

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

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to the update of additional regulations for Hillside Management Areas.

**SECTION 1.** Section 22.08.080 is hereby amended to read as follows:

...

— Hillside Management Area, Nonurban. "~~Nonurban Hillside Management Area~~" means ~~these areas~~ that any portion of a lot or parcel of land which contains terrain having with a natural slope of 25 percent or ~~more~~ greater ~~included within the nonurban classification of the general development policy map of the General Plan.~~

— Hillside Management Area, Urban. "~~Urban hillside management area~~" means ~~those areas having a natural slope of 25 percent or more included within the urban classification of the general development policy map of the General Plan.~~

...

**SECTION 2.** Section 22.56.215 is hereby repealed in its entirety.

**SECTION 3.** Section 22.56.215 is hereby added to read as follows:

**22.56.215 Hillside Management Areas -- Additional Regulations.**

A. Purpose.

1. This Section is established to ensure that development preserves ~~protects the~~ is sensitive to the physical integrity and scenic value of Hillside Management Areas ("HMA"s), provides open space, and enhances community character. These goals are to be accomplished by:

**Comment [A1]:** It is noteworthy that this purpose statement is altogether different from the of the existing HMA: to prevent degradation of environmental resources, for safety reasons ("destruction of life & property") and to provide a process by which conflicts with development could be equitably resolved.

a. ~~Avoiding~~ Allow only land form sensitive development in those areas of HMAs containing natural slopes of 25 percent or greater. to the extent feasible;

**Comment [A2]:** This word makes is sound like a moratorium and planners would interpret this to strictly based on experience

b. Locating development in the portions of HMAs with the fewest constraints to the extent feasible; and

c. Using sensitive site design techniques in accordance with the most recently adopted version of the Hillside Design Guidelines.

2. This Section does not determine maximum allowable density or intensity for a proposed development. Maximum allowable density or intensity for a proposed development shall be determined by the adopted Area, Community, Neighborhood, or Specific Plan. Where there is no adopted Area, Community, Neighborhood, or Specific Plan, the maximum density or intensity for a proposed development shall be determined by the Land Use Element of the General Plan.

B. Definitions. For purposes of this Section the following definitions apply:

1. "Constraints" means features of the built or natural environment containing hazards or environmental resources, including those listed in the Hazard, Environmental and Resource Constraints Model of the General Plan (Appendix C).

**Comment [A3]:** This should be provided and reviewed. The County seems to be expanding "constraints" in dramatic fashion in the new general plan.

2. "Development" means:

a. Construction or expansion of any structure;

**Comment [A4]:** Why expansion if there is no grading in 25% or greater slopes?

b. Construction or expansion of any street or highway;

**Comment [A5]:** County Master-planned highways should be exempt

c. Construction or expansion of any infrastructure, such as pipes, drainage facilities, telephone lines, and electrical power transmission and distribution lines;

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d. Grading, such as cut, fill, or combination thereof, including off-site grading;

e. Removal of any vegetation, including fuel modification;

f. Subdivisions; ~~or~~

g. Lot line adjustments (unless no grading is required).

**Comment [A6]:** Why include thinning of vegetation if no grading is proposed within 25% slopes

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**Comment [A7]:** Explain why

3. "Hillside Design Guidelines" means the most recent version of the document maintained by the Department of Regional Planning that provides guidance on best practices and recommended approaches for development in HMAs;

**Comment [A8]:** What approval is required to update or change?

**Comment [A9]:** Can Regional Planning can change the rules at any time? What will public review and vetting process be? How will notifications be made?

4. "Improved Open Space" means:

a. Parks, playgrounds, golf courses, and other recreational facilities;

b. Riding, hiking, and cycling trails;

c. Community gardens, if allowed by the zone;

d. Manufactured slopes;

e. Vegetated swales;

f. Water quality basins and debris basins, ~~provided that such basins are~~ which shall not be constructed of concrete, unless required by Public Works or other oversight agency; or

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g. Any open space that is subject to fuel modification.

5. "Natural Open Space" means any open space that will remain in an undisturbed natural state or any area that will be restored to a natural state (definition should be provided in HDG) to the satisfaction of a Department of Regional Planning staff biologist.

6. "Rural Land Use Designation" means any designation in the General Plan or in any adopted Area, Community, Neighborhood, or Specific Plan that allows residential development at a maximum density that does not exceed one dwelling unit per acre.

7. "Rural Transition Site" means a development site where at least 51 percent of the site perimeter adjoins land within a Rural Land Use Designation.

**Comment [A10]:** Is this a New land use designation?

**Comment [A11]:** This land use designation should be deleted. The most affected area plan, OVOV, already provides transition zoning for many properties.

8. "Sensitive Design Techniques" means any site planning, engineering, landscaping, and/or architectural design technique(s) that within geological constraints, individually or combined, minimize horizontal and vertical cut or fill hillside disturbance; minimize the total volume of grading; minimize impact to scenic hillside views; and enhance community character. Such techniques may be found in the Hillside Design Guidelines.

C. Applicability. \_\_\_\_\_

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1. General. The provisions of this Section 22.56.215 shall apply to all Development required to obtain a permit pursuant to subsection D, Permit Required, and shall not be applicable to any Development excepted from the permit requirements.

Applicability of zone and supplemental district regulations. All provisions of the zone and any supplemental district shall apply except where a provision in this Section is more restrictive than a provision regulating the same manner in such zone or supplemental district.

2. Pending Applications. The following provisions shall apply to complete applications filed prior to the effective date of the ordinance are exempt of the ordinance updating this Section:

**Comment [A12]:** This section completely re-writes the rules on nearly any project already in process. From a subdivision perspective, this could be devastating and extraordinarily expensive for land owners and require that they completely redesign projects. A narrow interpretation of this section will prevent or dramatically delay many projects. Regional planning is already attempting to enforce new rules on new applications. Regional Planning should identify every pending tract map on file which would require redesign under this ordinance.

~~a. The applicant can choose whether the application will be reviewed for compliance with this updated Section or with Section 22.56.215 as it existed prior to the effective date of the ordinance updating this Section. In either case, approval of the application is not guaranteed.~~

~~b. If an application is reviewed for compliance with Section 22.56.215 as it existed prior to the effective date of the ordinance updating this Section, the applicant may modify the application prior to consideration by the Reviewing Authority. The modification may necessitate the submittal of revised, updated, or additional materials and reports, such as site plans, elevations, oak tree reports, etc. The modification will be reviewed for compliance with Section 22.56.215 as it existed prior to the effective date of the ordinance updating this Section if it does not change the housing type (e.g. from single-family to two-family or multi-family) nor sustainably increase:~~

- ~~i. The residential density;~~
- ~~ii. The floor area or lot coverage of non-residential space;~~
- ~~iii. The amount of grading; or~~
- ~~iv. The area of ground disturbance.~~

~~c. A modification to an application that is already approved but not used can be reviewed for compliance with Section 22.56.215 as it existed prior to the effective date of the ordinance updating this Section. The modification will be reviewed for compliance with Section 22.56.215 as it existed prior to the effective date of the ordinance updating this Section if it qualifies to be reviewed as a Revised Exhibit~~

**Comment [A13]:** A copy should be appended

**Comment [A14]:** Concern that a different housing type may be mandated by someone other than the applicant. Also, you shouldn't be punished for increasing density in pursuit of decreased grading.

**Comment [A15]:** Should not be applied to sites that have been graded - ie Should not apply hillside design to areas that were 25% before they were/are graded

~~“A” or an Amended Site Plan. Otherwise, a modification shall be considered a new application and shall be reviewed for compliance with this Section.~~

~~d. If an approval is used and has a grant term, the approved use may be maintained until the end of the grant term. At the end of the grant term, the use shall be subject to the provisions of this Section. During the grant term, a modification to the approved use will be reviewed for compliance with Section 22.56.215 as it existed prior to the effective date of the ordinance updating this Section if it qualifies to be reviewed as a Revised Exhibit “A” or an Amended Site Plan. Otherwise, a modification to the approved use shall be subject to the provisions of this Section.~~

**Comment [A16]:** Should not apply to a site that has already been graded – what is the purpose? Potentially, it could provide open space by making the project infeasible, which is consistent with the purposes of the ordinance. This is an inappropriate goal.

~~e. If an approval is used and does not have a grant term, the approved use may be maintained in perpetuity unless a time limit is specified by Section 22.56.1540. In addition, all applicable provisions in Part 10 of Chapter 22.56 shall apply to the approved use. A modification to the approved use will be reviewed for compliance with Section 22.56.215 as it existed prior to the effective date of the ordinance updating this Section if it qualifies to be reviewed as a Revised Exhibit “A” or an Amended Site Plan. Otherwise, a modification to the approved use shall be subject to Part 10 of Chapter 22.56 and the provisions of this Section.~~

**Comment [A17]:** What is an example of this and the one before it?

D. Permit Required.

1. For purposes of this subsection, the definition of HMA in Section 22.08.080 shall not apply to:

a. Any area which contains terrain with a natural slope of 25 percent or greater that is one half acre or less in size if located in a Rural Land Use Designation, or is one quarter acre or less in size if not located in a Rural Land Use

**Comment [A18]:** Seems to make more sense for a project to deemed HMA if the project area contains a percentage of the overall project area in excess of 25% for more than 50% of the total project area

Designation, and not contiguous with any other terrain with a natural slope of 25 percent or greater; and

b. Any area which contains terrain with a natural slope of 25 percent or greater that is 120 feet or less in width, as measured from the base of the hillside, and not contiguous with any other terrain with a natural slope of 25 percent or greater.

**Comment [A19]:** Extremely restrictive providing for limited exclusions.

2. A Conditional Use Permit shall be required for any development located wholly or partially in an HMA, except for:

**Comment [A20]:** To the extent the HMA makes sense it should be limited to the areas actually having steep slopes.

a. Development on a single lot or parcel of land, provided that grading does not exceed 20,000 cubic yards of total cut plus total fill material. This exception shall not apply when two or more lots or parcels of land are developed in a coordinated effort, regardless of the ownership of the involved lots or parcels of land and regardless of whether the developments are applied for concurrently or through multiple successive applications;

b. Lot line adjustment of one property line between two lots or parcels of land. This exception shall not apply to the adjustment of two or more property lines between three or more contiguous lots or parcels of land in a coordinated effort, regardless of the ownership of the involved lots or parcels of land and regardless of whether the adjustments are applied for concurrently or through multiple successive applications;

**Comment [A21]:** Why

c. Development designed such that all HMAs on the development site remain in a natural state or are restored to a natural state to the satisfaction of a Department of Regional Planning ~~staff biologist~~ and are designated as

Restricted Use Areas on a recorded final map or on a recorded covenant if a final map is not required.

d. Development to be undertaken by the County, provided that such development complies with the following procedure: The lead County department shall prepare a written report that documents substantial compliance with the Hillside Design Guidelines. This report shall be included as part of the development's publicly available documents and included as part of any subsequent project reports to the Board of Supervisors and its attendant commissions. A report shall not be required for maintenance activities or any activities listed in subsection i, below.

Comment [A22]:

e. Development to be undertaken by a public utility regulated by the California Public Utilities Commission, including maintenance of utility equipment.

f. Development related to any adopted Specific Plan, provided that such development complies with the provisions of that Specific Plan.

g. Development related to any adopted Conditional Use Permit provided that such development complies with the provisions of the Conditional Use Permit

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h. Agricultural Operations

i. Maintenance or demolition of existing facilities; ranch roads, oil operatins,wells, relate facilities pipelines, fencing, fuel modifications, etc. (Needs Expansion)

g. Development related to drilling for and production of oil and gas within the Baldwin Hills Community Standards District (CSD), provided that such development complies with the provisions of that CSD.

h. Any activity being undertaken as an ~~on-site or off-site~~ mitigation measure ~~for another development~~, such as restoration of natural habitat or planting of oak trees.

i. Any of the following activities required, requested, authorized, or performed by a governmental agency:

i. Removal or thinning of vegetation for fire safety or in response to an emergency; and

ii. Hazard management activities in response to an emergency or other public safety concerns.

E. Application Materials. If a Conditional Use Permit is required by this Section, the applicant shall submit the following:

1. All materials and information required by Section 22.56.030 and a Burden of Proof statement that substantiates the findings required by subsection H;

2. Site Photographs. Six panoramic or composite color photographs taken from each corner of the development site and from the highest elevated points within the development site, taken no more than 90 days prior to application submission, along with a photograph key. Additional photographs may be required at the time of application submission if the Director determines such materials are necessary for adequate evaluation;

3. Proposed Development Exhibits. The following three exhibits, each of the same size and scale, showing the natural topography of the site in accordance with the most recent version of the Hillside Design Guidelines:

a. A slope map that includes the following:

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i. A site plan depicting the land use designation(s), proposed lot configuration, proposed streets, proposed grading design, and the following slope categories (by color) as determined by a licensed civil engineer, licensed land surveyor, or a registered geologist: Zero to 24.99 percent natural slope (green); 25 to 49.99 percent natural slope (yellow); and 50 percent or greater natural slope (red);

ii. A table listing the number of acres, land use designation(s), proposed non-residential square footage, and proposed residential density within each slope category;

b. An open space exhibit that includes the following:

i. A site plan depicting proposed lot configuration, proposed streets, proposed grading design, and proposed open space areas. The site plan shall number and label each proposed open space area and shall indicate whether it is natural open space or improved open space and whether it is contained within an open space lot or within a Restricted Use Area. The site plan shall also describe the type of improved open space within each improved open space area;

ii. A table listing the acreage and percentage of natural open space areas and improved open space areas on each proposed lot, the total acreage and percentage of natural open space areas, and the total acreage and percentage of improved open space areas; and

c. A map showing constraints as defined in subsection B.1.

4. Information on Proposed Structures. If a new structure is proposed, representative exterior elevation cross sections, at a scale satisfactory to the

**Comment [A23]:** For homes as well? Is this land form design?

Director, indicating proposed building and retaining wall heights as well as proposed retaining wall construction materials; and

5. Existing ~~Landscape Plan~~Vegetation Map. A landscape plan showing the location and species of existing groundcover, shrubs, and trees.

6. Additional Materials. The Director may request additional materials at the time of application submission or during the time in which the application is being reviewed by the Department of Regional Planning if the Director determines such materials are necessary for adequate evaluation. These materials may include the exhibits listed in the Hillside Design Guidelines, such as a site profile exhibit, a block elevation exhibit, a proposed landscape plan, a fuel modification plan, a viewshed analysis, and a line of sight exhibit.

**Comment [A24]:** This should be limited to requirements of HMA Ordinance

F. Open Space Conditions. Every Conditional Use Permit required by this Section shall be subject to the following conditions:

**Comment [A25]:** Open Space criteria should be the same as other non HMA areas

1. Open Space Requirement – Rural Land Use Designation. If the development is in a Rural Land Use Designation, at least 70 percent of the gross area of the development site shall be open space. Areas with constraints shall be prioritized for inclusion into the required open space areas. Up to 33 percent of the required open space may be improved open space and the remainder shall be natural open space. The Reviewing Authority may allow additional manufactured slopes if the applicant can demonstrate, to the satisfaction of the Reviewing Authority, that it is geologically necessary or aesthetically superior to do so.

**Comment [A26]:** This remains a problem. If any portion of a "property" has 25%+ slope, the entire property is subject to this punitive forfeiture. When we commented that this provision did not connect with the stated purposes of the Ordinance, open space preservation was added as one of the purposes.

2. Open Space Requirement – Other Land Use Designations.

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a. If the development is not in a Rural Land Use Designation, at least 25 percent of the **net** area of the development site shall be open space. If the development is in a Residential Planned Development Zone, at least 30 percent of the net area of the development site shall be open space in accordance with Section 22.60.460.B.4. Areas with constraints shall be prioritized for inclusion into the required open space areas.

**Comment [A27]:** What is net? Definition?

b. If the development is located on a **Rural Transition Site**, up to 50 percent of the required open space may be improved open space and the remainder shall be natural open space. If the development is not located on a Rural Transition Site, the Reviewing Authority may allow up to 100 percent of the required open space to be improved open space. In determining the amount of improved open space, the Reviewing Authority shall consider the characteristics of the development site.

**Comment [A28]:** New criteria? Isn't this what the H2 general plan designation is meaning to achieve. This seems to re-write the zoning and general plan designation simply because of the Hillside designation. In OVOV, residential land is either urban or rural with nothing in between.

3. Open Space Use and Configuration.

a. Required open space areas, with the exception of community gardens if allowed by the zone, shall not be used for residential, commercial, industrial, ~~or agricultural activities.~~

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b. At **least 51 percent** of required natural open space shall be configured into one contiguous area **or thoughtfully placed to provide transition areas or buffers between surrounding land uses.** A street may be placed within the contiguous natural open space area if the applicant can demonstrate, to the satisfaction of the Reviewing Authority, that such street is **a master planned highway or** necessary to ensure adequate circulation or access. However, such a street shall not be counted as

**Comment [A29]:** Natural Open Space, Park Space, Trails, parkways, percentage of front yards and manufactured slopes, etc should be allowed as part of the calculations as currently allowed. 51% will be impossible to achieve. We conducted tests to compare with current and proposed projects and this would not be feasible. Percentage should be substantially smaller to allow projects to be feasible

**Comment [A30]:** Is it on the Master Plan of Arterial Highway?

a portion of the total required open space. The contiguous natural open space area shall also be contiguous with dedicated natural open space area(s) on adjoining lots or parcels of land, if possible. ~~If the development is located on a Rural Transition Site, the contiguous natural space area shall also be contiguous with the portions of the site perimeter that adjoin land within a Rural Land Use Designation, if possible.~~

c. The following shall only apply if the development is a subdivision:

i. The following types of improved open space shall be configured into open space lots:

(a). Parks, playgrounds, golf courses, and other recreational facilities;

(b). Riding, hiking, and cycling trails; and

(c). Community gardens, if allowed by the zone.

ii. Natural open space shall be configured into open space lots if the subdivision is a density-controlled development, as defined by Section 22.08.040, or if the subdivision is in a Rural Land Use Designation, consists of 20 or more dwelling units, and has residential lots of 15,000 or fewer square feet.

4. Open Space Recordation.

a. If the development is a subdivision, required open space areas shall be shown on the tentative map and the final map and shall be subsequently recorded on the final map as a fee lot or as an Open Space – Restricted Use Area; or

Comment [A31]: Who takes ownership?

Comment [A32]: Who takes ownership?

Comment [A33]: Why restrict use?

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b. If the development is not a subdivision, required open space areas shall be shown on the site plan or lot line adjustment exhibit. All required open space shall be labeled as Open Space – Restricted Use Area on a recorded covenant.

5. Open Space Ownership and Management. If the development is a subdivision and open space lots are required by subsection F.3.c, prior to tentative map approval, a condition shall be established regarding ownership and management of the open space lots. The ~~condition may require:~~ project applicant may choose to:

a. Dedication to a government entity, such as a county, city, state, federal, or joint powers authority;

b. Dedication to a non-profit land conservation organization that meets the Statement of Qualifications of Non-Profits Requesting to Hold Mitigation Land according to Government Code Section 65965;

c. A conservation easement that requires the open space to remain in perpetuity and extinguishes all future development rights; or

d. A maintenance agreement with a Home Owners' Association if the applicant can demonstrate, to the satisfaction of the Reviewing Authority, that dedication to the entities above or a conservation easement is not feasible.

G. Other Conditions.

1. The Reviewing Authority may impose conditions pertaining to sensitive design techniques in addition to conditions imposed pursuant to Section 22.56.100 and subsection F.

**Comment [A34]:** Developers need options to choose from. It can be difficult to find agencies to take such land and/or large cash endowments may be required for Joint Powers Authorities or land conservancies to take such land.

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2. Each condition shall specify whether it applies to the entire development, to the portion of the development within HMA(s), or to an individual lot or parcel of land.

3. If the development is a subdivision, the conditions may specify that subsequent applications to modify the Conditional Use Permit need only relate to the lots or parcels of land affected by such modification instead of the entire development site.

H. Findings. The Reviewing Authority shall not approve a Conditional Use Permit application unless it finds that the applicant has substantiated all of the following findings in addition to those required by Section 22.56.090:

1. That the proposed development ~~preserves the physical integrity of HMAs to the best extent feasible,~~ includes Sensitive Design Techniques resulting in thoughtful modification of land form and limited~~the least amount of~~ impact to hillside resources, by:

**Comment [A35]:** Best extent feasible is extremely high standard.

a. ~~Avoiding development in HMAs to the extent feasible~~Tailoring development to the overall land form;

b. Locating development in the portions of HMAs ~~with the fewest constraints; and~~ where overall land form and significant ridgelines and landforms are reasonably preserved as compared to the general surroundings

c. Using sensitive design techniques.

2. That the proposed development preserves the scenic value of HMAs ~~to the best extent feasible,~~ resulting in ~~the least amount~~reasonable of impacts to

**Comment [A36]:** Way to high of a standard

on-site and off-site scenic views of slopes and ridgelines as well as views of other unique, site-specific aesthetic features of the hillside, by:

a. ~~Avoiding development in HMAs to the extent feasible;~~Tailoring development to overall land form.

b. Locating development in the portions of HMAs where overall land form and significant ridgelines and landforms are reasonably preserved as compared to the general surroundings~~Locating development in the portions of HMAs with the fewest constraints; and~~

c. Using sensitive design techniques.

3. That the proposed development provides open space and enhances community character through ~~substantial~~reasonable compliance with the Hillside Design Guidelines.