## ANALYSIS

This ordinance amends Title 22 - Planning and Zoning of the Los Angeles County Code to add development standards relating to landscaping and the R-2 and R-3 zones within the Altadena Community Standards District.

RAYMOND G. FORTNER, JR.
County Counsel

By
LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Property Division

LLH:sh

09/10/08 (requested)

10/10/08 (revised)

**ORDINANCE NO. 2008-0058**

An ordinance amending Title 22 - Planning and Zoning of the Los Angeles County Code to add development standards relating to landscaping and the R-2 and R-3 zones within the Altadena Community Standards District.

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

**SECTION 1.** Section 22.44.127 is hereby amended to read as follows:

**22.44.127 Altadena Community Standards District.**

. . .

C. Community-wide Development Standards ~~(Reserved)~~. Where landscaping is required by this Community Standards District, such landscaping shall be regularly pruned, weeded, fertilized, cleared of litter, and replaced when necessary. The use of drought tolerant plants is recommended.

D. Zone-specific Development Standards.

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2. ~~Other~~ Zones ~~(Reserved)~~ R-2.

a. Height Limits.

i. Where fill material will be placed beneath a proposed structure, the height of the structure shall be measured from the previously existing grade.

ii. On lots or parcels of land with a size of 20,000 square feet or less, the maximum height of any structure shall be 30 feet.

b. Front Yards. At least 50 percent of any required front yard shall be landscaped.

c. Building Design.

i. Rooflines on any side of a structure exceeding 30 feet in length shall be broken into smaller sections by use of decorative elements such as dormers, gables, eyebrows, parapets, mansards, or other design features deemed appropriate by the director.

ii. The floor area of any story above the first story shall be at least 20 percent less than the floor area of the first story and the reduced footprint of such story shall be set back from the side and/or rear of the first story's structure, but not from the front of the first story's structure. Attached garages and other attached non-living areas shall be included in computing the floor area of the first story.

d. Modification of Development Standards.

i. The director may permit modifications to the development standards set forth in subsections D.2.a and D.2.b provided that an applicant demonstrates to the satisfaction of the director all of the following:

(A) The application of the standards for which modification is sought would result in practical difficulties or unnecessary hardships;

(B) There are exceptional circumstances or conditions applicable to the subject property or to the intended development of the subject property that do not apply to other properties within the area governed by the Community Standards District; and

(C) That granting the requested modification will not be materially detrimental to properties or improvements in the area or contrary to the purpose of this Community Standards District or the Altadena Community Plan.

ii. Application. The procedure for filing a request for modification shall be the same as that for director's review as set forth in Part 12 of Chapter 22.56, except that the applicant shall also submit:

(A) A list, certified to be correct by affidavit or statement under penalty of perjury, of the names and addresses of all persons who are shown on the latest available assessment roll of the county of Los Angeles as owners of the subject property, and as owning property within 500 feet from the exterior boundaries of the subject property;

(B) Two sets of gummed mailing labels for the property owners referenced above with the property owners' names and addresses, and one photocopy of the labels;

(C) A map drawn to a scale of 1" = 100' indicating the location and owners of all such properties; and

(D) A filing fee, as set forth in Section 22.60.100, equal to that required for a Site Plan Review for Director's Review for Modification of Development Standards in a Community Standards District.

iii. Notice. Not less than 30 calendar days prior to the date an action is taken, the director shall send a notice by certified mail of the pending application to the Altadena Town Council and the property owners on the list provided

by the applicant pursuant to subsection d.ii.A, indicating that the town council or any such property owner may oppose the granting of such modification by filing with the director a written protest described in subsection d.iv, within 14 calendar days from the date of the notice.

iv. Written protests. Written protests will be accepted only from those persons notified pursuant to subsection d.iii, and shall demonstrate how the application for a modification fails to meet the burden of proof in subsection d.i, and Section 22.56.1690. Those written protests submitted by different co-owners of the same lot or parcel of land shall be deemed one written protest; those written protests submitted by different members of the Altadena Town Council on behalf of the town council shall also be deemed one written protest.

v. Decision.

(A) The director shall approve an application for a modification where not more than two written protests are received pursuant to subsection d.iv, where the application complies with Section 22.56.1690, and where the director determines that the application has satisfactorily demonstrated the matters required by subsection d.i. If the director approves the application, the director shall send notice by certified mail to the applicant, the town council, and all of the property owners identified in subsection d.ii.A.

(B) If three or more written protests are received pursuant to subsection d.iv, or the director determines that the application does not comply with Section 22.56.1690, or the application has not satisfactorily demonstrated

the matters required by subsection d.i, the application shall be denied. If the director denies the application for any reason, including the reason that three or more written protests have been received, the director shall send notice of the decision by certified mail to the applicant, the Altadena Town Council, and the property owners identified in subsection d.ii.A. The notice shall indicate that the applicant may file an appeal within 14 calendar days of the date on the notice with a request for a public hearing before the hearing officer.

vi. Appeal. If the applicant files an appeal, the appeal shall be scheduled for a public hearing before a hearing officer. The applicant shall pay the additional fee for a public hearing set forth in Section 22.60.100 under Site Plan Review, Director's Review for Modification of Development Standards in a Community Standards District. All procedures related to the appeal and the public hearing shall be the same as those for a conditional use permit, except as set forth in subsection d.vii.

vii. Hearing officer decision. The hearing officer shall approve or deny the application pursuant to the principles and standards of Section 22.56.090. The decision of the hearing officer shall become effective on the date of the decision and shall not be subject to further administrative appeal.

3. Zone R-3.

a. Height Limits. Where fill material will be placed beneath a proposed structure, the height of the structure shall be measured from the previously existing grade.

b. Interior Side Yards.

i. Any required interior side yard that adjoins a single-family or two-family residentially-zoned parcel shall be landscaped, which landscaping shall include shrubbery and/or trees to shield the adjoining property.

ii. No driveway, walkway, patio slab, or other area constructed of concrete, asphalt, or similar material shall be permitted in any required interior side yard that adjoins a single-family or two-family residentially-zoned parcel.

iii. No uncovered porch, platform, landing, deck, or balcony may project into a required interior side yard that adjoins a single-family or two-family residentially-zoned parcel.

c. Rear Yards. Rear yards that adjoin a single-family or two-family residentially-zoned parcel, shall include a landscaped area with a minimum depth of 10 feet measured from the rear property line. Such landscaped area shall include shrubbery and/or trees to shield the adjoining property. At least one tree, with a minimum size of 15 gallons, shall be provided for every 250 square feet of landscaped area.

d. Building Design. Rooflines on any side of a structure exceeding 30 feet in length shall be broken into smaller sections by use of decorative elements such as dormers, gables, eyebrows, parapets, mansards, or other design features deemed appropriate by the director.

e. Structure Height and Setback. For structures exceeding 25 feet in height that are located on a lot or parcel of land adjoining a single-family or two-family residentially-zoned parcel:

i. The maximum height of the structure at the inside boundary of the interior side yard adjoining the single-family or two-family residentially-zoned parcel shall be 25 feet, and any portion of the structure exceeding 25 feet in height shall be set back an additional foot from the inside boundary of said interior side yard for every two feet in height; and

ii. The maximum height of the structure at the inside boundary of the rear yard adjoining the single-family or two-family residentially-zoned parcel shall be 25 feet, and any portion of the structure exceeding 25 feet in height shall be set back an additional foot from the inside boundary of said rear yard for every foot in height.

f. Residentially Zoned Property Outside Unincorporated Territory. For purposes of subsections D.3.b through D.3.e, all requirements related to a structure and/or property adjoining a single-family or two-family residentially-zoned parcel shall apply to such structure and/or property regardless of whether or not the single-family or two-family residentially-zoned parcel is located within incorporated or unincorporated territory.

g. Modification of Development Standards. The director may permit modifications to the development standards set forth in subsections D.3.a through D.3.e, pursuant to the provisions set forth in subsection D.2.d.

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[2244127ELCC]

**SECTION 2.** This ordinance shall be published in The Metropolitan News a newspaper printed and published in the County of Los Angeles.

Yvonne B Burke
Chair

ATTEST:

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of November 5, 2008 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

| | Ayes | | Noes |
|---|---|---|---|
| Supervisors | Gloria Molina | Supervisors | None |
| | Don Knabe | | |
| | Michael D. Antonovich | | |
| | Yvonne B. Burke | | |
| | | | |

Effective Date: December 5, 2008

~~Operative Date:~~ _____

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
County Counsel

By _____
Leela Kapur
Chief Deputy County Counsel

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