

ZONING ORDINANCE UPDATE PROGRAM

FRAMEWORK FOR ZONING WORKING PAPER

April 2007

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Los Angeles County

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*Prepared for
Department of Regional Planning*

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INTRODUCTION

Los Angeles County has initiated a Zoning Ordinance Update Project (ZOUP) that will comprehensively change the regulations that govern land use and development in the County's unincorporated areas. Since August 2006, the County and its consultant team have been evaluating the current zoning ordinance in order to identify major areas of concern and needed changes for the update. The evaluation process has included interviews with County staff and frequent code users, review of relevant policies in the draft General Plan, field work within the county, independent assessments by the consultant team, and comparisons with the zoning ordinances of peer counties that are grappling with similar concerns.

Based on these efforts, the consultant team has arrived at the preliminary recommendations contained within this report and, concurrently, completed the *Issues and Options Working Paper*. This paper recommends policies and implementation tools that Los Angeles County can use to create a new zoning ordinance that responds to present and future growth challenges and provides the necessary regulatory framework for the creation of vibrant, diverse, and sustainable communities.

OBJECTIVES OF THE ZOUP

The ZOUP is taking a critical look at County policies and practices to see how zoning can best provide a roadmap for future development and protection of resources. Overall, the revision strives not only to ensure that regulations are relevant to today's concerns, but also to produce an ordinance that is understandable and easy to use. Through this process, the objective of the ZOUP is to craft a new Zoning Ordinance that:

- Is consistent with and implements the General Plan;
- Encourages efficient and environmentally sensitive and sustainable development;
- Promotes a wide range of housing types;
- Supports economic growth;
- Provides enhanced opportunities for public input in the development process; and
- Is clear, concise, understandable, and easy to use.

FOCUS OF THE ZONING FRAMEWORK PAPER

Topics Covered

The sections of this paper are organized to address the following key topics and findings:

- **Types of Zoning.** Use-based, form-based, or performance-based regulations can be used in different combinations to provide varying levels of certainty and flexibility within zones.
- **Zoning Concepts.** Los Angeles County should clarify the intent of each of its zones in order to consolidate similar designations and supplement with additional zones where needed.
- **Approaches to Use Classifications.** The ordinance contains exhaustive lists of allowable uses in each zone that should be combined into use groups for ease of use.
- **Organizational Framework for Title 22.** The ordinance should be restructured to reflect the underlying logic and relative importance of its parts.
- **Writing User-Friendly Regulations.** A handful of essential drafting principles will ensure that the new ordinance is clear, concise, understandable, and easy to use.

Each of these sections is structured to provide a menu of options to the County as it continues the update process. Through further consultation and review, the County will select those framework elements that best accomplish its priorities and goals.

Relation to the *Issues and Options Working Paper*

The *Framework for Zoning* has been prepared as a companion document to the *Issues and Options Working Paper*. While this paper addresses specific organization and classification strategies for the ordinance, the *Issues and*

Options Working Paper outlines the general thematic concerns that the update will address, including the following:

- Making Los Angeles County’s regulatory tools easier to locate, use, and understand;
- Addressing the physical form of development to enhance the visual and functional character of neighborhoods, communities, corridors, and zones and promote efficient development;
- Promoting housing variety, choice, and affordability;
- Supporting economic growth, including commercial redevelopment, industrial development, infill, and environmentally sound technology;
- Connecting people and work places through transit-oriented development and other circulation system improvements;
- Streamlining the development review and decision-making process;
- Ensuring environmentally sensitive and sustainable development;
- Controlling the form, placement, and content neutrality of signs; and
- Other specific concerns, including the needs of the equestrian community, telecommunications facilities, and protected uses under federal and State law.

Together, the two papers provide the implementation and organizational options that the County may choose among as it enters the revision phase of the update process.

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APPROACHES TO ZONING

American cities and counties use zoning to accomplish a number of purposes. Some of these purposes are well established—such as the maintenance of stable residential areas and the prevention of health and safety hazards. Others—such as promoting transit-oriented development, promoting aesthetic values, encouraging infill development, and creating walkable communities—are newer. All of the purposes and powers of zoning are rooted in the police powers that the State grants to local governments.

Zoning, subdivision controls, and other regulations also are intended to implement County plans, visions, and goals. A zoning code, such as Title 22 of the Los Angeles County Code, translates the policies of a comprehensive land use plan into parcel-specific regulations. Zoning should be used to implement land use, urban design, and open space goals articulated in the General Plan.

Zoning regulations traditionally have been used to separate incompatible land uses, minimize nuisance impacts and environmental harm, and coordinate or time development intensity with supporting public infrastructure. Zoning is also effective for dealing with the geographic location of activities and for regulating the three-dimensional aspects of development with height, bulk, setback, and architectural design standards.

In sum, a zoning ordinance has to deal with two basic concerns:

- How to minimize the adverse effects that buildings or the use of one's property can have on its neighbors; and

- How to encourage optimal development patterns and activities within a community, as expressed in planning policies.

TYPES OF ZONING

There are three primary approaches to zoning in use in the U.S. today: Euclidean (i.e. use-based), performance-based, and physical form codes. The pros and cons of these basic types of zoning are summarized in the following table. The table uses the term “prescriptive” to describe a rule-making process and the degree to which clear and objective standards for land use and development provide certainty to landowners, developers and the public at large.

Other types of zoning include:

- *Incentive zoning* essentially involves trade-offs between the municipality and the developer: the municipality relaxes certain zoning requirements in exchange for developer provision of an amenity, such as public open spaces, or a public benefit, such as better transit station access or affordable housing.
- *Hybrid zoning* seeks to integrate physical design (form-based) standards into otherwise conventional zoning ordinances, while sometimes downplaying use-based regulatory strategies.
- *Contextual or character-based zoning*, in which zoning rules are based on the way the surrounding environment looks and functions, combining elements of use, performance, and form-based schemes to maintain and promote neighborhood or community character. It may offer particular promise for communities grappling with one infill controversy after another.

WHAT TYPE OF ZONING DOES LOS ANGELES COUNTY HAVE?

Like many counties and cities, Los Angeles County has a hybrid zoning ordinance that combines various elements of Euclidean, performance-based, and physical form-based approaches. While base zone regulations are organized according to a standard Euclidean scheme, they are supplemented by differing degrees of form- and performance-based standards to regulate elements such as building heights and setbacks, buffers, and lot sizes. Through its Community Standards Districts and Specific Plan areas, the ordinance also designates many areas of the county as distinct locales subject to unique form-based standards that are intended to maintain and promote the character of the community.

Table 1: Comparisons of Types of Zoning Codes

<i>Type of Zoning Codes</i>	<i>Pro's and Con's</i>
<p>Euclidean: Most American zoning codes follow some variation of the Euclidean model, named after Euclid, Ohio's zoning code. Euclidean zoning schemes divide jurisdictions into zones, wherein certain types and intensities of uses are allowed. Historically, these zoning schemes have been relatively homogeneous, with separate zones for residential, commercial and industrial uses, and have worked to segregate dissimilar uses. More recently, Euclidean codes also have been used to create mixed use zones, although that was not the original intent. Euclidean zoning codes typically specify allowed uses, maximum residential density, and bulk and dimensional standards.</p>	<p>Euclidean codes tend to be largely prescriptive and therefore work best at preventing the most basic problems or nuisances. They are less effective in dealing with fine-grain neighborhood character issues that often arise in places where infill and redevelopment are most common, and they make up-zoning to higher densities in built-out areas more difficult.</p> <p>Within newly developing areas, Euclidean codes need to be linked to <i>land division or subdivision regulations</i>. These latter regulations often play a very important role, supporting zoning, because they provide the statutory basis and standards for decisions on street networks, pedestrian connections, and the location of parks, open spaces, and civic facilities.</p>
<p>Performance-based: Performance-based codes include objective, quantifiable standards that are applied to uses to reduce impacts, promote land use compatibility, and improve the quality of development. The regulations and review procedures in these codes generally focus on how uses operate. Basic performance standards may include standards that directly limit impacts (e.g., noise standards) as well as standards that control impacts indirectly by constraining intensity of operations (e.g., floor area, residential density).</p>	<p>Performance-based codes are somewhat less prescriptive than form-based codes, at least in terms of design details, and allow for more architectural creativity and context-based solutions. They may be more complicated to administer than conventional zoning or form-based codes, but they can provide more certainty as to use and density/intensity and so may be favored by the development community and neighborhood organizations over codes that prescribe architectural design or use public hearings and conditions of approval to ensure land use compatibility.</p>
<p>Physical form-based: Form-based codes prescribe the design or type of building, street, or neighborhood subarea, with limited or no restrictions on use. They typically include generic design prototypes for housing and other buildings and their relation to the street and to each other. This approach may differentiate neighborhoods, zones, and corridors; provide for a mixture of land uses and housing types within each; and provide specific measures for regulating relationships between buildings and between buildings and outdoor public areas, including streets.</p>	<p>Form-based codes tend to be highly proscriptive. They are a way to express what is desired rather than what is discouraged or prohibited. These codes address matters outside those traditionally thought of as zoning (e.g., street design, sidewalks, parks, and civic spaces), and so often portrayed as more "holistic" than conventional zoning. They provide a way to bring planning and design considerations into zoning. These codes are effective where strong design guidance is needed and limitations on use and intensity are not critical.</p>

As the zoning update proceeds, the County needs to consider a shift away from its heavy reliance on Euclidean use-based and hierarchal regulations. Form- and performance-based regulations can better accomplish many of the County’s identified goals, such as transit-oriented development, pedestrian-friendly mixed use, and the provision of a variety of housing types. It is also likely that the County will place a new emphasis on incentive zoning to encourage other desired types of development, including affordable housing, infill, and the redevelopment of declining commercial areas. Throughout the update process, the County should evaluate the ability of various zoning approaches to achieve its stated goals, while keeping in mind the differing levels of flexibility offered by each of these approaches, as discussed in the following section.

THE BASIC DILEMMA: FLEXIBILITY VS. CERTAINTY

As Los Angeles County considers how best to improve its zoning regulations, one issue will be how to find the right balance between flexibility and certainty that will best implement the General Plan. The dichotomy between these concepts creates tension, not only for County officials and staff who use the ordinance on a day-to-day basis, but also for homeowners, business owners, and others who may only come into contact with zoning a few times over the years they may live or work in the county. Everyone wants to know the rules and standards by which new development will be judged – how are decisions made to approve, conditionally approve, or reject applications? And, for many, knowing the timeframe as well as the criteria for approval also is important – who has appeal rights, and when is a decision final so a project can proceed.

For others, flexibility is important: a site or existing building may be unique, the design innovative and responsive, or the public benefits so compelling that some relief from underlying requirements may be appropriate. The perspectives of code users may help inform the discussion about this issue.

Users’ Perspectives

Expectations about what zoning should or should not do, and how far it should go, are different, depending on individual perspectives. Applicants view zoning differently than design professionals, and County staff perspectives are not always the same as those of residents or County officials. At the risk of over-simplification, we offer the following set of

expectations for different code users as a starting point for thinking about regulatory options.

Applicants

Individuals applying to the County for a zoning approval through a permit or land use review generally want to know:

- **First and foremost, what can I do with my land?** I have a specific use in mind – is it allowed? Or, I don't have a specific use in mind, but am interested in knowing what uses are permitted on the property.
- **What are the rules that the County follows for development review?** These include use regulations, development standards, review procedures, and criteria for decision-making.
- **What relief is available if a regulation or standard constrains a design solution or otherwise limits what they would like to do with their property or their building?** In thinking about relief, it often is useful to distinguish concerns about what the allowable uses are (recognizing that use variances are illegal and the only way to accommodate different uses would be through a zoning ordinance or map amendment) from concerns about how to accommodate a design or improvement on a lot. Relief may be needed from physical development standards (e.g. setbacks or fence limitations) or from performance requirements that relate primarily to the impact of a use or building design on an adjacent lot.

Design Professionals

Architects and other design professionals typically want to know the answers to the same questions applicants pose, but because of their specific role in a project, they often want to know more specifically how much flexibility they can have for site planning and architectural design.

The flexibility that a design professional typically seeks includes:

- Relief from overly prescriptive standards, including setbacks, building height, bulk and articulation, landscaping, location of parking, and design standards (e.g. colors, finishes, roof pitches, etc.); and
- Relief for uses or activities with unique needs (e.g. theater scenery lofts, Internet server farms, drive-through windows, etc.).

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APPROACHES TO USE CLASSIFICATIONS

The focus of this section is on how the zoning update should deal with the classification of uses. The recommendations in the main body of this paper respond to key issues identified by the consultant team with input from County staff, code users, and the community.

OVERVIEW OF EXISTING USE REGULATIONS

Key issues of concern based on analysis of the existing ordinance relate to use classification, use definitions and terminology, and poor formatting. Because of these problems, the use regulations are lengthy, unclear, and overly complicated, making the ordinance difficult to administer and enforce on a day-to-day basis. In turn, this can result in delayed permit applications, the appearance of ever-changing requirements throughout the review process, inconsistent zoning decisions, problematic integration of new uses into the existing framework, and inadequate tools to address development and design impacts. These concerns can largely be addressed by reorganizing the existing use regulations into a more logical and systematic framework. A strong framework will make the regulations more thorough, straight forward, and less complicated, resulting in an ordinance that is easier to understand and apply.

Other specific concerns regarding use regulation have been highlighted by County officials, County staff, and residents. These concerns include: treatment of nonconforming uses; lack of regulations promoting mixed-use development; and problem uses such as drive-through restaurants,

animal boarding facilities, mobile food vendors, unscreened commercial and industrial storage, telecommunications, group homes, and wind generation facilities. The proposed framework for use regulations will enable these issues to be addressed officially with appropriate standards set.

Through these revisions, the County must ensure that it continues to comply with State and federal protections on specific uses, including the following:

- The use of property for the care of up to six mentally disabled persons including support staff necessary to assist residents must be regulated as a single-family residential use;
- Family care homes, group homes, and foster homes for up to six persons cannot be subject to regulations that are more restrictive than those imposed on similar dwellings in the same zone;
- In-patient and out-patient facilities licensed to treat persons with mental disabilities or substance abuse problems must be regulated in the same manner as properties used for treatment of general medical patients.

Use Classifications

Los Angeles County's existing ordinance reflects its age, particularly with respect to use regulation. Most problematic is the fact that the ordinance does not include a unified use classification scheme that is defined by regulation. As such, the ordinance simply provides long lists of permitted and conditional uses on a zone-by-zone basis. Within each zone, uses are not presented in a logical sequence—for instance, by use types to simplify the process of comparing how the same use is regulated in different zones. The regulation of uses through use lists—a common characteristic of old-style zoning ordinances—can lead to a variety of problems, including:

- **Bulky, Inconsistent Regulations.** The regulation of uses through use lists can lead to confusing, overlapping, and inconsistent regulation. Because of the hierarchal or cumulative structure of many of the use zones in Los Angeles County (i.e. each zone is less restrictive than the previous and allows all of the uses in less intense zones many of the use lists reference prior zones. For instance, a code user must refer back to the permitted uses in the A-1 and C-M zones to determine permitted uses in the M-1 zone. Similarly, the R-1 zone contains limitations and conditions that are repeatedly cross-

referenced in subsequent residential zones. At times, the code user must flip through many pages just to determine what uses are permitted in a zone.

- **Excessive Number of Uses.** Because uses are tailored to the specific zones, many of the existing use lists include very long lists of very specific uses. The existing ordinance refers to more than 700 separate uses by name. Many of these uses are either similar or identical, but the code frequently uses different terms within each of the separate zones. When slightly different wording is used, it is sometimes unclear whether the choice of terms is inadvertent or meant to convey nuanced differences in allowed uses.
- **Land Uses vs. Facilities, Development Standards, and Supplemental Regulations.** Los Angeles County's ordinance attempts to regulate on-site facilities, building types, and activities in its use regulations. For instance, incidental concessions sales, parcel delivery terminals, tent revival meetings, frozen food lockers, music composition, tire retreading, townhouses, and the synchronization of film with soundtracks all appear within Los Angeles County's use lists. The use lists also include development processes and approaches, such as density bonuses and grading projects, that should be addressed in the development standards, limitations, and regulations for the particular zone, or in a separate chapter.
- **Industrial Classification by Product.** The County's existing ordinance regulates industrial activities based primarily on the finished product, not the means of production, which is the characteristic that most significantly affects compatibility. For instance, the ordinance lists uses such as: lard manufacture, the manufacture and refining of potash, tallow manufacture, and brick manufacture. Commercial uses and shops are also classified according to the specific product produced (e.g., bakery shops, book binderies, lapidaries, printers and publishers, reupholstering), rather than the nature of the industrial process. As a result, the ordinance includes exhaustive lists of industrial and manufacturing products and then classifies them as either permitted or conditionally permitted. In some zones, the code uses broader categories such as assembly plants and fabricating, which are somewhat more informative but still fail to distinguish uses based on operational characteristics such as noise, vibration, use of hazardous materials, etc. that should be a significant basis for determining how to regulate the activity.

- **Classifications by Prohibitions.** In the heavy industrial zones (M-1½, M-2, M-4), allowed uses are defined negatively. The ordinance states that land in these zones can be used for any purpose except those explicitly prohibited or controlled in the chapter. Prohibited uses are generally limited to dwelling units, schools, hotels, hospitals, and other care facilities. This framework is in some ways useful because it avoids the problems of over-specificity that exist in other zones and allows new or unlisted uses to be easily integrated. This level of vagueness, however, leaves the County with very few enforcement options if a serious new or unconsidered incompatibility arises, so it should generally be avoided. Moreover, the fact that some uses are explicitly prohibited suggests that the code allows any use that is not identified as either permitted or prohibited.
- **Difficult Integration of New Uses.** Another common concern with the use lists approach is the integration of new uses. Without a unified classification scheme, it becomes difficult to assign new uses to the existing use lists, which may also affect the ability of the ordinance to maintain consistency across zones. This is already apparent in Los Angeles County's existing ordinance, where laundries are referred to in various overlapping ways, including laundries, hand laundries, retail laundries, self-service laundries, laundry agencies, and laundry plants.

Use classifications describe one or more uses of land that have similar characteristics but do not list every use or activity that may be appropriately included within the classification. In contrast to definitions, which are generally organized alphabetically, use classifications are relatively broad categories of uses that have similar characteristics or functions. Classification descriptions specify the distinguishing characteristics of different uses in order to identify uses that should be regulated differently. Like definitions, use classifications must be sufficiently specific to avoid ambiguity. It should be noted that categorization of different uses within the same classification does not imply that they should be permitted in the same zone (e.g. detached single family, multiple family, and group living accommodations are all residential uses). When there is uncertainty about how to classify a use, the Planning Director would make a determination. The Director may determine that a specific use should be reclassified if its characteristics are substantially incompatible with those typical of uses named within a particular classification.

A single use table for each zone type or for residential and non-residential zone types can simplify things greatly. For instance, a use table

that is organized by use classification indicating the permitted and conditional uses by zone type would replace the need for the “Permitted” and “Conditional” use subsections in each of the 35 zone sections.

A unified use classification scheme would also easily reduce the number of listed uses in Los Angeles County. Table 2-1 illustrates how the existing residential uses might be reclassified by a system of use classifications. Apartment houses and townhouses would be combined and classified as a multi-family residential type; dwellings for servants and guests would be classified as an accessory use. Accessory buildings constructed simultaneously with, or subsequent to, the main building on the same lot, and density-controlled development projects represent physical structures and should not be classified separately as uses. Separate development standards for accessory structures would regulate size and location. The new ordinance would maintain the current standard of interpretation that any use not listed in a particular zone is prohibited.

Table 2-1: Simplified Classification of Residential Uses

<i>Existing Residential Uses</i>	<i>Simplified Use Classifications</i>
Accessory buildings and structures	Accessory Use
Adult Residential Facilities	Group Residential ¹
Apartment Houses	Multiple-Family Residential
Density-Controlled Developments	Not classified as a use
Detached Living Quarters for Guests or Servants	Accessory Use
Family Day Care Homes, Small	Family Day Care
Fraternity and Sorority Houses	Group Residential ¹
Mobile Home Parks	Mobile Home Parks
Residences, Single-Family	Single-Family Residential
Residences, Two-Family	Two-Family Residential
Rooming and Boarding Houses	Group Residential ¹
Second Units	Secondary Dwelling Unit
Townhouses	Multiple-Family Residential

1. Additional subclassifications can be developed to address specific issues and distinguish residential care, for example, from transitional housing and other forms of group housing.

Source: Los Angeles County; Dyett & Bhatia

In order to ensure consistency and appropriate reference to terms throughout the ordinance, the new zoning ordinance should use the new North American Industrial Classification System (NAICS), discussed below, for reference in problematic cases. This would help ensure that industrial and manufacturing activities are classified by the means of

production and the potential off-site impacts, and not the products themselves. By defining industrial uses as either custom (small-scale manufacture by hand), general (products manufactured from extracted or raw materials), or limited (products manufactured from prepared materials), the impacts of production activities can be better regulated, and it will be easier to distinguish uses that are appropriate in particular zones.

Use Definitions and Terminology

A unified classification scheme would not only address the concerns resulting from Los Angeles County's use lists approach, but would also resolve several issues related to use definitions and terminology, including a distinct lack of use definitions, outdated terminology, the inclusion of embedded policies in the use descriptions, and poor formatting.

Uses Not Defined

A significant issue for the zoning update is the fact that the existing ordinance essentially does not define most of the uses it classifies as permitted or conditionally permitted in each zone. While the ordinance refers to over 700 uses, many of those uses are not defined in Chapter 22.08, Definitions. The lack of clearly defined uses makes it difficult for an applicant to determine the scope of the use regulated under the ordinance, and if the intended use is even allowed. This approach also makes it difficult to classify and regulate new uses.

North American Industrial Classification System (NAICS)

Many of the commercial and industrial uses listed in the existing ordinance are based on the Federal Government's Standard Industrial Classification (SIC) categories, which date from 1939. The SIC categories were based on production- and market-oriented economic concepts; however, a zoning classification system using only these concepts, without correlating them with existing land use or General Plan policies, may not be an effective scheme for achieving zoning objectives. The new North American Industrial Classification System (NAICS) is an improvement over the prior SIC system for a variety of reasons including its applicability to emerging industries, service uses, and advanced technology. The purpose of the NAICS system is, however, very different from the purpose of zoning. The NAICS is a U.S. Department of Commerce system geared toward classifying and measuring economic activity and output. It does not classify and group uses on the basis of common functional or operational characteristics, which is what a land use classification system should chiefly address. Furthermore, the

extensive classification system—with over 1,170 categories—is cumbersome and works against usability, which is one of the County’s major concerns for the update. Although the NAICS categories can help to define and classify newer land uses and reflect recent planning trends, over-reliance on this system can result in zoning classifications that are inappropriate in light of the ordinance’s objectives and could lead to conflicts with federal and State law.

The purpose of use classifications is to provide a consistent set of terms for categorizing and defining uses permitted in the various districts to facilitate their regulation. A good use classification system will also make it easier to determine the classification applicable to any activity that is not clearly within any defined use classification. While the NAICS may provide a useful reference for guiding the definition and classification of some land uses in Los Angeles County, there are many drawbacks to the system as a basis for land use classification, and it is not recommended that the County rely exclusively on these categories as an organizational tool. In most cases, the categories are narrowly defined, allowing easy classification of uses. In some instances, however, categories are too broadly defined, making land use classification difficult. For instance, some public service uses protected under federal or State law, such as group homes, residential care facilities, and family day care, are not readily distinguished by the NAICS. Adult business uses such as book stores, entertainment venues, and massage establishments are also difficult to classify with the NAICS. Moreover, although such uses are typically grouped together in a single category, the former uses are to some extent subject to protection by the First Amendment of the U.S. Constitution, but the last is not. Finally, the system is intensive, with categories that are not easily collapsed, making it cumbersome to apply. These shortcomings are not surprising, given that the system has a distinct industrial bias and was never designed for land use regulation.

Other examples of how NAICS categorization may not be appropriate for land use regulation include the following:

- Differentiation of five types of finance and insurance uses, when all of these activities are identical from a land use perspective (as standard office uses);
- Only two categories of food services (full-service and limited-service), even though the varieties of food service have important policy differences (for example, bagel shops, doughnut shops, and “fine dining” are all classified as full-service restaurants); and
- The division of manufacturing activity by product type (textiles, food, chemicals, etc.) rather than by characteristics important to

neighborhood compatibility (e.g., uses that operate entirely within an enclosed building versus those using outdoor facilities; uses that generate noise, smoke, or vibrations versus those that only include the assembly of previously manufactured components).

This partial list conveys the various reasons that the NAICS categories are not entirely suitable for a land use classification scheme. In addition to the poor fit between the classification of industrial sectors and land uses, the NAICS may be problematic within a zoning ordinance because it introduces a level of complexity that acts as a barrier to usability. The experience of San Luis Obispo County is instructive in this matter. The county used the SIC (the predecessor to the NAICS) as an adjunct to the glossary of its Land Use Ordinance during the 80s and 90s; however, during its 2000 ordinance update, the staff and consultant team agreed that the SIC had not been helpful in the administration of the LUO. The county decided that the glossary in the updated code would instead provide its own comprehensive definition for each allowable land use, rather than use the then-current 1997 version of the NAICS as the replacement for the SIC. The reasons for that conclusion are summarized below:

- There are numerous exceptions to many sub-sector descriptions. In the example of arts, entertainment, and recreation, one of the exceptions included is the following: “Establishments, such as nightclubs, primarily engaged in providing food and beverages for consumption on the premises and that also present live or theatrical entertainment are classified in sub-sector 722, food services and drinking places.” Although the process of defining land use types will inevitably create the need to reference one or more definitions of other types, the number of exceptions contained in the NAICS is not user-friendly and more likely to confuse than to clarify code administration.
- A number of the industrial sectors identified by the SIC/NAICS include sub-sectors that should be regulated differently under land use law; other sectors omit sub-sectors that should be regulated in the same way. Although staff has the delegated ability to interpret land use tables to incorporate similar but unlisted uses, the situation led to uncertainty and arguments that could be mostly avoided with an ordinance that does not refer to SIC/NAICS groups, and instead clearly defines land uses within the ordinance itself.
- Although the 2002 version of the NAICS is available online, the user interface is not particularly intuitive. Frequent code users are likely to be frustrated that the new, streamlined zoning ordinance does not provide all the information needed to understand where a particular land use is allowed.

While the NAICS may not itself be the classification system that Los Angeles County needs, it will be a valuable reference during the use classification exercise. Correspondence tables can be used to allow code users to check how a specific use could be classified. Under this framework, a document external to the zoning ordinance would contain a list of all NAICS categories sorted by their correspondence to the land use system established by the zoning ordinance. In this way, the County can ensure that the ordinance provides comprehensive regulation of uses while classifying them in a way that is beneficial to land use policy.

Embedded Policies

Many of the use descriptions include limitations and requirements on the use. Although some limitations may be appropriate to restrict certain types of uses, embedding policies and standards within the use descriptions complicates administration and makes it difficult for applicants to determine which relevant development standards apply to a particular proposal. These regulations should be addressed in separate sections of the ordinance where the limitations are visible and adequately discussed. Examples of embedded policies are included in Table 2-2.

Table 2-2: Examples of Embedded Policies and Standards

<i>Code Section and Use</i>	<i>Use Description</i>
Section 22.28.320: Uses Subject to Permits in the Commercial Recreation Zone	Sales and services, provided (1) that such use is located on a lot or parcel of land having, as a condition of use, an area of not less than one acre; and (2) that, as a condition of use, such use is within 600 feet of a recreational use permitted in the zone; and (3) that all sales are retail and all goods sold are new.
Section 22.28.230: Permitted Uses in the Commercial Manufacturing Zone	Dry cleaning establishments, provided that the building is so constructed and the equipment is so installed and maintained and the activity is so conducted that all noise, vibration, dust, odor and all other objectionable factors will be confined or reduced to the extent that no annoyance or injury will result to persons or property in the vicinity.
Section 22.28.090: Accessory Uses in the Restricted Business Zone	Automobile repair and parts installation . . . provided: . . . (3) that a masonry wall is established and maintained along an abutting boundary with property in a residential or agricultural zone . . . (4) that landscaping comprises an area of not less than two percent of the gross area developed for the primary use . . .

Source: Los Angeles County; Dyett & Bhatia

PERMITTED VS. CONDITIONAL USES

Table 2-3 suggests, but does not fully convey, the extent to which the County relies on Conditional Use Permits and Director Review in each zone to regulate uses under the existing ordinance. With the exception of some commercial zones and all industrial zones, uses requiring director review or conditional use permits make up around three-fourths of all allowed uses.

Additionally, some sections list uses that appear to be permitted by-right, when they may, in fact, be subject to discretionary approval for design and performance criteria, and might, therefore, also be subject to environmental review under the California Environmental Quality Act. Aside from the fact that applicants and staff alike may find it difficult to determine whether a given use will require discretionary review, problems may arise if the design review process also is used to regulate land use issues.

While the Director is authorized to approve a fair number of uses, County staff and code users expressed interest in further reducing the number of conditional uses which require notice and hearings, and giving staff more administrative approval authority. There are several ways to reduce the number of conditional uses:

- Permit outright those uses currently permitted with conditions, where appropriate;
- Allow more uses to be approved administratively by the Planning Director; and
- Permit with limitations (e.g., specific use-based locational developmental, and operational standards) those uses currently permitted with conditions that can be approved by the Planning Director.

With respect to the first approach, many conditional uses in the existing ordinance are appropriate considering the circumstances, such as conditionally permitting theaters and auditoriums in the neighborhood business zone. This is because site-specific impacts can be considered based on neighborhood concerns expressed at public hearings, and appropriate conditions of approval then applied to minimize impacts. The reasons for requiring Regional Planning Commission approval of a use permit after a public hearing in order to allow horticultural gardens in the A-1 zone or libraries in the R-3 and R-4 zones are far less clear.

Table 2-3: Number of Regulated Use Types by Zone

Zone ¹	Permitted	Accessory	Director Review	Conditional Use Permit	Specified Permit	Total # of Uses	% Requiring Permit or Other Discretionary Review
<i>Residential</i>							
R-1	8	9	13	49	4	83	79.5%
R-2	10	8	15	50	4	87	79.3%
R-3-(U)	13	8	15	47	4	87	75.8%
R-4-(U)	16	8	15	51	4	94	74.4%
R-A	9	8	14	48	4	83	79.5%
<i>Commercial</i>							
C-H	21	3	7	49	4	84	71.4%
C-1	107	8	8	58	4	185	37.8%
C-2	109	8	8	62	4	191	38.7%
C-3	173	7	8	83	4	275	34.5%
C-M	214	6	7	83	4	314	29.9%
C-R	33	4	6	85	4	132	71.9%
<i>Industrial</i>							
M-1	347	15	16	122	4	504	28.1%
M-2, M-4	n/a ²	2	3	85	3	n/a ²	n/a ²
M-3	n/a ²	-	2	77	3	n/a ²	n/a ²
M-1½	n/a ²	2	3	14	3	n/a ²	n/a ²
M-2½	6	2	2	n/a ³	4	n/a ³	n/a ³
<i>Agricultural</i>							
A-1	14	9	15	72	6	116	80.1%
A-2, A-2-H	38	9	18	83	8	136	80.1%
<i>Other</i>							
D-2	383	15	18	141	7	564	29.4%
IT	-	3	2	7	2	14	78.5%
R-R	33	4	9	81	4	131	71.7%
SR-D	14	2	2	16	4	38	57.8%
O-S	9	-	10	48	4	71	87.3%
A-C	9	4	3	42	1	59	77.9%
W	11	3	11	15	4	44	68.1%

1. Planned development (including MXD), buffer, and overlay zones are not included here.

2. M-2, M-3, M-4, and M-1½ zones permit any use not prohibited or limited in the corresponding section.

3. The M-2½ zone conditionally allows any use not explicitly prohibited in the M-4 zone.

Source: Los Angeles County; Dyett & Bhatia

Potential impacts can be addressed with many standards. A new “limited” designation concept would allow the imposition of standards and performance requirements that recognize the types of uses and project conditions that generate adverse effects. For example, specified retail establishments with up to 5,000 square feet of floor area and hours of operation between 7 a.m. and 9 p.m. could be permitted by right if located at the intersection of a local street (or higher classification) and an arterial. Another example would be to allow duplexes in single family zones on lots significantly larger than the minimum lot size required, so long as development standards are met—a policy that would implement the General Plan’s goal of providing a mix of housing types in all zones.

Table 2-4: Examples of Permitted, Limited, and Conditional Use Classifications in Residential Zones

(P = Permitted; L = Limited; C = Conditional Use Permit Required)

Use	Residential Zones			
	R-1 R-A	R-2	R-3	R-4
Single Family Dwelling	P	P	P	P
Second Unit	P	P	P	P
Two-Family Dwelling (Duplex)	–	P	P	P
Multiple Family Residential	–	–	P	P
Home Day Care	See subclassifications below.			
Small Family	P	P	P	P
Large Family	P	P	P	P
Group Housing	C	C	C	C
Residential Care, General	–	–	L-1	L-1
Senior Citizen Housing	–	–	–	C
Transitional Housing	L-2	L-2	L-2	L-2
Limitations:				
L-1: Permitted, subject to Special Use Standards in Section 22.-X.				
L-2: Requires a Conditional Use Permit for 6 or more units.				

A limited review process would simplify the use regulations, avoid extensive reliance on conditional use permits, and streamline approvals by deeming such uses permitted subject to codified standards. Adoption of this approach will also allow a reduction in the number of zones as limitations and performance criteria would be tailored to the type of use. The incorporation of use-based standards and limitations will also help

to promote mixed-use development by reducing the discretionary zoning review for projects that conform to specific requirements regarding size, siting, hours of operation, and similar objective standards. The ordinance would then have three designations, each with two sub-tiers:

Type I: Permitted Uses.

- *Ia: Ministerial Review (e.g., Plot Plans or Director's Review)*. No discretionary review and no conditions of approval; subject to development standards.
- *Ib: Quasi-ministerial Review (e.g., Oak Tree Permit)*. Discretionary review for CEQA document; conditions of approval may be required; subject to development standards.

Type II: Limited uses, which are permitted provided specific requirements are met. (While the County currently classifies some limited uses, the update will focus on expanding this number with some uses that currently require discretionary review.)

- *Ila: Ministerial Review*. No conditions of approval or public hearing; approved by the Planning Director.
- *Ilb: Quasi-ministerial Review (e.g., Parking Deviation, CSD Modifications)*. Public hearing is required if requests are made from the public; conditions of approval may be required.

Type III: Discretionary Review.

- *IIIa: Conditional Uses*. Subject to public hearings and discretionary review at either the Hearing Officer, or Regional Planning Commission, for which conditions of approval may be required.
- *IIIb: Legislative Actions (e.g., Plan amendments, zone changes)*. Public hearings at the Regional Planning Commission and Board of Supervisors, for which conditions of approval may be required.

This three-tier system is simple from an administrative standpoint, and would enhance certainty and predictability in the application review process.

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ZONING CONCEPTS

Los Angeles County contains a diverse array of zones, with 35 base zones, five overlays that modify the standards of those zones, and a number of supplemental zones applying to specific geographic areas. This chapter provides a detailed look at the existing zone classification scheme with the goal of identifying current issues and needed changes. The framework has been evaluated with respect to the proposed General Plan and the goals and concerns expressed by frequent code users in order to understand where the issues of “fit” need to be resolved. The observations developed below create a framework for a revised zone classification scheme that implements proposed policy directions of the General Plan, is clear in its language and intent, provides efficient and complementary zones, avoids redundancy, and does not address issues better handled in other parts of the ordinance.

BASE VS. OVERLAY ZONES

In most zoning ordinances, the zones that fall under one of the three classifications outlined in the first chapter of this paper are “base zones.” These zones set the basic regulations that apply within the zone. A community may want to vary some of the regulations within the base zone to respond to particular conditions within defined areas. “Overlay Zones,” also known as combining zones, are often used for this purpose.

Overlay zones modify the regulations applicable to the underlying zone. Such zones impose additional regulations or allow modification of base zone standards in areas that display special physical characteristics or conditions. For instance, an overlay zone may require an additional level of review to ensure projects meet additional specific criteria or standards,

it may allow higher buildings, or it may require greater building setbacks. Overlay zones are most often used in the regulation of floodplains, historic preservation areas, airport environs, and hillsides. Overlay zones have also been used for neighborhood preservation, for transit station areas and transit corridors, scenic highways, riparian corridors, and coastal zones.

Los Angeles County currently has five overlay zones, called special purpose and combining zones. Some of these zones are intended to apply additional development standards (P, Parking; and BE, Billboard Exclusion) and others are meant to encourage new types of development (DP, Development Program; CRS, Commercial-Residential; and PO, Unlimited Residence-Professional Office). In their current form, the latter zone types simply modify allowed uses within the overlay area without providing significant incentives for creating the targeted form of development.

OVERVIEW OF EXISTING ZONES

The zones in Los Angeles County's current code can be generally grouped into six categories—residential, commercial, industrial, agricultural, combining, and special purpose zones. The last category includes areas subject to specific plans as well as zones designed to achieve particular purposes, such as scientific research and development or restricted parking. The 35 base zones include six residential, eight commercial, seven industrial, three agricultural, two open space, and nine special zones. Not all of these codified zones have been widely employed, as Table 3-1 shows. In fact, three zones (aircraft heavy industrial, unlimited manufacturing, and arts and crafts) have not been used anywhere in the county. The organization of the ordinance does not clearly distinguish among base, supplemental, and combining/overlay zones. Furthermore, the differences between special purpose and combining zones are not really apparent; they should be described with clear purposes or combined.

Base Zones

Residential Zones

As shown in Table 3-1, residential zones are generally organized according to a traditional zoning hierarchy, from single-family to unlimited, in which every zone permits all of the uses allowed in more restrictive zones. In addition to the four zones that fit into this classification scheme, the County has a residential agriculture zone, which is essentially the same as the R-1 zone with some additional

permitted agricultural uses, and a residential planned development zone. This residential classification system is typical of many zoning ordinances and in general works effectively to regulate development. In theory, the hierarchal framework allows a mix of housing types in the more permissive zones, even if such a mix has not been consistently achieved on the ground.

The County should supplement residential zones with clear purpose statements that outline their intent and the appropriate types of development that are envisioned in each area. Purpose statements are especially important to differentiate the intent of zones of intermediate densities, as this information tends to be less apparent when looking solely at allowed uses. For example, it would be useful to specify under what circumstances a conditionally permitted multifamily building is appropriate in the R-2 zone. It would improve clarity to reclassify both the R-3 and R-4 zones as multifamily residential with different maximum densities. Aside from these name changes, however, no extensive reconceptualization is needed in the residential zone classification system.

Table 3-1: Current Base Zones and Land Area

<i>Zones, Organized by Type</i>	<i>Land Area (Acres)</i>	<i>% of Total Area</i>
<i>Residential</i>		
Single-Family Residence (R-1)	24,974.8	1.55%
Two-Family Residence (R-2)	3,200.5	0.20%
Limited Multiple Residence (R-3)	4,069.1	0.25%
Unlimited Residence (R-4)	169.6	0.01%
Residential Agriculture (R-A)	20,739.8	1.28%
Residential Planned Development (RPD)	6,904.8	0.43%
<i>Subtotal</i>	<i>60,058.6</i>	<i>3.72%</i>
<i>Commercial</i>		
Commercial Highway (C-H)	34.8	0.00%
Commercial Manufacturing (C-M)	393.1	0.02%
Commercial Recreation (C-R)	736.4	0.05%
Commercial Planned Development (CPD)	132.0	0.01%
Neighborhood Commercial (C-2)	1,201.5	0.07%
Restricted Business (C-1)	290.6	0.02%
Unlimited Commercial (C-3)	2,655.5	0.16%
<i>Subtotal</i>	<i>6,350.3</i>	<i>0.34%</i>

Table 3-1: Current Base Zones and Land Area

<i>Zones, Organized by Type</i>	<i>Land Area (Acres)</i>	<i>% of Total Area</i>
<i>Industrial</i>		
Aircraft, Heavy Industrial (M-2½)	0	0.00%
Light Manufacturing (M-1)	3,971.9	0.25%
Heavy Manufacturing (M-2)	6,267.7	0.39%
Restricted Heavy Manufacturing (M-1½)	4,696.9	0.29%
Manufacturing Industrial Planned Development (MPD)	617.1	0.04%
Unclassified (M-3)	97.2	0.01%
Buffer Strip (B-1)	447.7	0.03%
Corner Buffer (B-2)	1.9	0.00%
Desert-Mountain (D-2)	26,193.3	1.62%
Unlimited Manufacturing (M-4)	0	0.00%
<i>Subtotal</i>	<i>15,677.2</i>	<i>2.60%</i>
<i>Agricultural</i>		
Light Agriculture (A-1)	318,155.6	19.70%
Heavy Agriculture (A-2)	399,405.0	24.73%
Heavy Agriculture with Hog Ranches (A-2-H)	318.9	0.02%
<i>Subtotal</i>	<i>717,879.5</i>	<i>44.45%</i>
<i>Special Purpose</i>		
Open Space (O-S)	108,586.0	6.72%
Watershed (W)	649,148.9	40.20%
Arts and Crafts (A-C)	0	0.00%
Mixed Use Development (MXD)	906.4	0.06%
Institutional (IT)	482.6	0.03%
Resort and Recreation (R-R)	14,806.1	0.92%
Restricted Parking (P-R)	78.2	0.00%
Scientific Research and Development (SR-D)	123.6	0.01%
Specific Plan (SP)	15,096.3	0.93%
<i>Subtotal</i>	<i>57,229.7</i>	<i>48.90%</i>

Source: Los Angeles County; Dyett & Bhatia

Commercial Zones

Los Angeles County’s eight commercial and mixed use zones are likely candidates for consolidation during the zoning update. The County contains a few zones that have not been used extensively, which may be a result of their unclear intent. For example, in the current ordinance, it is not clear exactly how the Commercial Recreation zone differs from the

more widely used Resort and Recreation special zone. Also, the Commercial Highway zone has been applied to only 34.8 acres within the county; this zone should be incorporated into another commercial zone with supplementary standards for properties adjacent to highways. The County should combine these zones with similar ones in order to create a clearer, streamlined classification system. Similarly, the C-1 and C-2 zones permit similar uses and development standards and should be combined, with appropriate standards to regulate building bulk and buffers between these zones and non-commercial zones.

Industrial Zones

The County's industrial zones present another opportunity for consolidation. Two of the zones—aircraft and unlimited manufacturing—have not been used in the county and are prime candidates for elimination. Development standards in other zones can be adjusted to accommodate the types of uses allowed in these zones if they arise in the future. The County should furthermore reevaluate its need for the restricted heavy manufacturing, heavy manufacturing, and unclassified industrial zones. These three zones should be combined into one general industrial zone with adequate buffering requirements and performance standards to ensure that no incompatibilities arise between uses or on the zone's borders. Through this consolidation, the County should be able to reduce the number of industrial zones to two or three, including one light manufacturing zone and one general industry zone.

Agricultural Zones

Accounting for nearly one half of the County's total zoned land, agricultural zones give Los Angeles County its open, hilly terrain, and varied environment. While heavy agriculture makes up the largest portion (24.73 percent of the county's total land area), light agriculture is not far behind. These zones, however, are mountainous and not always conducive to agricultural uses. The third zone, heavy agriculture with hog ranches, makes up only a small fraction of all agricultural land. The County should combine this designation with heavy agriculture, with the provision of adequate location, design, and performance standards to ensure that no new incompatibilities arise from the consolidation. Also, the County should establish a rural mountain zone to be applied to those areas in these zones that are too mountainous to support agriculture.

Special Purpose Zones

Los Angeles County's current array of special purpose zones raises a number of separate issues that must be handled on an individual basis. Some zones, such as the Resort and Recreation zone, address special

regional concerns that are best addressed through this type of tailored zone. Other current special purpose zones can be better implemented as overlay zones, including the restricted parking zone. Still others, including the buffer and institutional zones, should be addressed in the use and design standards for each of the base zones. Finally, because the Scientific Research and Development and Arts and Crafts zones have not been widely implemented, the County should reconsider its need for these types of zones. If a need is identified, the County should consider how to explain more clearly the intent of these zones so that they can be adopted according to their purposes.

Open and protected natural areas make up a large portion of land in Los Angeles County. The vast majority of this land falls under the Watershed zone, which alone accounts for more than 40 percent of the County's total land area. While it is unlikely that these designations need to be modified through the zoning update, the County should revisit the protections it has placed on these areas in order to evaluate whether they are accomplishing their goals. Standards of particular interest include buffering, landscaping, and impermeable lot coverage. Open space zones should also coincide with restricted lighting areas under the County's new dark-sky policy.

Mixed Uses within the Above Zones

Although the County's current zoning ordinance has created a framework for mixed use development, this type of growth has generally not occurred. The ordinance contains various zones aimed at mixing different uses, including the following:

- The Mixed Use Development (MXD) zone provides for a mix of residential and commercial uses.
- The Commercial Manufacturing (C-M) zone provides for a mix of commercial and appropriate light industrial uses.
- The Residential Agriculture (R-A) zone provides for a mix of single-family housing with light agriculture uses.
- The Desert-Mountain (D-2) zone provides for a mix of light agriculture and light industrial uses.

Despite this clear intent to foster a mixture of uses within Los Angeles County, such development has not occurred on a wide scale. This problem is likely a result of insufficient incentives and design standards to ensure that true mixed use occurs, rather than the juxtaposition of physically separate, distinct uses within each of these zones. Through the

zoning update, the County should ensure that this established framework for mixed use is fortified with the right policies to encourage truly mixed development, especially around transit centers.

Combining Zones

Currently, Los Angeles County has five overlay or combining zones (see Table 3-2) in addition to its Community Standards Districts and supplemental zones, which also function as overlays. Some of these overlays can be applied to any base zone, while others are targeted for specific zones. In its existing zoning, not all of these overlays have been consistently applied. This is partly because the targeted base zones for some overlays are also not widely used, such as the R-4 zone, which is the only area where the PO overlay can be applied. Additionally, the intents of the CRS and P overlay zones appear to overlap with the MXD and PR base zones. As a result, the County does not currently rely heavily on these five overlays to achieve development goals.

Table 3-2: Combining Zones in the Current Zoning Ordinance

<i>Overlay Zone</i>	<i>Applicable Base Zones</i>	<i>General Purpose</i>
Billboard Exclusion (BE)	C-2, C-3, C-M, M-1, M-1½, M-2, M-2½, M-3, M-4	Prohibits outdoor advertising signs.
Commercial-Residential (CRS)	C-3	Allows residential development, subject to director’s review.
Development Program (DP)	All base zones	Allows zoning changes according to the plans of a particular project.
Parking (P)	All base zones	Permits parking lots as a principal use, and conditionally permits parking structures.
Unlimited Residence-Professional Office (PO)	R-4	Allows small office development, subject to a conditional use permit.

Source: Los Angeles County; Dyett & Bhatia

Overlays are most useful when they involve more complex regulations and special criteria that apply to different parts of a single zone or several different base zones. When the goal of an overlay zone is to provide for a desired form of development, it may not be sufficient simply to list these types of uses as permitted in the regulations of the zone. Currently, the CRS, P, and PO zones do exactly this. Under such a framework, developers will remain indifferent between projects allowed in the base zone and those envisioned by the overlay, and it is likely that the types of projects allowed by the overlay will be inconsistently pursued, if they are pursued at all. An effective overlay will provide appropriate incentives, such as density bonuses or relaxed height restrictions, to ensure that desired forms of development are frequently undertaken.

Table 3-3: Overlay Zones in Peer Counties

<i>County</i>	<i>Overlay Zones</i>
Santa Barbara County ¹	Affordable Housing, Agriculture-Residential Cluster, Airport Approach, Design Control, Environmentally Sensitive Habitat Area, Flood Hazard Area, Growth Management Ordinance, Hazardous Waste Management Facility, Highway 101 Corridor, Pedestrian Area, Riparian Corridor, Single Family Restricted, Site Design, View Corridor
Riverside County ¹	Airport, Billboard, Neighborhood Preservation, Rural Village, Scenic Highway, Watercourse
King County	Pedestrian-Oriented Commercial Development, Office/Research Park, Economic Redevelopment, Commercial/Industrial, Wetland Management Area, Residential Infill, Agricultural Production Buffer, Ground Water Protection, Aviation Facilities, Urban Aquifer Protection, Highway-Oriented Development, Erosion Hazard, Heron Habitat Protection
Prince George's County	Transit District, Chesapeake Bay Critical Area, Architectural Conservation
San Bernardino County ¹	Additional Agriculture, Agricultural Preserve, Airport Safety, Alternate Housing, Biotic Resources, Cultural Resources Preservation, Fire Safety, Flood Plain Safety, Geologic Hazard, Hazardous Waste, Mineral Resources, Noise Hazard, Open Space, Paleontologic Resources, Scenic Resources, Sign Control, Sphere Standards

Footnotes:

1. Based on a draft ordinance that has not yet been adopted.

In cases where an overlay zone applies to only one or two base zones and uniformly imposes relatively straightforward regulations in a geographically defined area, an alternative would be to regulate base zone regulations with exceptions or limitations. An example is the Unlimited Residence-Professional Office zone, which may be applied only to R-4 zones. An equally effective and easier way to provide for this type of development would be simply to conditionally permit small professional offices in the R-4 base zone, with standards to filter this type of development into appropriate places. Additionally, it is unclear how the Commercial-Residential overlay accomplishes a purpose distinct from a traditional mixed use zone. The County should eliminate these two overlays, as base zones can adequately fulfill these functions.

The Parking overlay, furthermore, can be better implemented in another areas of the zoning ordinance. Parking lots should simply be

conditionally permitted uses in appropriate base zones. Design standards will ensure that they do not become nuisances to nearby property.

The County should consider adopting additional overlay zones to achieve certain goals identified in the General Plan. For example, a transit-oriented overlay zone can allow increased density and require pedestrian-friendly design around transit hubs. Another option is a commercial redevelopment overlay, which can relax some development standards in targeted commercial areas in order to encourage infill and reinvestment in business growth.

Other Zoning Designations

In addition to the base and overlay zones described above, the County has a number of other zones applying to specific geographic areas of concern. In general, the update does not envision broad changes for these zones.

Supplemental Zones

The County has established five supplemental zones, in addition to the Community Standards Districts discussed below. Some of these zones function as overlays, and it is not always clear how they differ from the established overlay zones. In general, these zones are designed to address very specific concerns. Supplemental zones include Equestrian Districts, Flood Protection Districts, Setback Districts, Transit Oriented Districts, and the Malibu Coastal Program District. Each of these zone types has been applied to specific communities where needed. These zones are generally effective in accomplishing their stated goals, although the Transit Oriented Zone would be better applied as an overlay zone. For specific changes envisioned in Equestrian Zones, see the *Issues and Options Working Paper*.

Community Standards Districts

Los Angeles County has designated 20 Community Standards Districts (CSDs). These districts are applied to particular geographic areas which are regulated by specifically tailored development standards. In general, these districts have served their purposes well, so the County does not envision many changes to this part of the ordinance beyond a clarification of procedural matters. These recommendations are discussed in the *Issues and Options Working Paper*.

Specific Plans

Specific plans are established to outline detailed development goals and standards for particular geographic areas of the County at a greater level of detail than the zoning ordinance. Only a handful of specific plan areas have been established in the County, accounting for slightly more than 15,000 acres, or about one percent of the county's total land area. No changes to specific plan provisions will be made in the ZOUP.

RECOMMENDATIONS

Key zoning framework recommendations, capturing the points discussed above, as well as the concerns identified by County officials and residents, are listed below:

- The County should add purpose statements to all zones to clarify the intent of each zone and make it easier to distinguish among different zones;
- The County should abandon existing zones that have not been applied to the current Zoning Map (A-C, M-2.5, M-4);
- The County should combine zones with little differentiation in intent or uses to avoid confusion and to streamline regulations by reducing the overall number of zones;
- The County should eliminate its Restricted Parking, Buffer, and Institutional base zones, as well as the Parking, Commercial-Residential, and Unlimited Residence-Professional Office overlay zones, and incorporate these provisions into the remaining base zone regulations.

ORGANIZATIONAL FRAMEWORK FOR TITLE 22

By reorganizing the provisions of its zoning ordinance, Los Angeles County can enhance the code's usability and clarify the relative importance of various sections, ensuring that each regulation receives the prominence merited by its frequency of use and centrality in County operations. There is no standard approach to zoning ordinance organization, and this chapter describes several options that the County may compare and choose from while reorganizing the text. This section summarizes the approaches that some other cities and counties use and describes of how each of these strategies might work for Los Angeles County.

HIERARCHICAL ARRANGEMENT AND LOGICAL SEQUENCE

The County's current zoning ordinance does not always follow a logical or consistent organizational scheme. The ordinance is organized into two major divisions, the first with 18 chapters and the second with three chapters. These chapters are divided into sections, subsections, and paragraphs. The beginning chapters of Division 1—22.04, Introductory Provisions, and 22.08, Definitions—cover basic authoritative matters and establish common terms. Chapters 22.12 through 22.44 establish development standards for each zone and contain extensive lists of every allowed use within those zones. Chapter 22.48 contains provisions for setbacks on oddly shaped lots and rules for locating highway lines, while all other design requirements and performance standards follow in Chapter 22.52, General Regulations, with the exception of standards for adult businesses, which come in their own later chapter, 22.62.

Administrative and permitting topics are left at the end of the Division, in Chapters 22.56 and 22.60.

Division 2 contains three chapters on specific topics, regulating the financing of public facilities, major project review trust funds, and library mitigation fees.

Overall, the chapter ordering of the ordinance is not always intuitive, and sections that should be grouped together are often found far apart. Important administrative procedures are, for example, spread throughout Chapters 22.16, 22.56, and 22.60. Content is not organized according to the way that people typically use it. For example, the auxiliary reference chapter on definitions appears before other high traffic chapters, including zone regulations.

Furthermore, instead of being grouped together to make them easier to find, regulations applicable to all or some zones are spread out among many chapters, including those on general regulations, conditional use permits, and yards and highways. Some zone-specific regulations are located in the chapter on general regulations, including restrictions on undersized lots in R-2 zones and density restrictions in R-3 and R-4 zones. Part 1 (Conditional Use Permits) of Chapter 22.56 is designed to address all of the pertinent matters dealing with the filing, processing, review, and final decision-making on conditional use permits but also includes a number of sections that specify standards and procedures applicable to specific uses, such as:

Section 22.56.195 (Alcoholic Beverage Sales)

Section 22.56.196 (Medical Marijuana Dispensaries)

Section 22.56.202 (Density Bonus)

Section 22.56.215 (Hillside Management and Significant Ecological Areas)

Section 22.56.225 (Wineries)

Section 22.56.235 (Senior Citizen Residences)

As a result of these inconsistencies, code users must search through a large amount of text before arriving at the sections they need. Many individuals contacted during the initial reconnaissance expressed the difficulty of simply finding desired materials, because one never knows when to stop looking.

General Guidelines for Organization

The County should employ a few basic rules throughout the ordinance in order to ensure that textual organization reflects regulatory intent and is

logical and consistent. These guidelines are summarized below. Each section of the ordinance should employ one or more of these organizational principles that fits best with code content.

When considering all of the options below, the County should keep in mind the different ways that individuals typically use a zoning ordinance. People who need zoning information generally fall into one of two categories: 1) those who have property and want to know how they can use it; and 2) those who want to establish a use and want to know where they should look for property. Depending on which of these users the County wants to cater to, it can restructure its ordinance in different ways. The needs of County code users should guide the selection of an appropriate organization.

For people in the first category, the County should organize all standards by zone, so that the individual can turn to the applicable zone and know all relevant information about the site in question. In this type of organizational scheme, all standards for development would be listed together under each zone, including allowable uses, use regulations, development standards, and supplemental design guidelines. By listing all of this information together, the ordinance presents a cohesive and comprehensive package of design guidelines for each zone.

To best meet the needs of people in the second category, the County should focus more on an organization around use types. In this organizational scheme, regulations would be more spread out throughout the ordinance, supplemented by extensive cross-references. Chapters establishing zones might contain only allowed uses and basic development standards such as bulk and height limits. Other regulations would be grouped according to use in separate chapters, including performance standards and standards for specific uses. This is the strategy employed by the majority of current zoning ordinances in the country, although it is not as user-friendly as the previous option. Some extreme examples of this type of ordinance include those of San Francisco and Louisville, which go as far as regulating land with two overlapping types of zones, one addressing use and the other addressing form. The County should consider these two schemes, as well as the guidelines below, when outlining a structure for the updated ordinance. Overall, the new ordinance should list as much information as possible within each zone's regulations, while leaving only those regulations applicable to all zones in supplemental sections of the ordinance.

Hierarchy of Importance and Frequency of Use

Where appropriate, divisions, chapters, and sections of the ordinance should be organized to place those parts of highest importance at the beginning. The measure of importance can be defined as the frequency with which code users need to reference each section, or the centrality that a particular standard or zone has in the character of the county. Giving these sections a place of prominence at the beginning of a chapter or division will have a number of positive effects. The organization enhances usability, as those searching the ordinance are more likely to find the information they need quickly and efficiently. By adopting a hierarchy of importance, the code also implicitly communicates to planners and developers the aspects of development that the County has determined to be most central to its stated goals and policies.

St. Mary's County, Maryland, has followed this method of organization in its zoning ordinance. Within chapters, subsections are generally organized to progress from most frequently referenced to least, or from most general to most specific. For example, within its chapter, "Other Use Regulations," the sections move from the most referenced "Accessory Uses and Structures," to "Temporary Uses," "Limited and Conditional Use Regulations," and finally "Nonconforming Uses, Structures, and Signs." This structure helps users find the most often referenced chapters as quickly as possible. Listing supplemental use regulations in alphabetical order (e.g. Accessory Uses, Affordable Housing, etc.) can also make this section easier to use.

Logical Sequence of Ideas

Zoning ordinances are complex, their elements building upon, refining, supplementing, and providing exceptions to each other. They are also living documents that change over time as new amendments become law and further alter the existing regulatory framework. Due to this level of intricacy, it is crucial that the structure of the code reflect the logical relationships between individual elements. Without a logically consistent organization, the intent of regulations is obscured, and users must work to understand what is required of them.

Provisions that establish base rules and regulations should be included at the beginning of each section, followed by provisions that refine or qualify them. Sections of the code given the same organizational primacy (division, article, section, subsection) should also have the same degree of importance and follow parallel construction with the other elements of that organizational level. In the existing ordinance, this rule is not always

followed; for example, adult businesses are given the same organizational importance as the chapter covering all administrative issues, when they should be moved into the section that establishes specific standards for other uses.

Alphabetization

Where no other organizational scheme seems applicable, alphabetization should be used to give some degree of structure to the section. This approach is appropriate for sections with many unrelated elements, such as performance standards for specific uses, where each subsection has equal importance and does not modify or affect any of the other subsections. An effective organizational scheme will rely on alphabetization as little as possible, however, as this approach provides few benefits outside of easy navigation.

Zones

The chapters of the zoning ordinance that establish each zone and list allowable uses typically have a different organizational logic from the rest of the ordinance. Generally, these sections should follow the order in which the zones are listed on the zoning map (typically residential, commercial, industrial, and other). By aligning the ordinance structure with corresponding maps, the regulations are easier to follow and administer. The progression from residential to industrial furthermore reflects a generally decreasing fear about use incompatibilities, so that the zones with the most sensitive uses are located in front of the others.

While the organization of each of these chapters will differ from chapters that deal with other topics, such as those describing procedures for use permits or variances, all of the chapters that establish zones should use the same format. Each chapter should begin with a section expressing the purposes of the zone followed by use regulations, development regulations, and any review requirements applicable to the zone. Figures 2-4, above, shows an example of a use table, and Figure 4-1, below, shows an example of a development regulation table.

One item for consideration is how the County would like to relate the chapters that establish zones to those that list use regulations and development standards for those zones. Many current zoning ordinances cover all of these topics in different sections, linked with cross-references; however, this organizational scheme has some disadvantages. Although it does present all concepts in a logical, orderly manner, it requires code users to flip through a number of different sections in order to find all of the regulations that apply to a particular site. Another

option is to group all of the regulations that are unique to a particular zone in that zone. This framework would ensure that users are presented with all relevant standards when they look at each zone. The ordinance should also include a large use table that lists all zones and allowed uses according to permit type, with limitations, supplemental design standards, and references to other ordinance sections where necessary. The ordinance could also present this table in pieces by zone type (residential, commercial, industrial, other) in order to break it into more manageable sections.

Table 4-1: Building Height Envelopes in Residential Zones (feet)

<i>Zone</i>	<i>Maximum Height</i>	<i>Minimum Yard Setbacks</i>				
		<i>Front</i>	<i>Corner Side</i>	<i>Reversed Corner Side</i>	<i>Interior Side</i>	<i>Rear</i>
R-1	35	20	5	10	5	15
R-2	35	20	5	10	5	15
R-3	35	15	5	7.5	5	15
R-4	None	15	5	7.5	5'	15
Footnotes:						
1. Plus one additional foot for every story above 2, not to exceed 16 feet.						

Development and Performance Standards for Specific Uses

As mentioned above, sections addressing development and performance standards will typically be organized in a way that is appropriate given the nature of the use and the type of regulations the code establishes. For this reason, the format of individual sections will not necessarily be the same. As such, it is usually appropriate to organize these chapters alphabetically, because their parts have little relation to one another otherwise.

Administrative Provisions

Zoning ordinances have a few different approaches to the integration of administrative chapters. Some choose to highlight these provisions near the beginning of the ordinance, while others move them to the end as an auxiliary reference chapter. The choice reflects the way that the County wants to portray its development process. Giving these chapters a prominent position near the beginning conveys the message that one of the County’s primary concerns is an effective administrative process. On the other hand, some may feel that front positioning places too high of an emphasis on process over substance. Front-positioning generally

violates the rule of placing the most frequently used provisions first, as the administrative chapter is usually one of the least referenced sections of a zoning ordinance. Because of this inconsistency, it is recommended that Los Angeles County place its administrative chapters near the end of the ordinance.

Additionally, as shown in Table 4-2, some ordinances choose to include two administrative sections, typically one dealing with permits and another handling all other administrative matters and procedures such as appeals, enforcement, and amendment. While this approach would allow users to access permitting information more quickly, it contributes to a cluttered organizational structure and divides otherwise related content, so it is not recommended for the update.

Signs, Landscaping, Parking, and Other Special Regulations

Sections on signs, landscaping, parking and other specific regulations also present an organizational choice for the County. While these sections are development standards and can easily be integrated into that section, they are often much lengthier and more specific than other subsections. Additionally, they often involve special procedures or permitting processes. For this reason, many counties choose to reserve entire chapters for these topics. The elevation of these sections in organizational prominence furthermore conveys their centrality in the look and feel of urban areas, which is also part of the reason that they are regulated so extensively. Los Angeles County should selectively elevate some of these development standards to chapter status in order to indicate the comprehensiveness of the new regulations and to mark their new importance in the changing look and feel of the region.

Table 4-2, below, summarizes how three peer counties have chosen to reorganize their zoning ordinances. All three counties have applied a hierarchy of importance to order their new documents. Both Santa Barbara and San Bernardino counties have chosen to move their administrative sections nearer to the end of the ordinance, and to reserve the final chapter for definitions. The counties have also decided that some specific topics are important enough to merit consideration at the chapter level (e.g., energy generation facilities in Santa Barbara County). While Los Angeles County's chapter structure will likely look different from all three of these examples, they highlight the decisions that the County must make when approaching this task.

Table 4-2: Organizational Revisions of Three Peer Ordinances

<i>Jurisdiction</i>	<i>Order of Divisions (Existing Ordinance)</i>	<i>Order of Divisions (Proposed Ordinance)</i>
Riverside County	I. Introductory Provisions II. District Classifications III. General Standards IV. Administration and Permits V. Standards for Specific Uses VI. Amendment Procedures	I. Introductory Provisions II-VI. Base District Classifications VII. Special District Classifications VIII. Overlay District Classifications IX-X. Permits XI. General Development Standards XII. Performance Standards XIII. Special Use Development Standards
Santa Barbara County	I. Introductory Provisions II. Definitions III. Development Standards IV. Base Districts V. Overlay Districts VI. Parking Regulations VII. General Regulations VIII. Services, Utilities, and Other Related Facilities IX. Oil and Gas Facilities X. Nonconforming Structures and Uses XI. Permits XII. Administration XIII – XVI. Area-Specific Overlay Districts	I. Applicability II. Zones and Allowable Uses III. Site Planning and Other Project Standards IV. Standards for Specific Land Uses V. Oil and Gas, Wind Energy and Cogeneration Facilities VI. Resource Management VII. Site Development Regulations VIII. Planning Permit Procedures IX. Administration X. Definitions
San Bernardino County	I. General Provisions II. Reviewing Authorities III. Procedures IV. Land Uses V. Overlay Districts VI. Planning Areas VII. General Design Standards VIII. Specific Use Standards IX. Plant Protection and Management X. Soil and Water Conservation XI. Public Facilities Financing XII. Definitions	I. Authority and Applicability II. Zoning Districts and Allowed Uses III. Countywide Development Standards IV. Standards for Specific Land Uses and Activities V. Permits VI. Administration VII. Subdivisions VIII. Resource Management IX. Public Facilities Financing X. Definitions

DIVISIONS, PARTS, CHAPTERS, AND SECTIONS

Currently, the Los Angeles County zoning ordinance is divided hierarchically into divisions, parts, chapters, and sections, although these organizing designations do not always follow parallel construction, reflect the same level of significance, or contain equivalent amounts of text. In fact, the two main divisions of the ordinance are extremely unequal in length, content, and importance. As noted above, Division 1 contains almost all zoning regulations, while Division 2 comprises only a few pages discussing various financial issues. These two major divisions are an extreme example of non-parallel construction, but they provide insight into the issues associated with this problem.

The County should revise its textual divisions in order to better group pieces of text that are related to one another. While all the content of the current Division 2 should be moved to appropriate chapters elsewhere, Division 1 should be split into multiple divisions according to general thematic areas (i.e., base zones, administration, overlay and combining zones, etc.). Such reorganization into helpful divisions is the largest effort required, as subdivisions will look similar to the existing chapter structure, reorganized and consolidated where needed. For example, the division on base zones would be divided into residential, commercial, industrial, agricultural, and “other” parts. Each part would then contain chapters similar to the current ones, with appropriate additions and consolidations (the residential part, for example, would be split into chapters for R-1, R-2, R-3, etc., following the current arrangement). The Community Standards Districts should have their own division, rather than being listed with other zones as they are now. The table at right shows a possible new chapter structure for the updated zoning ordinance. The organization will be refined based on Regional Planning Commission comments.

Suggested Divisions for the Modified Title 22

1. Introductory Provisions
2. Administration and Permits
3. Base Zones (including purposes, allowed uses, and zone standards)
4. Overlay Zones (including special purpose and supplemental zones)
5. Countywide Development Standards (including general development and performance standards, affordable housing incentives, and regulations for landscaping, parking and loading, signs and related provisions)
6. Standards for Specific Uses and Activities (such as adult businesses, animal keeping and equestrian facilities, hazardous waste facilities, mobile home parks, nonconforming uses, wind energy systems, and wireless telecommunications facilities)
7. Community Standards Districts
8. Specific Plans
9. Definitions

DEFINITIONS AND OTHER REFERENCE TOOLS

The current zoning ordinance places definitions near the beginning, between introductory provisions and zones. While this placement may seem logical, as it establishes the rules for meaning to be applied to the rest of the ordinance that follows, it also can lead to usability problems. The section is qualitatively different than the other parts of the zoning code; instead of establishing policy, the definitions act as an auxiliary reference tool for the rest of the ordinance. As such, they should ideally be in a place that can be easily and quickly turned to in the case of textual ambiguity. Sandwiched between two code sections, the present positioning of the section does not allow this type of quick access. A better location for the definitions is at the end of the ordinance, where users do not have to keep a bookmark in order to find it. Other reference provisions, such as rules of measurement and standards for the interpretation of language, should also be moved to this auxiliary division in order to facilitate reference when needed. The County can also incorporate the definitions as a pop-up window in its online ordinance, as the City of Chicago has done. With a pop-up, users can navigate the text with the definitions open at the side for easy reference when needed.

NEXT STEPS

This *Framework for Zoning*, along with the *Issues and Options Working Paper*, will serve as starting points for the next phase of the Zoning Ordinance Update Project. Following County staff review and discussions with the Regional Planning Commission, an annotated outline of the new zoning ordinance will be prepared. This document will have a very specific focus on the elements and structure of the new ordinance, with particular attention to the following items:

- The proposed number, types, and purposes of base zones;
- The proposed overlay and special zones, and provisions for planned development;
- The general purpose sections of the new ordinance, including definitions, provisions for “use classifications,” (based on feedback from the *Issues and Options Working Paper* and the *Framework for Zoning*), supplemental standards applying in some or all zones, administration, and enforcement;
- The overall organization and numbering system, and procedures for amendments; and
- Graphic illustrations of selected standards and guidelines and review procedures (by title only).

The annotated outline will serve as the final preparatory document before the actual restructuring and revision of the zoning ordinance begin.

