amendment to the Los Angeles County Code, Title 22 (Planning and Zoning), to modify Section 22.56.215 Hillside Management and Significant Ecological Areas – Additional Regulations.

Per Section 22.56.215 of the County Code, the relocation of two or more property lines between three or more contiguous parcels requires the approval of a conditional use permit prior to the issuance of any building or grading permits on the subject parcels.

The proposed amendment modifies Section 22.56.215.C.3 which defines the exemption from conditional use permit requirements for single-family residences on contiguous parcels of land.

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Board of Supervisors, Kenneth Hahn Hall of Administration, 500 W. Temple, Los Angeles, California 90012, at **9:30 a.m. on _____, 2009,** pursuant to Title 22 of the Los Angeles County Code and Title 7 of the Government Code of the State of California (Planning and Zoning Law) for the purpose of hearing testimony relative to the adoption of the above mentioned amendment.

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, and is not a project under California Environmental Quality Act (CEQA) (Public Resources Code section 21065).

Written comments may be sent to the Executive Office of the Board of Supervisors in Room 383 at the above address. If you do not understand this notice, or need more information, please contact Karen Simmons at ksimmons@planning.lacounty.gov or call Monday through Thursday at (213) 974-6432 between the hours of 7:30 a.m. and 5:30 p.m.

Si no entiende éste aviso o si necesita más información, por favor llame al (213) 974-4899.

"ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice".

_____
SACHI A. HAMAI
EXECUTIVE OFFICER – CLERK OF
BOARD OF SUPERVISORS