Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 21, 2011

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:

CONTINUATION OF A PUBLIC HEARING ON THE HACIENDA HEIGHTS COMMUNITY PLAN AND ZONE CHANGE AMENDMENT TO COUNTY CODE (TITLE 22 – PLANNING AND ZONING) (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)

SUBJECT

The recommended Hacienda Heights Community Plan (the Plan) is a comprehensive update to the Hacienda Heights Community General Plan adopted in 1978. The associated Zone Change Ordinance will bring zoning in Hacienda Heights into consistency with the land use categories designated in the Plan.

The Community Plan and Zone Change Ordinance were considered by your Board at a public hearing on February 22, 2010. Your Board continued the hearing and directed staff to make changes to the Land Use designations for the Hacienda-La Puente School District-owned properties and to report back on comments raised at the public hearing.

Your Board also instructed Regional Planning, in consultation with County Counsel, to revise the Mitigated Negative Declaration (MND) as necessary to address the changes to the School District-owned properties and resubmit the MND for review, consideration and possible adoption. Finally, your Board instructed County Counsel to prepare a resolution and any other necessary documents which support Regional Planning's proposal to approve the recommendation of the Regional Planning Commission to adopt the Plan.

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

1. Close the public hearing on this matter; and

2. Consider the attached MND together with any comments received during the public review process; certify that it has reviewed and considered the environmental information contained in the MND; certify that the MND has been completed in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and County CEQA Guidelines and reflects the independent judgment of the Board as to the environmental consequences of the proposed Community Plan and associated zone changes; and determine, based on the whole record before the Board, that there is substantial evidence that shows the proposed zone changes and community plan update will not have a significant effect on the environment with mitigation measures; and

3. Approve the recommendation of the Regional Planning Commission to adopt the attached Hacienda Heights Community Plan, and determine that the Plan is compatible with and supportive of the goals and policies of the Los Angeles County General Plan; and

4. Approve the related proposed amendments to Title 22 (Planning and Zoning) of the Los Angeles County Code to effectuate the proposed zone changes contained in the attached ordinance and map.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Plan (Attachment 1) was developed by the Department of Regional Planning in partnership with the residents of Hacienda Heights and is an outgrowth of a visioning process initiated in Hacienda Heights by Fourth District Supervisor Don Knabe . The Plan includes an overall community vision, goals, policies, and implementation actions related to land use, appearance, mobility, housing, open space and recreation, conservation, public health and safety, and public services and facilities. Once adopted, the Plan will replace the 1978 Hacienda Heights Community General Plan in its entirety.

Zone changes are proposed concurrent with Plan adoption to bring all zoning into consistency with the updated land use categories designated in the Plan, as required by Section 65860 of the California Government Code. The Zone Change Ordinance and Map (Attachment 2) help implement the land use plan.

As directed by your Board at the February 22, 2011 hearing, staff made changes to the proposed Land Use Map (Map 4 in Attachment 1) and Zoning Map (in Attachment 2) to respond to the concerns of the Hacienda-La Puente Unified School District regarding the potential for future development of School District properties. Based on this direction, School District sites that were previously proposed to be designated with the Public-Community Serving (P-CS) land use designation and associated Institutional Zone (IT) have instead been designated with the closest and most appropriate residential land use designation; adopted zoning has been retained where it is consistent with the residential land use designation. Six sites with adopted agricultural

zoning designations are proposed to change to residential zoning to achieve consistency with the residential land use designation. These changes were agreed to by the School District.

As directed by your Board, the revised Land Use and Zoning Maps maintain the proposed P-CS land use and associated IT Zone for School District-owned properties that are planned for community-serving uses. Specifically, the Los Angeles County Community Development Commission plans to develop the Orange Grove Middle School site (APN 8211013900 and 8211013901) and Hillgrove Learning Center (APN 8217032900) site as a park and community center, respectively.

Your Board also directed Staff to report back on legal noticing and grandfathering. Below is staff's response to these issues, as well as other main issues raised during public comment at the February 22, 2011 public hearing:

- **Legal Noticing:** A Notice of Public Hearing (Attachment 3) was mailed to every property owner and occupant of Hacienda Heights (approximately 18,200 in total) prior to the Board of Supervisors Public Hearing, utilizing the latest Los Angeles County Assessor data available. Staff confirmed that of the nine testifiers at the public hearing, six were included on the mailing list provided to your Board (Attachment 4); one is neither a registered property owner nor resident of Hacienda Heights and had not previously requested notice; and, the remaining two did not appear as registered property owners anywhere within Los Angeles County, according to Los Angeles County Assessor data. These testifiers may be representatives of Hacienda Heights property owners, but addresses were not provided at your hearing and therefore could not be verified.

  All property owners and occupants were also notified by mail when the program launched in 2007, when draft components were released in 2008, and when the Regional Planning Commission convened two public hearings in 2010. The Regional Planning Commission public hearings were also noticed with a legal ad in the *San Gabriel Valley Tribune*.

  Legal notice requirements have been met pursuant to the provisions of the Los Angeles County Zoning Code and California Government Code Section 65091.

- **Grandfathering:** "Grandfathering" would make exceptions for some property owners to continue to be subject to the existing land use and zoning while all other property owners and projects going forward would be subject to the requirements of the updated Community Plan and associated zone changes. At the February 22, 2011 public hearing, several individuals testified that hillside property owners who purchased their property prior to the adoption of the Community Plan should not be subject to the proposed RL10 (Rural Lands 10, 1

dwelling unit/10 acres) land use designation. No zone changes are proposed for properties in the Turnbull Canyon Road area.

The RL10 land use designation would prohibit further subdivision of parcels smaller than 10 acres in size. This decrease in maximum allowable density was proposed for the community's most environmentally sensitive areas based on a comprehensive, community-wide land use analysis that considered: existing conditions; environmental constraints and hazards; population projections and housing needs; access to services and facilities; neighboring and regional jurisdictions' plans; and, community input. This designation was included in the land use policy map that was considered by and recommended to your Board by the Regional Planning Commission.

The reasons for the proposed RL10 designation are to: preserve the hillside areas, a highly valued community asset; protect public safety by restricting development in an area with fire, slope, and landslide hazards and limited access to services and infrastructure; and, maintain property rights by allowing low-density, single-family residential development to continue.

All legally-created parcels are still permitted to develop at least one single-family residence regardless of parcel size. Completed subdivision applications that have been deemed complete by the Department of Regional Planning prior to the adoption of the updated Plan will be evaluated under the 1978 Community General Plan. Applications submitted after the updated Plan is adopted will be subject to the updated Plan.

Allowing properties in this area to be developed under the 1978 land use plan would result in additional development potential in the least suitable area of the community and would be inconsistent with the goals of the Community Plan as recommended for adoption by the Regional Planning Commission. Specifically, the following goals address hillside development: protect hillsides and ridgelines (Land Use Goal 4), new development with minimal risk from natural hazards (Land Use Goal 5), growth is in line with infrastructure capacity (Public Services and Facilities Goal 6), and a community protected from hazards (Public Health and Safety Goal 4).

During public comment, seven testifiers opposed the proposed RL10 land use designation. Of those, three referenced the same property on Turnbull Canyon Road, which staff reviewed and analyzed. The parcel they seek to subdivide is unsuitable for extensive development because it is in a hillside management area, very high fire hazard severity zone and landslide zone. Other opponents to the RL10 designation did not provide addresses, so additional sites could not be individually analyzed.

Regional Planning recommends maintaining the RL10 land use designation for the Turnbull Canyon Road hillside areas, as recommended to your Board by the Regional Planning Commission and against including a grandfathering clause to exempt certain property owners from the density requirement of the RL10 designation.

- **Takings:** Several testifiers at the February 22, 2011 public hearing raised concern that changing the land use designation in the hillside areas to RL10 would constitute a taking. A regulation may be considered a taking if it deprives the property owner of all economically viable use of a property without just compensation. The RL10 land use designation allows single-family residential development, rural, equestrian, agricultural, and other related activities. These uses are economically viable. Regulations restricting land use for legitimate public ends are not considered a taking merely because they impair the value of property.

Adoption of the Hacienda Heights Community Plan and associated Zone Change Ordinance will ensure that future preservation and development in the community are in line with the community vision and supportive of the County's goals to protect the health, welfare and safety of all residents. The revisions to the attached Land Use and Zoning Maps respond to the requests of the Hacienda-La Puente School District, as directed by your Board.

IMPLEMENTATION OF COUNTYWIDE STRATEGIC PLAN GOALS

The Community Plan and Zone Change Ordinance promote Goal One of the County's Strategic Plan pertaining to "Operational Effectiveness" by ensuring certainty for property owners and eliminating potential regulatory burdens associated with inconsistent land use and zoning. The Community Plan and Zone Change Ordinance promote Goal Three of the County's Strategic Plan pertaining to "Community and Municipal Services" by identifying the community's long-term vision and needs, and establishing a framework of goals, policies, implementation strategies, and land uses to meet those needs.

FISCAL IMPACT

Implementation of the Community Plan and Zone Change Ordinance will not result in any loss of revenue to the County, significant new costs to the Department of Regional Planning or other County departments, nor the need for additional departmental staffing.

FINANCING

The Community Plan and Zone Change Ordinance will not result in additional net County costs. Therefore, a request for funding is not being made at this time.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

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.

Your Board conducted a public hearing regarding the proposed Community Plan, Zone Change Ordinance, and MND on February 22, 2011. In advance of that hearing, a Notice of Public Hearing letter was mailed to all property owners and occupants within Hacienda Heights, as well as interested parties who asked to be notified. At the hearing, staff gave a brief presentation on the Community Plan Update process and product, environmental review, and associated Zone Change Ordinance. Public testimony was heard from nine individuals, both in opposition and support of the Plan. The hearing was continued to May 24, 2011.

Per Section 15072 of the California Environmental Quality Act (CEQA) guidelines, on April 20, 2011, a Notice of Intent to Adopt a Mitigated Negative Declaration (Attachment 5) was mailed to the last known name and address of all organizations and individuals who previously requested such notice in writing (Attachment 6), and published in the *San Gabriel Valley Tribune* on April 21, 2011 (Attachment 7).

IMPACT ON CURRENT SERVICES (OR PROJECTS)

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

MITIGATED NEGATIVE DECLARATION/ENVIRONMENTAL IMPACTS

CEQA requires local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. The Initial Study and associated MND prepared for the project satisfy this requirement.

Specifically, the Initial Study attached to the project found that there is no substantial evidence, in light of the whole record before your Board, that the adoption of the proposed Plan and ordinance will have a significant effect on the environment with mitigation. Therefore, a MND was prepared in accordance with Section 15070 of the CEQA guidelines. Copies of the Draft Initial Study and MND were transmitted for public review to the County Clerk, County Library in Hacienda Heights, Fourth District Field Office in Walnut and Steinmetz Senior Center in Hacienda Heights. At the close of the review period, staff received notification from the Governor's Office of Planning and Research acknowledging compliance with State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA.

During the public review and comment period for the Board of Supervisors hearing, one letter regarding the hillsides included a request that additional traffic studies be conducted to address potential environmental impacts of zone changes. The Initial Study and MND prepared for the project address potential impacts to traffic consistent with State and County environmental review requirements, so additional studies are not required.

Following the direction from your Board, the MND was revised to reflect the land use changes to the School District-owned sites. The overall outcomes in the revised document (Attachment 8) are unchanged. The changes in the MND did not require recirculation of the MND pursuant to CEQA Guidelines Section 15073.5. In summary, adoption of the proposed ordinance will not have a significant effect on the environment with mitigation.

AGENCY AND PUBLIC COMMENTS

As described in the Copies of Written Comments (Attachment 9), one letter was submitted by the Hacienda Heights Improvement Association (HHIA) recommending that policy language regarding issues associated with private streets be added to the Plan. In response, Regional Planning added two new policies to the Mobility Element of the Plan regarding new private streets.

CONCLUSION

The Hacienda Heights Community Plan is a forward-looking planning tool that encapsulates the community's shared vision, articulates community-inspired goals and priorities, delineates policies that will guide the community as it develops, and provides direction on implementation strategies. The Plan was developed with extensive community and County participation and review; and, if adopted, will ensure that future development and service provisions continue to meet and evolve with community needs.

Respectfully submitted,

Richard Bruckner
Director

RB:JS:LKS:VS

Attachments:

1. Revised Recommended Hacienda Heights Community Plan for Board Adoption
2. Revised Recommended Zone Change Ordinance for Board Adoption
3. Legal Notice of Board Hearing (January 2011)

4. List of Persons Notified of Public Hearing (January 2011)
5. Legal Notice of Intent to Adopt a Mitigated Negative Declaration (April 2011)
6. List of Persons Notified of Intent to Adopt a Mitigated Negative Declaration (April 2011)
7. Legal Advertisement of Intent to Adopt a Mitigated Negative Declaration (April 2011)
8. Revised Recommended Environmental Document for Board Certification and Attachments
9. Copies of Written Comments

c: Executive Office, Board of Supervisors
Chief Executive Office
County Counsel