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 (HMA)" means those areas any portion of a lot or parcel of land which contains terrain having a natural slope of 25 percent or more 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 Section 22.56.215 is hereby repealed in its entirety.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 the physical integrity and scenic value of Hillside Management Areas (“HMA”s), provides open space, and is compatible with community character. These goals are to be accomplished by:
a. Locating development outside of HMAs to the extent feasible;

b. Locating development in the portions of HMAs with the fewest hillside constraints; and

c. Using sensitive hillside design techniques.

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. “Development” means on-site or off-site activity as follows:

   a. Construction or expansion of any structure or impervious surface, such as hardscape;

   b. Construction or expansion of any street, highway, or other access road;

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

   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.

2. “Hillside Constraints” mean topographic features such as slopes, hilltops, and ridgelines that may contain hazards and, when developed, cause visible alteration of the topographic feature and its views.

3. “Hillside Design Guidelines” means the document maintained by the Department, as approved by the Director, that provides guidance on best practices and recommended approaches for development in HMAs;

4. “Improved Open Space” means:
   
a. Parks, playgrounds, golf courses, and other recreational facilities;
   
b. Riding, hiking, and mountain biking trails;
   
c. Community gardens;
   
d. Manufactured slopes;
   
e. Vegetated swales;
   
f. Water quality basins and debris basins, provided that such basins are not concrete; or
   
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 to the satisfaction of the Director.

6. “Rural Land Use Designation” means any designation in the General Plan or in any adopted Area, Community, Neighborhood, or Specific Plan, such
as Open Space and National Forest land use designations, that allows residential development at a maximum density of one dwelling unit per acre or less or rural commercial and industrial development.

7. “Rural Transition Site” means a project site where at least 51 percent of the project boundary adjoins land within a rural land use designation.

8. “Sensitive Hillside Design Techniques” means any site planning, engineering, landscaping, and/or architectural design technique(s) that, 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 are compatible with community character. Such techniques may be found in the Hillside Design Guidelines.

C. Applicability.

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

   a. The applicant may 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 Hearing Officer. The modification may necessitate the submittal of revised, updated, or additional
materials and reports. The modification may 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 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 approved valid application, including modifications pursuant to Part 11 of Chapter 22.56, may be reviewed for compliance with Section 22.56.215 as it existed prior to the effective date of the ordinance updating this Section, unless the development footprint is being expanded or the modified project is considered a new application. In such cases, a modification shall be reviewed for compliance with this Section.

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

1. Development on a single lot or parcel of land, provided that grading in connection with the development does not exceed 15,000 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.
2. Lot line adjustment(s) of property line(s) 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.

3. Development in one contiguous HMA, provided that the HMA is:
   a. Within a rural land use designation, one half acre or less in size (as measured from base of slopes to slopes 25 percent or greater) and not contiguous with any other terrain with a natural slope of 25 percent or greater; or
   b. Within a land use designation other than rural, one quarter acre or less in size (as measured from base of slopes to slopes of 25 percent or greater) and not contiguous with any other terrain with a natural slope of 25 percent or greater.

4. 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 the Director, and are designated as Open Space - Restricted Use Areas on a recorded final map or parcel map waiver, or on a recorded covenant if not associated with a land division.

5. Development to be undertaken by or for the County or a special district, provided that such development complies with subsection H.

6. Development located within any adopted Specific Plan, provided that such development complies with the provisions of that Specific Plan.
7. 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.

8. Any of the following activities required, requested, authorized, or performed by a governmental agency:
   a. Removal or thinning of vegetation, including trees for fire/public/roadway/bridge safety (including under bridge hydraulic vegetation reduction) in response to an emergency;
   b. Operations and maintenance of flood, water supply, water conservation, and roadway infrastructure that includes the removal or thinning of vegetation, including trees; or
   c. Hazard management activities in response to an emergency or other public safety concerns including maintenance, preservation, or restoration of existing roadways, bridges, or flood protection facilities involving adjacent slopes, shoulders, drains, and appurtenant structures (e.g. guardrail, rail and timber walls, head walls, etc.) located near or within dedicated public right of way or associated easements.

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 G.

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 if the Director determines such materials are necessary for adequate evaluation.

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

   a. A slope map that includes the following:

      i. The land use designation(s) and all existing and proposed development as defined in subsection B.1;

      ii. The following slope categories as determined by a licensed civil engineer, licensed land surveyor, or a registered geologist; and associated color for: Zero to 24.99 percent natural slope (green), 25 to 49.99 percent natural slope (yellow), and 50 percent or greater natural slope (red); and

      iii. A table listing the number of gross and net acres, land use designation(s), proposed non-residential square footage and/or proposed number of units, and proposed grading amounts within each slope category and within the overall project boundary.

   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. The site plan shall also indicate natural open space or improved open space, and within an open space lot or
within an Open Space - Restricted Use Area. The site plan shall also depict and describe the type of improved open space within each improved open space area, and

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.

c. A map showing hillside constraints as defined in subsection B.2.

d. A vegetation exhibit showing existing groundcover, shrubs, and trees;

4. Information on Proposed Structures. If a new structure is proposed, exterior elevation cross sections at a scale satisfactory to the Director, indicating proposed building, retaining wall heights and proposed retaining wall construction materials; and

5. Additional Materials. The Director may request additional materials at the time of application submission or during review by the Department 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, or a line of sight exhibit.

F. Conditions of Approval. Every Conditional Use Permit required by this Section shall be subject to the following conditions. 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. The Hearing Officer, in granting the HMA Conditional Use Permit may impose additional conditions. Other than as provided herein, any other modification to conditions required by this Section may be granted pursuant to Part 2 of Chapter 22.56:

1. Open Space Requirement.
   a. Rural Land Use Designation.
      i. Required Open Space. At least 70 percent of the gross area of the development site shall be provided as required open space.
      ii. Type of Open Space. Up to 33 percent of total required open space may be provided as improved open space. The Hearing Officer may approve a greater percentage of improved open space if the Hearing Officer finds that improvement of open space is necessary for public safety or is aesthetically superior.
   b. Other Land Use Designations.
      i. Required Open Space. At least 25 percent of the net area of the development site shall be provided as required open space. Development in a Residential Planned Development Zone shall also comply with open space requirements in accordance with Section 22.20.460.B.4.
      ii. Type of Open Space. The Hearing Officer may approve up to 100 percent of total required open space as improved open space. In a Rural Transition site, up to 50 percent of the required open space may be improved open space. In determining the required amount of improved open space, the Hearing
Officer shall consider the characteristics of the development site and the surrounding area.

2. Open Space Use and Configuration.

   a. Required open space areas shall not be used for residential, commercial, industrial or agricultural activities, except community gardens and golf courses.

   b. At least 51 percent of required natural open space shall be configured into one contiguous area. Land with hillside constraints shall be prioritized for inclusion as required open space.

   c. A street may be placed within the contiguous natural open space area if Hearing Officer finds such street is necessary to ensure adequate circulation or access. Such a street shall not be counted as a portion of the total required open space provided.

   d. The contiguous natural open space area shall be contiguous with dedicated natural open space area(s) on adjoining lots or parcels of land as feasible.

   e. 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 as feasible.

   f. For a land division:

      i. The following types of improved open space shall be configured into, or contained within open space lots, unless owned in common and maintained by a home owner’s or property owner’s association:
(a) Parks, playgrounds, golf courses, and other recreational facilities;

(b) Riding, hiking, and mountain biking trails; and

(c) Community gardens.

ii. Natural open space shall be configured into separate open space lots if the land division is a density-controlled development as defined by Section 22.08.040, or if the land division is in a rural land use designation with 20 or more dwelling units and residential lots of 15,000 square feet or smaller.

4. Open Space Recordation.

a. If the development is a land division, required open space areas shall be shown on the tentative map and the final map or parcel map waiver, and shall be subsequently recorded on the final map or parcel map waiver as a fee lot or as an Open Space – Restricted Use Area in the office of the County Registrar-Recorder/County Clerk.

b. If the development is not a land division, 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 in a covenant recorded in the office of the County Registrar-Recorder/County Clerk.

5. Open Space Ownership and Management. If the development is a land division and open space lots are provided or required by subsection F.2.f, a condition of approval shall be provided for ownership and management of the open space lots. This may be established through one or more of the following:
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 or Property Owner’s Association where demonstrated that dedication to the entities above or a conservation easement is infeasible.

6. Design. The Hearing Officer may impose additional conditions pertaining to sensitive hillside design techniques.

7. Land Division. For a land division, the conditions may specify that any subsequent applications to modify the Conditional Use Permit pursuant to Part 11 of Chapter 22.56 need only relate to the lots or parcels of land affected by such modification.

G. Findings. The Hearing Officer shall approve an application for a Conditional Use Permit if the Hearing Officer finds that the application substantiates, in addition to those required by Section 22.56.090, the following findings:

1. That the proposed development preserves the physical integrity of HMAs to the greatest extent feasible, resulting in the least amount of impact to hillside resources, by:
a. Locating development outside of HMAs to the extent feasible,

b. Locating development in the portions of HMAs with the fewest hillside constraints, and

c. Using sensitive hillside design techniques;

2. That the proposed development preserves the scenic value of HMAs to the greatest extent feasible, resulting in the least amount of impact to 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. Locating development outside of HMAs to the extent feasible,

b. Locating development in the portions of HMAs with the fewest hillside constraints, and

c. Using sensitive hillside design techniques;

3. That the proposed development is compatible with community character, and provides required open space compatible with the characteristics of the development site and the surrounding area. Where modified:

a. For development in a rural land use designation, a greater percentage of improved open space is necessary for public safety or is aesthetically superior,

b. For streets within a natural open space area, such street is necessary to ensure adequate circulation or access, or
c. For ownership and maintenance by a home owner’s or property owner’s association, dedication or a conservation easement as provided herein is infeasible; and

4. That the proposed development is in substantial compliance with the Hillside Design Guidelines.

H. Development by the County or special district. The lead County department or the district 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 or operations activities or any activities listed in subsection D.8 above.