

# LA CO Hillside Management Area Ordinance Old Comments (partial) from Building Industry Association

Agenda Item IX  
WCCA  
1/31/13

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

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Hi Brianna:

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

Thanks,  
Mitch

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

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

FYI  
Sent from my iPhone

Begin forwarded message:

**From:** Sandy Sanchez <[ssanchez@bialav.org](mailto:ssanchez@bialav.org)>  
**Date:** April 6, 2012 10:06:59 AM PDT  
**To:** "[cchung@planning.lacounty.gov](mailto:cchung@planning.lacounty.gov)" <[cchung@planning.lacounty.gov](mailto:cchung@planning.lacounty.gov)>  
**Cc:** Richard Bruckner <[rbruckner@planning.lacounty.gov](mailto:rbruckner@planning.lacounty.gov)>, Holly Schroeder <[hschroeder@biasc.org](mailto:hschroeder@biasc.org)>, Marta Golding Brown <[mgbrown@bialav.org](mailto:mgbrown@bialav.org)>  
**Subject:** **Additional Comments on Draft SEA and HMA Ordinance**

Hello Connie,  
As discussed last week, I am forwarding some additional comments (see below) on the Draft SEA and HMA Ordinance. Please call me to review and discuss further. Hope you have a great holiday. Sandy

## General Observations:

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

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

2. The percentage of lot area required to be set aside as open space (70% in rural or non-urban and 25% in other categories) is proposed to be based on "gross" lot area as opposed to "net" lot area in the current ordinance. This means that more land will be required to be set aside. Open space within a project has to be contiguous within the project site imposing design constraints. They also prohibit commercial activities in open space which means no commercially productive vineyards or orchards in open space. They limit what can be done in open space to recreation, trails, manufactured slopes, vegetated swales and brush clearance, otherwise the open space must remain in a natural condition. No community garden, for example.
3. Overall, the ordinance appears designed to make it more difficult to develop hillside areas, reduces density in hillside areas by making all development subject to a CUP and requires more open space to be set aside.
4. The County maintains a Hillside Management Ordinance. Why does this proposed draft SEA ordinance also include Hillside Management? Will the existing Hillside Ordinance be grandfathered?

### **Detailed Comments:**

5. Section 22.56.216. C.2 last sentence I believe indicates that modifications granted "after" not before the effective date shall be subject to the provisions of this section.
6. Section 22.56.216 D.1 Conditional Use Permit Required will be required a hillside management conditional use permit for fuel modification that takes place of slopes of 25 percent or greater is excessive.
7. In the SEA Ordinance, there appears to be a mistake in the wording of Section 22.56.216.D.2.c Conditional Use Permit Required which exempts grading of more than 5,000 cubic yards for a single family residence. It would seem that grading of less than 5,000 cubic yards should be exempt. And like the above, there appears to be a mistake in the wording of Section 22.56.216.D.5 Conditional Use Permit Required which exempts grading projects of more than 5,000 cubic yards. It would seem that grading projects of less than 5,000 cubic yards should be exempt.
8. In Section 22.56.215.F.1.an Initial Project Appraisal above, Section 22.56.216.E.1 Conditional Use Permit Application states that materials required by the applicant include "... any other information the Director determines to be necessary..." is too general and open ended. This should be specific to the review of the SEA resources.
9. Section 22.56.216.E.3.b.v Conditional Use Permit Application requires a biological report for any hillside management application – extremely excessive requirement.
10. Section 22.56.216.F.1.a the reference to lots should be changed to project area.
11. Section 22.56.216.F.1.b.ii Development Standards and Guidelines (Dedicated Open Space Requirement) implies that any portion of a property that is mapped by the State as earthquake-included landslide or liquefaction areas must become priority open space, even if a site specific geotechnical report does not confirm the hazard. The geotechnical report should be allowed in evaluation.

12. Section 22.56.216.F.1.b.iii Development Standards and Guidelines (Dedicated Open Space Requirement) requires that all slopes 50% or greater must become open space. Why?
13. Section 22.56.216.F.1.c.i Development Standards and Guidelines (Open Space Design) implies that the required open space may be used for residential purpose but not commercial. Why?
14. Section 22.56.216.F.1.c.ii Improved open space cannot exceed 1/3 of the required open space area, why?
15. Section 22.56.216.F.1.c.ii Is brush clearance not allowed within required open space? Fire department will have issues with this.
16. Like Section 22.56.215.H.3.b Development Standards and Guidelines (Proposed Open Space) above, Section 22.56.216.F.1.e Development Standards and Guidelines (Dedicated Open Space Requirement) does not allow any dedicated open space to remain in the possession of the property or it implies the requirement of an HOA. Not all properties will have an HOA and they should not be mandated.
17. Section 22.56.216.F.2.d Development Standards and Guidelines (Site Design). Like the SEA, Standards and Guidelines should be included in a document outside the ordinance to allow flexibility. Guidelines do not include shall. This would also allow for graphics and exhibits to illustrate the points. This is what most jurisdictions are doing.
18. Section 22.56.216.F.4.a Why are public works standards which obviously have to be met mentioned in this ordinance?
19. Section 22.56.216.F.4.b. This statement conflicts in that there are no private drive and fire lane requirements...again an item that need not be in this ordinance.
20. Section 22.56.216.F.4.e. "To the extent feasible" should be added to this subsection.
21. Section 22.56.216.F.5.a. Why only swales? There are other LID features and solutions that should be allowed.
22. Section 22.56.216.F.6 Retaining walls, how do colors blend into the surrounding contours? Too much unnecessary detail prohibiting good planning by applicants and their consultants.
23. Section 22.56.216.G.3 Findings must show that the development is compatible with the natural resources but there is no measure of how this is determined. Similarly, Section 22.56.216.G.4 Findings must show that the development is designed to protect hillsides but there are no criteria of how that may be achieved.
24. The proposed hillside management ordinance (22.56.216) includes no provision for the calculation of density potential of any kind, although a slope analysis is required. This could be a method through which the County significantly reduces density potential without rezoning a property, much like the hillside zoning amendment associated with One Valley One Vision which has removed all density from slopes greater than 50% (if adopted). This later zoning amendment has not had proper environmental review (since it is not included in the One Valley One Vision EIR).



**Sandy Sanchez**

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ii. A table listing each open space lot or restricted use area, including a description of the proposed use, the level of improvement, and the number of acres, including the total acreage for each type of open space; and

iii. A table listing the total open space acreage within each land use category.

5. Proposed Grading. Site plans and tentative maps, as applicable, showing the proposed grading, including the natural and finished elevations of all slopes to be graded- [[? or proposed dedications and easements ??].

6. Information on Proposed Structures. If a new structure is proposed, exterior elevation drawings, at a scale satisfactory to the Director, indicating proposed building heights and major architectural features- (not applicable to subdivisions excluding 25 units).

7. Landscape Plan. A landscape plan showing the location and species of proposed groundcover, shrubs, and existing and proposed trees within common or open space areas that are not remaining in a natural state.

8. A written analysis detailing how the application complies with the development standards and guidelines provided in subsection F and substantiates the findings required by subsection G.

F. Development Standards and Guidelines.

1. ~~Dedicated~~ Open Space Requirement.

a. At least 7050 percent of the gross area of the ~~lot(s)project area~~ within a Non-Urban or Rural land use designation shall ~~be permanently dedicated~~ remain open space. At least 25 percent of the net area of the ~~lot(s)project~~

Comment [A22]: Conceptual Landscape plan if required

Comment [A23]: Conceptual Landscape plan if required

Comment [A24]: Same comment as section G.6 in SEA ordinance above. Consider deleting this language, so that any guidelines developed outside of the ordinance are guidelines, not mandatory requirements for a permit.

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area within any other land use designation shall ~~be permanently dedicated~~remain open space.

~~b. Priority Open Space. The following hazard and resource areas shall be mapped on the site plan and prioritized [Exceptions should be provided for inclusion in the required open space area:~~

~~i. Significant ridgelines, as identified in the General Plan small lot developments, planned clusters, and/or any applicable local plans or Community Standards Districts; beneficial density transfers.]~~

~~ii. Earthquake-induced landslide and liquefaction areas, as delineated on the California Geologic Survey's Seismic Hazard Zone Maps;~~

~~iii. Steep slopes of 50 percent or greater;~~

~~iv. Natural watercourses with a minimum 50 foot buffer from the edge of the banks; and~~

~~v. Significant Ecological Areas, as delineated on the Significant Ecological Areas and Coastal Zone Resources Map in the General Plan or any applicable local plans.~~

~~c.~~ c. Open Space Design and Use Requirements.

i. Required open space shall not be used for continuous or regular commercial activities;

[need exemptions for Agriculture, Grazing, Oil & Gas, Telecommunication towers, Filming, Hunting, etc.]

ii. Required open space shall remain undisturbed in a natural condition, except for the following types of

**Comment [A25]:** What is the reason for this new category "PRIORITY OPEN SPACES"? Recommend deleting this entire section. All of this information is already required to be submitted.

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improvements, where determined to be compatible with this Section by the director. ~~In no event shall the improved open space uses below exceed one third of the required open space area.~~

.. The permissible improvements to open spaces are:

- (a). Parks, playgrounds and other recreational facilities;
- (b). Riding, hiking and cycling trails;
- (c). Areas planted with native locally-indigenous vegetation;
- (d). Manufactured slopes;
- (e). Vegetated swales, subject to Department of Public Works design guidelines and approval; and
- (f). Brush clearance, as required by the Fire Department, except in the 50-foot buffer for natural watercourses.

iii. Natural open space shall be contiguous with dedicated open space adjacent to the project site, to the ~~greatest~~ extent ~~feasible~~ practicable;

~~iv. Natural open space shall be configured in the following manner:~~

~~(a). Where a project site is greater than 40 acres, the natural open space shall be contiguous and configured into large lots separate from where development is proposed; and~~

**Comment [A26]:** This is a new concept of limiting the amount of potential active open space to a percentage of the site. Recommend Deleting as this is requirement of many developments

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~~(b). Where a project site is 40 acres or less, the natural open space shall be contiguous, and may be designated as an Open Space Restricted Use Area in lieu of separate open space lots.~~

Comment [A27]: Recommend Deleting

d. Dedication of Open Space. A dedication of open space shall be recorded at the time of final map recordation, or prior to the effective date of the permit, that requires the open space to remain as permanent open space ~~in perpetuity and extinguishes all future development rights.~~ All dedicated open space shall be recorded as Open Space-Restricted Use Area in the preservation instrument and on all maps. Dedication of open space shall be established through one of the following preservation instruments:

- i. Recordation on a final map;
- ii. Recordation of a covenant; or
- iii. Any other preservation instrument the Director deems

appropriate.

e. Ownership and Management. The ownership and management of the natural open space shall be established to protect the identified resources through one of the following:

i. Dedication to a government entity such as a county, city, state, federal or joint powers authority, which will hold and manage the land or easement under a mandate to protect natural resources in perpetuity;

- ii. Dedication to a non-profit land conservation

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organization that meets the Statement of Qualifications of Non-Profits Requesting to Hold Mitigation Land according to Government Code Section 65965; or

iii. Dedication to any other entity the Director deems

appropriate; \_\_\_\_\_ or

~~2. Site Design. The following site design techniques shall be utilized to integrate structures into the natural topography, to the greatest extent feasible:~~

~~a. Locate development adjacent to existing infrastructure;~~

~~b. Locate landscaped parks and open space between natural open space and structures to buffer sensitive resources from edge effects, where feasible. Landscape design and materials shall correspond to the native vegetation of the site and be installed in a manner that does not negatively impact remaining native vegetation;~~

~~c. Set back structures from the natural or manufactured toe of the slope, in compliance with Department of Public Works requirements; and,~~

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~~iv. The retention of legal ownership by the applicant with an appropriate easements or restrictions.~~

~~2. Site Design. d. Locate structures away from natural watercourse buffers and Significant Ecological Areas.~~

~~3. Grading. Grading shall utilize the following techniques to create manufactured slopes that replicate the natural topography, to the satisfaction of the reviewing authority (Hearing Officer or Regional Planning Commission):~~

~~a. Contour grading;~~

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- ~~b. Undulating slopes;~~
  - ~~c. Varied slope increments, banks and pad elevations;~~
  - ~~d. Siting of structures so that the long axis follows the contours, if feasible; and~~
  - ~~e. Screening of structures from major roadways with existing landforms or berms.~~
- ~~4. Street and Access Design. Streets and driveways shall incorporate the following standards to minimize grading, where applicable, to the greatest extent feasible:~~
- ~~a. Public, and private and future streets shall meet all county requirements, with the exception that permissible longitudinal grades may be up to 12 percent grade, subject to approval by the Department of Public Works, if the roadway design creates a superior project that reduces grading;~~
  - ~~b. Private drives and fire lanes, in lieu of public streets, shall meet all county requirements with the exception of street frontage, as specified in this Title, subject to approval by the reviewing authority;~~
  - ~~c. Curvilinear streets shall follow the natural topography of the site;~~
  - ~~d. Collector streets shall be located along the edge of development to reduce the impact of traffic on development and create a natural fire break. Where single loaded streets are sited along the edge of development, a parkway reduction to three feet is allowed; and~~

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~~e. Streets shall be routed around unique or important natural features, including but not limited to rock outcroppings over 20 feet in height and heritage oak trees.~~

~~5. Stormwater Runoff. Stormwater retention and detention facilities shall be designed as an extension of the natural drainage system to contain runoff and facilitate groundwater recharge, as follows:~~

~~a. Swales shall meet Low Impact Development (LID) standards and be designed as a landscape, water, or recreational feature; and~~

~~b. Drainage infrastructure, such as concrete culverts and detention basins, shall be built to blend into the topography and be designed with earth-toned materials.~~

~~6. Retaining Walls. Retaining walls shall be designed with varied gradients, as feasible, and colors that blend into the surrounding contours.~~

~~7. Surface Reflectance. Building exteriors shall be designed to minimize the amount of light reflectance on surfaces visible from public streets by using materials having Light Reflective Values (LRV) of 35 percent or less.~~

**Comment [A28]:** let the guidelines outside the ordinance address this

~~The Director shall develop guidelines that should assist with assuring site design techniques shall generally be utilized to integrate structures into the natural topography to the extent practicable.:~~

~~a.~~

**Comment [A29]:** let the guidelines outside the ordinance address this

G. Findings. The reviewing authority (Hearing Officer of Regional Planning Commission) shall not approve a complete Conditional Use Permit application unless

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the reviewing authority finds that the application substantiates all of the following findings, in addition to those required by Section 22.56.090:

1. The proposed development activity is consistent with the County General Plan, ~~as amended [through the date of the completed application]~~, any applicable local plans, ~~as amended [through the date of the completed application]~~, and the purpose of this Section; and

2. The proposed development activity is located and ~~designated~~ designed reasonably to protect, to the extent practicable, the safety of current and future community residents and will not create significant threats to life and/or property due to the presence of seismic, landslide, liquefaction, fire, flood, mud flow, or erosion hazards; and

3. The proposed development activity is, to the extent practicable, compatible with the natural, biotic, cultural, scenic, and open space resources of the area; and

4. The proposed development activity is designed reasonably to protect, to the extent practicable, hillsides and retain large contiguous blocks of natural habitat or open space as specified in this Section; and

5. The proposed development activity is designed reasonably to integrate, to the extent practicable, the structures, if any, into the contours and existing shapes of the hillside; and

6. Where a conflict exists between a provision in this Section and such other ordinance, statute, regulation, or requirement, the provision that would be most protective of hillside resources applies to the extent permitted by law.

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**SECTION 4.** Section 22.56.085 is hereby amended to read as follows:

**22.56.085 Grant or denial of minor conditional use permit by director.**

A. Any person filing an application for a conditional use permit may request the Director to consider the application in accordance with this section for the following uses:

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– Development activities in an ~~Ecological Transition Area~~, as provided in Section 22.56.215.E.

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