From: Glaser, Mitch
To: Menke, Brianna
Subject: FW: Additional Comments on Draft SEA and HMA Ordinance
Date: Tuesday, May 01, 2012 5:06:21 PM

Hi Brianna:

These are Sandy's comments. Please add them to the comment matrix. Please investigate the two items that I highlighted – see if you can figure out why we went from net to gross and why we limit developed OS to 33% of total OS area. We'll deal with the other comments later. Thanks again for taking lead on this.

Thanks,
Mitch

Mitch Glaser, AICP
Community Studies North Section
213-974-6476

From: Bruckner, Richard
Sent: Friday, April 06, 2012 4:01 PM
To: Sanabria, Jon; Glaser, Mitch
Subject: Fwd: Additional Comments on Draft SEA and HMA Ordinance

FYI
Sent from my iPhone

Begin forwarded message:

> **From:** Sandy Sanchez <ssanchez@bialav.org>
> **Date:** April 6, 2012 10:06:59 AM PDT
> **To:** "cchung@planning.lacounty.gov" <cchung@planning.lacounty.gov>
> **Cc:** Richard Bruckner <rbruckner@planning.lacounty.gov>, Holly Schroeder <hschroeder@biasc.org>, Marta Golding Brown <mgbrown@bialav.org>
> **Subject: Additional Comments on Draft SEA and HMA Ordinance**
>
> Hello Connie,
> As discussed last week, I am forwarding some additional comments (see below) on the Draft SEA and HMA Ordinance. Please call me to review and discuss further. Hope you have a great holiday. Sandy
>
> **General Observations:**

1. This proposed ordinance change will increase the scope of areas requiring a hillside CUP. Currently, only areas of greater than 25% slope which propose to exceed certain densities, depending on whether they are in urban or nonurban areas, require a CUP. Under the current ordinance, a slope density calculation is performed and only if a certain threshold is exceeded is a CUP required. The proposed ordinance makes any development on terrain with 25% or greater slope subject to a CUP. It does away with the slope density

calculation. Only if you develop outside of the 25% or greater sloped areas can you proceed without a CUP. This is a huge departure from the current practice. Why make this change? Why are we departing from slope density calculation?

2. The percentage of lot area required to be set aside as open space (70% in rural or non-urban and 25% in other categories) is proposed to be based on "gross" lot area as opposed to "net" lot area in the current ordinance. This means that more land will be required to be set aside. Open space within a project has to be contiguous within the project site imposing design constraints. They also prohibit commercial activities in open space which means no commercially productive vineyards or orchards in open space. They limit what can be done in open space to recreation, trails, manufactured slopes, vegetated swales and brush clearance, otherwise the open space must remain in a natural condition. No community garden, for example.

3. Overall, the ordinance appears designed to make it more difficult to develop hillside areas, reduces density in hillside areas by making all development subject to a CUP and requires more open space to be set aside.

4. The County maintains a Hillside Management Ordinance. Why does this proposed draft SEA ordinance also include Hillside Management? Will the existing Hillside Ordinance be grandfathered?

Detailed Comments:

5. Section 22.56.216. C.2 last sentence I believe indicates that modifications granted "after" not before the effective date shall be subject to the provisions of this section.

6. Section 22.56.216 D.1 Conditional Use Permit Required will be required a hillside management conditional use permit for fuel modification that takes place of slopes of 25 percent or greater is excessive.

7. In the SEA Ordinance, there appears to be a mistake in the wording of Section 22.56.216.D.2.c Conditional Use Permit Required which exempts grading of more than 5,000 cubic yards for a single family residence. It would seem that grading of less than 5,000 cubic yards should be exempt. And like the above, there appears to be a mistake in the wording of Section 22.56.216.D.5 Conditional Use Permit Required which exempts grading projects of more than 5,000 cubic yards. It would seem that grading projects of less than 5,000 cubic yards should be exempt.

8. In Section 22.56.215.F.1.an Initial Project Appraisal above, Section 22.56.216.E.1 Conditional Use Permit Application states that materials required by the applicant include "... any other information the Director determines to be necessary..." is too general and open ended. This should be specific to the review of the SEA resources.

9. Section 22.56.216.E.3.b.v Conditional Use Permit Application requires a biological report for any hillside management application – extremely excessive requirement.

10. Section 22.56.216.F.1.a the reference to lots should be changed to project area.

11. Section 22.56.216.F.1.b.ii Development Standards and Guidelines (Dedicated Open Space Requirement) implies that any portion of a property that is mapped by the State as earthquake-included landslide or liquefaction areas must become priority open space, even if a site specific geotechnical report does not confirm the hazard. The geotechnical report should be allowed in evaluation.

12. Section 22.56.216.F.1.b.iii Development Standards and Guidelines (Dedicated Open Space Requirement) requires that all slopes 50% or greater must become open space. Why?

13. Section 22.56.216.F.1.c.i Development Standards and Guidelines (Open Space Design) implies that the required open space may be used for residential purpose but not commercial. Why?

14. Section 22.56.216.F.1.c.ii Improved open space cannot exceed 1/3 of the required open space area, why?

15. Section 22.56.216.F.1.c.ii Is brush clearance not allowed within required open space? Fire department will have issues with this.

16. Like Section 22.56.215.H.3.b Development Standards and Guidelines (Proposed Open Space) above, Section 22.56.216.F.1.e Development Standards and Guidelines (Dedicated Open Space Requirement) does not allow any dedicated open space to remain in the possession of the property or it implies the requirement of an HOA. Not all properties will have an HOA and they should not be mandated.

17. Section 22.56.216.F.2.d Development Standards and Guidelines (Site Design). Like the SEA, Standards and Guidelines should be included in a document outside the ordinance to allow flexibility. Guidelines do not include shall. This would also allow for graphics and exhibits to illustrate the points. This is what most jurisdictions are doing.

18. Section 22.56.216.F.4.a Why are public works standards which obviously have to be met mentioned in this ordinance?

19. Section 22.56.216.F.4.b. This statement conflicts in that there are no private drive and fire lane requirements…again an item that need not be in this ordinance.

20. Section 22.56.216.F.4.e. "To the extent feasible" should be added to this subsection.

21. Section 22.56.216.F.5.a. Why only swales? There are other LID features and solutions that should be allowed.

22. Section 22.56.216.F.6 Retaining walls, how do colors blend into the surrounding contours? Too much unnecessary detail prohibiting good planning by applicants and their consultants.

23. Section 22.56.216.G.3 Findings must show that the development is compatible with the natural resources but there is no measure of how this is determined. Similarly, Section 22.56.216.G.4 Findings must show that the development is designed to protect hillsides but there are no criteria of how that may be achieved.

24. The proposed hillside management ordinance (22.56.216) includes no provision for the calculation of density potential of any kind, although a slope analysis is required. This could be a method through which the County significantly reduces density potential without rezoning a property, much like the hillside zoning amendment associated with One Valley One Vision which has removed all density from slopes greater than 50% (if adopted). This later zoning amendment has not had proper environmental review (since it is not included in the One Valley One Vision EIR).

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