



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

May 22, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON EXTENDING ORDINANCE NO. 2017-0039U
ON THE ESTABLISHMENT OR EXPANSION OF OUTDOOR DANCE PAVILIONS IN
THE SANTA MONICA MOUNTAINS NORTH AREA
(THIRD SUPERVISORIAL DISTRICT) (4-VOTES)**

SUBJECT

Pursuant to California Government Code Section 65858, the Board of Supervisors (Board) enacted Interim Ordinance No. 2017-0033U (Interim Ordinance) on August 8, 2017, to temporarily prohibit the establishment of new, or the expansion of existing, outdoor dance pavilions, either as a primary or accessory use on all properties located in the area regulated by the Santa Monica Mountains North Area Plan (North Area Plan) and Community Standards District (CSD), until additional regulations are considered by the Board through the North Area Plan and CSD update currently underway.

To provide time for permanent regulations to be developed and as allowed by Government Code Section 65858, the Board extended the Interim Ordinance by an additional ten months and 15 days and adopted Ordinance No. 2017-0039U.

IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING,

Adopt an extension to Ordinance No. 2017-0039U for a period of 12 additional months to allow additional time to complete permanent regulations. This would be the maximum and final extension allowed by Government Code Section 65858.

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

1 May 22, 2018

CELIA ZAVALA
ACTING EXECUTIVE OFFICER

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Board enacted the Interim Ordinance on August 8, 2017, which placed a 45 day moratorium on the establishment or expansion of outdoor dance pavilions, either as a primary or accessory use, on all properties located in the North Area Plan, until additional regulations are considered by the Board through the North Area Plan and CSD update currently underway. The affected area is the unincorporated portion of the Santa Monica Mountains north of the Coastal Zone and west of the City of Los Angeles, as identified on the map following Section 22.44.133 of Title 22 of the Los Angeles County Code.

The Board then enacted Ordinance No. 2017-0039U on September 19, 2017, to extend the Interim Ordinance past the original 45 day period for a period of ten months and 15 days. Ordinance No. 2017-0039U will expire on June 24, 2018.

The Board adopted these ordinances temporarily banning dance pavilions because it found that there had been an increase in the number of properties in small residential neighborhoods that were being used to host weddings, large parties, and other special events. These special events had resulted in a number of negative impacts including traffic, noise disturbances, and threats to health and safety. In the North Area Plan, special events create additional traffic that overwhelms the area's narrow, winding roads. Many events also featured outdoor amplified music or other noise-generating uses that disturbed surrounding residences and wildlife late into the night. Further, due to limited road infrastructure, evacuating special event facilities could be difficult if there were an emergency, which increased concerns related to health and safety.

Many of the facilities hosting special events were located on properties zoned Resort and Recreation (R-R Zone), which does not explicitly allow for special event facilities and would, thus, be prohibited by County Code. A number of properties, however, had circumvented this limitation by designating their primary use as an "outdoor dance pavilion," which is allowed in the R-R Zone pursuant to a ministerial permit. In a number of cases, these dance pavilions had become de facto special event facilities that held large outdoor weddings, parties, and other gatherings. These dance pavilions become especially problematic when they are located near or adjacent to residential properties due to the disturbances they can create. There are currently no development standards that regulate dance pavilions in the R-R Zone. Approximately 845 acres of land that is zoned R-R could potentially be developed with dance pavilions. Continuing to permit this use without appropriate regulations could have severe impacts to residents' quality of life, health and safety.

The Department of Regional Planning (DRP) is currently drafting updates to the North Area Plan and CSD, including preparing new development standards and permit requirements for special event facilities. These new regulations are intended to reduce the impacts of special event facilities and ensure compatibility with surrounding land uses. Extending Ordinance No. 2017-0039U will allow DRP sufficient time to prepare these updates and bring them before the Board for consideration.

FISCAL IMPACT/FINANCING

Extension of Ordinance No. 2017-0039U would not result in any additional costs to the County. Funds have already been allocated for the update of the North Area Plan and CSD through the Fiscal Year 2017-18 Supplemental Changes Budget. The development of standards to regulate special events was included within the project budget. Accordingly, no additional funds will be required to implement this action.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Ordinance No. 2017-0039U will expire on June 24, 2018, unless extended by Board action. Pursuant to Government Code Section 65858, the ordinance temporarily prohibits the establishment of outdoor dance pavilions, either as a primary or accessory use, within the North Area Plan, until appropriate standards for these facilities can be developed, and prevents existing outdoor dance pavilions from undergoing additional development that would constitute expansion.

DRP is currently drafting updates to the North Area Plan and CSD, including preparing new standards to regulate special event facilities. In developing these regulations, DRP will complete the following tasks:

- Review other local jurisdictions' regulations that govern special events in rural and suburban areas;
- Assess the compatibility of special event facilities with surrounding land uses;
- Assess the environmental impacts of special event facilities through the Environmental Impact Report (EIR) being prepared for the North Area Plan and CSD updates, and develop appropriate mitigation measures to eliminate or reduce these impacts;
- Determine permit requirements and develop performance standards for special event facilities; and
- Circulate proposed standards and mitigation measures for County and public review as part of the North Area Plan and CSD update.

If the ordinance is not extended, outdoor dance pavilions may develop in the affected area without appropriate regulations and development standards, which could irreparably harm the physical condition and character of the area and negatively impact the health, safety, and welfare of the general public. Additionally, unless the ordinance is extended, an irreversible incompatibility of land uses may reasonably occur, to the detriment of public health, safety, and welfare. Such conditions pose a current and immediate threat to human health, safety, and welfare absent the extension of the restrictions of Ordinance No. 2017-0039U.

The provisions of Government Code Section 65858 permits the subsequently extension of the Interim Ordinance for one year. This extension would allow sufficient time for DRP to complete the updates to the North Area Plan and CSD, including environmental review pursuant to the California Environmental Quality Act (CEQA).

Extension of this ordinance requires that the Board conduct a public hearing at which time the ordinance extending Ordinance No. 2017-0039U may be adopted by no less than a four-fifths vote. The date of the public hearing has been set for May 22, 2018. Publication of a notice of this public hearing will take place not less than ten days prior to the hearing date, as required.

ENVIRONMENTAL DOCUMENTATION

Pursuant to CEQA requirements, an EIR is being prepared for the North Area Plan and CSD updates. The EIR will analyze the impacts of special event facilities, including dance pavilions, and will include appropriate mitigation measures to eliminate or reduce these impacts.

IMPACT ON CURRENT SERVICES (OR PROJECTS)


The proposed ordinance would not impact current services or projects as the North Area Plan and CSD updates are already underway, including preparing regulations for special event facilities. No additional staff or funding is required.

The proposed ordinance will be prepared by County Counsel and transmitted to the Board.

The Honorable Board of Supervisors
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For further information, please contact Anita Gutierrez, Community Studies West Section,
at (213) 974-6422 or agutierrez@planning.lacounty.gov.

Respectfully submitted,



Amy J. Bodek, AICP
Director

AJB:MC:AG:LD:ems

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Public Works

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OFFICE OF THE COUNTY COUNSEL

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MARY C. WICKHAM
County Counsel

May 8, 2018

Amy J. Bodek, Director
Department of Regional Planning
1390 Hall of Records
320 West Temple Street
Los Angeles, California 90012-3225

Re: Urgency Ordinance Second Extension Amending Title 22 to Prohibit New Outdoor Dance Pavilions in the Santa Monica Mountains North Area

Dear Ms. Bodek:

As requested, this office has prepared the above-referenced analysis and ordinance to extend the interim urgency ordinance, which temporarily prohibits the establishment of new outdoor dance pavilions, as well as the expansion of existing outdoor dance pavilions, in the unincorporated area regulated by the Santa Monica Mountains North Area Community Standards District ("CSD"), pending updates to the Santa Monica North Area Plan and CSD, which will appropriately regulate outdoor dance pavilions. This interim ordinance will require a public hearing and a four-fifths vote by the Board of Supervisors.

The enclosed analysis and ordinance may be presented to the Board of Supervisors for its consideration.

Very truly yours,

MARY C. WICKHAM
County Counsel

By 
JILL M. JONES
Senior Deputy County Counsel
Property Division

APPROVED AND RELEASED:


THOMAS J. FAUGHNAN
Senior Assistant County Counsel

JMJ:vn
Enclosures

c: Sachi A. Hamai, Chief Executive Officer
Celia Zavala, Acting Executive Officer, Board of Supervisors

ANALYSIS

This ordinance extends Interim Ordinance No. 2017-0033U, as previously extended by Interim Ordinance No. 2017-0039U, for a maximum period of twelve (12) months to June 23, 2019. This extension ordinance temporarily prohibits the establishment or expansion of outdoor dance pavilions, either as a primary or accessory use, on all properties located in the area regulated by the Santa Monica Mountains North Area Plan ("Plan") and Community Standards District ("CSD") in the County of Los Angeles, to allow consideration of, and possible development of, standards to regulate special event facilities, including dance pavilions, as part of the County's update to the Plan and CSD. Interim Ordinance No. 2017-0033U, as extended by Interim Ordinance No. 2017-0039U, is scheduled to expire on June 24, 2018, unless extended pursuant to Government Code section 65858.

This extension ordinance is an urgency measure that requires a public hearing and a four-fifths vote by the Board of Supervisors for adoption. It is the last extension of the urgency ordinance allowed under Government Code section 65858.

MARY C. WICKHAM
County Counsel

By 

JILL M. JONES
Senior Deputy County Counsel
Property Division

JJ:vn

Requested: 04/19/2018

Revised: 04/25/2018

ORDINANCE NO. _____

An ordinance extending Interim Ordinance No. 2017-0033U, as previously extended by Interim Ordinance No. 2017-0039U, temporarily prohibiting the establishment or expansion of outdoor dance pavilions, either as a primary or accessory use, on all properties located in the area regulated by the Santa Monica Mountains North Area Plan ("Plan") and Community Standards District ("CSD") in the County of Los Angeles, declaring the urgency thereof, and that this ordinance will take effect on June 24, 2018, to allow consideration of, and possible development of, standards to regulate special event facilities, including dance pavilions, as part of the County's update to the Plan and CSD.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Interim Prohibition.

Pursuant to section 65858 of the Government Code, the Board of Supervisors having held a public hearing, hereby extends Interim Ordinance No. 2017-0033U, as previously extended by Interim Ordinance No. 2017-0039U to June 23, 2019. Interim Ordinance No. 2017-0033U and Interim Ordinance No. 2017-0039U provided, and this extension similarly provides, that no dance pavilion, as defined in this ordinance, either as a primary or accessory use, shall be established or expanded upon any property that is within the area regulated by the Plan and CSD, as identified on the map following Los Angeles County Code ("County Code") Section 22.44.133 ("Santa Monica Mountains North Area").

SECTION 2. Authority.

Interim Ordinance No. 2017-0033U was adopted on August 8, 2017, and was subsequently extended to June 24, 2018, by Interim Ordinance No. 2017-0039U on September 19, 2017. Unless this ordinance takes effect on or before June 24, 2018, Interim Ordinance No. 2017-0033U will expire. California Government Code section 65858 provides that any urgency measure in the form of an interim ordinance after notice, pursuant to section 65090 and public hearing, may be subsequently extended by the legislative body for an additional one year by a four-fifths vote of the Board of Supervisors. This extension is the last extension of the urgency ordinance allowed under Government Code section 65858.

SECTION 3. Definitions and Penalties.

The definitions and penalties for land use violations that are prescribed in Title 22 of the County Code shall apply to the interpretation and violations of the provisions of this interim ordinance.

For purposes of this ordinance, the following definition shall apply:

"Dance pavilion" shall mean any structure, portion of a structure, or designated outdoor area that is used to host or accommodate special events not otherwise permitted by a license or conditional use permit, and the use of which often involves amplified music or other noise-generating uses, including weddings, parties, or other gatherings. A dance pavilion may be a primary or accessory use.

SECTION 4. Updates to the Plan and CSD Currently Underway.

The Los Angeles County Department of Regional Planning ("Regional Planning") is currently analyzing and considering updates to the Plan and CSD, which are intended to include standards to appropriately regulate special event facilities, including dance pavilions.

SECTION 5. Determination of Immediate Threat.

Prior to adoption of Interim Ordinance No. 2017-0033U, there was an increase in the number of properties in at least one relatively small residential neighborhood being used to host weddings, large parties, and other special events, which resulted in reports of several negative impacts, such as increased traffic, noise disturbances, and threats to health and safety. These types of special events create excess traffic that may overwhelm the area's narrow, winding roads. Many events also feature outdoor amplified music or other noise-generating uses that disturb surrounding residents and wildlife late into the night. Further, due to limited road infrastructure, many of these facilities hosting special events would be difficult to evacuate during an emergency, which increases health and safety risks.

Many of the facilities hosting special events are located on properties that are zoned Resort and Recreation (R-R), which does not explicitly allow for special event facilities and would, thus, be prohibited, pursuant to the County Code. A number of properties, however, have circumvented this limitation by designating the primary use of the property or area for the event as "outdoor dance pavilions," which are allowed in the R-R zone, pursuant to a ministerial permit. Once approved, in a number of cases, these

dance pavilions have become de facto special event facilities that hold large outdoor weddings, parties, and other gatherings. These dance pavilions become especially problematic when they are located near or adjacent to residential properties, which many are. There are currently no development standards that regulate dance pavilions in the R-R zone. Approximately 845 acres of R-R-zoned land in the North Area potentially could be developed with dance pavilions. Continuing to permit dance pavilions without any standards could severely impact residents' quality of life and health and safety.

Unless this interim ordinance takes effect on June 24, 2018, as provided for herein, an irreversible incompatibility of land uses might reasonably occur as a result of the establishment or expansion of dance pavilions in the affected area, all to the detriment of the public health, safety, and welfare. Accordingly, the Board of Supervisors finds that there is a current and immediate threat to the public health, safety, or welfare, and that establishment or expansion of dance pavilions and the approval of any additional subdivisions, variances, building permits, site plans, or any other applicable entitlements in connection therewith, would result in that threat to the public health, safety, or welfare, absent implementation of the restrictions contained in this ordinance. If this interim ordinance does not take effect on June 24, 2018, uses may be established or expanded that may be in conflict with the Plan and CSD updates under consideration, and these uses may continue after any permanent re-designation of land uses or establishment of regulations that may occur in the Santa Monica Mountains North Area described in Section 7.

SECTION 6. Severability.

If any provision of this interim ordinance or the application thereof to any person, property, or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which can be given effect without the invalid provisions or application, and, to this end, the provisions of the interim ordinance are hereby declared to be severable.

SECTION 7. Area of Applicability.

This ordinance applies to parcels located in the unincorporated area regulated by the Plan and CSD, as identified on the map following Section 22.44.133 of Title 22 of the County Code.

SECTION 8. Urgent Need.

This interim ordinance extension is urgently needed for the immediate preservation of the public health, safety, and welfare, and it shall take effect on June 24, 2018, upon adoption, and it shall be of no further force and effect twelve (12) months after its effective date.

[EX2URGDANCEPAVILIONSJJCC]