



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

February 28, 2012

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

Dear Supervisors:

**PROJECT NO. R2011-01079-(1-5)  
ADVANCE PLANNING CASE NO. 201100009  
PROPOSED AMENDMENTS TO TITLE 21 AND TITLE 22  
OF THE LOS ANGELES COUNTY CODE  
(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)**

**SUBJECT**

To amend Title 21 (Subdivision Ordinance) and Title 22 (Zoning Ordinance) of the Los Angeles County Code to clarify ambiguous language, confusing processes and account for changes in related regulations including State law. Amendments are to the following sections: 21.08.090 (Lease project), 21.12.010 and 21.12.020 (Subdivision Committee), ~~21.40.040 and 21.48.040 (Information or documents required for tentative maps)~~, 21.40.180 and 21.48.120 (Tentative map extensions), 22.08.230 (Definitions), 22.40.080 (Review of zone classification), 22.56.080 (Minor CUPs) and 22.56.085 (Grant or denial of minor CUP by Director), 22.56.1650 (Appeal from the Hearing Officer) and 22.60.190 (Administration).

**IT IS RECOMMENDED THAT YOUR BOARD, AFTER THE PUBLIC HEARING:**

1. Find that the proposed Code amendments are Categorically Exempt from the California Environmental Quality Act (CEQA) based on Section 15061(b) (Chapter 3, Title A. California Code of Regulations) because there is no possibility that the activity in question may have a significant effect on the environment. The proposed section that adds nonconforming apartment buildings to the uses that qualify for the minor Conditional Use Permit (CUP) process applies only to existing structures and, is therefore, exempt under CEQA Class 1, Existing Facilities.
2. Approve the recommendation of the Regional Planning Commission to make minor amendments to Title 21 (Subdivision Ordinance) and Title 22 (Zoning Ordinance) of

the Los Angeles County Code (County Code).

3. Instruct County Counsel to prepare an ordinance amending Title 21 (Subdivision Ordinance) and Title 22 (Zoning Ordinance) of the County Code, as recommended by the Regional Planning Commission.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

On September 21, 2011, the Regional Planning Commission initiated amendments to 11 sections of the Los Angeles County subdivision and zoning codes. The amendments were minor in nature and were needed to clarify ambiguous language, address confusing processes and account for changes in related regulations including State law. Amendments were to the following sections:

1. **21.08.090** -- delete reference to commercial in the definition of lease project, to be consistent with the Subdivision Map Act.
2. **21.12.010** – amend composition of Subdivision Committee (SCM) to reflect current County Department structure.
3. **21.12.020** – delete final maps from SCM consideration to reflect the current County structure.
4. **21.40.040** and **21.48.040** – amend application requirements for major and minor land division to match for consistency.
5. **21.40.180** and **21.48.120** – amend matching existing extensions granted by the Subdivision Map Act, ~~and end appeals of time extensions at the Regional Planning Commission.~~
6. **22.08.230** – amend the text in the definitions section – W “Water Well, Shared” by replacing adjoining with adjacent to match changes in the Plumbing Code.
7. **22.40.080** – amend the Development Program (DP) section related to unused permits.
8. **22.56.080** – delete the section that allows a conditional use permit without a public hearing.
9. **22.56.085** –add nonconforming apartment houses in zones where the use is allowed with a conditional use permit, to the list of uses that qualify for a minor conditional use permit.
10. **22.56.1650** – amend the appeal findings for modification or elimination of conditions requests.
11. **22.60.190** – delete the requirement that notification of action taken by the hearing officer, commission, or board of supervisors be mailed by certified letter.

### **Implementation of Strategic Plan Goals**

The amendments implement the following Countywide Strategic Plan Goals:

Goal 1: Operational Effectiveness

*“Maximize the effectiveness of processes, structure, and operations to support timely delivery of customer-oriented and efficient public services.”*

The proposed amendments would improve the functionality of the Subdivision and Zoning Codes by updating outdated sections, simplifying language that has proven to be confusing in practice and fix processes that were unworkable because of unintended consequences.

Goal 3: Community and Municipal Services

*“Enrich the lives of Los Angeles County’s residents and visitors by providing access to cultural, recreational, and lifelong learning facilities programs; ensure quality regional open space, recreational and public works infrastructure services for County residents; and deliver customer-oriented municipal services to the County’s diverse unincorporated communities.”*

The minor Code amendments improve the effectiveness and efficiency of the Subdivision and Zoning Codes and will therefore improve the County’s ability to deliver customer-oriented municipal services to the unincorporated communities within its jurisdiction.

**FISCAL IMPACT/FINANCING**

Approval and implementation of the proposed ordinance will not result in any loss of revenue to the County or significant new costs to the Department of Regional Planning (DRP) or other County departments. Adoption of this ordinance will not result in the need for additional DRP staffing.

The proposed ordinance will not result in additional net County costs, and therefore, a request for funding is not being made at this time.

**FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The minor amendments are necessary to more effectively and efficiently administer the County’s Subdivision and Zoning Codes. There are 11 sections in the two Codes that are affected by this amendment proposal:

1. Amendment to Section 21.08.090.A - would delete reference to commercial in the definition of a lease project, to be consistent with the language in Section 66412.1 of the Subdivision Map Act.

2. Amendment to Section 21.12.010 - would adjust the composition of the subdivision committee to reflect current County department structure. The subdivision committee membership has changed since this section of the Code was last amended. Department names have also changed or departments have been consolidated. The proposal is to amend this section to reflect the current membership.
3. Amendment to Section 21.12.020 - to delete final maps from subdivision committee consideration. The Subdivision Committee meeting no longer reviews final maps because the Department of Public Works serves as the clearinghouse for final tract and parcel map clearance.
- ~~4. Amendments to Sections 21.40.040 and 21.48.140 – that relate to application requirements. The changes proposed to these sections include updating the application requirements language of the Code to refer to separate application checklists maintained by the Director of DRP. This allows for ease in updating application requirements without amending the Code, and is consistent with Department efforts in the technical update to Title 22 (Zoning Ordinance).~~
5. Amendments to Sections 21.40.180 and 21.48.120 – to match existing extensions granted by the Subdivision Map Act. These two sections of the Code should contain the same time extension periods of up to six years, to be consistent with the Subdivision Map Act.
- ~~6. Amendment to Section 22.08.230 – Definition for “W – Water Well, Shared” to be consistent with the Plumbing Code, which was recently revised to allow a water line to cross more than one parcel. The Zoning Code, which was written to be consistent with the Plumbing Code, only allows a shared water well line to cross one lot line. Replacing the word adjoining with adjacent would correct the current inconsistency between the two codes.~~
7. Amendment to Section 22.40.080 - for Development Programs (DP) related to unused permits. The Zoning Code presently requires that the Department investigate rezoning properties where a CUP to establish the development program has not been approved, and/or the use not established within the required two-year period. In these instances, the Code requires that within 60 days, the Department conduct an investigation and potentially begin the process to change the zoning on the property. In practice, this has not been possible to implement. The proposed solution is that the 60-day period be removed and the Code language be changed from *shall* to *may*. This will allow the Department to investigate the matter in a reasonable time period and keep the existing zoning in place, if that is appropriate to do so.

8. Amendment to Section 22.56.080 - to delete provisions that allow a CUP to be approved without a public hearing. This section contradicts State law and cannot be implemented.
9. Amendment to Section 22.56.085 - to add nonconforming apartment houses in zones where the use is allowed with a CUP to the list of uses that qualify for a minor CUP. There are a number of apartment buildings in the older unincorporated neighborhoods that are legal nonconforming as a result of subsequent changes to the Zoning Code. Recognizing that a number of property owners are affected, on June 28, 2011, the Board of Supervisors directed the Department to explore options to amend the Code to allow nonconforming apartments to apply for the minor CUP process.

Although long-range plans and existing zoning intend that no new apartments be developed in the affected zones, there is value in allowing existing apartments to remain legally, so they can be properly maintained and provide needed housing for the community. Approximately 20 years prior, between 1990 and 1992, the West Athens-Westmont Community Plan, zoning consistency study, and corresponding West Athens-Westmont Community Standards District (22.44.120) was approved by the Board of Supervisors. This project changed zones for approximately 200 properties that contained apartments to zones where use permits would be required in the future. The Zoning Code requires that properties comply with new regulations after 1) five years from the date the use becomes nonconforming, or 2) 20 years when the structure becomes nonconforming. More than 20 years has passed since properties affected by the West Athens-Westmont planning effort became nonconforming, and therefore all affected apartment buildings now require special permitting to legally remain.

Many of the affected apartments remain viable uses and structures that can remain without detriment to the surrounding community. The present process to bring these properties into compliance with the Zoning Code would require an apartment building to obtain a CUP. In accordance with the Board of Supervisors motion of June 28, 2011, DRP staff and the RPC recommend the minor CUP process that is presently used for a select list of uses. The proposed solution is to allow apartment buildings to be added to the list of uses that qualify for a minor CUP. The benefit of making this change is:

- Process is administrative and takes approximately 8-12 weeks.
  - Present minor CUP fee is approximately \$1,400 compared to a full CUP, which is approximately \$8500.
10. Amendment to Section 22.56.1650 - will correct the findings section for appeals of modification or elimination of conditions requests. As it is presently worded, the Code has the unintended consequences of rendering appeals to the RPC of

modification or elimination of conditions requests meaningless. The Code requires that the request goes before the hearing officer as a discussion item. The hearing officer must find, amongst other findings, that there has been no more than one protest to the request before the hearing officer can approve the modification. If there are two protests, the request must be denied. If the hearing officer's decision to deny is appealed to the RPC, the Code requires that the RPC make the same findings. The proposed solution is to remove the protest finding from the RPC consideration on appeals. On appeal, the RPC would then be able to decide whether to grant the modification based on the merits of the request.

11. Amendment to Section 22.60.190 - to delete a requirement that notification of action taken by the hearing officer, the RPC, or the Board of Supervisors be mailed by certified letter. The Code requires that notice of the actions be sent by registered or certified mail. This Code requirement was established at a time when the US Postal Service was the only way to deliver important correspondence. Electronic mail has made this requirement obsolete. Revisions to the appeals procedures several years ago require that we now give notice of the appeal period at the time the action is taken at a hearing. Additionally, the appeal period is posted on the Department's website. Prior to the revision, the mailed letter/notice of action was the only means to communicate the appeal period to the applicant and interested parties.

The cost to use certified mail is approximately \$6 per mailing. An additional consideration to justify removing the requirement is that email and web posting make it possible for the Department to instantly deliver the information to interested parties.

A public hearing is required pursuant to Section 22.16.200 of the County Code and Section 65856 of the Government Code. Required notice must be given to the public pursuant to the procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Government Code Sections 6061, 65090, and 65856 relating to notice of public hearing. Notice of hearing was published in the following newspapers: Daily News, La Opinion, The Daily Breeze, The Signal, San Gabriel Valley Tribune, and Antelope Valley Press. Notices were also mailed to all those identified on the Department's courtesy mailing lists for all zoned districts throughout the County.

### **ENVIRONMENTAL DOCUMENTATION**

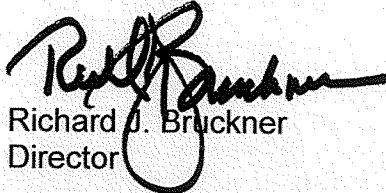
Most of the Code amendments included in this project are exempt from the CEQA based on Section 15061(b) (Chapter 3, Title A. California Code of Regulations) because there is no possibility that the activity in question may have a significant effect on the environment. The proposed section that adds nonconforming apartment buildings to

the uses that qualify for the minor CUP process applies only to existing structures and, is therefore, exempt under CEQA Class 1, Existing Facilities.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Approval of the proposed ordinance will not significantly impact County services.

Respectfully submitted,



Richard J. Bruckner  
Director

RJB:SA:mc:lm

Attachments: Draft Ordinance, Commission Resolution, Summary of Commission Proceedings, Commission Staff Report and Correspondence

c: Executive Office, Board of Supervisors  
Assessor  
Auditor-Controller  
Chief Executive Office  
County Counsel  
Department of Parks and Recreation  
Department of Public Health  
Department of Public Works  
Fire Department