



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

December 16, 2008

Bruce W. McClendon FAICP  
Director of Planning

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) TO REQUIRE A CONDITIONAL USE PERMIT FOR PRIVATE  
SCHOOLS IN THE A-2 (HEAVY AGRICULTURAL) ZONE  
(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)**

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

1. Consider the attached Negative Declaration together with any comments received during the public review process, find on the basis of the whole record before the Board that there is no substantial evidence the project will have a significant effect on the environment, find that the Negative Declaration reflects the independent judgment and analysis of the Board, and adopt the Negative Declaration.
2. Approve the recommendation of the Regional Planning Commission to amend the County Code to require a Conditional Use Permit for private schools in the A-2 (Heavy Agricultural) Zone, as reflected in the draft ordinance.
3. Instruct County Counsel to prepare an ordinance amending the County Code as recommended by the Regional Planning Commission.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

On October 7, 2008, your Board adopted a motion that instructed the Director of Planning to prepare an ordinance that amends the County Code to require a Conditional Use Permit for private schools in the A-2 (Heavy Agricultural) Zone and to present the ordinance to the Regional Planning Commission for consideration in a public hearing within 90 days.

According to Section 22.56.010 of the County Code, a conditional use is “a use which because of characteristics peculiar to it, or because of its size, technological process or type of equipment, or because of its location with reference to surroundings, street or highway width, traffic generation or other demands on public services, requires special consideration relative to placement at specific locations in the zone or zones where classified to insure proper integration with other existing or permitted uses in the same zone or zones.” The County Code provides for Conditional Use Permits for such uses, requiring discretionary approval through the public hearing process.

Ordinance 10,366, effective November 5, 1971, was an amendment to the County Code that classified private schools as a conditional use in the R-1 (Single Family Residence) Zone and in the A-1 (Light Agricultural) Zone, requiring a Conditional Use Permit. However, this ordinance did not classify private schools as a conditional use in the A-2 (Heavy Agricultural) Zone, and they require only a Director’s Review in that zone. The Director’s Review procedure does not involve discretionary approval through the public hearing process.

Many of the unincorporated areas currently zoned A-2, including rural communities in the Santa Clarita and Antelope Valleys, are similar to those currently zoned R-1 and A-1 in that they are developed with single family uses and maintain a residential character. Private schools merit careful review in these areas, as they may be incompatible with surrounding residential and agricultural uses and have the potential to increase demands on public infrastructure and to generate noise and traffic. Many areas currently zoned A-2 have limited infrastructure capacity, as they lack public water and sewer service or streets and highways of substantial width. Therefore the Conditional Use Permit requirement in the R-1 and A-1 Zones should be extended to the A-2 Zone.

The proposed ordinance is consistent with Policy 8 of the Land Use Element of the County General Plan, which states “Protect the character of residential neighborhoods by preventing the intrusion of incompatible uses that would cause environmental degradation such as excessive noise, noxious fumes, glare, shadowing, and traffic” (Page III-12), for the reasons discussed above. The proposed ordinance is also consistent with previous policy actions in specific unincorporated communities. The Santa Monica Mountains North Area Community Standards District (CSD), adopted by your Board on August 20, 2002, classified private schools as a conditional use in all zones, including the A-2 Zone, within the boundaries of that CSD. Similarly, the proposed Santa Monica Mountains Coastal Zone CSD, approved by your Board on October 30, 2007, would classify private schools as a conditional use in all zones, including the A-2 Zone, within the boundaries of that CSD.

On November 24, 2008, the Regional Planning Commission considered the ordinance in a public hearing and recommended that it be adopted by your Board.

### **IMPLEMENTATION OF COUNTYWIDE STRATEGIC PLAN GOALS**

The proposed ordinance promotes Goal 1 of the County's Strategic Plan pertaining to "Service Excellence" through the development of an amendment to the County Code that is responsive to the need of citizens in A-2 Zones to maintain the quality of life in their unincorporated communities.

### **FISCAL IMPACT**

Implementation of the proposed ordinance will not result in any loss of revenue to the County or in significant 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 November 24, 2008. The Commission heard testimony from four individuals in support of the proposal and two testifiers in opposition to the proposal.

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 65856 of the Government Code relating to notice of public hearing.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

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

### **NEGATIVE DECLARATION/ENVIRONMENTAL IMPACTS**

The attached Initial Study shows that there is no substantial evidence, in light of the whole record before your Board, that the adoption of the proposed ordinance will have a

significant effect on the environment. Therefore a Negative Declaration was prepared in accordance with Section 15070 of the California Environmental Quality Act guidelines. Copies of the proposed Negative Declaration were transmitted to the County Clerk and Valencia and Lancaster Libraries for public review. In addition, public notice was published in one newspaper of general circulation pursuant to Public Resources Code Section 21092. Two comments were received during the public review period.

Based on the attached Negative Declaration, adoption of the proposed ordinance will not have a significant effect on the environment.

Respectfully submitted,

DEPARTMENT OF REGIONAL PLANNING



Bruce W. McClendon, FAICP  
Director of Planning

BWM:RCH:MWG

Attachments:

1. Project Summary
2. Summary of Regional Planning Commission Proceedings
3. Resolution of the Regional Planning Commission
4. Recommended Ordinance for Board Adoption
5. Environmental Document
6. Legal Notice of Board Hearing
7. 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

# Attachment 1: Project Summary

**COUNTY OF LOS ANGELES  
DEPARTMENT OF REGIONAL PLANNING**

**PROJECT SUMMARY**

**PROJECT DESCRIPTION:** Proposed amendment to Title 22 (Planning and Zoning) to require a Conditional Use Permit for private schools in the A-2 (Heavy Agricultural) Zone

**REQUEST:** Adoption of the proposed amendment to Title 22; Advance Planning Case No. 200800011

**LOCATION:** Countywide

**APPLICANT OR SOURCE:** Board of Supervisors directive

**STAFF CONTACT:** Mr. Mitch Glaser at (213) 974-6476

**RPC HEARING DATE:** November 24, 2008

**RPC RECOMMENDATION:** Board public hearing to consider adoption of the proposed amendment

**MEMBERS VOTING AYE:** Commissioners Bellamy, Helsley, Modugno, Rew, and Valadez

**MEMBERS VOTING NAY:** None

**MEMBERS ABSENT:** None

**MEMBERS ABSTAINING:** None

**KEY ISSUES:** A private school is a use that may be incompatible with surrounding residential and agricultural uses and has the potential to increase demands on public infrastructure and to generate noise and traffic.

Private schools require a Conditional Use Permit in the A-1 (Light Agricultural) Zone, but not in the A-2 Zone. The Conditional Use Permit requirement involves thorough review of a proposed use as well as discretionary approval through the public hearing process.

**MAJOR POINTS FOR:**

The Conditional Use Permit requirement will ensure that a proposed private school is compatible with surrounding uses and that any potential adverse impacts are identified and mitigated.

**MAJOR POINTS AGAINST:**

The Conditional Use Permit requirement entails greater costs and lengthier permit processing time.

# **Attachment 2: Summary of Regional Planning Commission Proceedings**

**REGIONAL PLANNING COMMISSION  
SUMMARY OF PUBLIC HEARING PROCEEDINGS**

**PROPOSED AMENDMENT TO COUNTY CODE TITLE 22 (PLANNING AND  
ZONING) TO REQUIRE A CONDITIONAL USE PERMIT FOR PRIVATE  
SCHOOLS IN THE A-2 (HEAVY AGRICULTURAL) ZONE**

**November 24, 2008**

The Commission conducted a public hearing to consider the proposed amendment to Title 22 to require a Conditional Use Permit for private schools in the A-2 (Heavy Agricultural) Zone. The amendment was initiated by a Board of Supervisors motion on October 7, 2008.

Staff made a presentation concerning the proposed amendment. Staff stated that a private school was a use that could be incompatible with surrounding residential and agricultural uses and could increase demands on public infrastructure and to generate noise and traffic. Staff stated that the purpose of a Conditional Use Permit is to ensure careful evaluation of such a use and to require discretionary approval through the public hearing process. Staff elaborated on the reasons why the proposed amendment was appropriate, including the existing Conditional Use Permit requirement for private schools in the A-1 (Light Agricultural) Zone, the residential character of many areas in the A-2 Zone, compatibility with the goals of the Countywide General Plan, and consistency with previous policy actions in specific communities.

Four members of the public spoke in favor of the proposed amendment, and two members of the public spoke in opposition to the proposed amendment.

The Commission closed the public hearing and approved the proposed amendment. Commissioners Bellamy, Helsley, Modugno, Rew, and Valadez voted aye. Staff was then instructed to transmit the item to the Board of Supervisors for consideration in a public hearing.

# **Attachment 3: Resolution of the Regional Planning Commission**

**RESOLUTION  
REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES**

**WHEREAS**, the Regional Planning Commission of the County of Los Angeles has reviewed the matter of an amendment to Title 22 (Zoning Ordinance) of the Los Angeles County Code to require a Conditional Use Permit for private schools in the A-2 (Heavy Agricultural) Zone.

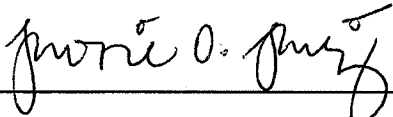
**WHEREAS**, the Regional Planning Commission finds as follows:

1. On October 7, 2008, the Board of Supervisors adopted a motion that instructed the Director of Planning to prepare an ordinance that requires a Conditional Use Permit for private schools in the A-2 (Heavy Agricultural) Zone and to present it to the Regional Planning Commission for approval within 90 days.
2. According to Section 22.56.010 of the County Code, a conditional use is "a use which because of characteristics peculiar to it, or because its size, technological process or type of equipment, or because of its location with reference to surroundings, street or highway width, traffic generation or other demands on public services, requires special consideration relative to placement at specific locations in the zone or zones where classified to insure proper integration with other existing permitted uses in the same zone or zones." The County Code provides for Conditional Use Permits for such uses, requiring discretionary approval through the public hearing process.
3. Many of the unincorporated areas currently zoned A-2, including rural communities in the Santa Clarita and Antelope Valleys, are developed with single family uses and maintain a residential character.
4. Private schools merit special consideration relative to their placement at specific locations in areas currently zoned A-2, as they may be incompatible with surrounding residential uses and have the potential to increase demands on public infrastructure and to generate noise and traffic. Therefore private schools should require a Conditional Use Permit in the A-2 Zone.
5. In compliance with the California Environmental Quality Act, an Initial Study was prepared for the project that demonstrates that this regulatory action will not have a significant effect on the environment. Based on the Initial Study, Department of Regional Planning staff has prepared a related Negative Declaration for this project.

**THEREFORE, BE IT RESOLVED THAT** the Regional Planning Commission recommends that the Los Angeles County Board of Supervisors:

1. Hold a public hearing to consider the proposed amendment to Title 22 (Zoning Ordinance) of the Los Angeles County Code to require a Conditional Use Permit for private schools in the A-2 (Heavy Agricultural) Zone.
2. Certify completion of and approve the attached Negative Declaration and find that the amendment to Title 22 (Zoning Ordinance) of the Los Angeles County Code will not have a significant effect on the environment; and
3. Adopt the attached ordinance amending Title 22 (Zoning Ordinance) of the Los Angeles County Code and determine that it is compatible with and supportive of the goals and policies of the Los Angeles County General Plan.

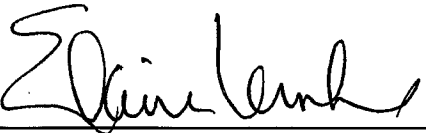
I hereby certify that the foregoing was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on November 24, 2008.

By  \_\_\_\_\_

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

APPROVED AS TO FORM:

OFFICE OF THE COUNTY COUNSEL

By  \_\_\_\_\_

Elaine Lemke  
Principal Deputy County Counsel  
Property Division

**Attachment 4: Recommended Ordinance for Board  
Adoption**

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

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code related to schools in Zone A-2.

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

**SECTION 1.** Section 22.24.140 is hereby amended to read as follows:

**22.44.140** **Uses subject to director’s review and approval.** If site plans therefore are first submitted to and approved by the director, premises in Zone A-2 may be used for:

...

B. The following additional uses:

...

~~—Schools, through grade 12, accredited, including appurtenant facilities, which offer instruction required to be taught in the public schools by the Education Code of the state of California in which no pupil is physically restrained, but excluding trade or commercial schools.~~

...

**SECTION 2.** Section 22.44.150 is hereby amended to read as follows:

**22.44.150** **Uses subject to permits.** Property in Zone A-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

-- Schools, through grade 12, accredited, including appurtenant facilities, which offer instruction required to be taught in the public schools by the Education Code of the state of California in which no pupil is physically restrained, but excluding trade or commercial schools.

...

