

Appendices

Appendix C. Zoning Ordinance Amendments

Appendices

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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 (HMA)" means any portion of a lot or parcel of land which contains terrain with a natural slope gradient of 25 percent or steeper.

...

SECTION 2. Section 22.08.160 is hereby amended to read as follows:

...

— "Pedestrian Paseo" means a landscaped walkway accessible to the public, located outside a public right-of-way or private roadway, where motorized vehicles are prohibited. A pedestrian paseo shall be a minimum of five feet in width; provide amenities such as appropriate lighting, benches, water features, etc.; and be designed to maximize visibility from public view points.

...

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

22.56.215 Hillside Management and Significant Ecological Areas –

Additional Regulations.

A. 4.—Permit Required. Except as specified in subsection C, prior to the issuance of any building or grading permits, the relocation of two or more property lines between three or more contiguous parcels in a coordinated effort as determined by the

Director of Planning regardless of the ownership of the involved parcels and regardless of whether the relocations are applied for concurrently or through multiple or successive applications, approval of a minor land division or subdivision, or the commencement of any construction or enlargement of any building or structure on a lot or parcel which is in or partly in an area designated in the County General Plan and related maps as a significant ecological area ~~or within a hillside management area~~ as specified herein, a conditional use permit shall be applied for and approved as provided by this section ~~when:~~

1. The property contains an area designated in the General Plan and related maps as a significant ecological area as adopted on or after January 1, 2012, and the portion of a lot within such area is proposed to be developed; or

2. The property contains an area designated in the General Plan and related maps as a significant ecological area as adopted prior to January 1, 2012, and any portion of a lot which is in or partly in such area, is proposed to be developed.

~~2. A conditional use permit is required in hillside management areas~~
~~when:~~

~~a. The property contains any area with a natural slope of 25 percent or more in an urban hillside management area proposed to be developed with residential uses at a density exceeding the midpoint of the range of densities established by an adopted areawide, community or specific plan covering the areas in which the proposed development is located. Where there is no adopted areawide, community or specific plan, the applicable density range shall be established by the land use element of the General Plan.~~

~~b. The property contains any area with a natural slope of 25 percent or more in a nonurban hillside management area proposed to be developed, with residential uses at a density exceeding the low density threshold established for such property pursuant to subsection E.~~

B. Intent and Purpose of Regulations.

1. A conditional use permit is required in order to protect resources contained in significant ecological areas ~~and in hillside management areas~~ as specified in the county General Plan from incompatible development, which may result in or have the potential for environmental degradation ~~and/or destruction of life and property~~. In extending protection to these environmentally sensitive areas, it is intended further to provide a process whereby the reconciliation of potential conflict within these areas may equitably occur. It is not the purpose to preclude development within these areas but to ensure, to the extent possible, that such development maintains and where possible enhances the remaining biotic resources of the significant ecological areas, ~~and the natural topography, resources and amenities of the hillside management areas,~~ while allowing for limited controlled development therein.

C. Exemptions from Permit. Permit exemptions include:

1. Accessory buildings and structures as defined in this title;
2. Additions or modifications to existing residences; provided, however, that such additions or modifications do not increase the number of families that can be housed in said residences;
3. Individual single-family residences where not more than one such residence is proposed to be built by the same person on contiguous lots or parcels of

land. This exemption shall not apply to the relocation of two or more property lines between three or more contiguous parcels as described in subsection A.4. of this section;

~~4. In hillside management areas only (these provisions shall not apply where the subject property is also within a significant ecological area):~~

~~a. Issuance of building permits pursuant to a final map where project grading has commenced in accordance with an approved grading permit,~~

~~b. Development proposals which are so designed that all areas within the project which have a natural slope of 25 percent or greater remain in a completely natural state. the director shall make this determination using the proposed development plan, slope maps and any other material he deems necessary;~~

~~5. Final maps and development approvals (permits) related thereto which are in substantial conformance with a tentative map approved or extended by the county of Los Angeles since December 31, 1978, except as California state law may otherwise specify;~~

65. Complete applications for development proposals which were filed for approval prior to February 5, 1981, except at the specific request of the applicant. This exemption shall also apply to the refiling of applications which were denied solely by reason of Sections 65950 through 65967 of the Government Code and were originally filed prior to February 5, 1981. Any development proposals within this exemption still must be consistent with the county of Los Angeles' adopted General Plan;

~~76.~~ Property located in both a significant ecological area and a sensitive environmental resource area; ~~provided, however, that this exception applies only to the significant ecological area regulations and does not apply to the provisions related to hillside management.~~

D. Additional Contents of Application. In addition to the material specified in Section 22.56.030, an application for a conditional use permit for ~~hillside management~~ or significant ecological areas shall contain the following information:

1. ~~In all applications:~~

~~_____a._____~~ Panoramic or composite photographs from all major corners of the subject property and from major elevated points within the property;

~~b2.~~ Maps showing the existing topography of the subject property. Commercially available maps may be deemed acceptable.;

~~i._____~~ ~~One copy of s~~ Such map shall identify the locations of all drainage patterns, watercourses and any other physical features which are customarily found on topographical maps prepared by the United States Geological Survey;

~~ii._____~~ ~~A second copy shall delineate all property having a natural slope of 25 to 49.99 percent, and a natural slope of 50 percent or more;~~

~~c3.~~ A grading plan to a scale satisfactory to the director indicating all proposed grading, including the natural and finished elevations of all slopes to be graded;

~~d4.~~ The following, if the construction of dwelling or other structures are part of the proposed project:

ia. Exterior elevation drawings, to a scale satisfactory to the director, indicating proposed building heights and major architectural features, and

ii**b**. Plans for decorative landscaping, showing the location of proposed groundcover areas, shrub mass, and existing and proposed tree locations for common or open space areas not left in a natural state. Such plan shall also include botanical and common names of all planting materials;

~~2. In hillside management areas, the following additional information:~~

~~a. Geology and soil reports indicating active or potentially active faults at and near the proposed site and the stability of the area within the various slope categories used in this section,~~

~~b. For proposed residential uses in areas identified as nonurban hillside management areas in the General Plan, the number of acres within the following slope categories, as determined by a licensed civil engineer, licensed land surveyor or a registered geologist:~~

~~i. Zero to 24.99 percent natural slope,~~

~~ii. 25 to 49.99 percent natural slope,~~

~~iii. 50 percent or greater natural slope;~~

~~3. In significant ecological areas, the following additional information:~~

~~a~~5. Identification and location of the resources constituting the basis for classification of such area as a significant ecological area where not provided by the environmental assessment or the initial study for an environmental document;

~~b~~6. Proposed natural open areas, buffer areas, or other methods to be used to protect resource areas from the proposed use;

7. Such other information as the planning director determines to be necessary for adequate evaluation. The planning director may waive one or more of the above items where he deems such item(s) to be unnecessary to process the application.

~~E. Calculation of Thresholds in Nonurban Hillside Management Areas. Density thresholds for residential uses in nonurban hillside management areas shall be calculated using the analysis of slope categories required by subsection D2b, as follows:~~

~~1. Low-density Threshold. The low-density threshold for a proposed development shall be determined by:~~

~~a. Multiplying the number of acres to the nearest tenth acre in the following slope categories by the density threshold indicated as follows:~~

~~i. One dwelling unit per five acres of land within the zero to 24.99 percent natural slope category;~~

~~ii. One dwelling unit per 10 acres of land within the 25 to 49.99 percent natural slope category; and~~

~~iii. Zero dwelling units for any acreage within the 50 percent and above natural slope category.~~

~~b. The resulting total number of dwelling units to the nearest tenth acre obtained by adding the above categories is then divided by the total acreage of the project to the nearest tenth acre, and rounded down to obtain the low-density threshold applicable to such project.~~

~~2. Determination if Conditional Use Permit Required. If the density per acre of the proposed development exceeds the low-density threshold of such development obtained in subsection E1 above, a conditional use permit is required.~~

~~3. Maximum Density Permitted. The maximum density for a proposed development shall be that permitted by the adopted areawide, community, or specific plan for the area in which the proposed development is located. Where there is no adopted areawide, community, or specific plan, the maximum density shall be that established by the land use element of the General Plan.~~

~~FE. Burden of Proof. In addition to information required in Section 22.56.040, the application for a conditional use permit for hillside management and significant ecological areas shall substantiate to the hearing officer the following facts:~~

~~1. Hillside Management Areas.~~

~~a. That the proposed project is located and designed so as to protect the safety of current and future community residents, and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, mud flow, or erosion hazard, and~~

~~b. That the proposed project is compatible with the natural, biotic, cultural, scenic and open space resources of the area, and~~

~~c. That the proposed project is conveniently served by (or provides) neighborhood shopping and commercial facilities, can be provided with essential public services without imposing undue costs on the total community, and is consistent with the objectives and policies of the General Plan, and~~

~~d. That the proposed development demonstrates creative and imaginative design, resulting in a visual quality that will complement community character and benefit current and future community residents;~~

~~2. Significant Ecological Areas.~~

~~a. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas, and~~

~~b₂. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state, and~~

~~c₃. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state, and~~

~~d₄. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development, and~~

~~e₅. That where necessary, fences or walls are provided to buffer important habitat areas from development, and~~

~~f₆. That roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas or migratory paths.~~

~~G_F. Hearings. In all cases where formal filing for a conditional use permit-hillside management and for significant ecological areas is submitted, a public hearing shall be held pursuant to current procedures. In all cases, however, where a conditional use permit-hillside management and for significant ecological areas is filed and~~

processed as a single application with a land division case, such public hearings shall be held concurrently.

HG. Director's Report.

1. In all cases where a public hearing is required, the director shall prepare a report to the hearing officer containing, but not limited to, the following:

a. Detailed review of the applicant's development proposal, including:

~~i. Appraisal of measures proposed to avoid or mitigate identified natural hazards, and~~

ii. Appraisal of measures taken to protect scenic, biotic and other resources, and

iii. Recommended changes in the proposed development necessary or desirable to achieve compliance with the findings required by subsection H of this section and the provisions of the General Plan, and

~~iv.~~ Recommended conditions to be imposed to insure that the proposed development will be in accord with the findings required by subsection H and the provisions of the General Plan;

b. In cases where the proposed development would impact a significant ecological area and where such information is not included in the environmental document, identification and location of the resources constituting the basis for classification of such area as a significant ecological area.

2. The director, in developing such a report and recommendation, will consult with appropriate agencies and will compile the recommendations and comments

of such agencies, including any recommendation of SEATAC. ~~Developments which are located in the Malibu Coastal Zone which are in both a significant ecological area and a sensitive environmental resource area shall be evaluated by the ERB pursuant to the provisions of Part 6 of Chapter 22.44 in lieu of SEATAC to assure the protection of the resources contained in these areas.~~

H. Findings and Decision. The hearing officer shall not approve an application for a conditional use permit-hillside management and for significant ecological areas unless it finds that the proposal is consistent with the General Plan and

1. ~~In hillside management areas:~~

a. ~~That the burden of proof set forth in subsection F of this section has been met by the applicant, and~~

b. ~~That the approval of proposed dwelling units exceeding the number permitted by the low density threshold for the proposed development in nonurban hillsides or the midpoint of the permitted density range in urban hillsides is based on the ability to mitigate problems of public safety, design and/or environmental considerations, as provided in this section and the General Plan;~~

2. ~~In significant ecological areas, that the burden of proof set forth in subsection FE has been met by the applicant.~~

J. Conditions. ~~Every conditional use permit-hillside management and significant ecological areas shall be subject to the following conditions. All of the following conditions shall be deemed to be conditions of every conditional use permit-hillside management and significant ecological areas, whether such conditions are set forth in the permit or not. The hearing officer shall, as a condition of approval, require~~

that the proposed development plan incorporates those measures necessary to protect identified resources and meet the burden of proof described in subsection E of this section. The hearing officer, in granting the conditional use permit-hillside management and for significant ecological areas, may impose additional conditions, ~~but may not change or modify any of the following conditions except as otherwise provided herein and/or pursuant to the provisions of Part 2 of Chapter 22.56~~

1. ~~Hillside Management Areas.~~

a. ~~Open Space. Open space shall comprise not less than 25 percent of the net area of a residential development in an urban hillside management area, and not less than 70 percent of the net area of a residential development in a nonurban hillside management area. Subject to the approval of the hearing officer, such open space may include one or more of the following:~~

- i. ~~Undisturbed natural areas,~~
- ii. ~~Open space for passive recreation,~~
- iii. ~~Private yards, provided that certain construction rights are dedicated,~~
- iv. ~~Parks and open recreational areas,~~
- v. ~~Riding, hiking and bicycle trails,~~
- vi. ~~Landscaped areas adjacent to streets and highways,~~
- vii. ~~Greenbelts,~~
- viii. ~~Areas graded for rounding of slopes to contour appearance,~~

~~ix. Such other areas as the hearing officer deems appropriate;~~

~~b. Landscaping. Where appropriate, a plan for landscaping common or open space areas not to be left in a natural state shall be submitted to and approved by the hearing officer. Where a landscaping plan has not been submitted to the hearing officer as part of this application, said plan shall be submitted to and approved by the director prior to the issuance of any grading or building permit. Appeal of the director's decision shall be as provided in Section 22.56.1750~~

~~c. Utilities. The applicant shall submit to the hearing officer, and it shall be made a condition of approval, satisfactory evidence that the applicant has made arrangements with the serving utilities to install underground all new facilities necessary to furnish service in the development. This requirement may be waived where it would cause undue hardship or constitute an unreasonable requirement;~~

~~d. Residential Density. The hearing officer shall, as a condition of approval, designate the maximum number of dwelling units permitted in a residential development as follows:~~

~~i. In urban hillside management areas, a number between the midpoint and the maximum number of dwelling units permitted by the range of densities established by an adopted areawide, community or specific plan covering the areas in which the proposed development is located. Where there is no adopted areawide, community or specific plan, the applicable density range should be established by the land use policy map of the General Plan, but not to exceed the number permitted by this Title 22~~

~~ii. In nonurban hillside management areas, a number between the low-density threshold and the maximum number of dwelling units established for such property pursuant to subsection E of this section, but not to exceed the number permitted by this title 22~~

~~e. Architectural Features. Where not submitted to the hearing officer as part of this application, exterior elevation drawings indicating building heights and major architectural features shall be submitted to and approved by the director prior to the issuance of any building permit. Appeal of the director's decision shall be as provided in Section 22.56.1750~~

~~2. Significant Ecological Areas. The hearing officer shall, as a condition of approval, require that the proposed development plan incorporates those measures necessary to protect identified resources and meet the burden of proof described in subsection F of this section.~~

SECTION 4. Section 22.56.217 is hereby added to read as follows:

22.56.217 Hillside Management Areas -- Additional Regulations.

A. Purpose.

1. This Section is established to ensure that development preserves and enhances the physical integrity and scenic value of Hillside Management Areas (“HMA”s), provides open space, and is compatible with and enhances 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 tailored to the unique site characteristics.

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

cut slopes due to grading, fill slopes constructed with native or import materials, and excavation; or any slope not created as part of a development.

7. “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.

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

9. “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 or enhance community character. Such techniques may be found in the Hillside Design Guidelines.

C. 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. Notwithstanding the foregoing, a Community Standards District may require a Conditional Use Permit for a lesser amount of total cut plus 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. Activities being undertaken as on-site or off-site mitigation for biota impacts from another development, such as restoration of natural habitat or planting of oak trees.

4. 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 gradient of 25 percent or steeper; 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 steeper) and not contiguous with any other terrain with a natural slope gradient of 25 percent or steeper.

5. 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.

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

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

8. 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.

9. Development where the project’s fuel modification affects slopes of 25 percent or greater to satisfy Fire Department requirements. For this exemption to apply, there must be no accompanying grading activities, and only minimal disturbance to plant roots is allowed.

10. 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 or trails, bridges, soil erosion, 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.

D. 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 F of this Section.

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 of this Section;
 - 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.

E. 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 net 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 subsection B.4 of Section 22.20.460.

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. The 51 percent natural area may be configured in two areas only if the staff biologist determines that such configuration is environmentally superior to one contiguous area.

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;

(c) Pedestrian paseos; and

(d) 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.

3. 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.

4. Open Space Ownership and Management. If the development is a land division and open space lots are provided or required by subsection E.2.f of this section, a condition of approval shall provide for ownership and management of the open space lots. This may be established through one or more of the following listed in the order of County preference:

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 recorded in the office of the County Registrar-Recorder/County Clerk as an Irrevocable Offer to Dedicate or equivalent instrument 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.

5. Design. The Hearing Officer may impose additional conditions pertaining to sensitive hillside design techniques provided such conditions are consistent with the Hillside Design Guidelines.

6. 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.

F. 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 lesser amount of impacts to hillside resources, by:

a. Locating development outside of HMAs to the extent feasible,

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

c. Using sensitive hillside design techniques tailored to the site requirements;

2. That the proposed development preserves the scenic value of HMAs to the extent feasible, resulting in lesser amount of impacts to on-site and off-site scenic views of slopes and ridgelines as well as views of other unique, site-specific aesthetic or significant natural 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 tailored to the site requirements;

3. That the proposed development is compatible with or enhances community character, and provides open space as required in this Section. 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. In such cases no portion of the street shall be counted as open space, 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.

G. 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 C.9 above.

APPENDIX FOR SECTION 22.56.217

HILLSIDE DESIGN GUIDELINES

I. OVERVIEW

The policies of the Los Angeles Countywide General Plan (General Plan), and area and community plans where applicable, seek to preserve significant natural features in hillside areas. The Hillside Design Guidelines (Guidelines) are intended to implement these policies by ensuring that hillside development projects use sensitive and creative engineering, architectural, and landscaping site design techniques. The Guidelines will also help ensure that hillside development projects are designed in a manner that satisfies the findings of the Hillside Management Areas Ordinance (Ordinance). To accomplish this, the Guidelines include specific and measurable design techniques that can be applied to residential, commercial, industrial, and other kinds of projects.

Some design techniques may be more appropriate or feasible than others, depending on the type of project, location, size, complexity, and site constraints, and other design techniques incorporated into the project. The design techniques most appropriate for a project agreed by the applicant and the Director, are to achieve the purpose of the Ordinance.

The Guidelines are encouraged but optional for all other hillside projects not subject to the Ordinance. HMAs have 25% or greater natural slopes; however, development on 24% or “lesser” slopes can have negative impacts on hillside terrain that could be minimized by following these Guidelines.

II. SUBSTANTIAL COMPLIANCE

Finding 4 requires that the projects subject to the ordinance “substantially comply” with the Guidelines. The Guidelines are divided into five major design categories containing a variety of sensitive hillside design measures. The five major categories are:

- Site Planning
- Grading and Facilities
- Road Circulation
- Building Design
- Landscaping

For substantial compliance with the Ordinance, projects must use the design measures contained in the Guidelines that can be reasonably implemented in the project design. The project applicant should work with County staff to determine the most appropriate design measures. While the design measures are not individually weighted in the Guidelines, more weight may be given to a particular design measure based on the location, context, size and/or complexity of the project. No individual design measure should be used as a sole means to deny or recommend denial of a project; rather, all characteristics of a project’s design “as a whole” should be taken into consideration when making a final determination. The Hearing Officer or Commission is the authority in determining whether a project meets Ordinance findings.

Due to the variety, size, geology, hydrology, and complexity of development projects, there is no set number of design measures that meet the intent stated in subsection A of Section 22.56.217. Staff and project applicants are advised that four design measures

per category (Site Planning, Grading and Facilities, Road Circulation, Building Design, and Landscaping) is typically the appropriate number of design measures for a project to meet the Ordinance findings.

Staff and applicants are also advised that these numbers are general recommendations, and not absolute requirements. As projects are tailored to the individual site requirements and conditions, it is possible that more or less measures may be appropriate. When considering whether to support a request for a lower number of measures from an applicant, factors staff may consider include density, the size of the project, or whether the project is able to meet several partial credit design measures.

In situations where it is unclear whether a design measure is being fully utilized, County staff will use its recommendation for whole or partial design measure “credit” towards satisfying the Ordinance findings. Half-credit may be given for a design measure if the project design does not fully meet the design measure but partially satisfies it to the satisfaction of the County. Staff will also work with project applicants to determine which design measures can be implemented as project conditions of approval.

III. OTHER STANDARDS

In addition to meeting Ordinance findings, all projects are still subject to applicable Plans, County policies, Healthy Design standards, and the California Environmental

Quality Act. These factors could influence which design measures to use within a project.

IV. FACTORS AFFECTING RESIDENTIAL DENSITY

Sensitive hillside design techniques can be used to achieve a better project design while still maintaining a desired number of dwelling units. The General Plan land use designation (“plan category”) establishes the appropriate residential density range for a project, including the density maximum. However, there are a number of other factors that can affect the project’s density, such as:

- Land division standards (minimum lot size, lot width, street frontage and access)
- Zoning designation (minimum lot size/lot area per dwelling unit)
- Zoning standards (building setbacks, maximum lot coverage)
- Biological constraints (such as woodlands and wildlife habitats and corridors)
- Natural environmental hazards (such as geologic, seismic, fire, flood)
- Open space and parking requirements
- Public easements and dedications (such as for utilities)
- Community compatibility and neighbor concerns

V. LAND DIVISIONS

Past development patterns within the unincorporated County suggest that the largest hillside projects involve land divisions. Land divisions often have large amounts of grading along with the creation of new infrastructure and landscaping. While it should be expected that more design measures will be applicable to land divisions, quantity

should not be confused with quality. Smaller land divisions and non-land division projects should be evaluated not only by the number of design measures utilized but by how effectively they are used to achieve a sensitive hillside design.

VI. SENSITIVE HILLSIDE DESIGN MEASURES

1. Site Planning

Conserve land area and form, link open spaces, and promote a more attractive pattern of development that complements the hillside terrain.

- 1.1. Locate 50% or more of the project's buildings and developable lots within 500 feet (ft.) of existing sewer, water and roadway infrastructure.
- 1.2. Locate at least 50% of the development footprint on the flattest portions of the site¹ (i.e., those areas having slopes of less than 25%) when that area does not contain rare, sensitive, or State or federally listed threatened or endangered species.
- 1.3. Utilize all previously graded or disturbed areas on the site for new development to the greatest extent possible, before developing new areas, such that new development within undisturbed areas is reduced.
- 1.4. For new land divisions, contain at least 75% of developable lots within blocks that have a perimeter of ¼ mile (1,320 ft.) or less, measured from the roadway centerline. *(Note: The purpose of this design measure is to avoid unattractive "superblocks" of development on the hillside and instead use smaller block sizes that are more distinguishable from each other and can better fit in with the natural topography.)*

¹ "Site" referred to in the Design Measures means the "project site" or "subject property."

- 1.5. For new land divisions, where lot clustering is allowed and compatible with community character, reduce all single-family lot sizes to 15,000 square feet (sf.) or less.
- 1.6. For new land divisions, utilize a variety of small, medium and large lot sizes (such as 5,000, 10,000 and 20,000 sf.) in such a manner that it will produce different building layouts and sizes.
- 1.7. Differentiate pad elevations by 1 to 30 ft. throughout the project by street (or common driveway), by block and/or by lot.
- 1.8. Place the narrow side of the lot (or building pad) such that it allows the building façade to face the roadway.
- 1.9. Utilize terraced building pads in select areas within the site to preserve slopes that exceed 50%.
- 1.10. Preserve the most prominent and unique slopes, hilltops and ridgelines² on the site for recreational uses within dedicated (or common) open space areas.
- 1.11. Exceed the minimum Ordinance open space acreage requirements by 10% or more.
- 1.12. Preserve contiguous undisturbed open space throughout the site, utilizing segments of land that are at least 150 ft. wide.
- 1.13. Utilize at least 25% of the overall project's disturbed (improved) open space for recreational purposes.
- 1.14. Locate and design improved open space as a buffer (recommended at least 50 ft. wide) between undisturbed open space and development.

² When ridgelines are mapped "significant ridgelines" by the County, the stricter regulations applicable to those ridgelines shall apply and staff shall determine whether it is appropriate to give credit for this Design Measure.

- 1.15. Create scenic vista points at prominent locations such as hilltops and ridgelines, providing amenities³ at the points and making them accessible to the public. When provided, this shall count as improved open space.
- 1.16. Provide private (connector) trails or pedestrian paseos that link together all of the project's open space areas (1 acre or larger) and connect to any onsite or offsite public trails.
- 1.17. For new land division blocks of development that exceed 800 ft. between intersections, design mid-block thru-paths such as trails or pedestrian paseos, that connect to intervening streets or open space areas, and make the paths accessible to the public.
- 1.18. Use any other site planning techniques not listed in this section that either through innovation or in consideration of specific site constraints or other specific project factors, are tailored to the site and promote the overall design Objective.

2. Grading and Facilities

Avoid mass landform alteration, preserve the physical shape of the hillside, and maintain pleasant views.

- 2.1. For projects with more than 100,000 cubic yards of onsite earthwork, avoid any mass cut and fill grading that would result a 25 ft. or greater elevation change from the existing natural grade to the finished manufactured grade anywhere over the site.

³ Such as decks, seating arrangements, overhead cover (trellis or gazebo), landscaping and shade trees, and information signs for landmarks or points of interest.

- 2.2. Use contoured grading lines that match or closely match the existing topography, generally avoiding lines that trace 45 to 90 degrees against the natural contour.
- 2.3. Utilize undulating banks for graded slopes in order to maintain the natural pattern of the topography to the greatest extent feasible.
- 2.4. Design the project's longer graded horizontal slope surfaces and slope increments (typically 300 or more ft. in length) to be variable in terms of height and spacing, in order to replicate natural topographical patterns, taking into account hydrology design and any sewer, water and storm drain infrastructure.
- 2.5. Locate water tanks and other similar types of structures that are 20 or more ft. tall so that their highest point is at least 50 ft. below the crest of the highest hilltop or ridgeline located within 500 ft. on or off the site.
- 2.6. Locate visually intrusive structures (such as water tanks) so that they are hidden from public views, placing them behind hills, buildings, landscaping, existing trees or other more appropriate and attractive screening objects.
- 2.7. Avoid berms and block walls that obstruct views from or to buildings; instead, locate and design the buildings in accordance with the other site planning, road circulation, building and landscaping design measures contained in these Guidelines.
- 2.8. Design drainage facilities as multi-purpose site features⁴ that are attractively landscaped, conserve water, improve water quality, and provide opportunity for recreational activity. *(Note: These features may be counted towards required open space acreage, as improved open space, if designed to the County's*

⁴ Subject to the approval of Los Angeles County Public Works.

satisfaction. Such features should be located in areas already designated for improvement such as park sites, roadsides, or previously-graded flat areas.)

- 2.9. Build retaining walls to be less than six ft. in exposed height, and terrace the walls where appropriate and in a manner that does not substantially increase visual impacts.
- 2.10. Use earth-tone colors and materials⁵ for exposed hardscape surfaces such as block walls, retaining walls, drainage terraces and storm gutters.
- 2.11. Use ~~more~~ attractive designs and materials that are compatible with, or enhances, community character for any walls or fencing used to enclose public facilities (such as debris and retention basins), especially when such facilities are in highly-visible locations and/or are designed as “multi-purpose” site features. *(Note: Safety and security shall be maintained for the facilities when using a more attractive wall or fence design.)*
- 2.12. Use any other grading and public facility design techniques not listed in this section that either through innovation or in consideration of specific site constraints or other specific project factors, are tailored to the site and promote the overall design Objective.

3. Road Circulation

Preserve the physical shape of the hillside, maintain good connectivity, and provide scenic roadway views.

- 3.1. Provide at least 2 points of paved roadway access⁶ to a County highway (major or secondary) for any project (or portion of development) greater than 50

⁵ Subject to the approval of Los Angeles County Regional Planning.

dwelling units and 10 acres in size. *(Note: This practice should only be considered when the second road connection will not require a substantial amount of additional grading; special consideration may be given when connecting to an adjacent community or providing access to community services such as schools and parks.)*

- 3.2. Locate and design new roadways to follow the existing natural slope contours, avoiding mass landform alteration and excessive grading.⁷
- 3.3. Utilize private drives instead of public streets on 50% or more of the project road circulation system to allow slightly higher gradients (up to 15%) that result in less grading and better conformance to natural slope contours, taking into account hydrology design and any sewer, water and storm drain infrastructure.
- 3.4. Use undulating patterns and varying grades⁸ for roadway segments exceeding 1,000 ft. in length.
- 3.5. Connect roadways to form blocks wherever feasible (2,000 sf. or less block perimeter), such that at least 75% of the development footprint (to include public facilities) is contained within blocks. *(Note: The purpose of this is to provide good access and connectivity for safety reasons, and to use roadways to buffer development from natural vegetated areas.)*
- 3.6. Use culs-de-sacs in limited instances, such as where road connections would require grading into 50% or greater slopes or grading into 25% or greater slopes for a distance of more than 500 ft.

⁶ May be a private roadway or fire lane but shall be un-gated, accessible by the public, and of sufficient width to meet Los Angeles County Fire Department requirements.

⁷ Subject to the sight distance, signing, striping and marking requirements of Los Angeles County Public Works.

⁸ Subject to the maximum allowed street grade requirements of Los Angeles County Public Works.

- 3.7. Provide unpaved trail or paved pedestrian path thru-connections (e.g. pedestrian paseos) for all culs-de-sacs. *(Note: Fee-dedicated strips are recommended instead of easements on private lots.)*
- 3.8. Utilize “edge” (single-loaded) roads along at least 50% of the development perimeter, in areas with steep hillside terrain, and to buffer development from undisturbed open space.
- 3.9. Place all new roadways and paved driveways at least 100 ft. below the crest of the tallest hilltop or ridgeline located onsite, or offsite within 500 ft. of the project boundary.
- 3.10. Design “split” roadways or landscaped medians to preserve unique or important natural features (such as oak trees or rock outcroppings).
- 3.11. Use bridge design techniques that are attractive, maximize the preservation of natural watercourses, and allow easy wildlife migration beneath the bridge (minimum 6 ft. of vertical and horizontal clearance recommended).
- 3.12. Use private drives instead of public roadways when it will result in narrower roadway widths that create less grading. *(Note: Private drives should conform to the Los Angeles County Private Drives and Traffic Calming Manual, and should not eliminate sidewalks or reduce sidewalk connections throughout the development.)*
- 3.13. Use any other roadway circulation design techniques not listed in this section that either through innovation or in consideration of specific site constraints or other specific project factors, are tailored to the site and promote the overall design Objective.

4. Building Design

Promote more attractive views through building siting and orientation, and use of building materials and colors that complement natural hillside features.

- 4.1. Place structures and/or limit their height so that their rooflines are equal to or below the elevation of the roadway grade of the development above.
- 4.2. Utilize terraced (split-level) or “cantilevered” building designs wherever feasible on 25% or greater slopes. *(Note: Split-level homes should have a second floor exterior that is visibly set-back from the first floor exterior so that a terraced profile can be seen from the public view.)*
- 4.3. Use a variety of house, garage and other building placements that better responds to the hillside terrain and creates a more interesting and attractive streetscape.
- 4.4. Limit building heights to 2 stories (or 25 ft.) when sited on 25% or greater slopes or when the building pad elevation is located less than 50 ft. below the crest of the nearest hilltop or ridgeline located within a linear distance of 500 ft.
- 4.5. Use a wider variety of architectural treatments and materials⁹ for the facades and exteriors of buildings that are located in highly-visible areas on the site (such as main entryways, higher elevations, and isolated lots or building pads that can be seen from public view).
- 4.6. Use pitched roofs (at least 1.5:1) and shingles for new residences.¹⁰

⁹ Such as metal, stone, wood, brick, plaster, and concrete.

¹⁰ Subject to approval by the Los Angeles County Fire Department.

- 4.7. Utilize architectural design techniques to screen rooftop mechanical equipment from public view.
- 4.8. Design building exteriors with stonework and/or woodwork that matches rock and tree varieties found in visible locations on the site or in the surrounding community within a distance of 1 mile. *(Note: Materials shall not be sourced from sensitive or scarce local resources such as oak trees, unless the project design is already removing these materials on site due to other project constraints and reusing them).*
- 4.9. For business signs, use wood construction materials and painted lettering/logos, avoiding the use of metal and plastic, and with 18 sf. or less total sign surface area (10 sf. for blade signs) per business establishment.
- 4.10. Design monument signs to be constructed with wood, stone, brick and/or decorative concrete, and to be no more than 6 ft. in height. *(Note: The placement of all monument signs shall accommodate an adequate line of sight to the adjacent roadway.)*
- 4.11. Limit all signs so that they project upward no higher than the roofline of the building (or nearest adjacent building), and do not disrupt sightlines to the horizon.
- 4.12. Illuminate signs from the exterior, with downward-projecting, hooded light fixtures that minimize light trespass.
- 4.13. Use any other building design techniques not listed in this section that either through innovation or in consideration of specific site constraints or other

specific project factors, are tailored to the site and promote the overall design Objective.

5. Landscaping

Preserve existing vegetation, conserve water and provide more attractive and comfortable settings within the developed areas of the hillside project.

- 5.1. Retain and incorporate 50% or more of existing onsite trees and woodlands (particularly native and drought-tolerant species, and oak woodlands) into the overall project landscaping plan¹¹.
- 5.2. Avoid all healthy¹² oak tree encroachments and removals through the sensitive location and design of development.
- 5.3. Landscape all graded slopes and improved open spaces in an attractive manner that accomplishes at least 2 or more of the following beyond a State or County-required minimum (whichever is more restrictive): a) restores habitat; b) conserves water or improves water quality; c) provides shade for pedestrians and bicyclists; d) enhances slope stability (must landscape all slopes \geq 5 ft. high); e) increases fire protection; f) provides recreational opportunities.
- 5.4. Utilize native and drought-tolerant trees, shrubs and ground cover over all exposed graded areas.
- 5.5. Landscape at least 50% of all graded slopes and improved open spaces at a minimum ratio of 1 new shrub per 100 sf. and 1 new tree per 800 sf.

¹¹ May require consultation with the County biologist prior to conceptual landscaping plan approval.

¹² As determined by a qualified arborist. Only applies to oaks that are the minimum ordinance size or larger.

- 5.6. Vary the height, placement and color of appropriate landscaping materials throughout the site.
- 5.7. Use a wide variety of local and non-invasive plant species within the project's improved open space areas, matching or exceeding the variety found onsite and listed in the project's plant surveys and biota reports.
- 5.8. Plant new native and drought-tolerant trees and shrubs of a sufficient interval, size and height to screen hardscape surfaces and unadorned features such as block walls; infrastructure; and exposed and prominently located building facades.
- 5.9. Use plant materials and irrigation systems that, combined, conserve water 20% or more beyond State and County requirements.
- 5.10. Reapply the graded topsoil to manufactured slopes and improved open space areas.
- 5.11. Use any other landscaping design techniques not listed in this section that either through innovation or in consideration of specific site constraints or other specific project factors, are tailored to the site and promote the overall design Objective.

VII. List of Design Exhibits

Design exhibits are necessary to evaluate the proposed development in accordance with County policies, code requirements and case processing procedures. Some projects may not need to provide all exhibits listed below, but rather on an as-needed basis at the discretion of County staff when applicable.

- Site Plan (Exhibit “A”) – A plan that shows existing contour intervals (10 ft. or less), existing development and proposed development, to include lots, structures, roadways, driveways, grading and building pads. Should also depict roadway and retaining wall cross sections.
- Site Profile – A scaled drawing that shows a cross-section view of the site from one edge to the other, showing the location of all development in the hillside and the overall extent of hillside encroachment and landform alteration. *(Note: More than one cross section may be required in order to accurately assess hillside impacts.)*
- Block Elevation – (For land divisions or larger multi-unit developments as applicable) A drawing that shows a row of multiple house (or other building) elevations as they would appear to the public from a lower vantage point on or adjacent to the site. May also include depictions of landscape screening.
- Landscape Plan – A color plan that shows all proposed landscaped areas, to include plant materials and any pedestrian and aesthetic features such as walkways, recreation equipment, fountains, gardens, etc. Should also depict existing vegetation that will be preserved, as well as oak or other mitigation trees (if known).

- Fuel Modification Plan – A specific type of landscape plan that shows all fuel modification zone boundaries, distances between boundaries, and types of vegetation, as required by the Los Angeles County Fire Department. (Please refer to the Fire Department’s separate guidelines when creating this plan.)
- Open Space Exhibit – A simplified site plan showing all proposed lots, roadways and grading only; also depicts, numbers and labels the restricted-use areas and separate lots to be preserved as OS; distinguishes between different types of OS and provides a legend that describes each type of OS; and provides a table listing the approximate acreage of the individual OS types and the quantity and percentage of improved (disturbed) and undisturbed OS within each lot, and for the overall project.
- Slope Map – A complete site plan (road and retaining wall cross sections excluded) that depicts the three different slope ranges (<25%, 25-49%, and ≥50%) according to a color scheme of green – yellow – red, respectively.
- Buildout Simulation – A color exhibit that shows how new development would impact existing hillside views. It typically depicts a “before” and “after” perspective view of the hillside(s), and includes realistic or semi-realistic photos or renderings of the actual buildings and landscaping that will be used in the development, showing how they will affect the hillside views.
- Viewshed Analysis – A site plan or cross section showing the specific degree angle of view from one or more vantage points on the site. The “sight-line” is drawn from the point of view to some object of observation (such as a road intersection or ridge-top) depicted at some distance from the point of view on or

off-site. The sight line will show any intervening features that may block the line of sight.

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to the addition of regulations concerning development applications that are pending at the time of adoption of the 2015 General Plan Update zoning consistency program.

SECTION 1. Section 22.16.225 is hereby amended to read as follows:

22.16.225 Applicability for Zone Changes and Amendments.

...

B. 2015 General Plan Update. If a zone change or amendment is the result of a zoning consistency program of the 2015 General Plan Update, including but not limited to amendments to Section 22.56.215 (Hillside Management Areas) and Part 28 of Chapter 22.52 (Significant Ecological Areas), the following provisions shall apply:

1. Pending Applications. The following shall apply to complete applications filed prior to the effective date:

a. The applicant may choose whether the application will be reviewed for compliance with the previous zone and previous regulations or with the changed zone and amended regulations that are the result of the zoning consistency program of the 2015 General Plan Update. In either case, approval of the application is not guaranteed.

b. If an application is reviewed for compliance with the previous zone and previous regulations, the applicant may modify the application prior to consideration by the Commission, Hearing Officer or Director. The modification may necessitate the submittal of revised, updated, or additional materials and reports, such

as but not limited to, site plans, elevations, and oak tree reports. The modified application shall be reviewed for compliance with the previous zone and previous regulations unless otherwise selected under subsection A.1 of this Section, or 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.

2. Modifications to Approved Applications.

a. Minor modifications to an approved but not used application, found in substantial conformance with such application as determined by the Director, may be reviewed for compliance with the previous zone and previous regulations. Otherwise, a modification shall be considered a new application and shall be reviewed for compliance with the changed zone and amended regulations that are the result of the zoning consistency program of the 2015 General Plan Update.

b. 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 Title 22 in effect at that time. During the grant term, any minor modification to the approved use, found in substantial conformance with such application as determined by the Director, shall be reviewed for compliance with

the previous zone and previous regulations. Otherwise, a modification to the approved use shall be subject to the provisions of Title 22 in effect at that time.

c. 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, found in substantial conformance with such application as determined by the Director, shall be reviewed for compliance with the previous zone and previous regulations. Otherwise, a modification to the approved use shall be subject to Part 10 of Chapter 22.56 and all other relevant provisions of Title 22 in effect at that time.