Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Bruce W. McClendon FAICP
Director of Planning

Date: May 13, 2008

To: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: Bruce W. McClendon, FAICP
Director of Planning

SUBJECT: RESPONSE TO BOARD MOTION REGARDING CERRITOS ISLAND (April 15, 2008, Item 69-A)

On April 15, 2008, at the suggestion of Supervisor Knabe, and on motion of Supervisor Yaroslavsky, the Director of Planning was instructed to review the development activity in the Cerritos Island, including pending applications and approvals for yard modifications, along with a comparison of County requirements for yard modifications with neighboring cities. The Director was also instructed to consult with County Counsel to determine if it is appropriate to adopt an interim urgency ordinance to either require a conditional use permit for yard modifications, or impose a temporary moratorium until such time that appropriate regulations are developed.

Pursuant to the Board motion, my staff has prepared the following report regarding Cerritos Island, which is the geographic area bounded by 166th Street to the North, Gridley Road to the East, 167th Street to the South, and Elmcroft Avenue to the West surrounded by the City of Norwalk to the north and City of Cerritos in all other directions. (See Attachments A and B) This constitutes our report back to your Board on this issue.

Should you have any questions or concerns, please contact me or Mr. John Calas of my staff at (213) 974-6431. Our office hours are 7:30 a.m. to 6:00 p.m., Monday through Thursday. We are closed on Fridays.

BWM:JC:np

C: Chief Executive Officer
Consumer Affairs
County Counsel
Executive Officer, Board of Supervisors
Director of Department of Public Works

EXECUTIVE SUMMARY

- Pending applications:
  There are currently two pending applications:
  1. COC 200800087—Certificate of Compliance for vacant property on Graystone Avenue (APN 7016-021-035)
  2. CUP 200700085/ENV200700068—to continue church facilities, including residence for worship and operation of a preschool (APN 7016-015-086, 120)

  No plot plan or yard modification applications are currently pending for Cerritos Island.

- Approvals for yard modifications:
  Since 1962, Regional Planning has approved 52 plot plan and yard modification applications within Cerritos Island.

- Comparison with neighboring cities:
  Attachment C provides a summary of yard modification procedures for Los Angeles County, and the Cities of Cerritos, Artesia and Norwalk.

- Options per Consultation with County Counsel
  1. Maintain existing yard modification procedure.
  2. Maintain the existing yard modification procedure, but require a 500 foot radius notification instead of 100 feet.
  3. Instruct Regional Planning to prepare an urgency ordinance and review the appropriateness of a CSD for Cerritos Island and report back to the Board within 30 days regarding interim regulations for yard modification until a CSD or other regulatory procedure is developed.
  4. Instruct Regional Planning to change Section 22.48.180 of the Zoning Code to require a more rigorous yard modification process in all unincorporated areas and bring the revised ordinance change back to the Board for consideration.

- Regional Planning Recommendation:
  Option two above is recommended as it can be implemented immediately and will vastly improve local notification to surrounding property owners increasing the potential for greater input from surrounding neighbors.

BACKGROUND

Zoning / General Plan Designation in Cerritos Island

The zoning of all parcels within Cerritos Island are in the R-1 (Single Family Residence) zone, except for four properties which are zoned R-2 (Two Family Residence). The properties in the R-2 zone are located at 11330-11360 166th Street and 16705-16715 Gridley Road (Assessor's Parcel Number 7016-015-120, 7016-015-088, 7016-015-083, and 7016-015-082). All the properties within Cerritos Island have a Countywide Land Use Policy of "1- Low Density Residential" (1-6 dwelling units per acre).

Existing County Setback Regulations in Cerritos Island

Front Yard Setback—The Zoning Ordinance, Title 22, states that the front yard setback may be modified if the lot is on sloping terrain. All parcels in Cerritos Island are on flat terrain. Thus, Title 22 does not permit front yard modifications in Cerritos Island by right. The submittal and approval of a discretionary Yard Modification procedure is needed for any modifications to setbacks.

Side Yard Setback—Per Section 22.48.100, the interior side yards on narrow parcels, where a lot of land is less than 50 feet in width, may have interior side yards equal to 10% of the average width, but in no event less than 3 feet in width. Many of the parcels in Cerritos Island are 25 feet in width. For these parcels, the required side yard setback is 3 feet only, without the need of a Yard Modification.

Rear Yard Setback— Per Section 22.48.110, rear yards on shallow parcels, where a lot of land is less than 75 feet in depth, may have a rear yard equal to 20% of the average depth, but in no event less than 10 feet in depth. Many of the parcels in Cerritos Island are 62.5 feet in depth. For these parcels, the required rear yard setback is 12.5 feet, without the need of a Yard Modification.

Height—Per Section 22.20.110, every residence and every other building or structure in Zone R-1 shall have a height of not to exceed 35 feet above grade, except for chimneys and rooftop antennas. The maximum height for buildings in Zone R-1 of Cerritos Island is 35 feet. A Variance procedure is required for any modification to the height requirement (Section 22.56, Part 2).

Building Code—Per consultation with the Los Angeles County Department of Public Works (Public Works), the Los Angeles County Building Code requires all habitable rooms to have a minimum height of 7.5 feet, excluding the ceiling floor joists and roof. Thus, a residence could potentially be three stories high and satisfy the permissible height of 35 feet, as required by the Zoning Ordinance.

Land Use Cases Pending with Regional Planning

Based on a query of our records, since 1962, Regional Planning has approved fifty-two Yard Modification applications within the Cerritos Island under the existing yard modification procedure. All of these yard modifications involved a modification to either the front yard, side yard or rear yard setback.

There are currently no pending Yard Modification cases filed in Cerritos Island with Regional Planning. There is one pending Certificate of Compliance application, submitted on April 1, 2008. This project is located along Graystone Avenue within a vacant lot (APN 7016-021-035). There is also a pending Conditional Use Permit (CUP) and the associated Environmental Initial Study Review (Project No. 2007-00999) proposed to continue a church facility, a residence for worship, and operation of a preschool located at 11330 166th Street.

Existing County Yard Modification Procedure

The yard modification procedure is a discretionary procedure that may allow for the modification of front, side and rear yard setbacks. Under Code Section 22.48.180, the director of planning or the county engineer, without notice or hearing, may grant a modification to yard or setback regulations required by the ordinance codified in this Title 22 or any other ordinance where topographic features, subdivision plans or other conditions create an unnecessary hardship or unreasonable regulation or make it obviously impractical to require compliance with the yard requirements or setback line, except for the supplemental yards established contiguous to limited secondary highways which only may be modified in accordance with Section 22.48.115. The county engineer shall notify the director of planning of all modifications which the county engineer has granted.

The yard modification procedure within Regional Planning requires submittal of a Site Plan Review application, Yard Modification Burden of Proof, vicinity map depicting all buildings or structures within 500 feet of the subject property with similar setbacks to those being requested, photographs of these structures, an ownership radius map keyed to the ownership list, and gum labels containing contact address of all property owners located within the 100 feet of the subject property. The current application fee for a Yard Modification submittal is $953.00. In instances where yard modifications are denied, the applicant may appeal to the Regional Planning Commission.

It is important to recognize that the lots in Cerritos Island were not created under today's more rigorous land division procedures and standards. The Cerritos Island lots were created in 1927 under an older process called a license survey map. Nevertheless, to insure the lots are legal, Regional Planning requires a Certificate of Compliance application for the lots in Cerritos Island.

Neighboring Jurisdictions- Yard Modification Procedures

To better understand how yard modifications are handled, the cities surrounding Cerritos Island were contacted. Unincorporated Cerritos Island has three neighboring Cities- City of Cerritos, City of Norwalk, and City of Artesia. Attachment C displays a summary of yard modification procedures utilized in these cities.

City of Artesia

Only the City of Artesia allows for an administrative modification process, similar to the County's Yard Modification Process. The City of Artesia allows for two application procedures for modifications to setback requirements. An Administrative Variance may be submitted if the proposal involves the encroachment into the side yard setback and only in limited situations. According to the City of Artesia's Zoning Code, such proposals may include the proposal of a detached garage or a storage room or recreation room attached to the garage which encroaches into the side yard setback and/or rear yard setback and the encroachment of a satellite antenna.

If the existing structure is not less than three feet from the side property line and the new addition is proposed to continue the same wall line, the applicant may apply for an Administrative Variance also. This application process does not require a fee but requires the submittal of environmental information along with the application. The property owners of the adjoining properties to the subject property would be notified of this application submittal and are given ten days to comment. A decision will be made regarding the modification at an in-house meeting. The process takes about one month to complete. Once a decision is made, the decision may be appealed to the Planning Commission, within an appeal period of ten days. For all other situations, a Variance application would be required. The application fee is $470. The property owners within a 300-foot radius would be notified and the comment period is 10 days. The Variance process takes about two to three months to complete.

City of Cerritos and City of Norwalk

The City of Cerritos and the City of Norwalk allow for modifications to the setback requirement and other design standards through the submittal and approval of a Variance. The Variance process includes a public hearing with the Planning Commission.

For the City of Cerritos, the Variance application fee is $200, plus $100 for mandatory environmental review. The process takes about two months to complete and requires a 500-foot notification and a comment period of 10 days.

As for the City of Norwalk, the application fee is $715.50 for the owner of the single family residence if he/she is the applicant. For all other applicants, the application fee is $2,146.50. The process takes six to eight weeks to complete and requires a notification radius of 300 feet and a comment period of 10 days.

Height Requirements

With regards to the maximum height of residences, the City of Cerritos and City of Norwalk allow a maximum height of 35 feet, while the City of Artesia allows a maximum height of 30 feet. The permissible number of stories/floors within a single family residence for the City of Artesia and City of Cerritos is two, while the City of Norwalk allows for 2.5, permitting either an attic or basement.

Yard Modification for Undersized Lots in Cerritos Island

A typical undersized lot in Cerritos Island is 25 feet in width by 62.5 feet in length, for a total of 1,562.50 square feet in size. Without approval of a yard modification on such small lot, it would be impossible to build a single-family residence with a minimum livable floor area of 800 square feet and a two-car garage or car port (a minimum of 400 square feet). In addition, a highway dedication is sometimes required by Public Works. In the case of properties on Elmcroft Avenue, a 10-foot highway dedication is required from each property. This further reduces the buildable lot area. Consequently, building a second and third story, below the maximum height, is the only option left to satisfy the minimum livable floor area of 800 square feet. In other situations the yard modification or variance procedure is the only option possible other than leaving the lot vacant or mergin it with an adjacent property.

Options

Regional Planning has consulted with the County Counsel on this matter and identified the following four options for Board consideration:

1. Maintain the existing yard modification procedure. The existing procedure has been utilized for many decades without significant problems or issues with a few isolated exceptions.

2. Maintain the existing yard modification procedure but revise the current Regional Planning policy of providing notice to surrounding properties to include notice to a 500-foot notification radius of surrounding property owners instead of the present 100-foot radius notification. This would provide greater opportunity for public input and can be easily accomplished internally within Regional Planning by changing notification policy.

3. Instruct Regional Planning to prepare an urgency ordinance for the Cerritos Island and report back to the Board within 30 days with interim regulations for yard modifications until a Community Standards District (CSD) or other regulatory procedure is developed. This CSD approach has been done in other unincorporated communities. For instance, in the unincorporated communities of Topanga and Altadena, the CSD requires a more rigorous process and review of setback modifications. The advantage of a CSD is that it allows for the development of special planning standards for development projects within a defined geographic area that are not applicable throughout the entire unincorporated area. Since the Cerritos Island is a unique area, this would be a nexus for developing a CSD. Regional Planning can study various options for a more rigorous review of yard modifications. Such option may include requiring a variance for modifying yard setbacks. The procedures for yard modification can be developed in the CSD with full community input.

4. Change Section 22.48.180 of the Zoning Code to require a more rigorous yard modification process. Such a change would be applicable to all unincorporated areas, except those areas within CSDs that have more specific yard modification provisions. This option is not preferred because the yard modification process continues to work well within many portions of the unincorporated area.

Recommendation

The Regional Planning recommendation is to consider option two above as it can be implemented immediately and will vastly improve local notification of surrounding neighbors who are the most impacted when a yard setback modification is authorized.

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Attachment A: Properites with Yard Modification cases (highlighted blue)

Printed On: May 13, 2008

Legend

- Parcel Boundary
- Arterial Street
- Highway
- Freeway

Master Plan of Highways
- Expressway - (e)
- Expressway - (p)
- Ltd. Secondary Highway - (e)
- Ltd. Secondary Highway - (p)
- Parkway - (e)
- Parkway - (p)
- Major Highway - (e)
- Major Highway - (p)
- Secondary Highway - (e)
- Secondary Highway - (p)

Railroad or Rapid Transit
- Railroad
- Rapid Transit
- Underground Rapid Transit

Significant Ridgelines
- Castaic CSD Primary
- Castaic CSD Secondary
- SMMNA Significant

- Census Tract (2000)
- Assessor Map Book (AMB) Bdy
- Zoning Index Map Grid
- Zoning Map Grid
- USGS Quad Sheet Grid
- The Thomas Guide Grid
- TB Internal Page Grid
- Very High Fire Hazard Severity Zone
- Community Standards District (CSD)
- CSD Area Specific Boundary
- ESHA (Coast Only)
- Significant Ecological Area (SEA)
- Section Line
- Township and Range
- National Forest
- Equestrian District (EQD)
- Transit Oriented District (TOD)
- Setback District
- Zoned District (ZD)
- Supervisorial District Boundary

Safety Related Stations (From TB)
- Fire Station
- Highway Patrol
- Police Station
- Ranger Station
- Sheriff Station

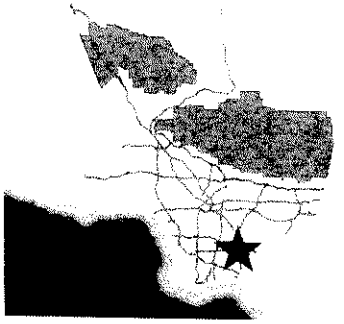
- Zoning (Boundary)

Zoning
- Zone A-1
- Zone A-2
- Zone B-1
- Zone B-2
- Zone C-1
- Zone C-2
- Zone C-3
- Zone C-H
- Zone C-M
- Zone CPD
- Zone C-R
- Zone D-2
- Zone IT
- Zone M-1
- Zone M-1.5
- Zone M-2
- Zone M-3
- Zone MPD
- Zone MXD
- Zone O-S
- Zone P-R
- Zone R-1
- Zone R-2
- Zone R-3-()U
- Zone R-4-()U
- Zone R-A
- Zone RPD
- Zone R-R
- Zone SP
- Zone SR-D
- Zone W

Landuse Policy (Not in Comm / Area Plan)
- 1 - Low Density Residential (1 to 6 du/ac)
- 2 - Low/Medium Density Residential (6 to 12 du/ac)
- 3 - Medium Density Residential (12 to 22 du/ac)
- 4 - High Density Residential (22 or more du/ac)
- C - Major Commercial
- I - Major Industrial
- O - Open Space
- P - Public and Semi-Public Facilities
- RC - Rural Communities
- R - Non-Urban
- TC - Transportation Corridor

Inland Waterbody
- Perennial
- Intermittent
- Dry

Note: This is a static legend, which includes only a portion of layers. To get full legend, please use "Display Map Legend tab" on the top left side of screen.



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Attachment B: Aerial view of Cerritos Island

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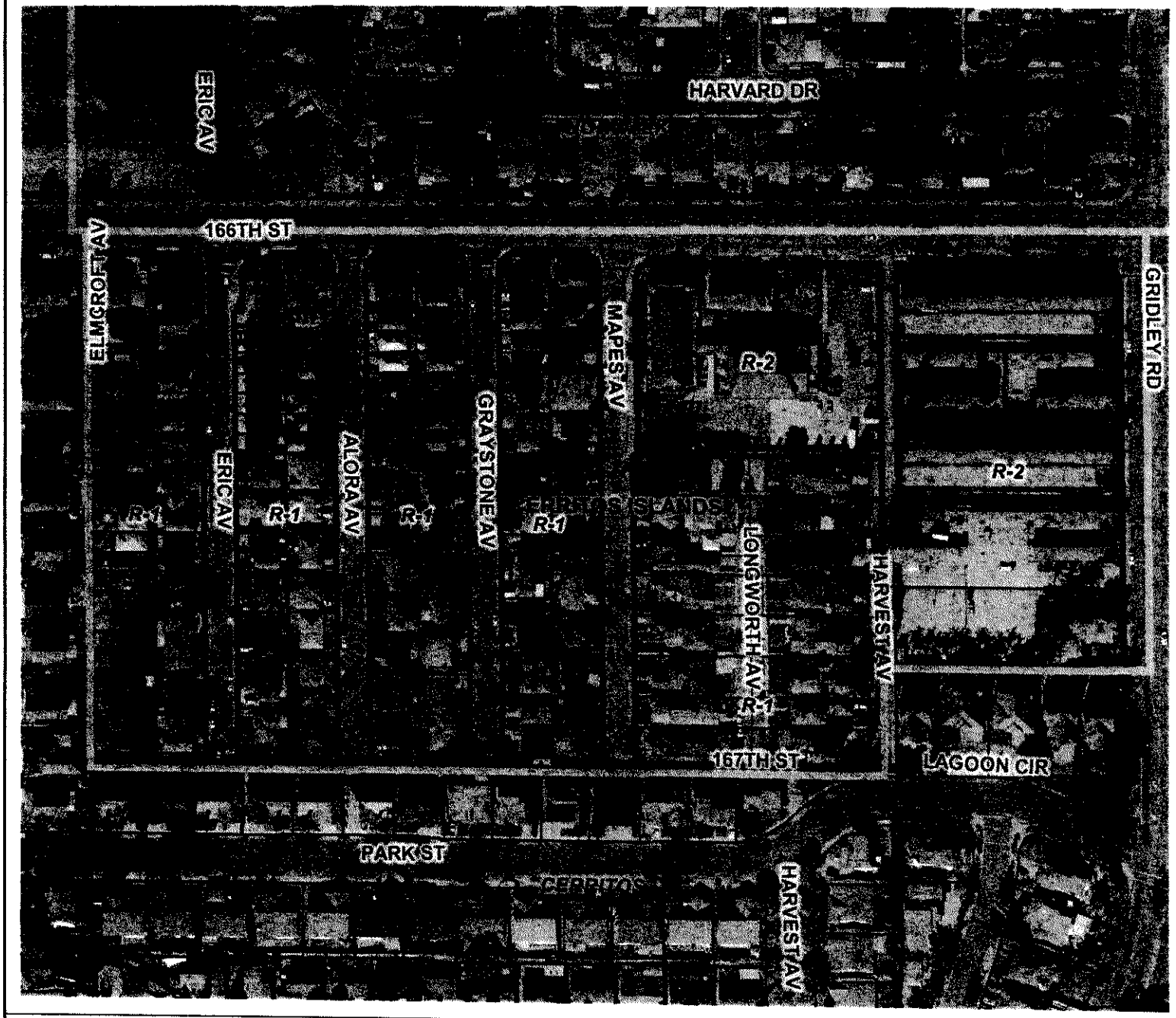

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- Police Station
- Ranger Station
- Sheriff Station

- Zoning (Boundary)

Zoning
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- Zone A-2
- Zone B-1
- Zone B-2
- Zone C-1
- Zone C-2
- Zone C-3
- Zone C-H
- Zone C-M
- Zone CPD
- Zone C-R
- Zone D-2
- Zone IT
- Zone M-1
- Zone M-1.5
- Zone M-2
- Zone M-3
- Zone MPD
- Zone MXD
- Zone O-S
- Zone P-R
- Zone R-1
- Zone R-2
- Zone R-3-(*)U
- Zone R-4-(*)U
- Zone R-A
- Zone RPD
- Zone R-R
- Zone SP
- Zone SR-D
- Zone W

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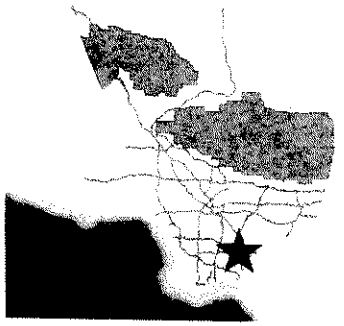

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ATTACHMENT C
YARD MODIFICATION PROCEDURES--COMPARISON WITH SURROUNDING JURISDICTIONS

Jurisdiction	Height Limitations	Modifications Allowed	Notification	Cost	Timeline
Cerritos	35' (two stories max)	Variance (Planning Commission)	500' radius	$200 (and $100 for environmental review)	Approximately 2 months
Artesia	SFR- 30' (two stories max) accessory- 17' (1 story max)	Variance (Planning Commission)	Var- 300' radius	Variance $470	Approximately 2-3 months
		Administrative Variance (for side and rear yard setback reductions in order to accommodate for a new garage…other cases include: following existing wall lines or additions to garages…determined by staff on a case by case basis)	Adjacent owners (touching properties)	No fee	Approximately 1 month
Norwalk	35' or two and a half stories…whichever is less (half = attic or basement)	Variance (Planning Commission)	300' radius 10 days	$715.50 for owner occupied sfr $2,146.50 for all others	Approximately 6-8 weeks
Los Angeles County	35'	Discretionary: Variance (Planning Commission) modification to other standards beside Yard Section	500' radius--30 days	$5,546	Approximately 9-12 months
	35'	Administrative Yard Modification Application (for modification to Yard Section)	100' radius--15 days	$953	Approximately 6-8 weeks