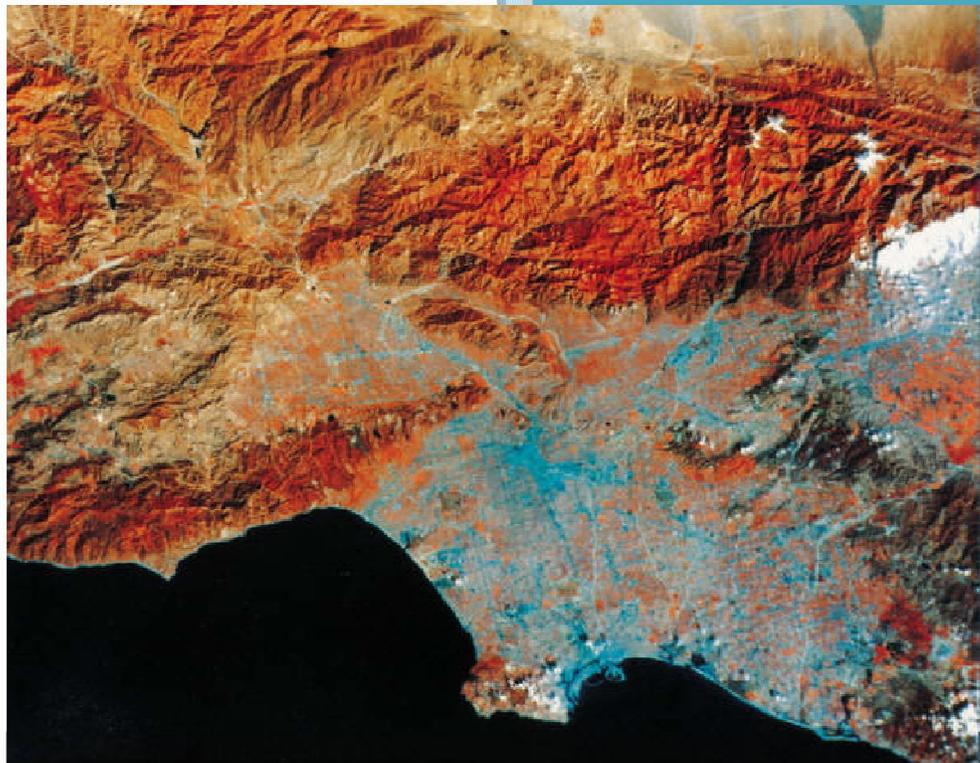


2009



Los Angeles County Department of Regional Planning
**Subdivisions and Zoning
Interpretations and Procedures Manual**
Second Edition





Los Angeles County Department of Regional Planning



Planning for the Challenges Ahead

SUBDIVISIONS AND ZONING ORDINANCES INTERPRETATIONS AND PROCEDURES MANUAL

Jon Sanabria
Acting Director of Planning

October 2009

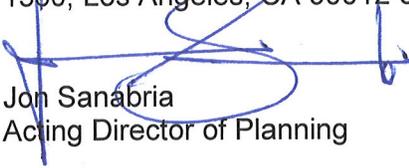
The Department of Regional Planning presents its second edition of the Subdivisions and Zoning Ordinance Interpretations and Procedures Manual. This Manual contains a summary of many policy interpretation and procedures memos that were drafted over the years and have now been collected and integrated into a single document. Since the first edition of the Manual in June 2007, fourteen additional interpretation memos have been added to the Manual. This Manual is intended for use by all Department and other County staff, and the public as part of the County's strategic goals on providing excellent customer service and improving organizational effectiveness.

The Manual has two parts: Interpretations and Procedures. The Interpretations part contains subdivisions and zoning policy interpretations and General Plan policy interpretations. Also included is a summary of all the basic requirements for each zone listed in the Zoning Ordinance. These interpretations were prepared by County staff from the Department of Regional Planning. Many of the policy interpretations have been arranged into a Question & Answer format. Where needed, several interpretations have been updated to reflect changes in state planning law, ordinance amendments and for consistency.

The Procedures part contains several procedures addressing various functions of the Department. There are Department procedures for processing special cases and properly interpreting the Zoning Ordinance or implementing the General Plan. There are review procedures for airport-related applications that are submitted to the Airport Land Use Commission, and procedures for presenting cases and conducting public hearings at the Hearing Officer and Regional Planning Commission. Finally, there are County-adopted guidelines for submitting environmental reports as required by State law.

Additional memos may be added to the next edition. We will continue to update the Manual on a periodic basis when needed by adding new interpretations and procedures and removing obsolete ones. Your comments and suggestions on how this Manual or any subdivision or zoning interpretations or procedures can be improved are welcome. Please provide any comments and suggestions to the Department of Regional Planning, Ordinance Studies Section, 320 W. Temple Street, Room 1355, Los Angeles, CA 90012 or call (213) 974-6432.

These interpretations and procedures are intended to complement the Los Angeles County Subdivision and Zoning Ordinances (Titles 21 and 22 of the County Code), and are not intended to replace the Ordinances. Questions regarding how the provisions of Titles 21 and 22 or these interpretations or procedures apply to a specific situation should be referred to the Department of Regional Planning's Land Development Coordination Center at 320 W. Temple Street, Room 1360, Los Angeles, CA 90012 or call (213) 974-6411.


Jon Sanabria
Acting Director of Planning

Part I
SUBDIVISION AND ZONING INTERPRETATIONS
TABLE OF CONTENTS

Code Section	Topic	Page
<u>Title 21</u>		
21.08.090, 090, 170	Exemption of Apartment Projects from Lease Project Subdivision Requirements.....	1
21.40	Amendments and Revisions to Approved Tentative Maps.....	1
21.60.025	Subdivision Map Act – Certificate of Compliance and Exceptions.....	2
<u>Title 22</u>		
22.08.010, 180	Congregate Living Facilities.....	5
22.08.040	Density-Controlled Development Projects.....	5
22.08.080	Development Standards for Accessory Buildings	6
22.08.130	Mobilehomes vs. Recreational Vehicles.....	8
22.16.010	Minimum Square Footage in Certain Zones.....	11
22.16.020.A	Cable Microcell Integrator (CMI) Installations.....	11
22.20	Adult Residential and Child Care Facility Guidelines.....	11
22.20	Commercial Vehicles in Residential Zones.....	13
22.20.080	Yard and Garage Sales.....	13
22.20.080	Chickens.....	14
22.20.105-150	Residential Site Plan Diagram.....	16
22.24.160.B	Wild Animals in Zone A-2.....	17
22.28	Development Standards for Commercial Site.....	17
22.28	Auto Service Stations and Auto Repair Garages (C-1 vs. C-3 Uses).....	19
22.28.110, 160, 180	Automatic Car Wash.....	20
22.28.190	Swap Meets.....	21

Part I
SUBDIVISION AND ZONING INTERPRETATIONS
TABLE OF CONTENTS

Code Section	Topic	Page
22.28.210, 290	Astrologers.....	21
22.28.210. 320	Paintball Fields.....	22
22.28.220.D	Cargo Storage Containers.....	22
22.44.132	Sign Program for Commercial Centers in Rowland Heights.....	23
22.44.133	Grading and Significant Ridgeline Ordinance.....	27
22.44.133	Implementing the Grading Provisions.....	29
22.44, Part 6	Submittal Requirements for New or Expanded Single Family Residences in Sensitive Environmental Resource Areas in the Malibu Coastal Zone.....	33
22.48.127, 150	Outdoor Fireplaces in Rear Yards.....	34
22.48.140-160	Expedited Zoning Conformance Review.....	34
22.48.160 & 180	Retaining Walls in Required Yards.....	35
22.48.180	Yard Modifications.....	36
22.52.500	Requests for Extension on Mobilehome Parks.....	36
22.52.530-540	Nonconforming Trailer Parks.....	37
22.52.560-640	Large Vehicle (Truck and Bus) Repair.....	38
22.52, Part 10	Signage Regulations.....	38
22.52, Part 10	Business Signs in Commercial and Industrial Zones.....	40
22.52.920.J	Menu Boards in Fast Food Establishments.....	62
22.52, Part 11	Parking Standards Summary.....	62
22.52, Part 11	Chronological History of Commercial and Industrial Vehicle Storage Provisions.....	63
22.52.1030, 1180	Chronological History of Residential Vehicle Storage Provisions	65
22.52.1070	Implementation of Revised Parking Standards: (American with Disabilities Act).....	70

Part I
SUBDIVISION AND ZONING INTERPRETATIONS
TABLE OF CONTENTS

Code Section	Topic	Page
22.52.1070	ADA – Restriping Parking Lots for Accessible Parking Spaces.....	75
22.52.1100, 1110	Bakery, 7-11-Type Convenience Stores and On-site Food/Drink Consumption.....	79
22.52.1110	History of Parking Provisions for Eating Establishments.....	80
22.52.1110	Assembly Use Parking Requirements.....	81
22.52.1620	Clarification of WECS-N Ordinance.....	84
22.52.1640	Accessory Electrical Generation Devices.....	86
22.52, Part 16 22.56, Part 18	Density Bonus and Housing Permits.....	87
22.52, Part 20	Green Buildings Ordinance.....	93
22.52.2310	Low Impact Development Ordinance Exemption.....	96
22.56.100	Completeness of Permit Filings.....	97
22.56.180	Public Health Policies Regarding Water and Sewage Disposal...	99
22.56.195.A.3.a	Guidelines for Alcoholic Sales Expansion.....	100
22.56.195.B.3	Variances for Alcohol Sales.....	101
22.56.195	Alcohol Sales and Temporary Use Permits.....	101
22.56.220	Motels and Hotels.....	102
22.56.1500	Nonconforming Uses.....	103
22.56.1510.B,F	Business License Applications for Apartments.....	105
22.56.1510.B	Zoning Approval – Unreinforced Masonry Buildings.....	106
22.56.1510.F	Building Permit Review Procedure – Addendum to the List of Consistent Uses.....	107
22.56.1510.G	Reconstruction of Damaged or Destroyed Multi-Family Dwellings	107
22.56.1510.G	Repair of Damaged Nonconforming Structures.....	108
22.56.1510, 1540	Nonconforming Use Repairs, Alterations, and Expansion.....	109

Part I
SUBDIVISION AND ZONING INTERPRETATIONS
TABLE OF CONTENTS

Code Section	Topic	Page
22.56.1540	Nonconforming Residences in Commercial Zones.....	111
22.56.1761	Criteria for New Classic Car Collections.....	111
22.56.2290	Director’s Review of Accessory Structures to Single Family Residences in the Malibu Coastal Zone.....	112
22.56, Part 16	Oak Tree Permit and Natural Disasters.....	117
22.60, Part 2	Application Filings.....	118
22.60.100	Plot Plan Amendment Requests	119
22.60.190	Notification of Action Taken and Speaker Cards.....	119
22.60, Part 5	Appeals Ordinance Amendment.....	120
22.60, Part 6	Adult Residential and Day Care Facilities and Zoning Enforcement.....	122
22.60.390	Noncompliance Fee.....	123
22.60.390.B & D	Policy on time extension requests (for compliance).....	129
22.62	Conformity review for adult-oriented businesses.....	129

Appendix I
Miscellaneous Subdivisions and Zoning Interpretations

Common Zoning Violations – Table.....	133
Development Standards for Accessory Recycling Collection Centers.....	135
Bingo Licenses.....	138
Building Permit Reviews.....	138
Property Owner’s Signature for Minor Ministerial Projects.....	139
Requirements for Building Construction and Land Use Within or Adjacent to High Voltage Transmission Lines.....	139
Sewage Treatment Plants as Accessory Uses.....	142

Part I
SUBDIVISION AND ZONING INTERPRETATIONS
TABLE OF CONTENTS

Topic	Page
<u>Appendix II</u> General Plan Policy Interpretations	
List of Consistent Uses and the General Plan.....	143
Residential Density Calculations: General Plan Interpretative Guidelines.....	143
Urban Infill – General Plan Interpretation.....	146
Slope Analysis – Resubdivisions.....	147
Interpretation of Antelope Valley Area Plan Provisions Regarding Non-Residential Uses in Non-Urban Areas.....	147
Application of Policy 88 of the Malibu Land Use Plan to New Access Roads Crossing Multiple Legal Parcels.....	150
<u>Appendix III</u> Zoning Summary	
Zoning Ordinance Summary.....	151

Part II
SUBDIVISION AND ZONING PROCEDURES
TABLE OF CONTENTS

Topic	Page
Departmental Procedures	
Protection of Solid Waste Facilities.....	151
Safe Water and the Toxic Enforcement Act.....	152
Community Standards Districts.....	154
Procedures for Parking Deviation Requests Requested Concurrently with Other Discretionary Permits	158
Withdrawal of Appeals from Regional Planning Commission Decisions.....	159
Steps for Implementation of Adopted Ordinances.....	160
Procedures for Dissemination of Proposed and/or New Ordinances and Policies.....	161
General Plan Implementation Procedures	
Infill Areas.....	163
Airport Land Use Commission Procedures	
ALUC Helicopter Landing Facilities Policy.....	165
Aviation Case Processing Procedures for Airports/Heliports in Unincorporated Areas..	167
Aviation Case Processing Procedures for Heliport/Airport/Helistop Applications.....	168
Procedures for Hearing Officers	
Roles and Duties of the Hearing Officer.....	171
Disclosure of Evidence.....	180
Regional Planning Commission Policy Statement: Hearing Officer Procedures	180
Rules of Procedure for Regional Planning Commission.....	183
Environmental Document Reporting Procedures and Guidelines.....	189

Part 1

SUBDIVISION AND ZONING INTERPRETATIONS

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TITLE 21 SUBDIVISION ORDINANCE INTERPRETATIONS

Exemption of Apartment Projects from Lease Project Subdivision Requirements

Reference: Sections 21.080.080, 090, and 170

Q: How may an apartment project be exempt from the County Subdivision Ordinance (Title 21) requirements for a lease project subdivision map?

A: The County's Subdivision Ordinance, Title 21, should not be applied to require a lease project subdivision map for the construction of multiple apartment buildings on a single lot with more than twice the required area where the separate apartment buildings will be developed, owned, and retained by the same owner or entity, and the only leases within the project are leases of individual units within the separate apartment buildings.

With respect to commercial and industrial projects, staff shall apply the exemptions cited in the Gov. Code 66412 including: "This division shall be inapplicable to: (a) The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks."

Based on this interpretation, and in consultation with our County Counsel, it is this Department's position that Title 21 should not be applied to the construction of multiple apartment buildings on a single lot, developed, owned, and retained by the same owner or entity, where the only leases involved in the project are the leases of units within the separate buildings, and none of the separate apartment buildings will be leased. To ensure Map Act compliance and that all buildings and the underlying land are held under the same owner or entity, and not leased separately, the buildings and underlying land are required to be held as one entity under covenant and agreement unless released by the authority of the Planning Director.

[10/1/09 – Land Use Regulations]

Amendments and Revisions to Approved Tentative Maps

Reference: Section 21.40

Q: What is the difference between a Revised Tentative Map and an Amendment to Tentative Map?

A: The criteria developed here is for the purpose of determining when a request is an Amendment rather than a Revised Map.

Revisions of a **minor nature**, permitting an "**Amendment**" submittal, are:

- Changes that can be requested by letter that would not require any revisions to the map.
- Minor adjustments to lot lines and street alignments.
- Minor grading changes that will not affect approved drainage patterns or require additional review by the Drainage/Grading or Geology/Soils Sections of the Department of Public Works.

- Changes required to be made as a condition of final approval imposed by a section of the Department of Public Works.
- Consolidation of lots where little or no grading to take place.

Revisions of a **major nature**, requiring a “**Revised**” map submittal are:

1. Boundary change when more property is added to the project.
2. Additional lots are created.
3. Overall subdivision design is changed. (Lot layout and realignment or redesign of street system).
4. Change from no grading to grading proposed.
5. Substantial change in grading requiring review by Drainage/Grading, Geology/Spills and Road Sections of the Department of Public Works.
6. Substantial changes in pad elevations where adjacent developed property will be impacted.
7. Change in method of sewage disposal.

[2/27/1992 – John R. Schwarze, Administrator]

Subdivision Map Act – Certificate of Compliance and Exemptions

Reference: 21.60.025

Q: Are there any exemptions to the current County requirements for the filing of a Certificate of Compliance application?

A: The Act regulates the manner in which land is subdivided in California. In general, under modern subdivision law, lots are recreated through the processing of subdivision maps or parcel maps. The Act also contains the certificate of compliance procedure for certifying the validity of parcels which were created by deed and conveyance prior to the passage of modern subdivision laws. These parcels are often referred to as "dash-line" parcels.

The certificate of compliance process also protects innocent purchasers of unlawfully divided property. Under the Act, dash-line parcels created prior to March 4, 1972, are presumed to be lawfully created if a subsequent purchaser acquired the parcel without actual or constructive knowledge of a violation of subdivision laws (Government Code §66412.6(b)). Government Code section 66412.6(b) protects innocent purchasers of land which was divided prior to March 4, 1972, by ensuring that they are entitled to receive either a certificate of compliance or a conditional certificate of compliance. Under section 66412.6(b), owners of such dash-line parcels are required to obtain the certificate of compliance or conditional certificate of compliance prior to obtaining a permit or approval for "development" of their dash-line parcel.

Many such dash-line parcels are in urbanized areas of the County and are already developed with residential or commercial structures. Current County practice requires that the owner of a dash-line parcel obtain a certificate of compliance before undertaking any work which requires a building permit. This practice is based upon a broad reading of the term "development" in Government Code section 66412.6(b) to include any work requiring a building permit, rather than merely development of the parcel in the first instance. Accordingly, under current County practice, the owner of a developed dash-line parcel is required to obtain a certificate of compliance for even minor construction activities, if those activities require a building permit.

[2/10/2003 – Lloyd W. Pellman, County Counsel]

The following is a list of EXEMPTIONS to current County requirements for the filing of certificate of compliance applications. The exemptions outlined in this memo have been reviewed by County Counsel and determined to be consistent with the Subdivision Map Act. The implementation of these policies may commence immediately.

NOTE: Many private lending institutions such as banks and mortgage companies currently enforce a policy that requires prospective borrowers to obtain an approved certificate of compliance prior to the issuance of a loan regarding the purchase or refinancing of all dotted-line parcels. In a large percentage of these cases no construction is proposed. These financial institutions have imposed this requirement upon their customers per the advice of their legal counsel. County staff should continue to accept certificate of compliance applications that are submitted per the instructions of lending institutions even if there is construction proposed which would otherwise qualify for an exemption outlined in this memo.

Persons proposing projects that qualify under the following exemptions are not required to obtain a certificate of compliance prior to the issuance of a building permit.

EXEMPTIONS:

1. All construction permits that do NOT require zoning approval are exempt. For example, the issuance of a building permit to authorize the replacement of a water heater would be exempt because the issuance of the building permit does not require the review or approval of the Department of Regional Planning.
2. All remodeling of existing structures that were originally constructed with a valid building permit or constructed prior to the imposition of building permit requirements provided the remodeling does not change the existing density or use of the subject building or property.
NOTE: Some of these remodeling plans may require review by the Department of Regional Planning regarding height restrictions, setback restrictions, density limitations and off-street parking requirements. This review will not require the approval of a certificate of compliance.
3. The erection/placement of all signs.
4. The construction of all accessory facilities/buildings to lawfully constructed primary uses. This would include garages, carports, swimming pools, gazebos and storage structures. This would NOT include the construction of new senior citizen residences, second residences or guesthouses.

[Undated, c. 2003; Internal DRP policy, author unknown]

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TITLE 22 ZONING ORDINANCE INTERPRETATIONS

Chapter 22.08

Congregate Living Facilities

Reference: 22.08.010 and 22.08.180

Q: How is a “congregate living facility” defined?

The Department has recently received many inquiries regarding congregate living facilities, including "sober living facilities," "emancipated youth facilities," "halfway houses," and other similar land uses. The popularity of such facilities appears to be growing, along with the public's awareness of them.

A: Research into Title 22 disclosed three definitions that most closely approximate a description of this type of land use. Section 22.08.010 defines an "Adult day care facility" as "any facility which provides nonmedical care and supervision to adults of less than a 24-hour-per-day basis, *as defined and licensed under the regulations of the state of California* (emphasis added)." Section 22.08.010 defines an "Adult residential facility" as "any facility which provides 24-hour-a-day nonmedical care and supervision to adults, *as defined and licensed under the regulations of the state of California* (emphasis added)." The problem with these two definitions is that it is with the understanding that most of these congregate living facilities are not regulated by the State and do not require any sort of license. The final definition is from Section 22.08.180, which defines a "rooming house or boarding house" as "a lodging house, or other building or structure maintained, advertised or held out to the public as a place where sleeping or rooming accommodations are furnished *to the whole or any part of the public*, whether with or without meals. 'Rooming house' includes fraternity and sorority houses (emphasis added)." This definition seems to include congregate living facilities, as they do furnish accommodations to a part of the public, but may be too vague when the more complicated nature of these facilities is considered. Congregational living facilities provide more than accommodations; they act as a service to disadvantaged groups in an attempt to reintegrate them with the larger society. Grouping these facilities with other types of boarding houses, such as fraternities, ignores the special role they serve for the people of Los Angeles County.

[1/30/2003 – John D. Calas, Administrator, Land Use Regulations]

Density-Controlled Development Projects

Reference: 22.08.040

Q: How is net vs. gross acreage determined for a density-controlled development project?

A: The definition section of the code refers to treating density controlled developments as "projects", not individualized pieces. Therefore, the "project" is the ruling factor, not the usual computation of net acreage.

If a "project" has 100 units on 100 gross acres and the Commission approves it as a "project" of a specific design, then that's a legal approval. Net is not spelled out in the definition; design and architecture are.

[4/8/1986 - John Schwarze, Zoning Administration]

Development Standards for Accessory Buildings

Reference: 22.08.101 (also 22.48.140)

Q: What are the development standards for accessory buildings and structures?

A: This interpretative memo provides comprehensive development standards for accessory buildings as defined in Section 22.08.101 of the Zoning Code.

Applicability

- These standards supersede any previous interpretations including, but not limited to, the "Guest House" policy, "Guidelines Regarding Plumbing Facilities" and "Height limit of Garage Located in Required Yard."
- These standards do not apply to main buildings or additions attached to main buildings where permitted in the zone. Main buildings may be used for any "permitted uses" listed in the zone in compliance with all development standards specified in the Zoning Code.
- These standards also do not supersede second unit requirements specified in Chapter 22.52 Part 16, applicable Community Standards District regulations, accessory building provisions specified in the Code, and conditions imposed by approved discretionary applications.

Definitions

Accessory building or structure (as defined in Section 22.08.101)- means a detached subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, and which is located in the same or a less restrictive zone and on the same lot or parcel of land with the main building or use.

Agricultural accessory building or structure- means a detached subordinate building or structure used for sheltering animals or agricultural equipment, hay, feed, etc. Examples of these structures include barns, non-commercial greenhouses, coops, corrals and pens. This does not include pasture fencing which is not considered a land use.

Habitable versus non-habitable accessory buildings - All accessory buildings shall be considered habitable except garages, carports, agricultural accessory buildings, and storage buildings solely used for storage of vehicles, household items, or animals.

Three-quarter or full bathroom- Contains a toilet, sink, and shower and/or bathtub.

Half bathroom or water closet- Contains only a toilet and sink.

Pool house- A building with a maximum gross floor area of 250 square feet with a toilet, sink, and shower and/or bathtub, used as a changing and rinsing facility in conjunction with a swimming pool. Unless there is an existing pool, the pool shall be constructed and completed prior to pool house construction.

Standards applicable to all accessory buildings:

1. Accessory buildings shall not be constructed on a vacant lot; the main building(s) shall be constructed and completed prior to the accessory building construction.
2. Accessory buildings shall not include any commercial activity unless permitted in conjunction with a permitted use per the zone.
3. Home-based occupations pursuant to Section 22.20.020 shall not be permitted in accessory buildings.
4. Multiple accessory buildings may be permitted on a lot provided they comply with all development standards and are accessory to the main building(s).
5. The gross floor area (as measured from the outer walls) of each accessory building shall be smaller than the gross floor area of the main building(s) to which it is accessory. Collectively, the accessory buildings may exceed the gross floor area of the main building(s).
6. A notarized covenant recorded with the County's Recorders office shall be required to ensure that any of the following accessory buildings (existing and proposed) are used only as specifically approved and will not be rented, converted or used as separate dwelling units or for commercial uses:
 - Habitable accessory buildings,
 - Accessory buildings with plumbing, and
 - Accessory buildings with a gross floor area of greater than 799 square feet,
7. Only one sink or one bathroom shall be permitted beyond the main building(s) except for the combinations of pool house and guest house ("Detached living quarters" per the Zoning Code), pool house and second unit, or pool house and agricultural accessory building(s) with sink(s).
8. All accessory buildings shall have a minimum separation of six feet, except a guest house shall have a minimum separation of 20 feet from the single-family residence.

Standards applicable to non-habitable accessory buildings

1. Only one-story garages or carports with a maximum height of 15 feet may be permitted within required yards pursuant to Section 22.48.140A and B.
2. If an addition is proposed to a garage or carport located less than five feet from any lot line and the addition is not for vehicle parking purposes, the entire building shall comply with required yard and maximum height provisions.
3. Pursuant to Section 22.48.140.C, non-habitable one-story accessory buildings with a maximum height of 15 feet may be permitted in required rear yards in compliance with the following:
 - a) They comply with required side yards per the zone;
 - b) They shall be located at least five feet from any lot line;
 - c) The floor plan shall be open without any interior partitions; and
 - d) The maximum coverage of the required rear yard shall be 50 percent, unless open space is replaced pursuant to Section 22.48.140.0.
4. Garages may have plumbing only for a washer, dryer, and/or utility sink provided an open floor plan without interior partitions shall be required, the minimum parking space dimensions shall be maintained, they shall comply with the required front yard and be located at least five feet from the side and rear lot lines. Bathrooms shall not be permitted inside garages.
5. Agricultural accessory buildings may have plumbing only to provide running water specifically used for the care of animals and agricultural items.
6. Storage buildings shall not be permitted to have plumbing or windows.

Standards applicable to habitable accessory buildings

1. Habitable accessory buildings may be permitted in compliance with the following:

- a) They comply with all required yards per the zone;
 - b) No kitchen or kitchen facilities shall be permitted. Kitchen facilities include wet bars, microwaves, stoves, ovens and kitchen sinks;
 - c) The floor plan shall be open without any interior partitions except for a bathroom; and
 - d) The maximum gross floor area shall be 799 square feet, except in the Malibu Coastal Zone where the maximum gross floor area shall be 750 square feet;
 - e) The maximum height shall be as specified in the zone;
 - f) Only one half bathroom or one utility sink shall be permitted.
2. Guest houses ("Detached living quarters" per Zoning Code Section 22.08.040.0) shall comply with all applicable Code requirements, comply with 1.a. through e. above in this section, and only one bathroom or one utility sink shall be permitted.
 3. Pool houses shall comply with 1.a. through c. above in this section.
 4. If a property has an existing second unit or a habitable accessory building, no additional habitable accessory buildings shall be permitted except for a pool house.
 5. If habitable buildings are proposed to be attached to non-habitable buildings, the entire building shall comply with all required yards per the Zone.

Modifications: A yard modification shall be required to modify the development standards specifically related to yards, unless otherwise required per the Zoning Code. A variance shall be required for all other modifications. Yard modifications and variances are discretionary applications and therefore there is no guarantee of approval. Yard modifications and variances shall be denied for failure to meet the required burden of proof.

[08/11/08 – Land Development Coordinating Center/Land Use Regulations]

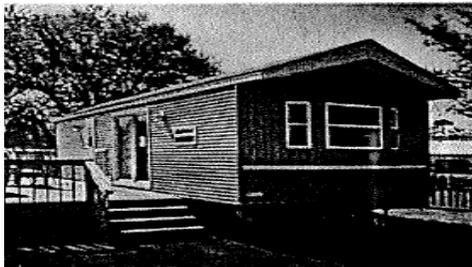
Mobilehomes vs. Recreational Vehicles

Reference: 22.08.130 and 180; 22.20.015; 22.20.025.A and B; 22.20.105; 22.24.025 and 22.24.035.A and B; 22.20.090 and 100; 22.52.550

Q: What is the difference between a mobilehome and recreational vehicles?

A: According to Section 22.08.130, a **mobilehome** is defined as:

"a domicile transportable in one or more sections, designed and equipped to contain not more than two dwelling units, to be used with or without a permanent foundation system. Mobilehome does not include a recreational vehicle."



Section 22.08.180 defines a **recreational vehicle** as:

"a motordome, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms."

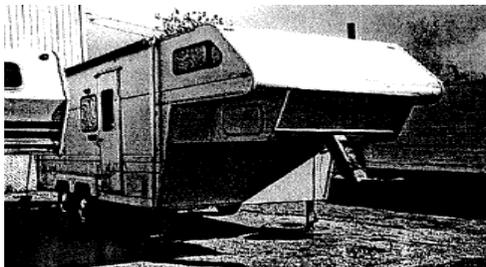


Q: What other types of mobile vehicles used for recreational purposes are out there?

A: Travel trailers: They are classified as recreational vehicles, but they may not be used as residences except in permitted recreational trailer parks; and they generally do not meet the requirements or qualify for conditional use permit use as caretaker's units.



Fifth wheel trailers: They are classified as recreational vehicles; and they may not be used as residences except in permitted recreational trailer parks.



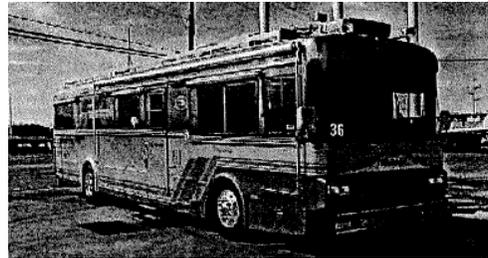
Motor homes: They are classified as recreational vehicles, and the same restrictions apply to this type as the above vehicles.



Campers: They are separate components mounted atop a pickup truck



Bus conversions: A bus has been converted into a motor home.



Q: What zoning regulations govern the use of recreational vehicles?

A: Residential zones - Section 22.20.015; 22.20.025.A and B; 22.20.105;
 Agricultural Zones - 22.24.025 and 22.24.035.A and B

Q: Are there any instances where a mobile home does not qualify as a legitimate single-family residence?

A: Single-wide mobilehomes do not generally meet residential development standards and do not qualify as single family residences. A typical single-wide is 80 feet long and 16 feet wide, and is allowed for use only as a residence in a permitted mobilehome parks, or as a caretaker or senior citizen residence with an approved conditional use permit (Sections 22.20.100 and 22.52.550). They also may be used as temporary living quarters during construction of a single family residence on the property, for a period of one year with an approved plot plan (Section 22.20.090).

Double-wide mobilehomes may qualify and be used as single-family residences, subject to the definition of a residence in Section 22.08.180 and meeting the required single-family residence development standards in Section 22.20.105.



Single-wide mobilehome



Double-wide mobilehome

[6/11/2001 – Mark Buenaluz, Zoning Enforcement]

Chapter 22.16

Minimum Square Footage in Certain Zones

Reference: 22.16.010 (also 22.52.100)

Q: What is the minimum square footage for a lot R-3, R-4, and M-3?

A: The provision of the Zoning Ordinance which imposed a minimum area requirement of 5,000 square feet in zone M-3 when no number follows the zoning symbol was added by Ordinance 6942, effective June 22, 1956. Prior to this date, there was no minimum area requirement in this zone.

The 5,000 square foot minimum for R-3 and R-4 was added by Ordinance 7894, effective December 2, 1960

[10/15/1979 – Richard Frazier, Development Research]

Cable Microcell Integrator Installations (CMI)

Reference: 22.16.020.A (also 16.060.10, 20.04.280, Chapter 22.36, 22.56.100)

Q: What is a “cable microcell integrator installation” and how should it be regulated?

A: Cable Microcell Integrator Installations (CMI) are most similar to a private unmanned wireless telecommunication installation. In almost all zones, approval of a Conditional Use Permit (CUP) is required to establish an unmanned wireless telecommunication facility. As Section 22.16.020.A basically states that zoning “extends to the center line of each adjoining road, street, alley, parkway, or highway,” the requirement for an approved CUP would apply whether the facility is located on public right-of-way or private property.

With respect to the County's authority to require a CUP on public right-of-way, be advised that a private use or facility on publicly owned property is subject to local zoning compliance. This is based on the fact that the courts have made a distinction between governmental and proprietary activity, determining that the sovereign immunity did not apply to proprietary activity. Should the facility be located within a public right-of-way, approval of an approved encroachment permit from the County Department of Public Works would be necessary prior to submitting a CUP to Regional Planning.

[1/3/1998 – Rudy Lackner, Land Use Regulations]

Chapter 22.20

Adult Residential and Child Care Facility Guidelines

Reference: Chapters 22.20 and 22.24, Part 5 of Chapter 22.40

Q: Which types of filing are required to establish adult residential and child care facilities in residential and agricultural zones?

A: There has been a growing trend in the establishment of adult residential and child care facilities within the County. This simple matrix gives the criteria in which each type of facility may be established and operated in each of the residential and agricultural zones.

Facility Type	Zone							
	A-1	A-2	R-A	R-R	R-1	R-2	R-3	R-4
Adult Residential ≤ 6 persons	1	1	1	3	1	1	1	1
Adult Residential > 6 persons	3	3	3	3	3	3	3	3
Adult Day Care	3	3	3	3	3	3	3	3
Small Family Day Care ≤ 8 children	1	1	1	1	1	1	1	1
Large Family Day Care 9-14 children	1*	1*	1*†	1*†	1*†	1	1	1
Small Family Homes, children	1	1	1	1	1	1	1	1
Child Care Centers	3	3 [#]	1	3	3	3	1, 2 [^]	1
Group Home ≤ 6 children	1	1	1	3	1	1	1	1
Group Home > 6 children	3	3	3	3	3	3	3	3
Foster Family Home	1	1	1	1	1	1	1	1

Codes:

- 1 – Permitted subject to meeting all applicable development standards
- 2 – Requires Director’s Review by Regional Planning
- 3 – Requires CUP approval by Hearing Officer/RPC

All types of child care facilities are permitted by right in all commercial zones.

Any residential care facility (adult or child) located within 300 feet of another state-license residential care facility must file a Director’s Review in all zones.

*If modification of standards is requested, or if standards cannot be met, a director’s review may be required.

†A “Notice of Intent to Establish a Large Family Child Care Home” is required to be filed with the director.

Child care centers as incidental use to accredited schools need only file a Director’s Review.

^In Zone R-3, a child care facility serving up to 50 children may be permitted by right, and such facility serving more than 50 children must file a Director's Review.

[10/20/1996 – Maurice Garrick, Land Development Coordinating Center; updated 2007]

Commercial Vehicles in Residential Zones

Reference: 22.20.015 (also 025.A and 035.A; 22.48.150)

Q: Are parking and storing of commercial vehicles allowed in residential zones?

A: With few exceptions, the parking/storing of commercial vehicles in residential zones is a violation of the Los Angeles County Zoning Ordinance. The following points are meant to clarify the issue and assist staff in enforcing the zoning ordinance:

1. Section 22.16.020(B) cannot be used to regulate the parking of commercial vehicles on private property. The language of the section is quit clear as to its applicability - its sole intended purpose is to regulate vehicles parked on public highways.
2. The general use restriction section for residential zones (22.20.015) dictates that no person shall use any premises in the applicable zones unless said use is specifically permitted in the subject zone by Title 22. The parking/storing of commercial vehicles, regardless of their weight, is not a listed permitted or accessory use in any residential zone. Consequently, parking/ storing commercial vehicles in any residential zone is prohibited. However, a few exceptions do exist. If a commercial vehicle doubles as an occupant's personal vehicle, the vehicle may be parked/stored in a residential zone subject to the same limitations as a passenger vehicle. Common sense dictates that large commercial vehicles, i.e. semi-trucks, are not used for personal use.
3. Sections 22.20.025(A) and 22.24.035(A) prohibit the parking of vehicles, other than passenger vehicles and pick-up trucks parked on a driveway, between the road and any structure or building. Section 22.48.150(D) allows for the existence of driveways within required yard areas. Consequently, the parking/storing of vehicles in the required yard areas is permitted only in association with an established driveway.

[5/19/2000 – John Calas, Land Use Regulation]

Yard and Garage Sales

Reference: 22.20.065 (also 22.60.350)

Q: What limitations can be placed on yard and garage sales located on residential properties?

A: The Los Angeles County Board of Supervisors recently took an action to control excessive yard and garage sales. Problem locations in residential areas were offering both new and used merchandise for sale every weekend, under the guise that these were yard or garage sales. Residential neighborhoods were being turned into commercial properties, with items for sale being displayed throughout the exterior of residential properties.

Recognizing this as a problem, the Board of Supervisors initiated an amendment to the County's Zoning Ordinance to regulate personal property sales. This amendment was approved and became effective on November 24, 1994. It establishes the following standards for individuals wishing to sell personal property from their residence at a yard or garage sale or other similar event:

1. Items sold shall be limited to the personal property of the resident or residents of the dwelling where the sale is conducted. No items acquired for resale will allowed to be sold.
2. One sign, on-site and no larger than four (4) square feet, advertising the sale shall be allowed. This sign may be double sided and facing in both directions.
3. Two personal property sales will be allowed yearly. Each sale is not to exceed three consecutive days.
4. Hours of operation allowed anytime except between the hours of six (6) p.m. and seven (7) a.m.

Abiding by these standards offers county residents protection from commercial intrusion into their residential neighborhoods while at the same time offering a bi-annual opportunity for residents to dispose of unwanted personal property through yard and/or garage sales.

Violations of these provisions should be called to the attention of the Zoning Enforcement Section of the Department of Regional Planning. Complaints should identify the problem locations and should be forwarded to:

Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012
Attention: Zoning Enforcement

[Date and author unknown]

Chickens

Reference: Sections 22.20.080, 22.24.080, 22.24.60, and 22.52.300

Q: How many chickens may be kept for personal use in the R-1 and A-1 zones and in the A-2 zone on a lot of less than one acre?

A: The problem of chickens and how to properly counsel the public on their regulation has surfaced again. This is a recurring incidence that should be settled.

Several years ago an ordinance was prepared to regulate chickens; this went to hearing before the Regional Planning Commission. After several hearings the commission rejected the ordinance as being unnecessary. It is the legislative intent not to regulate chickens as proposed in the ordinance.

Therefore, when public questions arise with respect to the keeping of chickens in residential areas, there are several rules to follow:

1. There is no set number of chickens that a person is permitted or prohibited from keeping.
2. All chickens maintained on a piece of property must be for the personal use of the occupants of that property.
3. There should be no commercial activity with respect to the chickens.
4. The raising and breeding of fighting cocks is regulated by Sheriff's Vice.
5. Other problems related to chickens can be regulated either by the Health Department, the Department of Animal Control, or through a public nuisance.

In essence, simply advise that chickens are permitted to be maintained solely for the personal use of the occupants. The keeping of chickens should not be promoted, nor should illegalities be inferred when keeping chickens. There is no authority to enforce other than what is advised above.

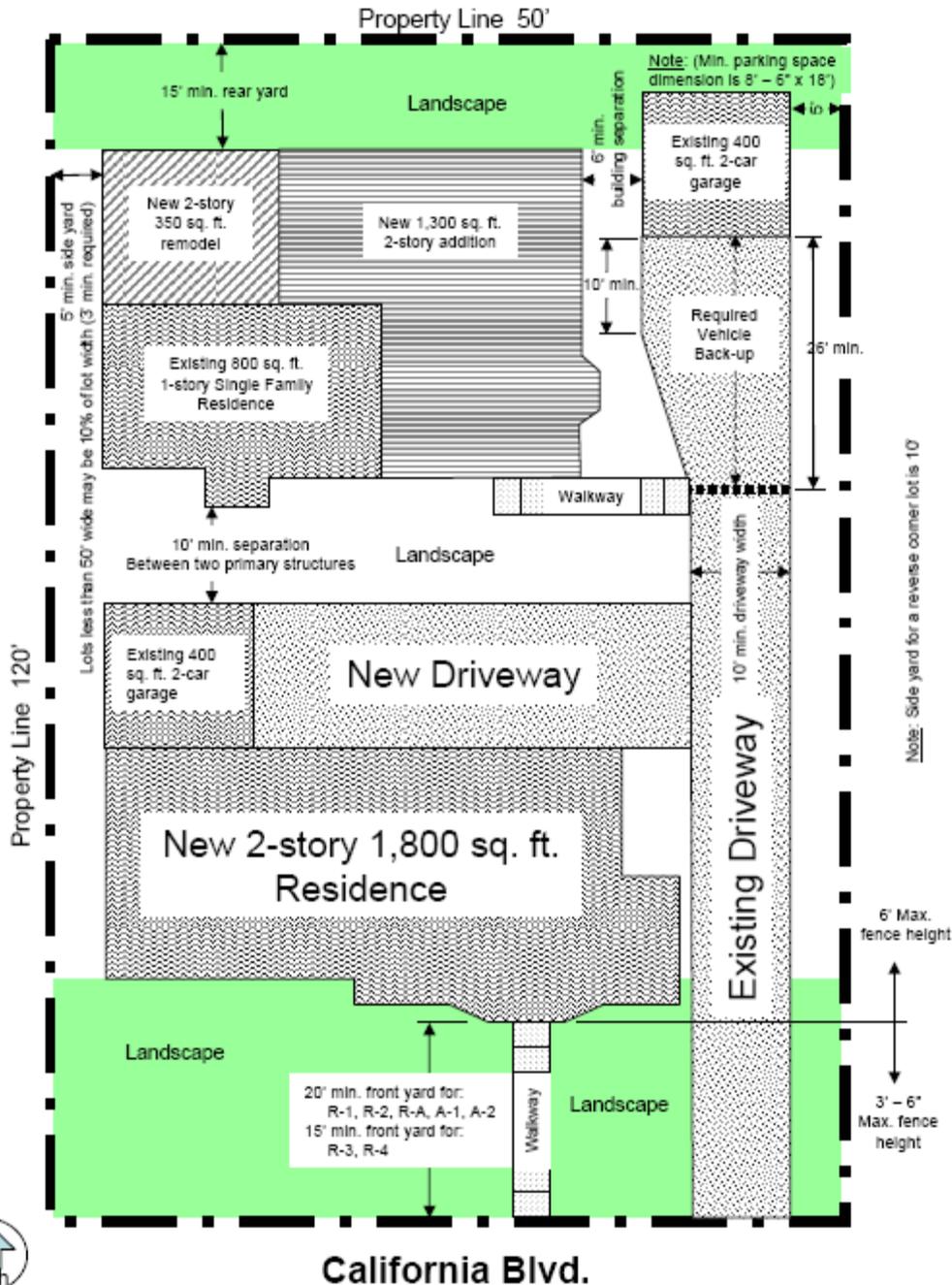
[9/8/1993 – Rudy Lackner, Land Use Regulation]

Residential Site Plan Diagram

Reference: 22.20.105-150 (also 22.52.250)

Q: What does a conforming residential site in a base residential zone look like?

A: See diagram below.



Scale: 1/8" = 1' (Note: This sample drawing is not to scale)

Note: Side yard for a corner lot is 10'.

Disclaimer: This site does not address Community Standards District, Setback District, Equestrian District, CUP, TOD, or other requirements different than the basic zoning. Density based on General Plan and Zoning requirements.

[11/16/2005 – Land Development Coordinating Center]

Chapter 22.24

Wild Animals in Zone A-2

Reference: 22.24.160 (also 22.56.420)

Q: What special zoning regulations apply to the keeping of wild animals in Zone A-2 as compared to other zones?

A: Noting that zone A-2 is the most lenient zone with respect to the keeping of wild animals, we must turn to section 22.24.160 of the Zoning Ordinance. Section A of this ordinance provision identifies certain wild animals that may be maintained either individually or collectively for either private or commercial purposes, provided such animals are kept and maintained at a place where the keeping of domestic animals is permitted. This means that the animals listed in Section A may be kept in zone A-2, provided they meet the standards established for the keeping of domestic animals, including but not limited to, minimum acreage and setbacks.

Section 22.24.160 B provides that wild animals not listed in section A (lions, tigers and bears) may also be permitted either individually or collectively for private or commercial purposes in zone A-2, provided a conditional use permit has first been obtained. This section also authorizes menageries, zoos and animal exhibitions through the conditional permit process.

Also please refer to Section 22.56.420 which provides that, while after an animal permit has first been obtained, a person may keep a wild animal as a pet or for the personal use of members of the family residing on the premises in any zone.

[5/18/1994 – Rudy Lackner, Land Use Regulations]

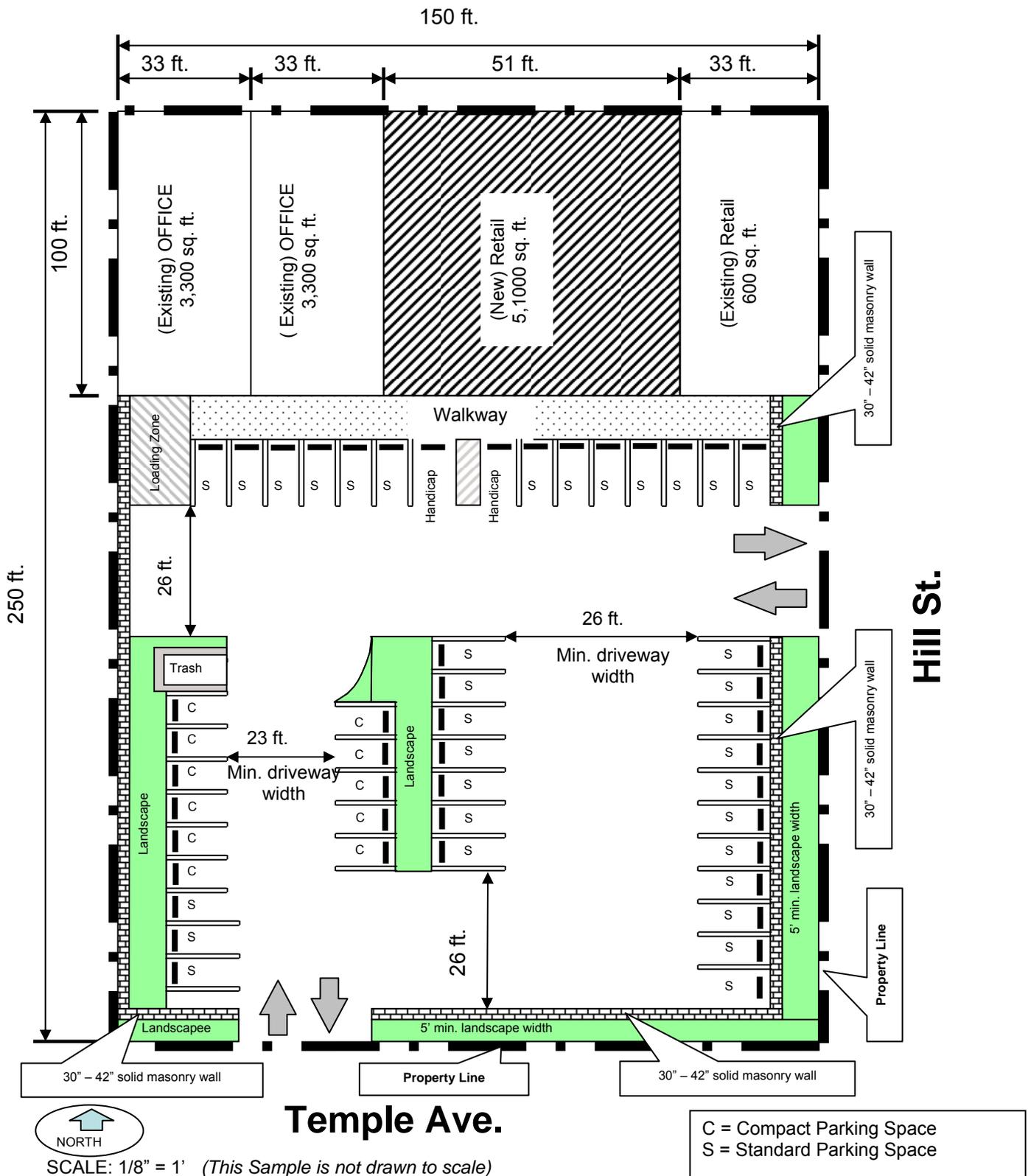
Chapter 22.28

Development Standards for Commercial Site

Reference: Chapter 22.28

Q: What should a typical commercial site plan look like? What are the development standards ?

A: See diagram on next page:



[11/16/2005 – Land Development Coordinating Center]

Automobile Service Stations and Repair Garages (C-1 vs. C-3 uses)

Reference: Chapter 22.28, 22.08.010

Q: What distinguishes an Automobile Service Station (C-1 use) from an Automobile Repair Garage (C-3 use)?

A: The difficulty in answering this question stems from changes over recent years in the way business gets done. "Retail stores" are permitted in the C-1 zone (Sec. 22.28.080 C-1 permitted uses). Sears and Pep. Boys are retail stores but they also do ". . . heavy automobile maintenance activities such as engine overhauls . . .," a C-3 use.

New car sales are permitted in the C-1 zone with limited auto repairs as an accessory use. But nowadays the normal pattern of buying and maintaining a new car is to purchase it and have it protected by the new car dealer with an extended warranty, including the availability of major engine and transmission repair and body and painting work, as necessary.

The two are tied together. That is, it includes new car sales and all phases of new car maintenance and repair (and if you can work on a new car, then you can also work on an old one.) And it also includes retail stores. The prevailing business philosophy seems to be that if you can buy it there, you should be able to utilize (i.e., use it to fix, replace, etc.) it there (e.g., Sears, Pep Boys.)

So what does the Zoning Ordinance currently say regarding the subject?

1. Sec. 22.08.010 (Words beginning with A) describes Automobile Service Station as premises where ". . . gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Auto Service Stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting and body and fender work are conducted."
2. Sec. 22.28.080 (C-1 permitted uses) permits "Automobile Service Stations, including incidental repair, washing, and rental of utility trailers subject to the provisions of Subsection H of Sec. 22.28.090 (C-1 accessory uses)."
3. Sec. 22.28.090 (C-1 accessory uses), Subsection B permits "Automobile repair and parts installation incidental to . . . automobile service stations . . . provided: 1. That such automobile repair activities do not include body and fender work, painting, major engine overhaul, or transmission repair . . ."
4. Sec. 22.28.130 (C-2 permitted uses) is the same as C-1 permitted uses.
5. Sec. 22.28.180 (C-3 permitted uses) permits "Automobile Service Stations" and "Automobile Repair Garages within an enclosed building only, and excluding body and fender work, painting and upholstering." Sec. 22.28.210 (C-3 CUP uses) allows body and fender work, painting and upholstering by CUP.

Therefore:

1. A service station "services" autos by dispensing gasoline and/or oil and/or lubrication and/or diagnostics and/or tune ups and/or carburetor cleaning. It can perform minor necessary repairs and adjustments resulting from these and related activities.
2. A service station can change tires or repair brakes or replace mufflers. But a tire store or a brake shop or a muffler shop is not a service station. It's an automobile repair garage.
3. The difference between a service station and a garage is a matter of intent or degree. In other words, if it's a matter of servicing the vehicle ... that is, performing routine replenishment or maintenance activities and light repairs in support of such replenishment or maintenance ... then it's a service station. If it's a matter of repairing or replacing parts on the vehicle as the primary purpose of the business then it's an automobile repair garage.
4. However, no matter what the primary purpose of the business, if it does accessory body and fender work, painting, major engine overhaul, transmission repair, or upholstering, then it's a C-3 permitted or CUP use.

[6/25/1991 – Rudy Lackner, Land Use Regulation]

Automatic Car Wash

Reference: 22.28.110, 160 and 180

Q: How is an “automatic car wash” defined and what are the zoning requirements for this use?

A: Per Section 22.28.180 of the Zoning Ordinance, the C-3 zone permits, as a matter of course, "Car washes, automatic, coin operated and hand wash".

Per Sections 22.28.110 and 22.28.160, the C-1 and C-2 zones, respectively, permit "Car washes, coin operated and handwash" by CUP only. Automatic car washes are not permitted in C-1 or C-2 zones under any circumstances. (See Interp. Memo 91-1 for further discussion of "Car Washes".)

Q: How is an automatic car wash distinguished from a coin operated car wash?

A: Webster's dictionary defines "automatic" as "moving, operating, etc. by itself; regulating itself . . ."

An automatic car wash is any car wash that involves machinery or equipment which operates electrically, electronically, hydraulically, pneumatically, or through other non-manual guidance or action, other than, possibly, small, hand held machines such as a buffer.

The dispensation of water and soap by coin operated equipment would be permitted by CUP in the C-1 and C-2 zones.

A coin operated automatic car wash would be an “automatic” car wash requiring a C-3 zone or heavier.

[4/29/1991 – Rudy Lackner]

Swap Meets

Reference: 22.28.190 and heavier zones

Q: What is a “swap meet” and what are the zoning requirements to regulate this use?

A: The Zoning Ordinance defines swap meet as an event where new and secondhand goods are offered or displayed for sale or exchange and at least one of the following exists:

1. A fee is charged for the privilege of offering a display of new and secondhand goods for sale or exchange.
2. A fee is charged to perspective buyers for admission to the area where new and secondhand goods are offered or displayed for sale or exchange.

Outdoor Swap Meets

Since this definition connotes that swap meets are an outdoor activity, all Zoning Ordinance references shall be deemed to be outdoor activities. The Zoning Ordinance permits swap meets when a conditional use permit has first been approved in zones C-3, C-M and M-1, and in the heavier industrial zones M-1 1/2, M-2, M-2 1/2, M-3 and M-4 swap meets would be a permitted use.

Where a conditional use permit is required within a commercial zone (C-3 or C-M) a heavy burden would be placed upon the applicant to demonstrate that the proposed use would not be detrimental to the commercial neighborhood.

Indoor Swap Meets

Indoor swap meets are no more than the sale or exchange of new and used goods. The Zoning Ordinance permits secondhand stores in zones C-3, C-M, M-1, M-1 1/2, M-2, M-2 1/2, M-3 and M-4, provided the required development standards have been met. A plot plan review must first be approved prior to the issuance of building permits demonstrating that development standards, such as parking landscaping and access meet the Zoning Ordinance requirements.

Where indoor swap meets are permitted in commercial zones, displays must be located wholly within an enclosed building. Storage may be permitted on the rear of a parcel when such storage is incidental to a permitted use in a building and completely screened from public view by a solid masonry wall and gate.

[Undated, author unknown]

Astrologer

Reference: Chapter 22.28.210 and 290

Q: What zoning is required for an astrologer?

A: An astrologer is no different than other similar businesses permitted as a matter of course in all commercial zones. This analysis should also apply to a psychic reader.

[8/21/1997 – Rudy Lackner, Land Use Regulations. Supersedes memo dated 8/27/1991 by same author]

Paintball Fields

Reference: 22.28.210 and 320; 22.40.250

Q: What zoning is required for "paint balling"?

A: Section 22.28.210 (C-3 uses subject to permit), subsection A, includes "Archery ranges" and "Shooting galleries".

Section 22.28.320 (C-R uses subject to permit), subsection A, includes "Archery ranges" and "Shooting galleries".

Section 22.40.250 (W permitted, uses), says "Premises in Zone W may be used for:

A. . . . any authorized leased use designated to be part of the Forest Service overall recreational plan of development. Before the establishment of such use, a copy of a valid letter designating the same to be part of the Forest Service overall recreational plan signed by the Forest Supervisor shall be filed with the director."

When written, the zoning ordinance did not envision "paint balling". Amendments to the zoning ordinance obviously lag in specifying new, permissible uses. Without at least some expansiveness of interpretation, pending zoning ordinance amendment, newly conceived uses would be relegated to the M-1½ and heavier zones, which basically permit a non-residential use.

Therefore,

- Paint balling is a C-3 use with a conditional use permit (CUP).
- Paint balling is a C-R use with a conditional use permit (CUP).
- Paint balling is a W use with a copy of a valid letter designating the same to be part of the Forest Service overall recreational plan signed by the Forest Supervisor.

It is also advised that paint balling as a use would appear to be most similar to a private recreation club. Private recreation clubs are identified as associations of persons who are bonafide members paying regular dues and organized to provide outdoor recreation facilities for members and their guests, but not including associations organized primarily to render a service customarily carried out as a commercial enterprise. As such, since private recreation groups are permitted subject to a conditional use permit in zones A-1, A-2, C-H and RR, it would seem the same regulations would apply to paint balling.

[10/23/1991 and 12/23/1992 – Rudy Lackner, Land Use Regulations]

Cargo Storage Containers

Reference: 22.28.220.D

Q: How should cargo storage containers be regulated?

A: To address the placement of cargo storage containers as accessory to a lawfully established use on property zoned A-1 (Light Agriculture Zone) and A-2 (Heavy Agriculture Zone) the following interpretation is to be applied. In absence of this interpretation, the appropriate zoning category for placing cargo storage containers is within an industrial zone i.e. (M-1, M-2 zone classification). Containers may also be placed in C-3 (Unlimited Commercial Zone) in conformance with the outside storage provisions in 22.28.220.D.

To address the placement of containers as accessory uses in areas not zoned C-3 or Industrial, Regional Planning policy allows placement of **one** cargo storage container as an accessory use in the A-1 and A-2 zone and only on parcels with a minimum net area of two acres. To qualify as accessory use, the storage container must be accessory and used in connection with a lawfully established verifiable farming, agricultural or non commercial activity occurring on the property. This interpretative memo prohibits stacking containers or placing more than one container on a lot. The maximum container size shall not exceed 10' width x 40' length x 10' height.

Secondly, **one** cargo storage container may be approved as a temporary storage unit for construction equipment and building materials on an authorized construction site where a valid building permit has been issued. The two acre limitation would not apply for temporary construction storage. For example, building contractors may store tools and building material supplies in an approved container for weatherproofing and security protection. In this instance, the container must be removed within one year or upon building permit expiration.

The above interpretation is consistent with the Department of Public Works Building Code Manual related to cargo storage containers used for incidental storage. The placement of a cargo storage container on any lot would need to comply with yard setbacks and all other code requirements of Regional Planning and Building and Safety. A Director's Review Plot Plan is required for placement of one cargo storage container on an agriculturally zoned lot with a minimum of two acres. Containers will not be authorized on any residentially zoned properties within (R-A, R-1, R-2, R-3, or R-4 Zone) unless temporarily placed during construction with Director's Review plot plan approval.

[9/20/2006 – John R. Gutwein, Field Office Services]

Chapter 22.44

Sign Programs for Commercial Centers in Rowland Heights

Reference: Section 22.44.132 and Part 10 of Chapter 22.52

Q: What types of commercial signs are allowed in commercial centers in Rowland Heights?

A: The following guide is to help develop a sign program that complies with the Los Angeles County Zoning Code and the Rowland Height Community Standards District (CSD), Section 22.44.1 32.

- All commercial centers with three or more businesses must submit a sign program to the Department of Regional Planning when a new sign is proposed. A new sign is the new permanently affixed structure, frame or housing, or a change in the location, size or shape of existing frames or channel letters.
- Once the sign program has been approved, all new signs or replacement of existing signs, including sign placards, must conform to the approved sign program.
- Signs are regulated By Section 22.44.132 and Section 22.52, Part 10 of the Zoning Code. Where provisions of these sections differ, Section 22.44.132 shall supersede Section 22.52, Part 10. Wall signs are limited to one (1) square foot of sign arm per linear foot of building frontage. Refer to the applicable Zoning Code section for other requirements.

- Please note that the Rowland Heights CSD requires that the street address and name of the business use Roman alphabet characters and Arabic numerals readable from the right-of-way or parking areas. However, this is not required to be addressed as part of the submittal for the sign program.

The Sign Program application must include the following:

1. Site Plan Application with all required documents and fees.
2. Sign Program with the following information (see attached sample):
 1. SIGN LOGATION PLAN - Depict the location of all existing and purposed signs on the site plan. A key linked to a location on the site plan shall be used to identify the sign sizes included in the sign program.
 2. SIGN TYPES - Include sign styles, typesets (fonts), and shapes.
 3. SIGN SIZES - Identify the dimensions for each sign type.
 4. SIGN COLORS - Provide a palette of colors to be used for the signs.
 5. SIGN MATERIALS - Identify acceptable sign materials.
3. Photographs depicting each existing sign on the property. Photographs must be related to a location identified on a plan view of the property.

SIGN PROGRAM SAMPLE

Objective

The sign program provides guidance and sets standards to achieve a high quality aesthetic appearance for signs throughout the commercial center. It establishes an ordered location and placement for signs and sets a complementary range of sign colors and materials so that signs can be a design element to create a uniform cohesive image for the commercial center.

Provisions

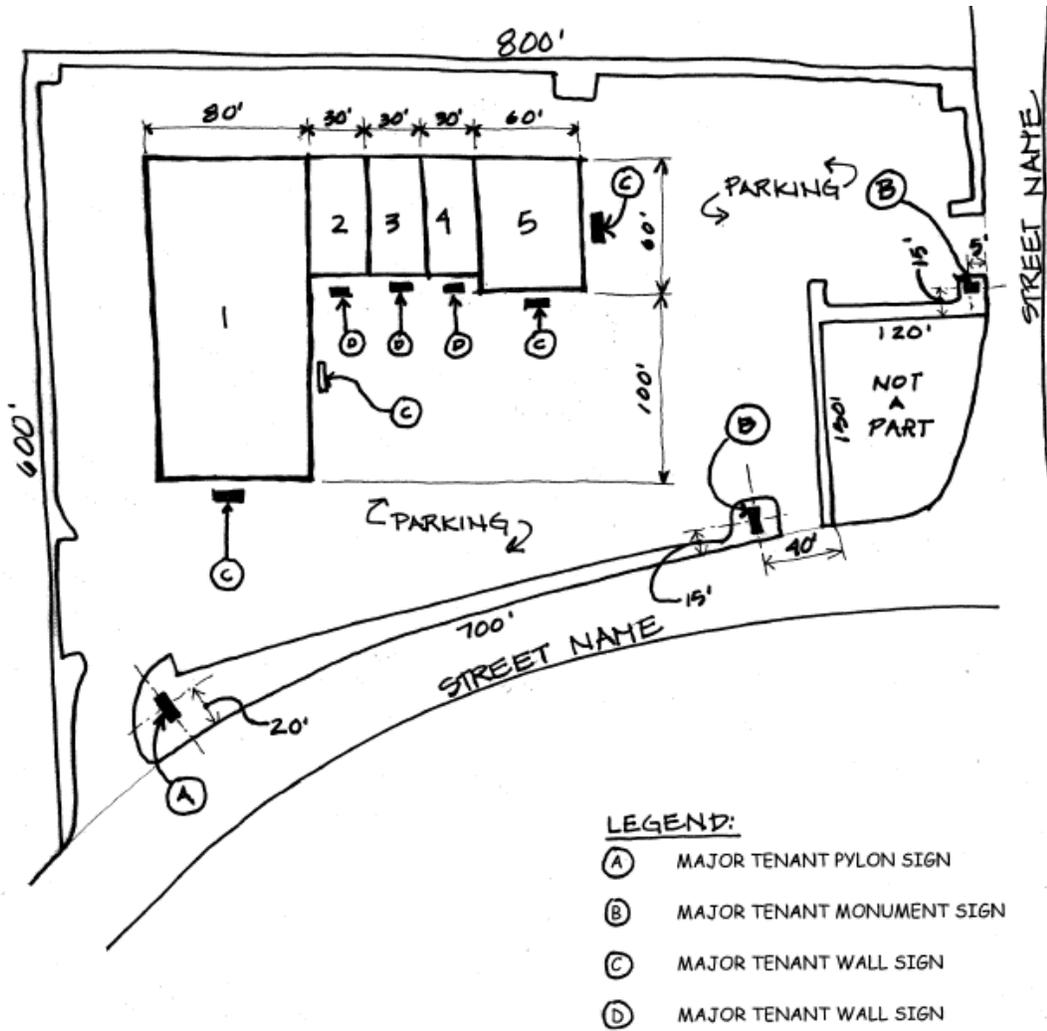
Signs shall be designed in a manner that is compatible with and complementary to the overall appearance of the commercial center. The commercial center owner or their authorized agent is responsible for establishing the scheme that provides compatibility and provides for the needs of tenants with business signs in the center.

To create a unified and cohesive appearance for the commercial center, the sign program establishes the style, color palette and acceptable materials for all new signs.

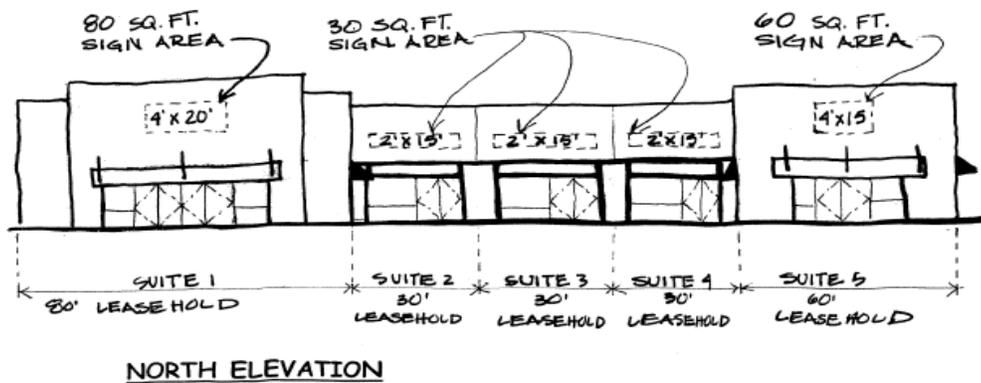
Sample program specifications:

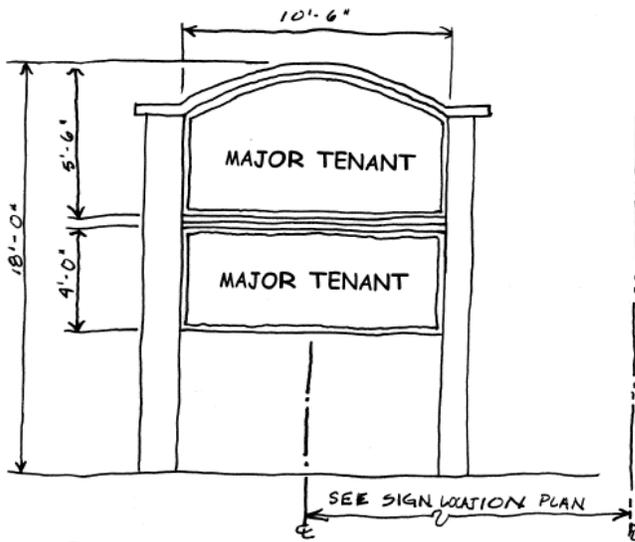
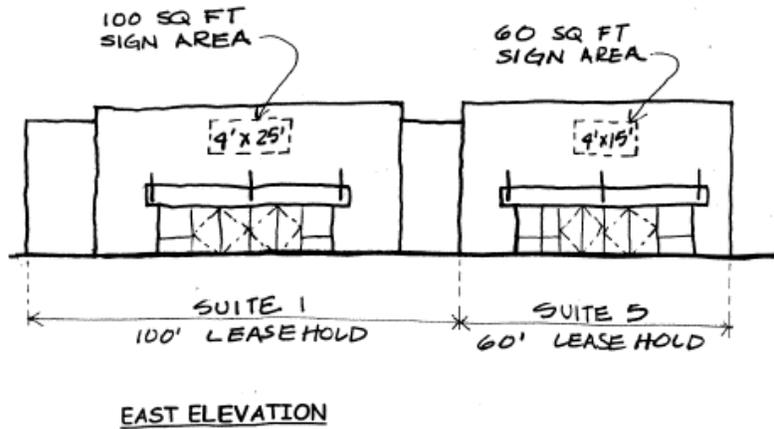
- When a new sign is installed, only signs of a type provided for in the sign program are allowed.
- When a new sign is installed, only signs within the size range specified in the sign program are allowed.
- When a new sign is installed, only signs designed using the color palette specific in the sign program are allowed.
- Signs that incorporate logos, business identity, and/or images denoting the type of business are permissible. Logo design and color shall be approved by the owner or property manager or owner's designee, if not mandated by registered corporate trademark. Signs that include registered trademarked logos and text type that differ from the style, color and materials are permitted provided they are designed to fit within the permissible sign area.

[Undated, author unknown]



SIGN LOCATION PLAN

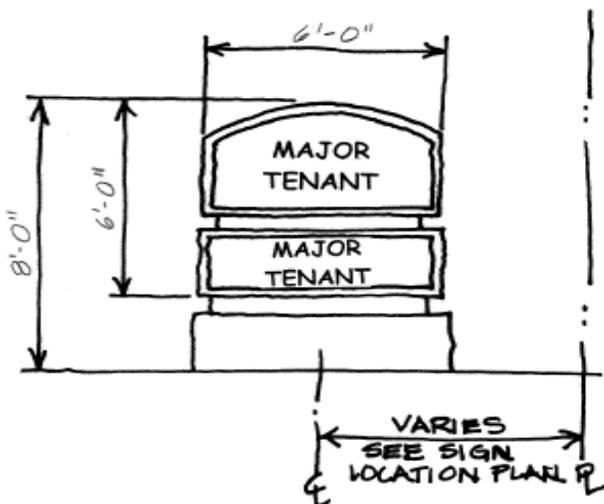




Sign Type A - Major Tenant Pylon Sign

Quantity: 1
 Location: As indicated on Sign Location Plan
 Copy: Major Tenant
 Height: 18'-0"
 Sign Area: 90 sq. ft. max- (50 sq. ft. + 40 sq. ft.)
 Lighting: Internally illuminated

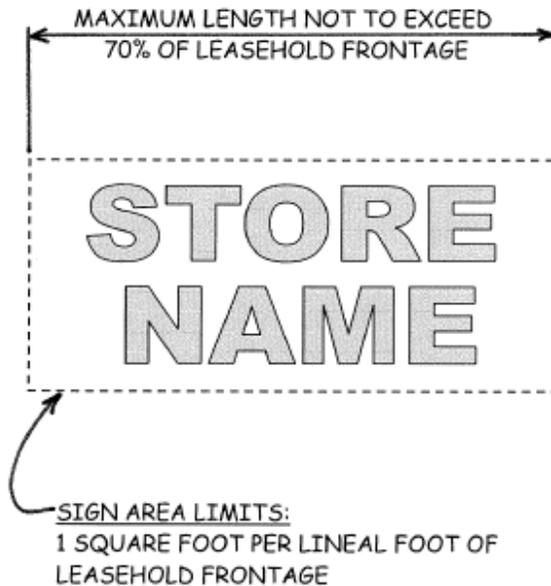
Note: Graphics may be individually internally illuminated channel letters mounted on opaque background, or translucent film overlays on illuminated acrylic lens.



Sign Type B - Major Tenant Monument Sign

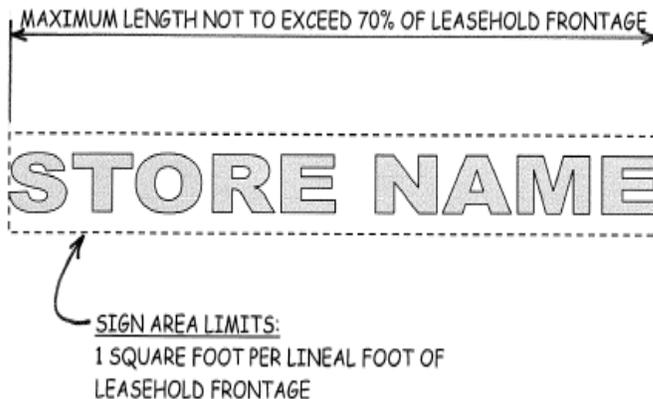
Quantity: 2
 Location: As indicated on Sign Location Plan
 Copy: Major Tenant
 Height: 18'-0"
 Sign Area: 36 sq. ft. per sign face
 Lighting: Internally illuminated

Note: Graphics may be translucent film overlays on illuminated acrylic lens.



Sign Type C - Major Tenant Wall Sign

Quantity: 4
 Location: As indicated on Sign Location Plan
 Copy: Tenant Name/Logo, may list up to 4 goods and services
 Sign Area: 1 sq. ft. per linear foot of leasehold frontage. Length not to exceed 70% of available leasehold frontage.
 Lighting: Internally and/or externally illuminated



Sign Type D - Major Tenant Wall Sign

Quantity: 4
 Location: As indicated on Sign Location Plan
 Copy: Tenant Name/Logo, may list up to 4 goods and services
 Sign Area: 1 sq. ft. per linear foot of leasehold frontage. Length not to exceed 70% of available leasehold frontage.
 Lighting: Internally and/or externally illuminated

Grading and Significant Ridgeline Ordinance

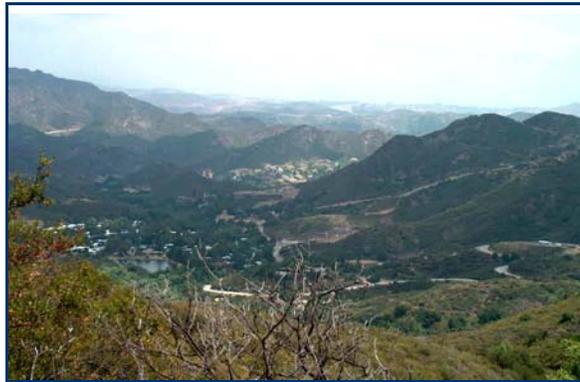
Reference: 22.44.133

Q: What is the grading and Significant Ridgeline Ordinance, as it applies to the Santa Monica Mountains North Area Community Standards District?

A: Background

The Santa Monica Mountains North Area Plan (Plan) requires the creation of standards to regulate development on hillsides and ridgelines within the Plan area. To implement the policies of the Plan that call for the protection of environmental and scenic resources, the Grading and Significant Ridgeline Ordinance was adopted by the Board of Supervisors on December 7, 2004 and became effective on January 6, 2005. The Ordinance adds provisions to the North Area CSD. These provisions address grading and ridgeline protection, encourage

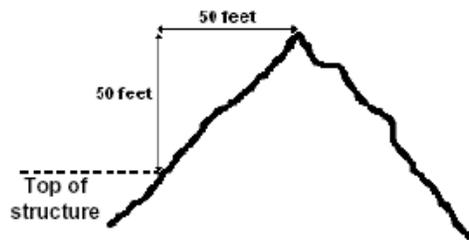
more sensitive development by establishing an appropriate threshold for discretionary review of grading projects, and ensure new development is sited to protect significant ridgelines in the Santa Monica Mountains.



Summary of the Ordinance

Grading Provisions

- Grading provisions apply throughout the North Area.
- A CUP is required for grading over 5,000 cubic yards of material – both cut and fill added together.
- The Ordinance exempts turnaround required by the Fire Department; access road or driveway leading to the turnaround is not exempt.
- An approved haul route is required for offsite transport of 1,000 cubic yards or more.
- Grading that occurred prior to the adoption of the Ordinance is not included.
- Grading for projects subsequent to the adoption of the ordinance are added together; a CUP is required for any amount of grading over the threshold of 5,000 cubic yards. [See Section 22.44.133.D.4(b)]
- Grading shall not begin during the rainy season (October 15 to April 15).

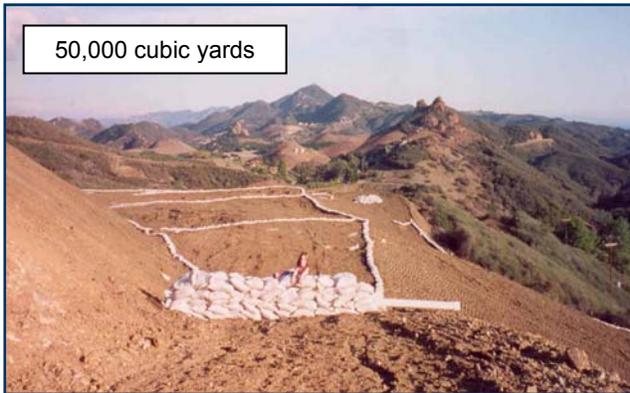


Significant Ridgeline Provisions

- These provisions apply to parcels containing a segment or segments of designated significant ridgelines. Parcels located near a significant ridgeline may also be affected by the provisions of the Ordinance which establish a “protected area” from a significant ridgeline. The protected area is the area within 50 vertical feet or 50 horizontal feet of a significant ridgeline.
- The highest point of a structure must be located at least 50 vertical and 50 horizontal feet from a significant ridgeline, excluding chimneys, rooftop antennas, wind energy conversion systems, and amateur radio antennas.
- An applicant may apply for a variance to build within the protected area in the event that there is no alternative location on the parcel that is suitable for development.

- The Ordinance allows for two exemptions:
 - Replacement of a structure damaged or destroyed by accident or natural forces on the same site, which may be expanded up to 25% or 1,200 square feet, whichever is less; and
 - Additions to existing structures located on a significant ridgeline of up to 25% or 1,200 square feet, whichever is less.

Examples of Grading over 5,000 cubic yards



Examples of Development on Ridgelines



[1/6/2005 – David Cowardin, Community Studies II]

This document is intended to provide additional guidance to County staff who will be implementing amendments to the Santa Monica Mountains North Area CSD (Planning and Zone Code Section 22.44.133) relating to grading and Significant Ridgeline protection. Adopted as Ordinance 2004-0072 by the Board of Supervisors on December 7, 2004, these amendments became effective on January 6, 2005.

IMPLEMENTING THE GRADING PROVISIONS

Field Changes

It is often necessary to make changes in the field to an approved grading plan. It should, however, be made clear with a warning to applicants that a plan prepared by a professional engineer based on understated grading estimates may result in a work stoppage, if the project

goes over 5,000 cubic yards and triggers the requirement for a CUP with appropriate mitigation as required by the Ordinance. Everyone needs to keep in mind that the purpose of the Ordinance is to review large grading projects to assure minimized grading and conformity with policies of the NAP.

Minor Grading

The Ordinance is clear with respect to any new grading:

"Any grading on a lot or parcel of land, or in connection with a project or any subsequent project, which is undertaken at any time after the effective date of the ordinance ... shall be counted cumulatively toward the grading thresholds set forth ... "

The Ordinance provides an incentive for owners to carefully consider plans for improvements involving grading on their properties. If an owner obtains a CUP for grading over the 5,000 cubic yard threshold, but then comes back a short time later for any additional amount of grading, a new CUP is required.

Required Fire Turnarounds

Grading for required standard fire turnarounds is exempt from Ordinance provisions:

"... grading necessary to establish a turnaround required by the county fire department, but not the grading for any access road or driveway leading to such turnaround, shall be excluded."

Only turnarounds specifically required by the Fire Department - not the access road itself or "extra" turnarounds - are exempt from the Ordinance. All other grading for the access road counts toward the cumulative totals.

Grading During the Rainy Season

The Ordinance prohibits the commencement of a grading project during the rainy season. It is not the intent of the Ordinance to prohibit the completion or protection of grading begun at any other time.

Emergency Grading

The Ordinance is not intended to tie the hands of County Departments in emergency situations. These emergency situations might include emergency slope repair/stabilization in a public right-of-way, or removal of material deposited by slope failure. In the event that a slope failure occurs on private property that threatens or destroys life or structures, stabilization and/or removal of the material would be exempt from the Ordinance, if performed under the supervision of the Department of Public Works. The material could be stored on another legally graded area.

Over-Excavation and Re-Compaction

These actions are exempt from the Ordinance provisions, except that movement of fill materials to un-graded or illegally graded areas within a project would be subject to the thresholds and provisions of the Ordinance.

Illegal Grading

Illegal grading, regardless of the date of grading, shall be considered as proposed grading for a new project under the provisions of the Ordinance and shall be included in the cumulative total.

Grading Depicted on Site Plan

The site plan should indicate the amount of grading as well as the area impacted by grading. If someone comes in to modify their application, the new grading amount (if any) cannot exceed the previously-approved amount in order for the modification to be exempt from the Ordinance.

IMPLEMENTING THE SIGNIFICANT RIDGELINE PROVISIONS

Maps

In addition to the Ordinance map, seven topographic map sheets depicting designated significant ridgelines (DSR) in the North Area, with map scale at 1"=500', are available to assist in implementation of the Ordinance. The contour interval is 10 feet, with index contours every 100 feet. These maps are available:

- At the Regional Planning LDCC (front counter) in Los Angeles
- At the Building & Safety counter in the Calabasas One Stop Center
- On GIS-NET (also available to DPW), by clicking "Supplemental Maps" in the upper right corner. Using Adobe tools, site maps can be produced in a scale of up to 1"=60' using the "Zoom-In Tool" and the "Graphics Select Tool"
- On CD for Regional Planning and Public Works personnel.

The seven topographic maps only enable staff to locate a property and make a decision as to whether or not a DSR is on or otherwise impacts the property. It is recommended that any detailed measuring to determine the extent of the "protected area" be performed by the applicant's engineer on maps of sufficient scale and detail to allow the line of the protected area to be accurately depicted. The technique detailed in the "Measurements to Establish..." section below should be used to determine the protected area. Public Works staff can use the "Land Information Website" resource that produces topographic maps of greater detail to depict property boundaries, but Public Works staff using that tool must layout by freehand the applicable DSR. Regional Planning staff can quickly produce sufficiently detailed maps by copying the subject property or area from any of the 7 topographic maps (1"=500' scale) enlarged by a factor of 250 percent. The resultant scale is about 1"=200'.

Measurements to Establish Significant Ridgeline Protected Area

The Ordinance defines the protected area for Significant Ridelines by requiring that:

"The highest point of a structure ... shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline... "

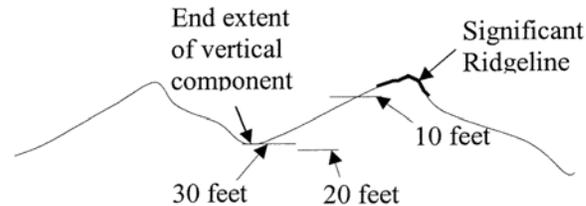
Follow these instructions to add the Significant Ridgeline vertical and horizontal protected areas to a map (see the attached diagram):

Vertical Component

1) The primary method for determining the protected area defined by the vertical component is:

- a) Draw lines perpendicular to the DSR at these places:
 1. Where contours cross the subject DSR
 2. Where the DSR changes direction
 3. At the end of the DSR
- b) Using the contours, measure outward from the DSR 50 vertical feet (5 contour lines on Regional Planning's maps) below the DSR, along each perpendicular, and mark this point.
- c) Connect the points to describe the protected area.

2) In cases where the topography near a DSR results in elevations that are lower than, equal to, and higher than the SR but are still within the 50-foot vertical protected area, the extent of the vertical component ends where, after going downslope from the DSR and reaching a low point, a change in topography results in a sustained increase in elevation away from the DSR. (e.g., a saddle, as shown)



Horizontal Component

- 1) Using the appropriate engineer's scale based on the map scale, measure outward from the DSR 50 feet.
- 2) At the end of the DSR, measure a 50-foot radius.

PREVIOUS APPROVALS and EXEMPTIONS

There may be instances where a project is proposed with grading over 5,000 yd³ or that is situated on a Significant Ridgeline where an application was filed prior to the effective date of the Ordinance (effective date January 6, 2005), and the property owner is just coming back now to build under the application or comes back to Regional Planning for an amendment or perhaps new development. Is the development or the proposed amendment exempt from the Ordinance?

First, the application must meet one of the three tests of the Ordinance: 1) a complete application was submitted prior to the effective date of the Ordinance; 2) at least one public hearing was held; or 3) the application was approved. Second, the previous approval must still be valid. All components of the development or proposed amendment must be similar to that considered under the previously-approved application for the development or proposed amendment to be exempt from the Ordinance. For the purposes of this discussion, "previously-approved" means previous to the effective date of the Santa Monica Mountains North Area Grading and Significant Ridgeline Ordinance.

To clarify:

To be exempt:

- The previous approval must still be valid.
- The grading amount cannot exceed the amount which was previously approved.
- The extent of the grading - that is, the area disturbed for the grading – cannot exceed the grading footprint which was previously approved.
- The placement of all structures, including retaining walls and driveways, must be the same as previously approved except that minor architectural changes that do not affect the overall height, bulk, occupancy, visibility or footprint of structures may be exempt. If additional structures, including retaining walls, are proposed or structures are proposed in a different location, the project does not qualify as "previously-approved."
- The bulk, height and footprint of all structures cannot exceed that which was previously approved.

Exemptions do not apply to:

- New structures never before considered on a previously-approved building pad. While the previously-approved pad is "grandfathered," the new structures are not and must comply with all current development standards - including Significant Ridgeline provisions. Remember that actual grading for the "grandfathered" pad must take place within the footprint and amounts previously approved in order to be exempt.
- New grading never before considered. New grading that falls under a grading permit reviewed and approved after the effective date of the Ordinance (January 6, 2005) counts toward the parcel's cumulative total.

[9/12/07 – Community Studies II]

Submittal Requirements for New or Expanded Single Family Residences in Sensitive Environmental Resource Areas in the Malibu Coastal Zone

Reference: Section 22.44.300

Q: What are the submittal requirements for a proposed new or expanded single family residence located in a sensitive environmental resource area within the Malibu Coastal Zone?

A: In compliance with provisions of Ordinance No. 92-0037, a Director's Review application with Environmental Review Board (ERB) analysis is required for all new single family residences. Structures normally associated with a single family residence, such as, garages, swimming pools, fences and storage sheds (excluding guest homes or self-contained residential units) are usually exempt from the ERB review requirement.

The ERB analysis of proposed projects requires twelve (12) individual packages containing the following materials to be submitted to the Department of Regional Planning along with the necessary material required for a Director's Review (plot plan review). NOTE: Each item must have the plot plan number marked in a conspicuous location.

1. Color photos of the site

- must be of adequate size to clearly show detail and should be taken from ground level;
- must depict all areas to be developed or disturbed (including fuel modification areas);
- may be clear, color photocopies;
- must have photo locations keyed on a property map.

2. A copy of the U.S.G.S. Quad Sheet at 1:24,000 scale with the subject property accurately plotted. This is very important for comparison of the site to appropriate planning maps.

3. Site plan shall depict:

- existing and proposed development as well as topographic contour lines;
- the fuel modification zone (200 feet fire clearance) and the existing condition of the area (e.g., landscaped, natural vegetation, paved, graded, etc.); if the 200' zone extends beyond the subject property, adjoining properties must also be depicted;
- all off-site improvements which may be necessary;

- the building pad (disturbed areas) and total site acreage; the north arrow should point up.
4. Grading plan (if applicable)
 - must depict all areas to be graded including heights/depths of cuts/fills;
 - must provide total cubic yards to be graded including any off-site removal.
 5. Surrounding Land Use Map to 50 feet (may be on 8½ x 11)
 6. The Assessor's Map Book page(s) depicting the subject property and all contiguous parcels must be included; a list of the owners of all contiguous parcels must also be provided.

[1/1993, author unknown]

Chapter 22.48

Outdoor Fireplaces In Residential Rear Yards

Reference: 22.48.150

Q: Are there any zoning regulations regarding the placement of outdoor fireplace structures in the rear yard areas of surrounding properties?

A: The setbacks for such accessory uses would be established by Section 22.48.150 (Accessory structures and equipment) which permits placement to no less than 5 feet from rear or side property lines. Should the fireplace structures that adjacent property owners intend to construct meet these setbacks, then they will be in compliance with the Ordinance. Any restrictions which may be placed on the erection of such structures by the Codes Covenants & Restrictions of your development would be a civil matter between the property owners.

The County Building & Safety Department states that such fireplace/barbeque equipment are not considered "structures" by the Uniform Building Code if they are 6 feet or less in height. Thus, the only permits required would be for a gas line to serve the unit if such is needed.

[4/13/2000 – John A. Hartman, AICP, Land Development Coordinating Center]

Expedited Zoning Conformance Review

Reference: 22.48.140, 22.48.150, and 22.48.160

Q: How is an expedited zoning conformance review processed? Which projects qualify for this review?

A: The purpose is to provide interim guidelines for processing expedited zoning conformance reviews (EZCR). EZCR must be submitted on the attached EZCR application, entered by the case intake planner into the tracking system (KIVA), and placed in a plot plan file jacket. EZCR approved in the field offices will be returned by the field planner and filed at the downtown office. In performing EZCR, the intake planner must assign himself/herself as the planner and sign-off on the case in the system. In most instances, expedited reviews will be completed in three working days after submission.

Planners may only perform EZCR for legally established uses proposing minor alterations or additions that are in compliance with Title 22 development standards, subdivision ordinance and local general plan. Examples where EZCR may be processed include bedroom and bathroom additions to an existing single-family residence, patio enclosures and accessory buildings, structures and equipment under Sections 22.48.140, 22.48.150, and 22.48.160

Residential projects not eligible for EZCR include the following:

- Establishing new use on vacant parcel (i.e. building a brand-new house)
- Projects located within a CSD that require a Director's Review
- Additions that change the nature of the primary use (i.e. conversion to duplex)
- Adding a second story addition to an existing residence, building a detached living structure with plumbing (guest house) or adding a second unit
- Any proposal where any of the existing uses are not permitted
- Any proposal where a CUP governs the property and Exhibit A is required
- Any proposal where a nonconforming use exists on the property (may be on a case by case basis).

Should an applicant challenge the EZCR determination made by staff they may bring the matter to the downtown office for further evaluation.

[3/17/2005 – John R. Gutwein, Field Office Services]

Retaining Walls in Required Yards

Reference: 22.48.160 and 180

Q: What is the maximum permitted height for a retaining wall within the required yard?

A: Section 22.48.160 permits retaining walls which do not exceed six feet in height in all required yards. Since this requirement is located in Part 2 of Chapter 22.48 which relates to yards, it has been the department's practice to use the yard modification procedure

(Section 22.48.180) to allow a higher retaining wall in a required yard where appropriate.

In those cases where an applicant does not wish to request a yard modification, we will allow the construction of multiple adjacent retaining walls in a required yard, provided each retaining wall does not exceed six feet in height and provided that each wall is at least five feet apart. Plot plans will require that the area between the retaining walls be landscaped and continuously maintained in good condition. Encourage the use of bushes and trees, rather than just flowers, to soften the visual impact of a second wall.

[2/21/2001 – John Hartman, Land Development Coordinating Center – approved by John Calas, Administrator]

Yard Modifications

Reference: 22.48.180 (also Part 2 of Chapter 22.48)

Q: Is a setback modification required when a portion of an existing legal residential building already encroaches into a required side yard setback and is it required for additional encroachment along the same building line?

A: While it does not appear that the Zoning Ordinance specifically addresses situations such as this, I believe the following represent practical standards that should be applied under these circumstances:

1. If there is an elevation difference - Require a setback modification.
2. If there is a second story - Require a setback modification.
3. If the encroachment reduces the side yard to less than three feet.
Require a setback modification.
4. If the encroachment extends more than 50% of the depth of the structure -
Require a setback modification.
5. Only where neither 1, 2, 3 nor 4 exist - No setback modification is required.
6. When in doubt - Require a setback modification.

[10/7/1999 – Rudy Lackner, Land Use Regulations]

Requests for Extensions on Mobilehome Parks

Reference: 22.52.500 and 22.56.910

Q: For applications requesting time extensions on mobilehome parks, who else should be contacted to review the application?

A: There is a modified form of rent control for mobilehome parks in Los Angeles County. Persons applying for an extension of a mobilehome park should be referred to the Community Development Commission for verification of compliance with the County's Model Lease Program.

Contact:

Gregg Kawczynski
Development Planning
Community Development Commission
2 Coral Circle
Monterey Park, CA 91755
Telephone: (323) 890-7269

[5/7/1988 – Richard Frazier, Permits and Variance Section, updated 2/2007]

Nonconforming Trailer Parks

Reference: 22.52.530 and 540, Part 10 of Section 22.56

Q: What standards must a nonconforming trailer park have to continue its use?

A: Nonconforming trailer parks are of benefit to the community as a source of affordable housing, if they are maintained in a safe and sanitary manner.

In order to determine the future status of nonconforming trailer parks the following minimum standards and criteria may be used by the Regional Planning Commission in their consideration of nonconforming use and structure review cases:

1. The trailer park must be buffered from public street frontages with some form of screening, e.g. hedges, fences or walls.
2. The trailer park must be serviced by sewers and/or septic tanks.
3. All trailers within the trailer park must have self-contained toilets and bath/showers.
4. The health, safety, or environmental conditions within the trailer park must not be negatively affected by adjacent industrial uses.
5. Interior vehicular access must be paved and of sufficient width to provide safe and efficient circulation.
6. There must be at least one paved parking space for each trailer.
7. There must be adequate paved access to each residential unit within the trailer park for use by emergency vehicles.
8. The trailer park and all individual trailers and structures must comply with the regulations of the county Fire Code.
9. The trailer park and all individual trailers must comply with the requirements of the state Department of Housing and Community Development, in accordance with determinations made during periodic inspections.

In addition to the standards and criteria contained above, the Commission may apply such other standards as are deemed necessary to adequately evaluate the specific proposal. If the evidence submitted at the time of a nonconforming review indicates that the trailer park meets all applicable standards and criteria, the park should be allowed to remain, subject to passing necessary health and safety inspections by the state Department of Housing and Community Development and the Fire Department. The Department of Regional Planning will field check all cases every two years for compliance with the conditions of approval established by the Commission.

If the evidence submitted at the time of a nonconforming review indicates that the trailer park does not meet the above standards and criteria, it should be terminated over a one-year period. The community Development Commission/Housing Authority should be contacted in these cases to assist displaced residents in securing affordable replacement housing.

[12/19/1984 – Regional Planning Commission]

Large Vehicle (Truck and Bus) Repair

Reference: 22.52.560-640 (also 22.32.040)

Q: Which zone permits truck and bus repair and what development standards are appropriate for this use? The Zoning Ordinance does not give much direction in that neither truck repair nor bus repair is mentioned.

A: To best analyze the appropriate zone for truck and bus repair, please refer to the provisions governing permitted uses in the M-1 zone. The M-1 zone permits as a matter of course "truck storage or rental," "car barns for buses and street cars" and "machinery; the repair of farm machinery." Taking into account these uses, it would appear that truck and/or bus repair would be considered a permitted use in zone M-1 and heavier zones. Truck repair frequently is considered incidental to truck storage.

The development standards for outdoor storage (Section 22.52.560 - 22.52.640) would be applicable to sites where either truck or bus repair take place. Wherever such repair uses occur, significant associated outdoor storage also occurs.

In summary, until the Zoning Ordinance is amended to clarify this situation, bus repair and truck repair will be considered as permitted in M-1 and heavier zones, but are subject to the development standards for outdoor storage and display. County Counsel has concurred with this conclusion.

[8/20/1998 – Rudy Lackner, Land Use Regulations]

Signage Regulations

Reference: Part 10 of Section 22.52

Q: Do all signs need a Plot Plan?

A: Regional Planning policy is to require a Plot Plan for all proposed signage. "Signs, as provided in Part 10 of Chapter 22.52" are listed under accessory uses for Zones R-1, R-2, R-3, R-4 and R-A, Zones A-1, A-2, A-2-H, Zones C-H, C-1, C-2, C-3, C-M and C-R and Zones M-1, M-1½, M-2 and B-1 and B-2.

Q: Can illegal signs posted by the Sheriffs Department be exempt from our ordinance?

A: Yes. According to 22.52.810:

- A. "A. Official notices issued by any court; public body or public officer;
- B. Notices posted by any public officer in performance of a public duty, or for any person in giving legal notice;
- C. Traffic, directional, warning or informational signs required or authorized by the public authority having jurisdiction;
- D. Official signs used for emergency purposes only;
- E. Permanent memorial or historical signs, plaques or markers;
- F. Public utility signs, provided such signs do not exceed three square feet in area. "

Q: Is a dilapidated or broken sign illegal?

A: Yes. 22.52.820.H states:

“All signs shall be maintained in good repair, including display surfaces which shall be kept neatly painted or posted.”

Q: What signs in the right of way does Public Works regulate?

A: Public Health Licenses in Title 8.36.060 states:

“A. A person shall not, upon any street, sidewalk, highway or parkway, cast, throw or deposit, sell or distribute among pedestrians or to persons in vehicles, any tip sheet or any commercial advertising handbill, or any handbill distributed for the purpose of advertising any merchandise, commodity, property, business, service, act, or skill, offered, sold or rendered for hire, reward, price, trade or profit.”

Q: What banners are permitted by Public Works?

A: Building and Safety permits banners, including those used at flag raising ceremonies.

Section 6507.2, Chapter 65 of Title 26 (Building Code) says:

“Cloth and Banner Signs. Cloth and banner signs placed on buildings shall be strongly constructed and securely attached flat against the building. They shall be removed as soon as torn or damaged.”

Flag raising Ceremonies: Flag raising and flag-raising ceremonies at the County Hall of Administration or any other county facility or property, are authorized for flags of the United States, flags of one of its political subdivisions, flags of historical significance in the United States and flags of nations with which the United States has diplomatic relations. The chief administrative officer may also permit the temporary display during the county's community support program of banners or flags of charitable organizations approved for deductions by the board of supervisors under Government Code Section 1157.2, provided such flags are given to the county for display at no cost to the county.

Q: What is the difference between an outdoor advertising sign and a freestanding business sign?

A: Section 22.08.190 says:

“Sign, Freestanding. "Freestanding sign" means a sign which is placed on the ground or has as its primary structural support one or more columns, poles, uprights or braces in or upon the ground. "Freestanding sign" shall include ground, monument and pole signs.

Sign, Business. "Business sign" means a sign directing attention to the principal business, profession or industry located upon the premises upon which the sign is displayed, to type of products sold, manufactured or assembled, or to services or entertainment offered on said premises.

Sign, Outdoor Advertising. "Outdoor advertising sign" means any sign directing public attention to a business, profession, product or service that is not a primary business,

profession, product or service which is sold, manufactured, conducted or offered on the premises where such sign is erected or maintained. "Outdoor advertising sign" shall include billboard, but shall not include a public transportation sign."

Q: How are "poll signs" or "pylon signs" dealt with in the ordinance? How big can they be?

A: Section 22.52.890 deals with freestanding business signs:

"A. Frontage. Roof and freestanding business signs shall be permitted on any lot or parcel of land for each street or highway frontage having a continuous distance of 100 feet or more. Such signs shall also be permitted as provided in subsection H of this section:

- i. In Zones C-H, C-1 and R-R, 50 square feet plus one-fourth square foot of sign area for each one foot of street or highway frontage in excess of 100 feet.
- ii. In Zones C-2, C-3, C-M, C-R, M-1, M-2, M-3, M-4, M-1 1/2, and M-2 1/2, 150 square feet plus three-fourths square foot of sign area for each one foot of street or highway frontage in excess of 100 feet.

Q: How much window area can signage cover?

A: No more than twenty-five percent of any single window. According to Section 22.52.920: "Each business establishment shall be permitted temporary window signs, provided that such signs do not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage. This provision is not intended to restrict signs utilized as part of a window display of merchandise when such signs are incorporated within such display and located not less than one foot from such windows."

[6/4/2001, handout from a Zoning Enforcement training workshop]

Business Signs in Commercial and Industrial Zones

Reference: Part 10 of Section 22.52

Q: What are the size requirements for signs in commercial and industrial zones?

A: A business sign is a sign that directs attention to:

1. The principal business, profession or industry, or
2. The type of products sold, manufactured or assembled, or
3. Services or entertainment offered on the premises where the sign is located.

Business signs are regulated by this ordinance, as follows:

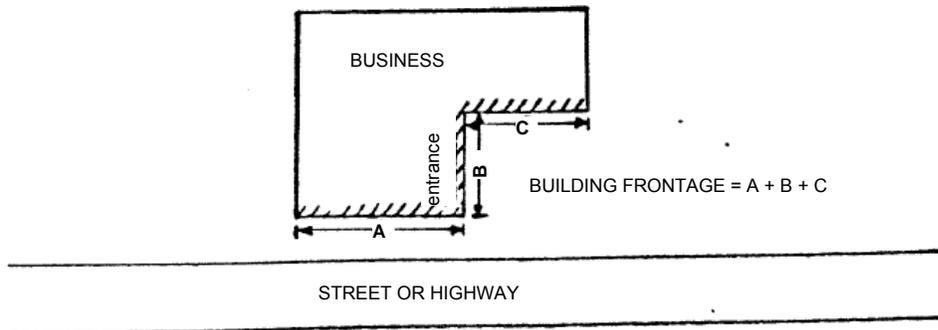
I. WALL BUSINESS SIGNS

A. Permitted Wall Business Sign Area

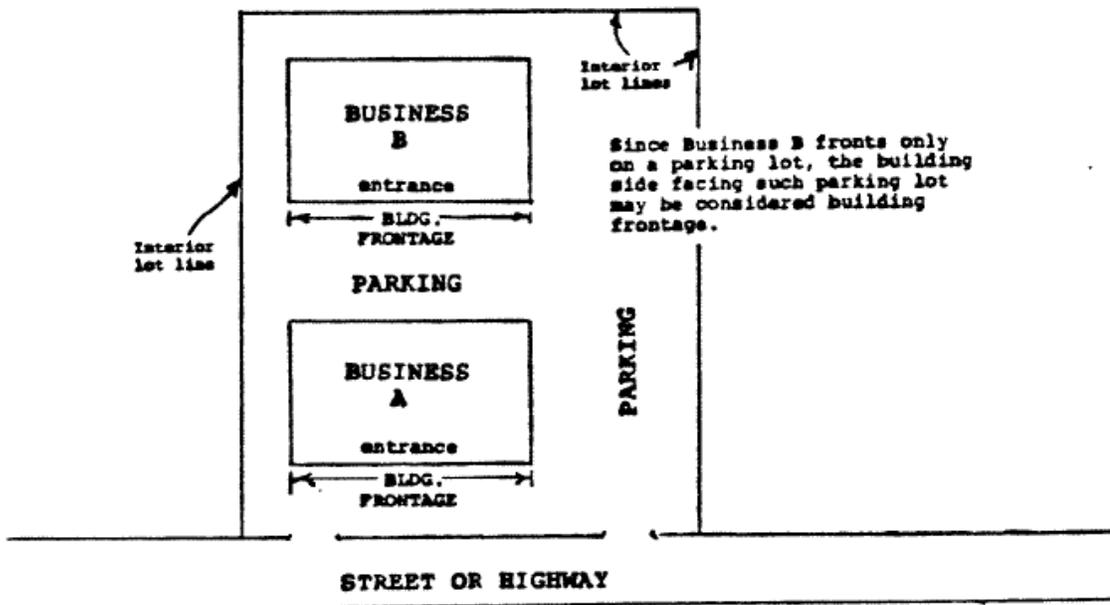
1. Ground floor businesses are permitted an unlimited number of signs on building sides considered building frontage. The maximum permitted sign area (i.e., the sum' of the areas of all signs) per building frontage is:

(a) In Zones C-1, C-H, R-R Two sq. ft. per linear foot of building frontage

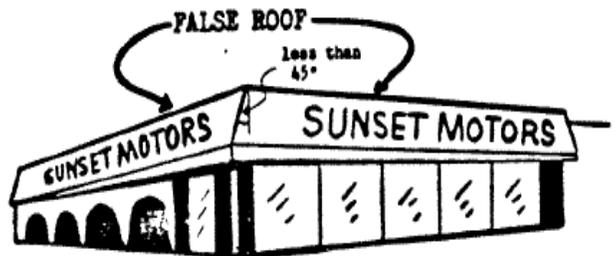
2. Building frontage is measured continuously along the wall for the entire length of the business, including any portion not parallel to the remainder of the wall.



Ground floor businesses fronting only on a parking lot, alley, open mall, landscaped open space, or other public way, may use the building side facing such public way as the building frontage. Only one such building side may be considered building frontage.



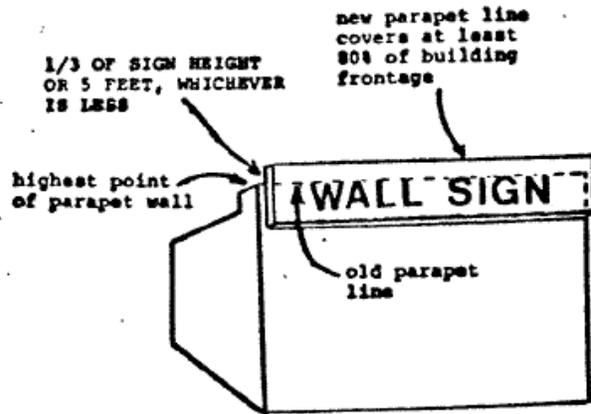
C. Wall Business Signs on Steep-sloping Roofs
False or actual roofs which vary 45° or less from a vertical plane may be considered an extension of the building wall for wall sign placement.



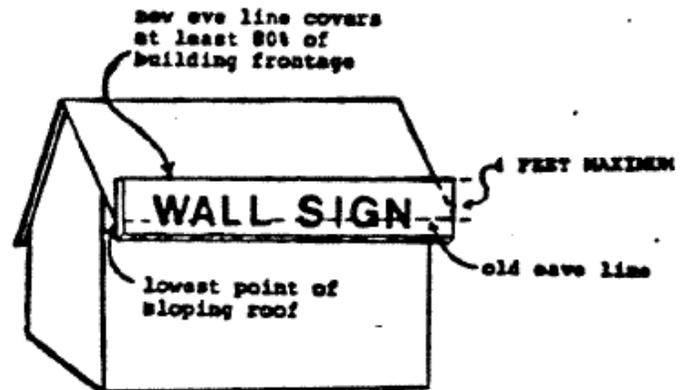
D. Height of Wall Business Signs

A wall business sign shall not:

1. Extend above the highest point of a parapet wall, except that it may extend one-third of its height or five (5) feet, whichever is less, above the parapet wall provided a new parapet line, approximately parallel to the existing parapet line, is established for at least 80% of the building front; or



2. Extend above the lowest point of a sloping roof, except that it may extend 4 feet above the eave line provided a new eave line, approximately parallel to the existing eave line, is established for at least 80% of the building front; or



3. Extend above the highest point of a false or actual roof having a slope of 45° or less from the vertical plane.

E. Projection of Wall Business Signs

A wall business sign shall not project more than 18 inches from the building to which it is attached.

II. FREESTANDING AND ROOF BUSINESS SIGNS

Freestanding and roof business signs are permitted on any lot or parcel of land for each street or highway frontage of 100 feet or more. Such signs may be in any number provided they meet the locational and area requirements discussed below.

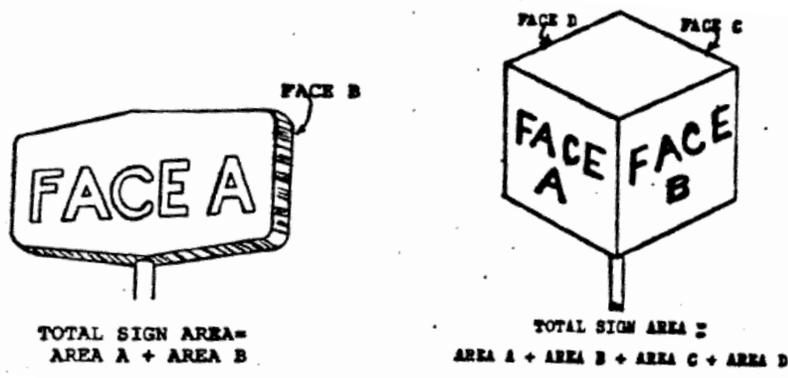
A. Permitted Freestanding and Roof Business Sign Area

1. The maximum permitted sign area (i.e., the sum of the areas of all signs) per street frontage is:

- | | |
|---|--|
| (a) In Zones C-1, C-H, R-R | 50 sq. ft. plus ¼ sq. ft. of sign area for each linear foot of street frontage in excess of 100 ft. |
| (b) In Zones C-2, C-3, C-M
C-R, M-1, M-2, M-3, M-4 | 150 sq. ft. plus ¾ sq. ft. of sign area for each linear foot of street frontage in excess of 100 ft. |

M-1½, and M-2½

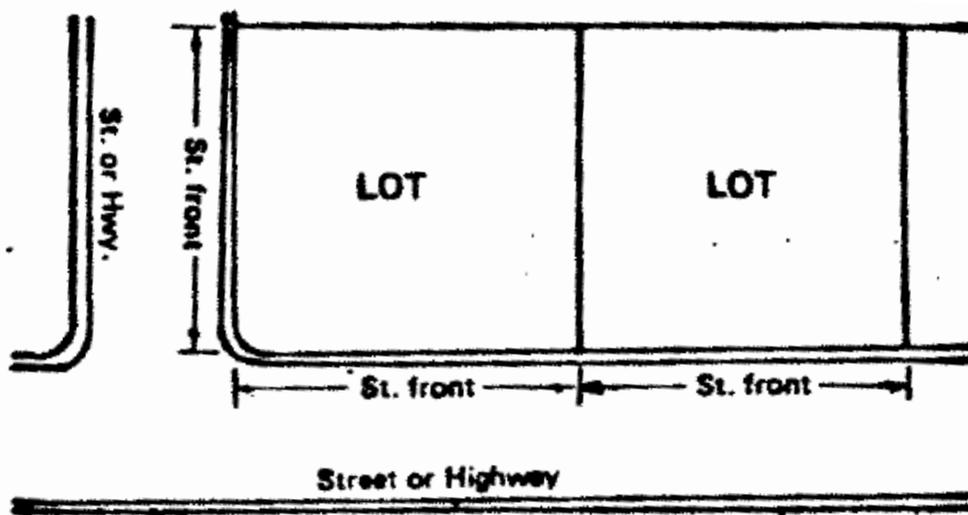
2. Sign area is the area of a sign's largest face. Signs with two or more faces are permitted a maximum total sign area (i.e., the sum of the area of all sign faces) of twice the largest sign area.



3. Except for freeway-oriented business signs, signs must be oriented to be viewed primarily on and/or along the street or highway frontage from which its permitted area was calculated.

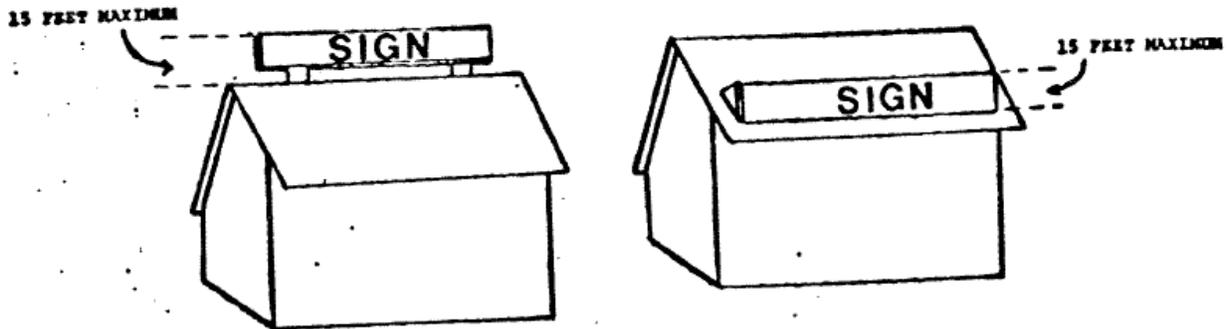
B. Calculation of Street Frontage for Freestanding and Roof Business Signs

Street frontage is that portion of a lot or parcel of land which borders a public street, highway, or parkway. It is measured along the common lot line separating the lot or parcel of land from the public street, highway or parkway.



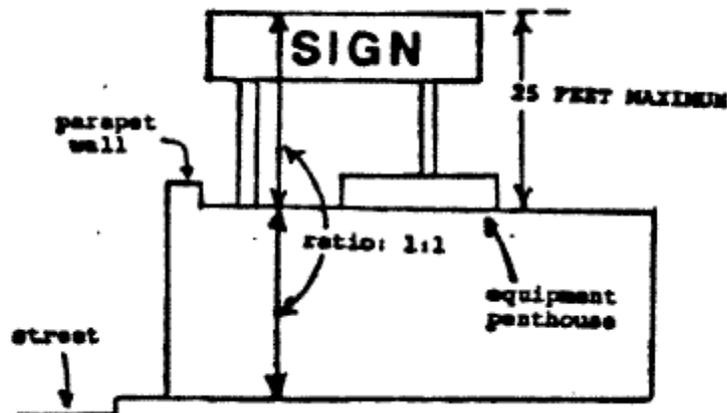
2. Roof business signs shall not exceed a maximum height of:

(a) In Zones C-H, C-1, R-R 15 ft.*



(b) In Zones C-2, C-3, C-M
C-R, M-1, M-2, M-3, M-4,
M-1½ and M-2½

A height equal to the height of the building
directly under the sign.
25 ft. maximum.*



* Roof business signs are measured vertically from the highest point of the roof directly under the sign, exclusive of parapet walls or penthouse structures.

3. Roof business signs may not extend below the lowest point of a roof or the highest point of a parapet wall.

D. Locational Requirements for Freestanding and Roof Business Signs

1. Freestanding and roof business signs may not be located closer to an interior lot line than:

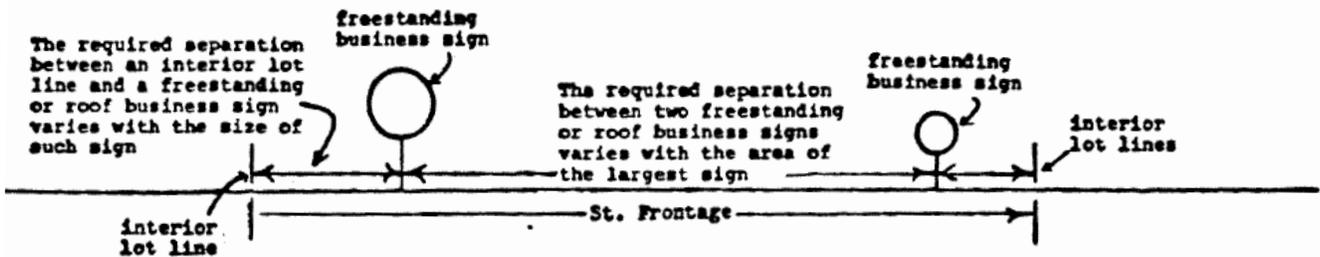
(a) In Zones C-H, C-1, R-R 25 feet plus one foot per square foot of sign area over 50 sq. ft.

(b) In Zones C-2, C-3, C-M, C-R, M-1, M-2, M-3, M-4, 25 feet plus one foot for every three (3) sq. ft. of sign area over 150 sq. ft.

M-1½ and M-2½

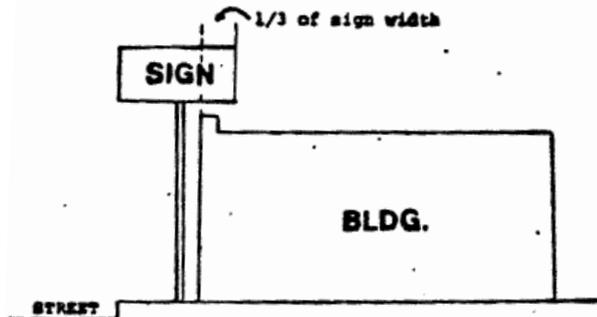
2. Freestanding and roof signs may not be located closer to any other free-standing or roof sign on the same frontage on the same property than:

- (a) In Zones C-H, C-1, R-R 100 feet plus one foot per square foot of the largest sign's computed sign area in excess of 25 sq. ft. 200 feet maximum.
- (b) In Zones C-2, C-3, C-M, C-R, M-1, M-2, M-3, M-4, M-1½ and M-2½ 100 feet plus one foot for each three (3) sq. ft. of the largest sign's computed sign area in excess of 75 sq. ft. 200 feet maximum.



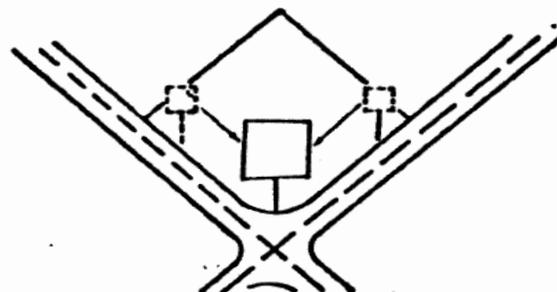
E. Projection for Freestanding and Roof Business Signs

Freestanding business signs shall not project over the roof of any building or structure more than one-third of their length.



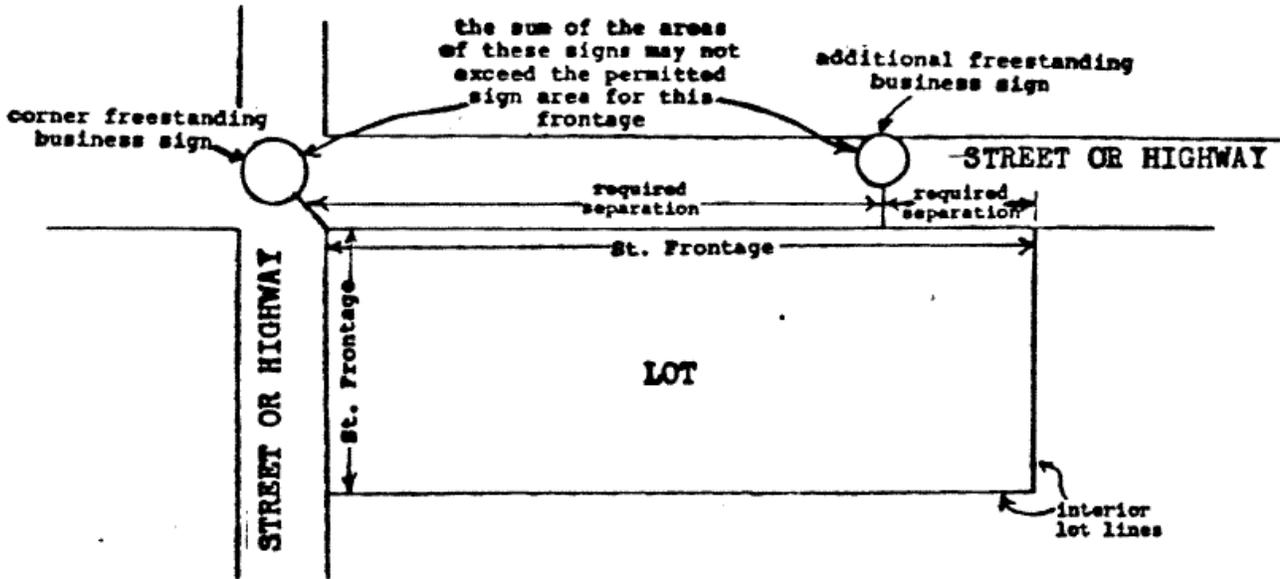
F. Roof and freestanding Business Signs on Corner Lots

1. The distances of two intersecting street frontages may be combined and considered a single frontage for the purpose of placing a freestanding or roof business sign adjacent to the corner. The combined distance must be at least 100 feet.



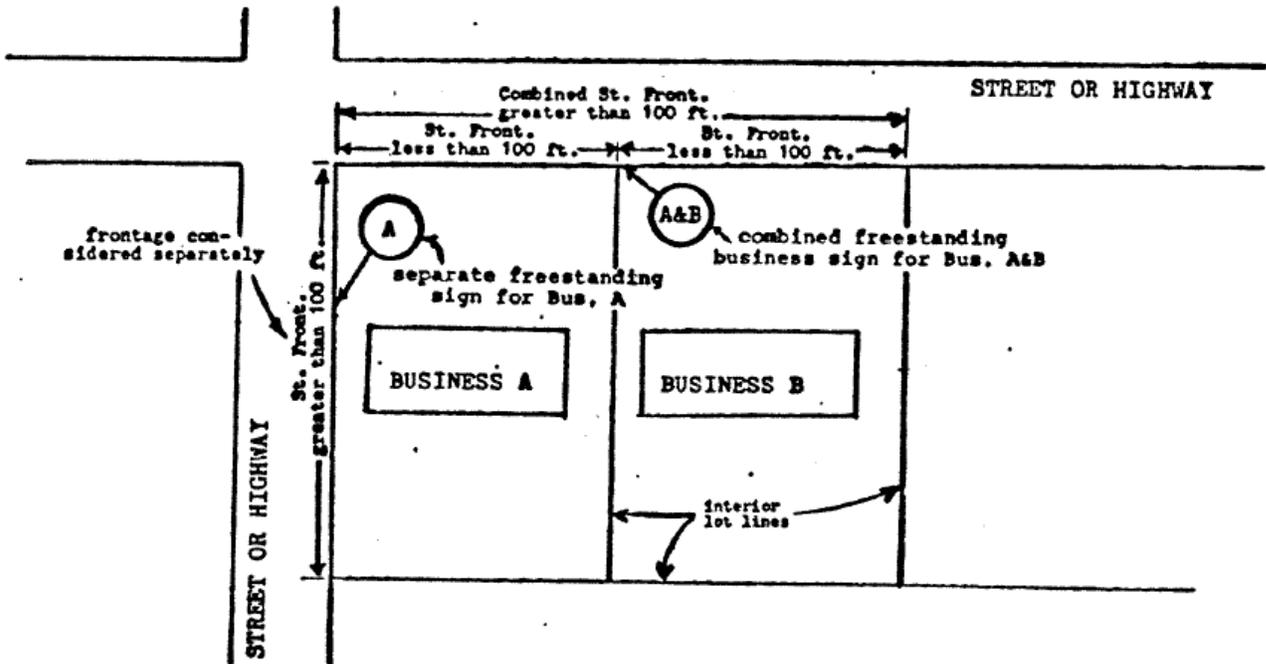
2. Where the locational requirements permit additional freestanding or roof business signs on the combined frontage, the sum of the areas of all freestanding and roof business signs intended to be viewed from each of the street frontages shall not exceed

the maximum permitted sign area established for each such frontage if considered separately.



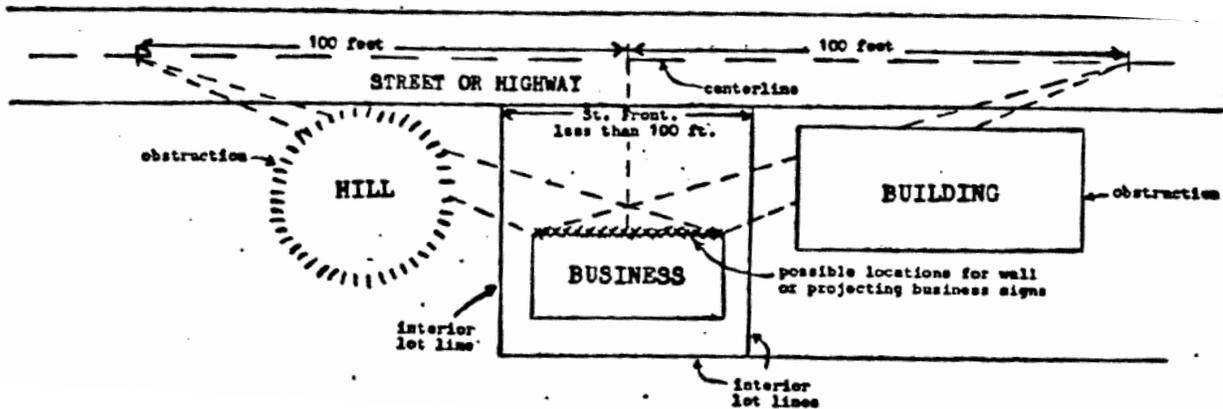
G. Lots with Less Than the Required Frontage for Freestanding and Roof Business Signs

1. With Director's approval, the street frontages of two or more contiguous lots may be combined and considered as a single frontage for the purpose of maintaining one roof or freestanding business sign. The combined distance must be at least 100 feet. All other frontages are considered separately.



2. With Director's approval, one freestanding business sign may be maintained on a single lot having less than 100 feet of frontage provided:

- (a) That surrounding buildings, structures or topographical features obstruct the visibility of a projecting or wall business sign for 100 feet on one or both sides of such sign measured along the centerline of the street on which it fronts; and
- (b) That there are no other freestanding or roof business signs on the lot; and

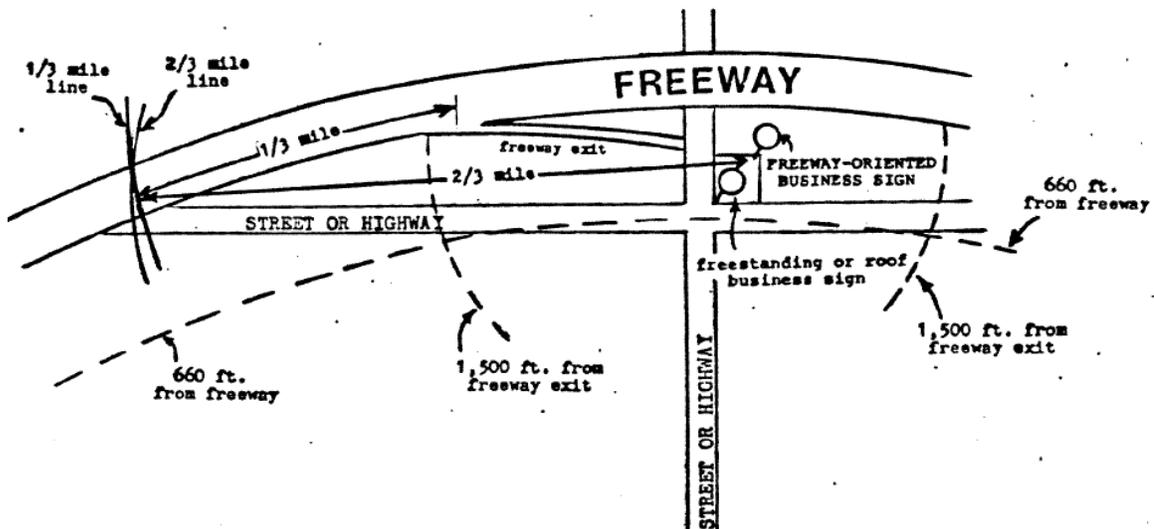


(c) That it is not feasible to combine the street frontage with the frontage of a contiguous lot.

H. Freeway-oriented Freestanding and Roof Business Signs

The Director may approve the following modifications for freeway-oriented business signs located within 660 feet of the edge of a freeway and within 1,500 feet of a freeway exit providing access to the premises on which the sign is located:

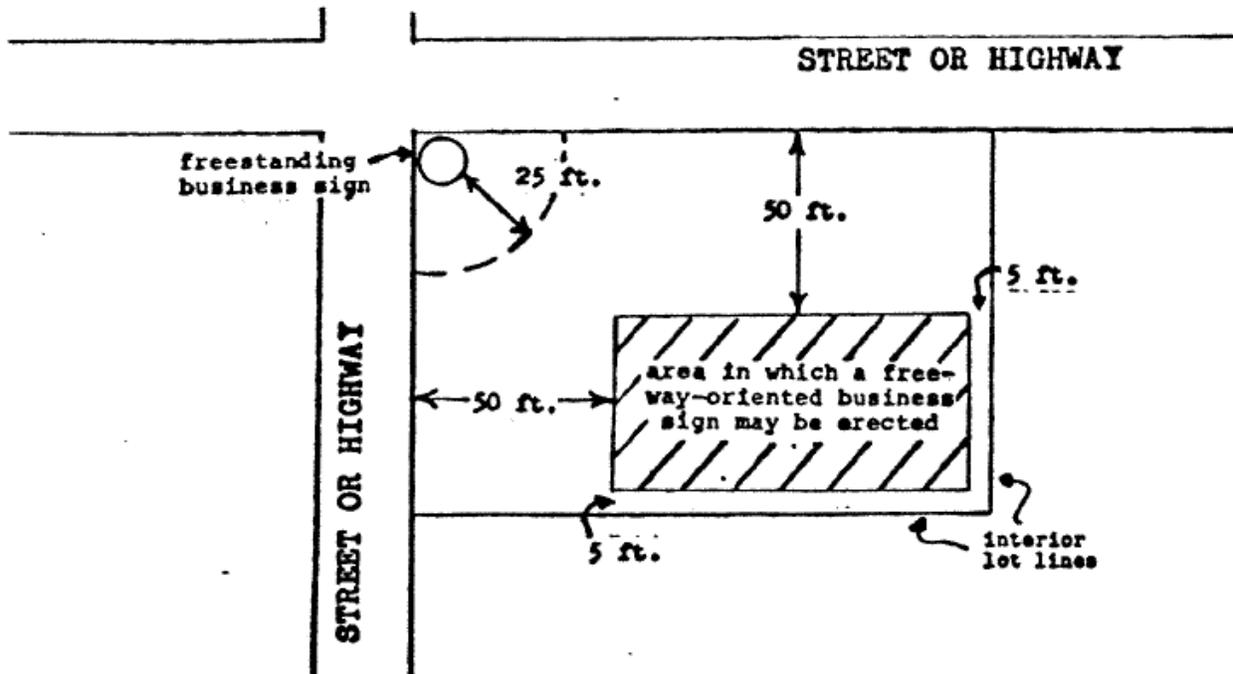
1. Modification of the permitted height of one such freestanding or roof business sign to a maximum of 60 feet. Such sign shall not be otherwise visible for a distance of one-third mile (1,760 feet) preceding the freeway exit providing access to the premises or for a line-of-sight distance of two-thirds mile (3,520 feet), whichever is less.



2. Location of one such freestanding or roof business sign to within five (5) feet of an interior lot line and to within 25 feet of a roof business sign or another freestanding business sign on the same or adjoining properties provided:

(a) That such sign is at least 50 feet from any lot line adjoining a street or highway or 25 feet from a residential zone; and

(b) That the sum of all freestanding and roof business signs shall not exceed the maximum sign area permitted on all street frontages:



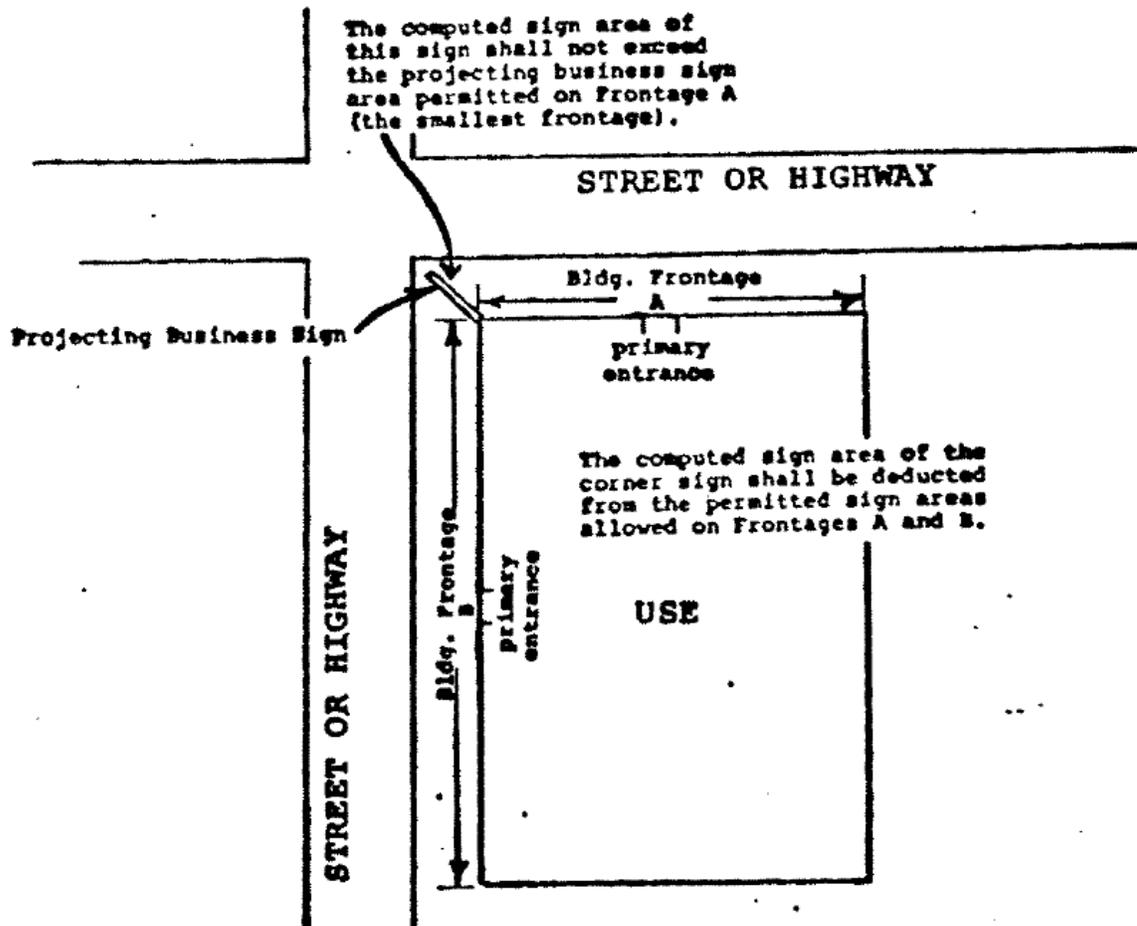
Note: Freeway-oriented business signs identify businesses engaged in the provision of food, lodging or motor vehicle fuel, and which are primarily dependent upon the freeway.

III. PROJECTING BUSINESS SIGNS

A. Permitted Sign Area

1. Each ground floor business may partially or totally substitute projecting business sign area for permitted wall business sign area in the ratio of 4 to 1.
2. Projecting signs with two or more faces are permitted a maximum total sign area (i.e., the sum of the area of all faces) of twice the permitted projecting business sign area (i.e., the area permitted on a projecting business sign's largest face).
3. Permitted projecting business sign area shall be used only on the side of the building for which it was calculated.

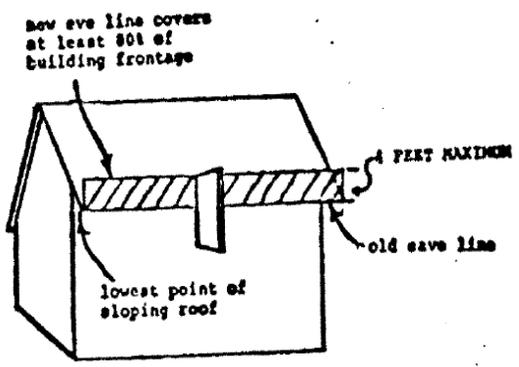
Exception: A projecting business sign may be located at the corner of two intersecting building frontages. Such sign shall not exceed the permitted projecting business sign area of the smallest frontage, and there shall be corresponding reduction in the permitted projecting business sign area of both frontages.



B. Height of Projecting Business Signs

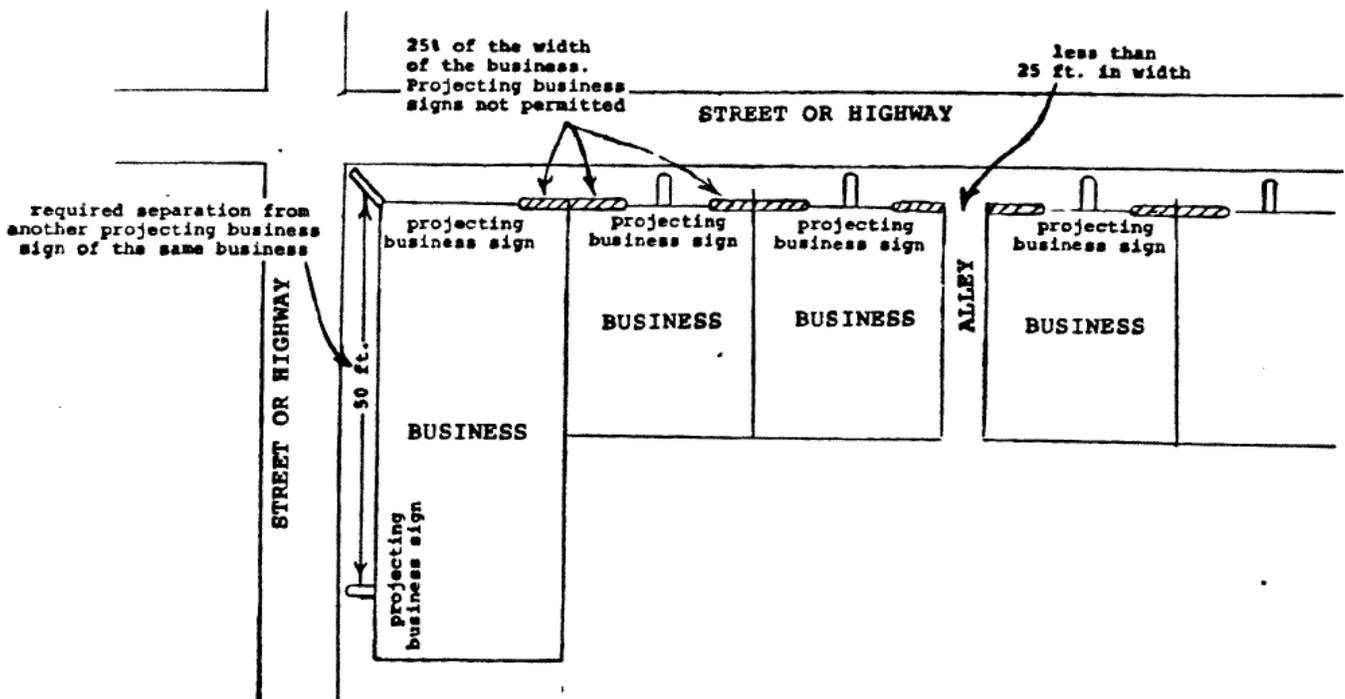
Projecting business signs shall not:

1. Extend above the highest point of a parapet wall, except that it may extend one-third of its height or five (5) feet, whichever is less, above the parapet wall provided a new parapet line, approximately parallel to the existing parapet line, is established for at least 80% of the building front; or



2. Extend above the lowest point of a sloping roof, except that it may extend four (4) feet above the eave line provided a new eave line, approximately parallel to the existing eave line, is established for at least 80% of the building front.

2. Located within 50 feet of any other projecting business sign of the same business on any frontage or frontages where such sign is visible.



2. Located on the same lot or parcel of land as a roof or freestanding business sign of the same business.

IV. INCIDENTAL BUSINESS SIGNS

Each business establishment shall be permitted unlimited incident I business signs provided:

1. No single sign exceeds three (3) square feet in sign area or six (6) square feet in total sign area; and
2. The sum of the areas of all such signs do not exceed 10 square feet .

Note: Incidental business signs indicate credit cards accepted, trading stamps offered, trade affiliations; etc .

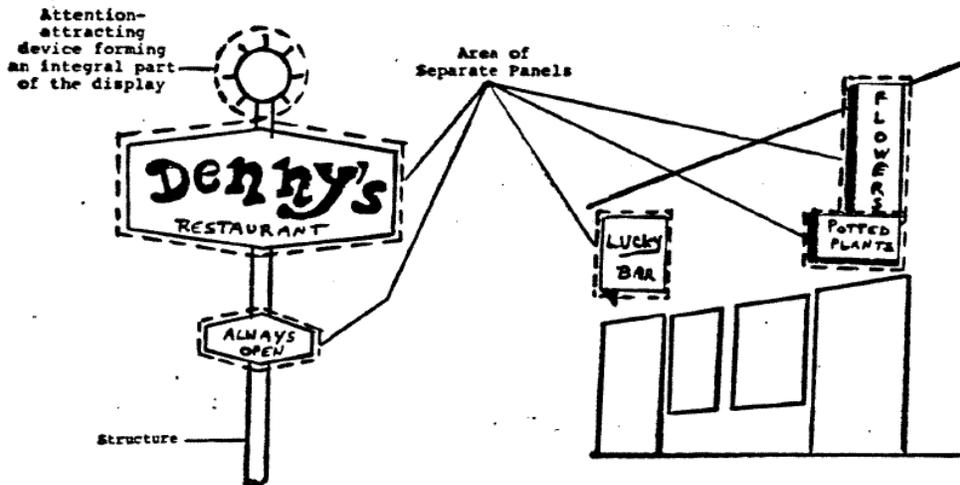
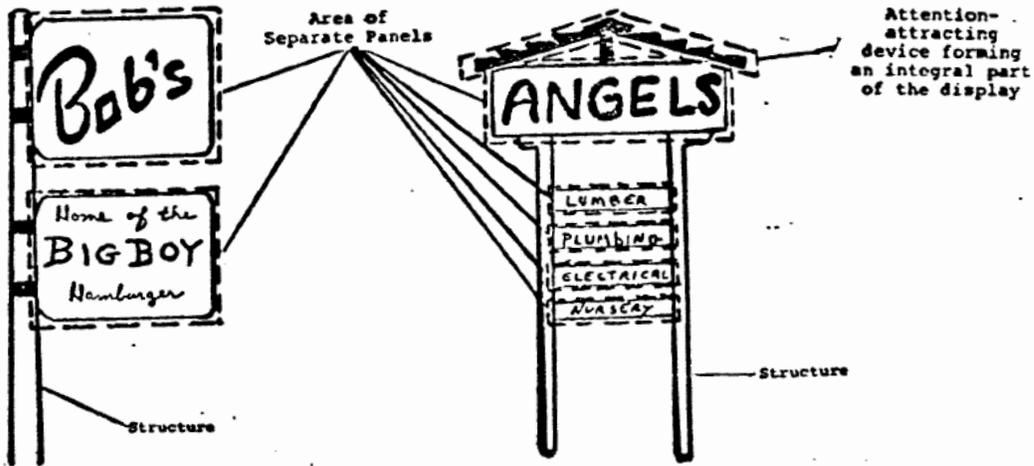
V. TEMPORARY WINDOW SIGNS

Each business establishment is permitted unlimited temporary window signs provided such signs do not exceed 25% of the area of any single window or of adjoining windows on the same frontage.

VI. COMPUTATION OF SIGN AREA

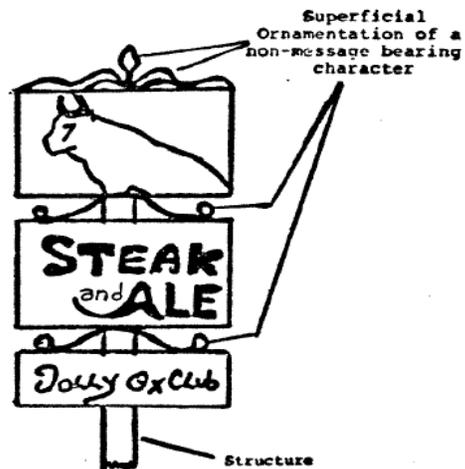
Sign area is computed on a sign's largest face from the smallest rectangles, circles and/or triangles which will enclose all words, letters, figures , symbols, designs and pictures , together with all framing, background material, colored or illuminated areas, and attention - attracting devices forming an integral part of the display, but excluding all support structures.

Note: In many cases enclosed areas will coincide with the areas of a sign's separate message panels.

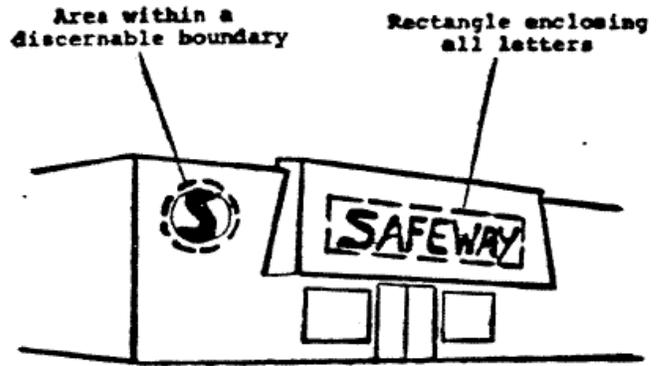


EXCEPTIONS :

A. Superficial ornamentation and/or symbol-type appendages of a non-message-bearing character which do not exceed five percent (5%) of the surface area may be exempted from computation.



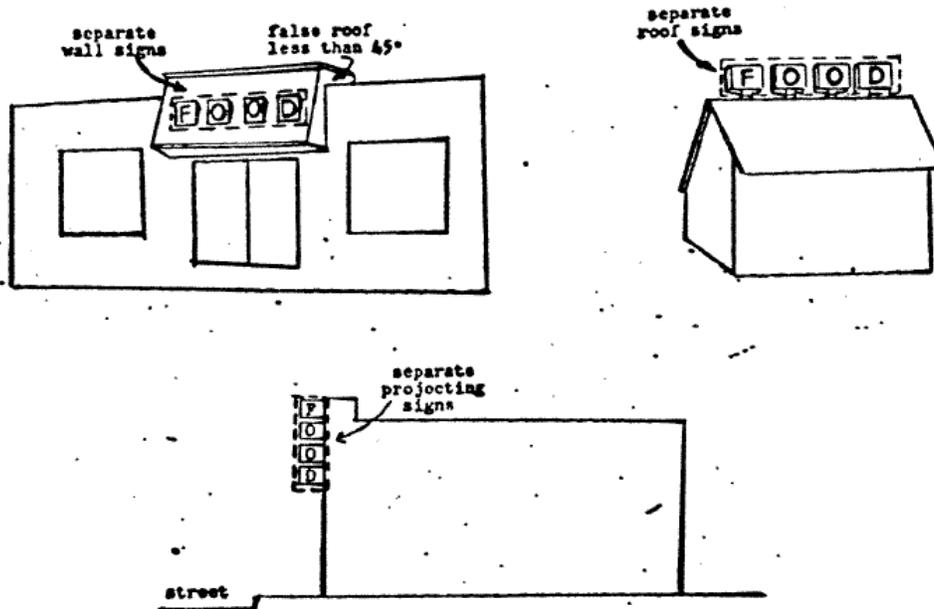
B. Wall signs painted on or affixed directly to a building wall, facade or roof, and having no discernible boundary, shall have the areas between letters, words intended to be read together, and any device intended to draw attention to the sign message included in any computation of surface area.



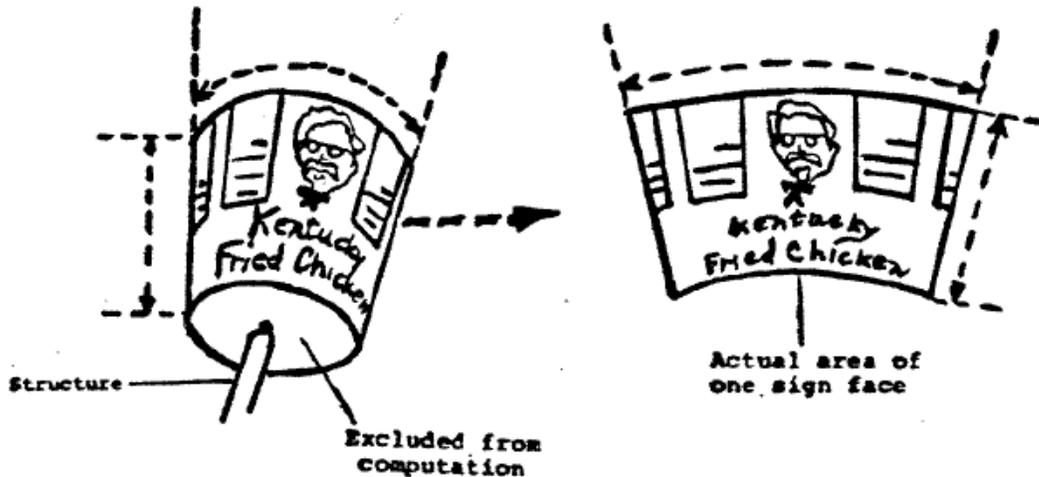
C. Signs placed in such a manner, or bearing a text, as to require dependence upon each other in order to convey meaning shall be considered one sign and the intervening areas between signs included in any computation of surface area.

Note: This provision refers to separate single or double-faced signs which:

1. Do not share a common sign structure; and
2. Have discernible boundaries; and
3. Have all sign faces intended to be read together on the same plane.



D. Spherical, cylindrical or other three-dimensional signs not having conventional sign faces shall be considered to have two faces and the area of each sign face shall be computed from the smallest three-dimensional geometrical shape or shape which will best approximate the actual surface area of said faces.



Note: See the following Appendix for mathematical formulas for determining area and for examples of sign area calculations.

VI. PROHIBITED SIGNS

The following signs are prohibited in all zones including commercial and industrial:

1. Signs utilizing exposed incandescent lamps exceeding 40 watts or using metallic reflectors.
2. Signs having a revolving beacon light.
3. Signs using a contiguous or sequential flashing operation other than time, temperature or programmable electronic messages in which:
 - a. More than one-third of the lights are turned on or off at the same time, or
 - b. Are located within 100 feet of residentially zoned property.
4. Signs displaying time, temperature or programmable electronic messages in which:
 - a. The display has any illumination in continuous motion, or
 - b. Messages change at a rate faster than one message every four seconds, or
 - c. The interval between messages is less than one second, or
 - d. Are located within 100 feet of residentially zoned property.
5. Revolving signs rotating faster than six revolutions per minute.
6. Signs advertising or displaying any unlawful act, business or purpose.
7. Signs dispensing bubbles and free-floating particles of matter.

8. Notices, placards, posters, etc. posted, stuck, tacked or otherwise placed on trees, telephone poles, lamp posts, etc.
9. Pennants, banners, streamers, clusters of flags, balloons and similar attention-getting devices (excepting national, state, local or corporate flags and holiday decorations in season to a maximum of 60 days).
10. Devices projecting the image of a sign or message on any surface.
11. Signs emitting or amplifying sounds for purposes of attracting attention.
12. Portable signs.
13. Temporary signs with listed exceptions such as window signs, real estate signs, etc. as specified in the Ordinance.

VII. OTHER REGULATIONS GOVERNING SIGNS

In addition to the regulations presented in summary form in this section the Zoning Ordinance regulates other signs both by type and zone. Among the signs regulated are building identification, real estate, construction, directional and/or informational, subdivision sales and other special purpose signs.

VIII. WHERE TO OBTAIN FURTHER INFORMATION

More specific information regarding zoning provisions regulating signs may be obtained by writing, calling, or e-mailing the Department of Regional Planning.

Appendix

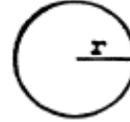
Area Formulas and Examples of Sign Area Calculations

A. Area Formulas

1. Area of a Circle

$A = \pi r^2$ where r = radius

$\pi = \text{pi} = 3.1416$



2. Area of a Triangle

$A = \frac{1}{2}hb$ where h = altitude

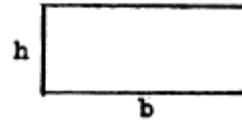
b = base



3. Area of a Rectangle

$A = bh$ where h = altitude

b = base

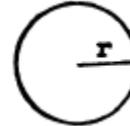


4. Circumference of a Circle

$C = 2\pi r$ or πd where r = radius

d = diameter

$\pi = 3.1416$



5. Surface Area of a Sphere

$A = 4\pi r^2$ or πd^2 or $12.57 r^2$

where r = radius

d = diameter

$\pi = 3.1416$



6. Curved Surface Area of a Spherical Segment

$A = 2\pi rh$ where r = radius

h = height

$\pi = 3.1416$

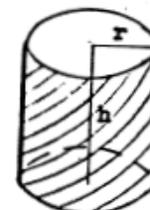


7. Curved Surface Area of a Right Cylinder

$A = 2\pi rh$ where r = radius

h = height

$\pi = 3.1416$



8. Curved Surface Area of a Right Cone

$A = \pi r \sqrt{r^2 + h^2}$ where r = radius
 h = altitude
 $\pi = 3.1416$



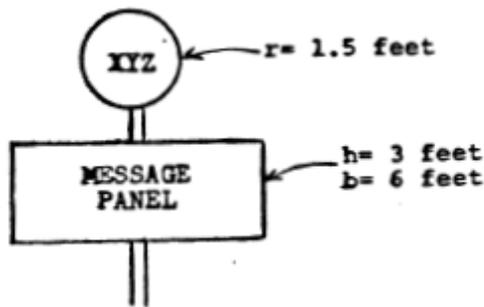
9. Curved Surface Area of the Frustrum of a Right Cone

$A = \pi (r_1 + r_2) \sqrt{h^2 + (r_1 - r_2)^2}$
 where r_1 = radius of base (largest circle)
 r_2 = radius of top (smallest circle)
 h = altitude
 $\pi = 3.1416$



B. Examples of Sign Area Calculations

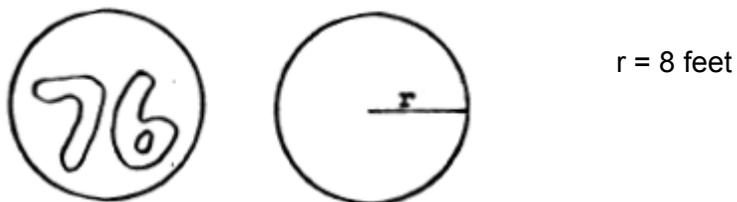
1. Compute the sign area of a sign with the following dimensions:



Answer:

Area of a circle = πr^2
 = $3.1416 (1.5)^2$
 = 4.71 sq. ft.
 Area of a rectangle = bh
 = $(6) (3)$
 = 18 sq. ft.
 Sign area = $4.71 \text{ sq. ft.} + 18 \text{ sq. ft.}$
 = 22.71 sq. ft.

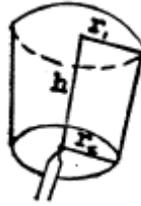
2. Compute the sign area of a sign having the following dimensions :



Answer:

$$\begin{aligned}
 \text{Area of a sphere} &= 4 \pi r^2 \\
 &= 12.57 (8)^2 \\
 &= 12.57 (64) \\
 &= 804.48 \text{ sq. ft. (total sign area)} \\
 \text{Sign area} &= \frac{804.48 \text{ sq. ft.}}{2} \\
 &= 402.42 \text{ sq. ft.}
 \end{aligned}$$

3. Compute the sign area of a sign having the following dimensions:



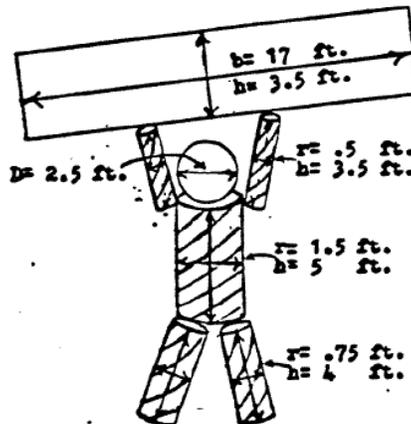
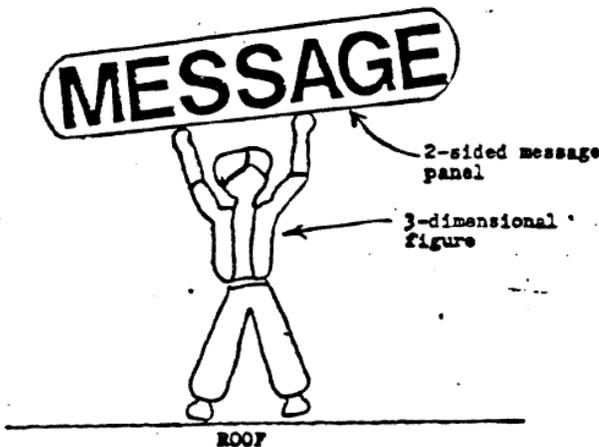
$r_1 = 6$ feet
 $r_2 = 4$ feet
 $h = 9$ feet

Answer :

$$\begin{aligned}
 \text{Area of the frustum of a right cone} &= \pi (r_1 + r_2) \sqrt{h^2 + (r_1 - r_2)^2} \\
 &= 3.14 (6 + 4) \sqrt{(9)^2 + (6 - 4)^2} \\
 &= 31.4 \sqrt{81 + 4} \\
 &= 31.4 \sqrt{85} \\
 &= 31.4 (9.2) \\
 &= 289.5 \text{ sq. ft. (total sign area)}
 \end{aligned}$$

$$\text{Sign Area} = 289.5 \text{ sq. ft.} / 2 = 144.75 \text{ sq. ft.}$$

4. Compute the sign area of a sign with the following dimensions :



Answer:

$$\begin{aligned}
 \text{Sign area of the figure} \\
 \text{head (sphere)} &= \pi d \\
 &= (3.1416) (2.5)
 \end{aligned}$$

$$\begin{aligned}
 &= 19.64 \text{ sq. ft.} \\
 \text{torso (rt. cylinder)} &= 2 \pi r h \\
 &= 2 (3.1416) (1.5) (5) \\
 &= 47.12 \text{ sq. ft.} \\
 \text{2 arms (rt. cylinder)} &= 2 [2 \pi r h] \\
 &= 2 [2 (3.1416) (0.5) (3.5)] \\
 &= 21.99 \text{ sq. ft.} \\
 \text{2 legs (rt. cylinder)} &= 2 [2 \pi r h] \\
 &= 2 [2 (3.1416) (0.75) (4)] \\
 &= 37.70 \text{ sq. ft.} \\
 \text{Sign area of the figure} &= \frac{19.64 + 47.12 + 21.99 + 37.70}{2} \\
 &= \frac{126.45}{2} \\
 &= 63.23 \\
 \text{Sign area of message panel} & \\
 \text{Area of a rectangle} &= bh \\
 &= (17) (3.5) \\
 &= 59.5 \text{ sq. ft.} \\
 \text{Sign area of entire sign} &= 63.23 \text{ sq. ft.} + 59.5 \text{ sq. ft.} \\
 &= 122.73 \text{ sq. ft.}
 \end{aligned}$$

[5/18/1977 – Ordinance Studies Section]

Menu Boards in Fast Food Establishments

Reference: 22.52.920.J

Q: How are menu boards for fast food establishments regulated under the Sign Ordinance?

A: Menu boards, a common type of signage in the fast food industry, are not specifically addressed in the Zoning Ordinance. Effective immediately and until replaced by specific ordinance or an updated policy memo, please consider the following when reviewing menu boards:

Menu boards, by their nature, are intended to be viewed only by patrons on the premises and are therefore exempt from regulation pursuant to Section 22.52.920(J). Any visibility of the sign by the public from the street or from adjacent properties is incidental because the copy on said signs is directed away from the street and away from adjacent properties. In approving the location of a menu board, staff is directed to ensure that the signs are screened or oriented so that the copy is directed away from adjacent streets and properties.

[5/24/2001 – John D. Calas, Land Use Regulation]

Parking Standards Summary

Reference: Part 11 of Chapter 22.52

Q: What are the parking requirements for residential properties?

A: The requirements are:

Single family residences	2 covered spaces
Duplexes	3 covered and 1 uncovered spaces
Apartments (per unit)	
Studios and 1 bedroom	1½ covered spaces
2 or more bedrooms	1½ covered and ½ uncovered spaces
For projects with 10 or more units	1 guest space for each 4 units

The design requirements are:

Standards spaces (90°)	8½' by 18'
Turning radius (back-up)	26'
Tandem	8½' by 36'

No compact parking is allowed. Backing is allowed if garage is 26' from the far side of the alley.

Q: What are the parking requirements for commercial properties?

A: The requirements are:

Retail commercial and medical offices	1 space per 250 sq. ft.
Business Professional offices	1 space per 400 sq. ft.
Restaurants, bars, theaters, health clubs, etc.	Generally 1 space for each 3 occupants Based on occupant load as calculated by Building & Safety

Churches 1 space per 5 occupants in largest assembly area only, based on occupant load as calculated by Building & Safety

The design requirements are:

Standards spaces (90°)		8½' by 18'
Aisle		26'
Compact spaces (90°, max 40%)		8' by 15'
Aisle (must be all compact)	23'	
Handicapped		9' by 18' with 8' loading zone adjacent to passenger side. (Refer to page 61 of this manual)

5' landscaped setback on perimeter parking adjacent to streets with 30" – 42" masonry wall on inside of planter. No backing directly into street or alley is allowed.

Q: What are the parking requirements for industrial properties?

A: The requirements are:

Industrial		1 space per 500 sq. ft.
Warehouse (80% of structure)		1 space per 1,000 sq. ft.
Offices (within industrial building)		1 space per 400 sq. ft.

The design requirements are:

Standards spaces (90°)		8½' by 18'
Aisle		26'
Compact spaces (90°, max 40%)		8' by 15'
Aisle (must be all compact)	23'	
Handicapped		9' by 18' with 8' loading zone adjacent to passenger side. (Refer to page 61 of this manual)

5' landscaped setback on perimeter parking adjacent to streets with 30" – 42" masonry wall on inside of planter. No backing directly into street or alley is allowed.

[1/1997 - Department of Regional Planning Zoning Ordinance Summary]

Chronological History of Commercial and Industrial Vehicle Storage Provisions

Reference: Part 11 of Chapter 22.52

Q: What were the parking requirements for commercial and industrial lots prior to 1979?

A: ORDINANCE 1494 COMMERCIAL AND INDUSTRIAL PARKING REQUIREMENTS

<u>ORD.</u>	<u>EFF. DATE</u>	<u>SECTION</u>	<u>REQUIREMENT</u>
4292	10-11-43	41d	Free off-street parking sufficient to accommodate automobiles of operators and patrons of any commercial use in Zone C-1.
4714	8-2-46	45ah(2)	Adequate free off-street parking for all employees engaged in manufacture of clothing in zone C-3, Loading space also required.
5085	4-9-48	38-3(c)	Telephone exchange buildings added to Zone A-1 with parking space area not less than usable floor area of building.
		45.5(a)	Zone C-4 added with requirement that not less than one-half the lot or parcel of land used for a use permitted in Zone C-3 be developed and used for parking.
5447	1-13-50	255d,	Area not less than area used for a use 259a not permitted in Zone R-4 be developed and used for parking in Zones C-1 and C-4.
		236	Telephone exchange buildings renumbered from former Section 38-3(c)
		256aw	Parking for clothing manufacture renumbered from former Section 45.5(a)
		278, 744	Parking for industrial area added "any manufacturing use in any zone in text, 1 space for each vehicle used in conducting the uses -and 1 space for each 2 employees on the largest shift - within 100 feet of main entrance
5456	1-20-50	278, 744	Change in title and minor changes in wording.
6353	2-5-54	259.3	Zone C-M added to commercial zones with no parking requirement for uses in subsection (a) since subject to C-3 restrictions.
7349	6-27-58	Numerous	Zones C-3 and C-4 combined, Parking in Zones C-H, C-1, C-2, C-3, C-4 and C-M (a) tied to Section 749. Section 744 revised adding option of 1 space for each 500 square feet of floor area in lieu of 1 for each 2 employees, whichever is greater. Sections 745 through 750 added. Section 749 requires parking area equal to area of use permitted in Zone C-4 but not in Zone R-4 and ratio of 1 space for each 400 square feet of floor area.

Note: Zone C-R was added in 1950; Zone R-R was added in 1957; Zones W, A-C and SR-D were added in 1958 - all with parking requirements contained within each zone and unrelated to Article 3 (Chapter 7) except that Zones C-R and R-R may be used for any use permitted in Zone A-2 and A-C for any use permitted in Zone R-A, subject to the conditions of those zones.

[6/22/1979 – Ordinance Studies Section]

Chronological History of Residential Vehicle Storage Provisions

Reference: Part 11 of Chapter 22.52

Q: What were the parking requirements for residential lots prior to 1979?

A: The following report chronologically presents, in summary form, residential parking space requirements as adopted in the County Zoning ordinance (date reported is the effective date unless an operative date is also noted). See the attached appendix for complete provisions as adopted.

CHRONOLOGICAL HISTORY OF RESIDENTIAL VEHICLE STORAGE PROVISIONS OF THE LOS ANGELES COUNTY ZONING ORDINANCE (ORDINANCE NO. 1494)

I. November 10, 1943 (Ordinance 4292).

- A. AUTOMOBILE STORAGE SPACE defined as a permanent space of adequate size, accessible by car and located on the same lot or parcel as the residential structure it is intended to serve.
- B. PARKING REQUIREMENT of one open storage space for each family for which a dwelling unit is established.

II. January 12, 1950 (Ordinance 5447).

- A. AUTOMOBILE STORAGE SPACE definition amended by adding a requirement of 144 square feet.
- B. PARKING REQUIREMENT revised to require every dwelling, apartment or other structure designed for or intended to be used as a dwelling to have:
 1. One open space in Zones R-1, R-2, R-3, R-A, A-1 or A-2.
 2. Open spaces in zones other than the above:
 - a. One space per dwelling unit of more than three rooms.
 - b. Three spaces for each four dwelling units of three rooms.
 - c. Two spaces for each three dwelling units of less than three rooms.

III. December 1, 1950 (Ordinance 5623)

PARKING REQUIREMENT revised to require every dwelling, apartment or other structure designed for or intended to be used as dwelling to have one open space in Zones A-2-H and C-R in addition to the zones specified by Ordinance 5447.

IV. June 22, 1956 (Ordinance 6942).

- A. PARKING REQUIREMENT revised to require every dwelling, apartment or other structure designed for or intended to be used as a dwelling to have:
 1. One covered space in Zones R-1, R-2, R-A, A-1, A-2, R-1-P, R-2-P, R-A-P and A-1-P.

2. One open space in Zones R-3, P, R-3-P, A-2-H or C-R.
 3. Open spaces in zones other than the above (1 and 2):
 - a. One space per dwelling unit of more than three rooms.
 - b. Three spaces for each four dwelling units of three rooms.
 - c. Two spaces for each three dwelling units of less than three rooms.
- V. November 15, 1957 (Ordinance 7239).
 PARKING REQUIREMENT revised to require every dwelling unit on lots or parcels having less than one acre per dwelling unit to have one covered space in Zone R-R in addition to the zones specified in Ordinance 6942.
- VI. June 27, 1958, operative July 27, 1958 (Ordinance 7349).
- A. AUTOMOBILE STORAGE SPACE definition amended to require an eight foot width.
 - B. PARKING REQUIREMENT revised to require on lots or parcels having less than one acre per dwelling unit:
 1. One covered space per dwelling unit in Zones R-1, R-2, R-A, A-1, A-2, A-2-H, R-R, R-1-P, R-2-P, R-A-P and A-1-P.
 2. Covered spaces in zones other than the above:
 - a. One and one-fourth spaces per dwelling unit of more than three rooms in an apartment of more than six units.
 - b. One space per dwelling unit of three rooms or less in an apartment of more than six units.
 - c. In other cases, one space for each dwelling unit.
- VII. September 14, 1962, operative January 1, 1963 (Ordinance 8264).
 PARKING REQUIREMENT revised to require on lots or parcels having less than one acre per dwelling unit:
 1. Two covered parking spaces for each single family residence.
 2. One and one-half covered parking spaces for each unit in a duplex or apartment house.
- VIII. January 18, 1974, operative July 17, 1974 (Ordinance 10,808),
 PARKING REQUIREMENT revised to require on lots or parcels having less than one acre per dwelling unit:
 1. One and one-half covered and one-half uncovered parking spaces per dwelling unit for each two-family residence.
 2. One and one-half covered parking spaces per dwelling unit for each efficiency and one bedroom apartment.
 3. One and one-half covered and one-half uncovered parking spaces per dwelling unit for each apartment having two or more bedrooms.

Ordinance Amendments Dealing With Residential Vehicle Storage As Adopted and Chronologically Arranged

- (1) Ordinance 4292, effective November 10, 1943
 Section 11 (Article 2 - Definitions). Automobile storage space" means any permanently maintained space on the same lot or parcel of land as is located the residential structure which it is designed to serve, of adequate size, location and arrangement to permit the storage of, and be readily accessible under its own power to, a passenger automobile of average size.

Section 111 (Article 6 - General Regulations). Every dwelling, apartment, or other structure designed for or intended to be used as a dwelling hereafter erected shall have on the same lot or parcel of land automobile storage space of sufficient capacity to accommodate one passenger automobile for each family for the permanent housing of which such dwelling, apartment or other structure is designed.

(2) Ordinance 5447, effective January 12, 1950

Section 125. "AUTOMOBILE' STORAGE SPACE" when required by this ordinance means any permanently maintained space not less than one hundred forty-four square feet in area on the same lot or parcel of land as is located the structure which it is designed to serve, so located and arranged as to permit the storage of, and be readily accessible under its own power to, a passenger automobile of average size.

Section 742. RESIDENTIAL VEHICLE STORAGE. Every dwelling, apartment, or other structure designed for or intended to be used as a dwelling in Zones R-1, R-2, R-3, R-A, A-1 or A-2 shall have on the same lot or parcel of land not less than one automobile storage space for each dwelling unit, conveniently accessible, and not located at any place where the erection of structures is prohibited.

Section 743. APARTMENT VEHICLE STORAGE. Every dwelling, apartment, or other structure designed for or intended to be used as a dwelling, in any zone except Zones R-1, R-2, R-3, R-A, A-1 or A-2, shall have on the same lot or parcel of land automobile storage space conveniently accessible, and not located at any place where the erection of structures is prohibited:

- (a) One automobile storage space for each dwelling unit of more than three rooms.
- (b) Three automobile storage spaces for each four dwelling units of three rooms.
- (c) Two automobile storage spaces for each three dwelling units of less than three rooms.

(3) Ordinance 5623, effective December 1, 1950

Section 742. RESIDENTIAL VEHICLE STORAGE. Every dwelling, apartment, or other structure designed for, or intended to be used as a dwelling in Zones R-1, R-2, R-3, R-A, A-1, A-2, A-2-H or C-R, shall have on the same lot or parcel of land not less than one automobile storage space for each dwelling unit, conveniently accessible, and not located at any place where the erection of structures is prohibited.

(4) Ordinance 6942, effective June 22, 1956

Section 741.5. RESIDENTIAL AUTOMOBILE STORAGE. Every dwelling, apartment, or other structure designed for, or intended to be used as a dwelling in Zones R-1, R-2, R-A, A-1, A-2, R-1-P, R-2-P, R-A-P, and A-1-P shall have on the same lot or parcel of land one or more garages or carports with a total capacity of not less than one passenger automobile, for each dwelling unit, conveniently accessible, and not located at any place where the erection of structures is prohibited.

Section 742. RESIDENTIAL AUTOMOBILE STORAGE. Every dwelling, apartment, or other structure designed for, or intended to be used as a dwelling in Zones R-3, P, R-3-P, A-2-H or C-R, shall have on the same lot or parcel of land not less than one automobile storage space for each dwelling unit, conveniently accessible, and not located at any place where the erection of structures is prohibited.

Section 743. APARTMENT AUTOMOBILE STORAGE. Every dwelling, apartment, or other structure designed for or intended to be used as a dwelling, in any zone except Zones R-1, R-2, R-3, R-A, A-I,-A-2, A-2-H, R-1-P, R-2-P, R-3-P, R-A-P, C-R, P or A-I-P, shall have on the same lot or parcel of land automobile storage space conveniently accessible, and not located at any place where the erection of structures is prohibited:

- (a) One automobile storage space for each dwelling unit of more than three rooms.
- (b) Three automobile storage spaces for each four dwelling units of three rooms.
- (c) Two automobile storage spaces for each three dwelling units of less than three rooms.

(5) Ordinance 7239, effective November 15, 1957

Section 741.5. RESIDENTIAL AUTOMOBILE STORAGE. Every dwelling unit in Zones R-1, R-2, R-A, A-1, A-2, R-R, R-1-P, R-2-P, R-A-P, and A-1-P, on a lot or parcel of land having an area of less than one acre per dwelling unit, shall have on the same lot or parcel of land one or more garages, carports, or other structure suitable for providing automobile shelter with a capacity for at least one passenger automobile, conveniently accessible and located at a place where the erection of structures is permitted.

Section 742. RESIDENTIAL AUTOMOBILE STORAGE. Every dwelling, apartment, or other structure designed for, or intended to be used as a dwelling on a lot or parcel of land having an area of less than one acre per dwelling unit in Zones R-3, P, R-3-P, A-2-H, or C-4, shall have on the same lot or parcel of land not less than one automobile storage space for each dwelling unit, conveniently accessible, and located at a place where the erection of structures is permitted.

Section 743. APARTMENT AUTOMOBILE STORAGE. Every dwelling, apartment, or other structure designed for or intended to be used as a dwelling on a lot or parcel of land having an area of less than one acre per dwelling unit, in any zone except Zones R-1, R-2, R-3, R-A, A-1, A-2, A-2-8, R-1-P, R-2-P, R-R, R-3-P, R-A-P, C-R, P, or A-1-P, shall have on the same lot or parcel of land automobile storage space conveniently accessible, and not located at any place where the erection of structures is prohibited:+

- (a) One automobile storage space for each dwelling unit of more than three rooms.
- (b) Three automobile storage spaces for each four dwelling units of three rooms.
- (c) Two automobile storage spaces for each three dwelling units of less than three rooms.

(6) Ordinance 7349, effective June 27, 1958, operative July 27, 1958

Section 125. AUTOMOBILE STORAGE SPACE. "Automobile storage space" when required by this ordinance means any permanently maintained space not less than one hundred forty-four square feet of usable area, and not less than eight feet wide at any place, on the same lot or parcel of land as is located the structure it is designed to serve, so located and arranged as to permit the storage of, and be readily accessible under its own power to, a passenger automobile of average size.

Section 742. RESIDENTIAL AUTOMOBILE-STORAGE:----Every dwelling unit in Zones R-1, R-2, R-A, A-1, A-2, A-2-H, R-R, R-1-P, R-2-P, R-A-P, and A-1-P, on a lot or parcel of land having an area of less than one acre per dwelling unit, shall have on the same lot or parcel of land one or more garages, carport, or other structures suitable for providing automobile shelter with a capacity for at least one passenger automobile conveniently accessible and located at a place where the erection of structures is permitted.

Section 743. APARTMENT AUTOMOBILE STORAGE. Every dwelling, apartment, or other structure designed for or intended to be used as a dwelling on a lot or parcel of land having an area of less than one acre per dwelling unit, in any zone except Zones R-1, R-2, R-A, A-1, A-2, A-2-S, R-1-P, R-2-P, R-R, R-A-P or A-1-P, shall have on the same lot or parcel of land at a place where the erection of structures is permitted one or more garages, carports, or other structures suitable for providing automobile shelter with a capacity for not less than:

- (a) If there are more than six dwelling units having more than three rooms on the same lot or parcel of land:
 - (1) One and one quarter automobiles per dwelling unit of more than three rooms and
 - (2) One automobile per dwelling unit of three rooms or less.
- (b) In other cases, one automobile for each dwelling unit.

- (7) Ordinance 8264, effective September 14, 1962, operative January 1, 1963.

Section 742. RESIDENTIAL AUTOMOBILE STORAGE. Every single family residence on a lot or parcel of land having an area of less than one acre per dwelling unit, shall have on the same lot or parcel of land one or more garages, carports or other structures suitable for providing automobile shelter with a capacity for not less than two passenger automobiles, conveniently accessible and located at a place where the erection of structures is permitted.

Section 743. DUPLEX AND APARTMENT AUTOMOBILE STORAGE. Every duplex, apartment house, and other structure designed for or intended to be used as a dwelling on a lot or parcel of land having an area of less than one acre per dwelling unit, shall have on the same lot or parcel of land one or more garages, carports or other structures suitable for providing automobile shelter for not less than one and one-half passenger automobiles per dwelling unit, conveniently accessible and located at a place where the erection of structures is permitted.

- (8) Ordinance 10,808, effective January 18, 1974, operative July 17, 1974.

Section 743. TWO-FAMILY AND APARTMENT HOUSE (AUTOMOBILE PARKING). Every two-family residence, apartment house, and other structure designed for or intended to be used as a dwelling on a lot or parcel of land having an area of less than one acre per dwelling unit shall have on the same lot or parcel of land one (1) or more garages, carports, or other structures suitable for providing automobile shelter located at a place where the erection of structures is permitted, together with uncovered parking as specified herein:

- (a) Each two-family residence, one and one-half (1 1/2) covered plus one-half (1/2) uncovered parking spaces per dwelling unit.
- (b) For each efficiency and one bedroom apartment, one and one-half (1 1/2) covered parking spaces per dwelling unit, and for each apartment having two or more bedrooms one and one-half (1 1/2) covered plus one-half (1/2) uncovered parking spaces.

All such parking shall be conveniently accessible.

[6/22/1979 – Ordinance Studies Section]

Implementation of Revised Parking Standards (American with Disabilities Act)

Reference: 22.52.1070

Q: How are the numbers of parking spaces reserved for the disabled determined, according to the American with Disabilities Act requirements?

A: The ADA was passed in 1990. Basically, the purpose of the Act is to make facilities more accessible to people with disabilities. Part of this accessibility are new parking standards, including special provisions for vans which have lift equipment to allow disabled people to enter and exit their vehicle.

To ensure compliance with ADA, the following standards are to be implemented immediately when reviewing new non-residential development projects. While the Zoning Code will be amended at a future date, implementation now is necessary in order to avoid conflict with Federal regulations.

New Projects

Number of Parking Spaces

Once the total number of parking spaces for a proposed development has been determined by using our current standards, the following number of spaces shall be made available for vehicles used by disabled people:

<u>1-100 total spaces:</u>	1 space for each 25 parking spaces or fraction thereof.
<u>101-200 total spaces:</u>	4 plus 1 space for each 50 parking spaces or fraction thereof over 100.
<u>201-500 total spaces:</u>	6 plus 1 space for each 100 parking spaces or fraction thereof over 200.
<u>501-1000 total spaces:</u>	2% of total.
<u>1001 or more total spaces:</u>	20 plus 1 for each 100 or fraction thereof over 1001.

At facilities providing medical care and other services for persons with mobility impairments, accessible parking spaces shall be as follows:

<u>Outpatient units and facilities:</u>	10% of total number of parking space provided.
<u>Units and facilities that specialize in treatment or services for persons with mobility impairments:</u>	20% of total number of parking spaces provided.

Valet parking facilities, if used, must provide for a passenger loading zone.

Number of Van Parking Spaces

When the total number of disabled parking spaces has been determined, the following number of spaces is to be made available for van accessible spaces:

- One in every eight accessible spaces, with
- One van accessible space minimum.

Parking space Dimensions

The length of all accessible spaces is 18 feet. The widths are as follows:

Standard Vehicle Space(s)

- Singularly: 9-foot parking area and a 5-foot access aisle on the passenger side of the vehicle (total width 14 feet).
- Paired: 9-foot parking area on each side of a 5-foot access aisle in the center (total width 23 feet).

Van Accessible Space(s)

- Singularly: 9-foot parking area and a 8-foot access aisle on the passenger side of the vehicle (total width 17 feet).
- Paired: 9-foot parking area on each side of an 8-foot access aisle in the center (total width 26 feet). (Van accessible designated space to the left of access aisle).

Universal Parking Spaces

All accessible parking spaces shall be 11 feet wide with a five foot access aisle between each pair of parking spaces (total width 27 feet).

It is recommended that this type of space be used for unusual circumstances.

Remodel/Renovation/Enlargement for Older Projects

No Change in Intensification

There will be no increase or change in the parking requirements or parking space dimension based on our current Zoning Code and possible hardship to the applicant.

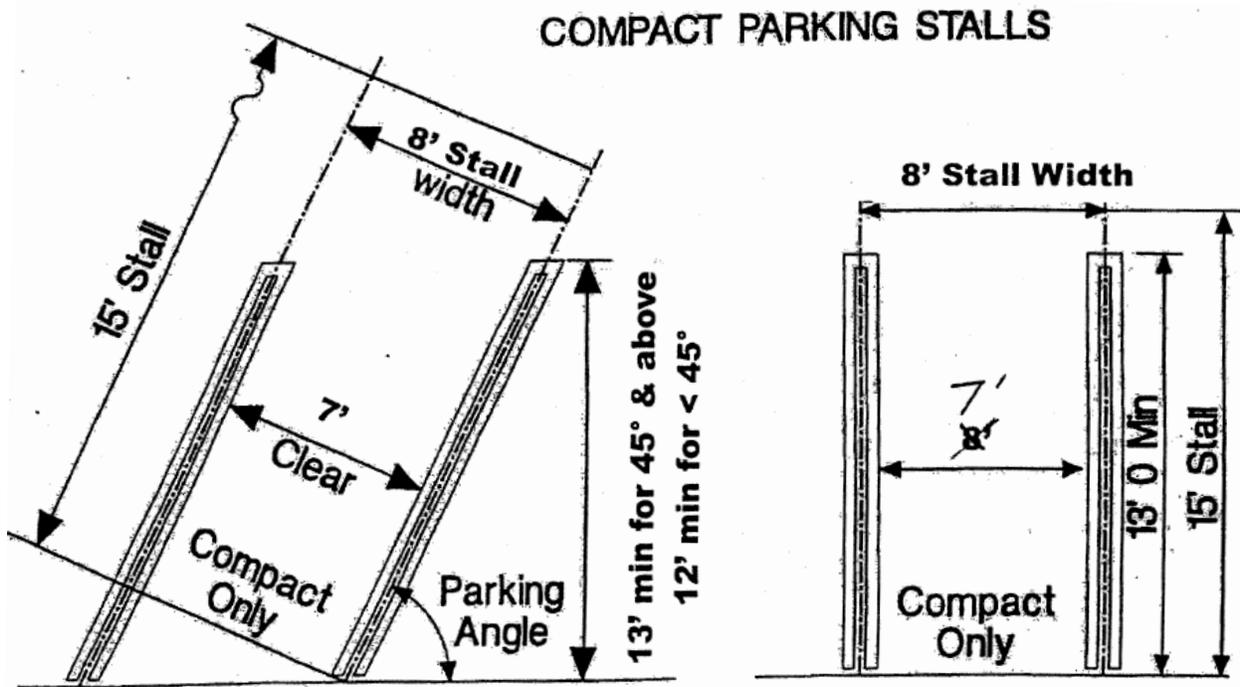
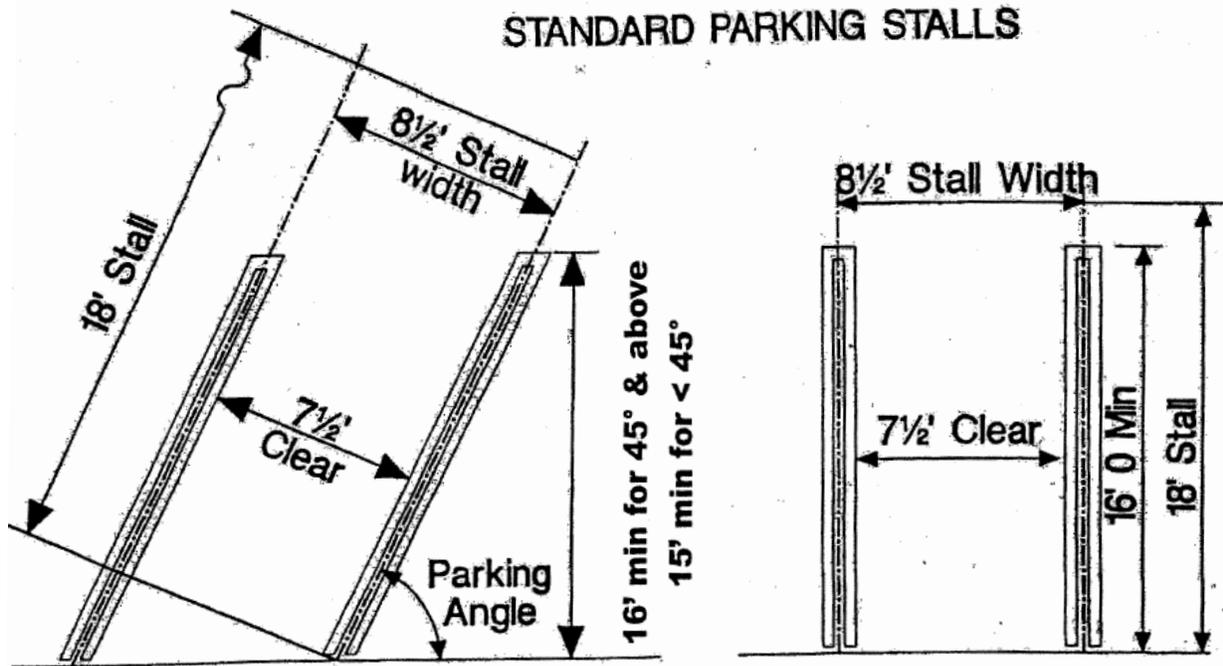
Intensification

At least 1 van accessible space will be provided. This will be required even if the site has adequate parking for the disabled: it should be possible to upgrade one of these spaces for van usage even if one parking space is lost.

Building Addition

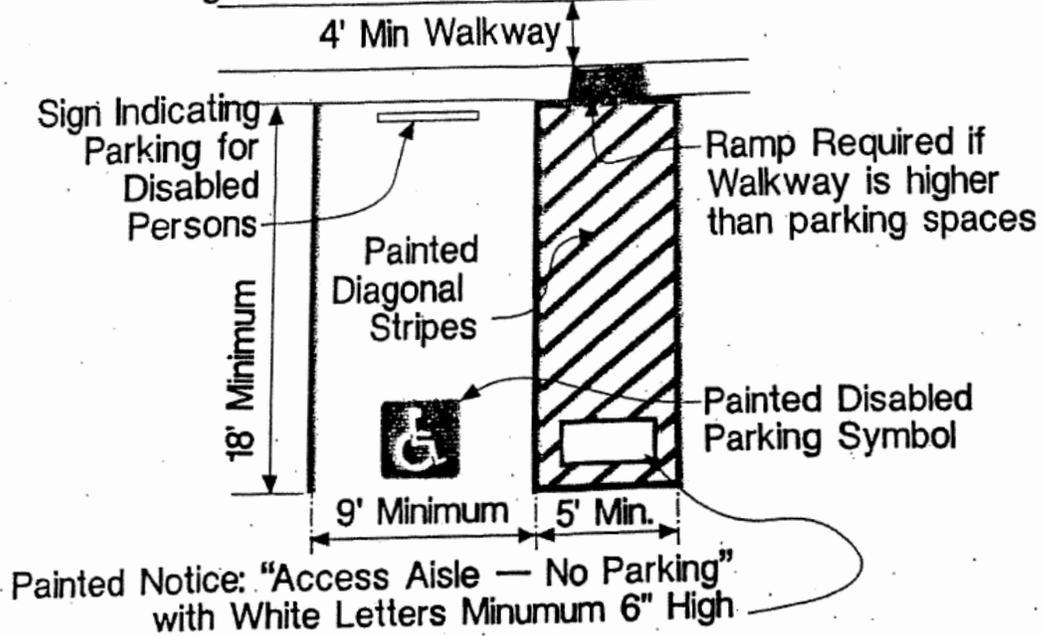
Current standards are to be met for new additions. At least one van accessible space will be provided.

[8/1/1994 – James E. Hartl, Director]

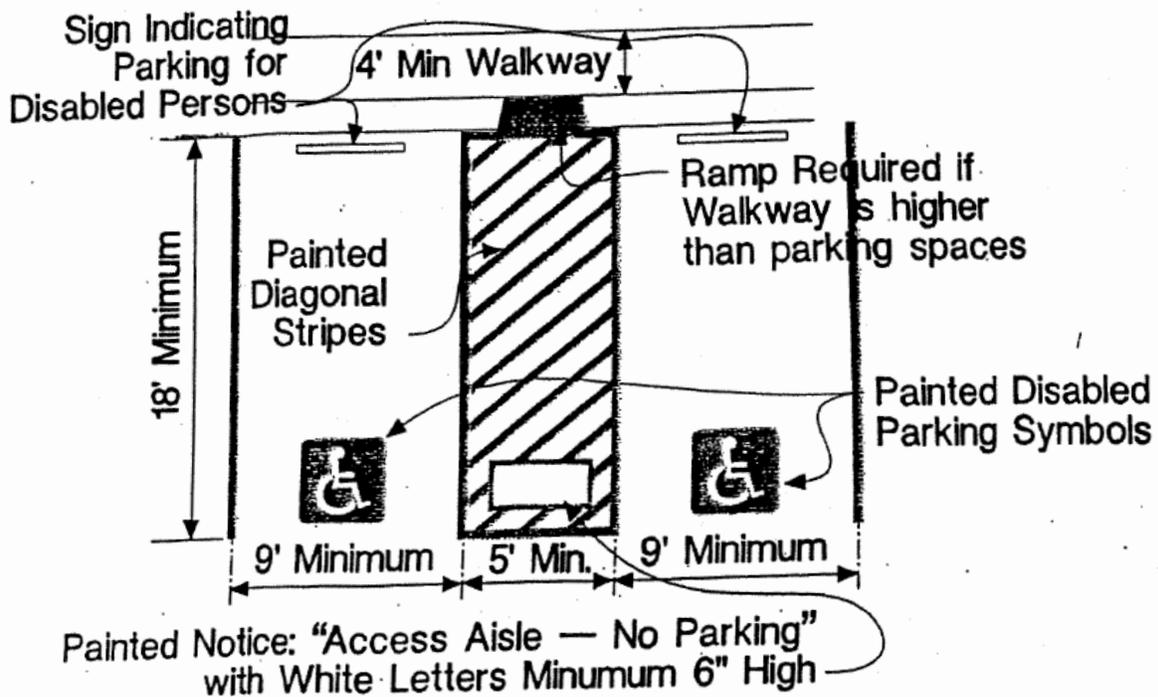


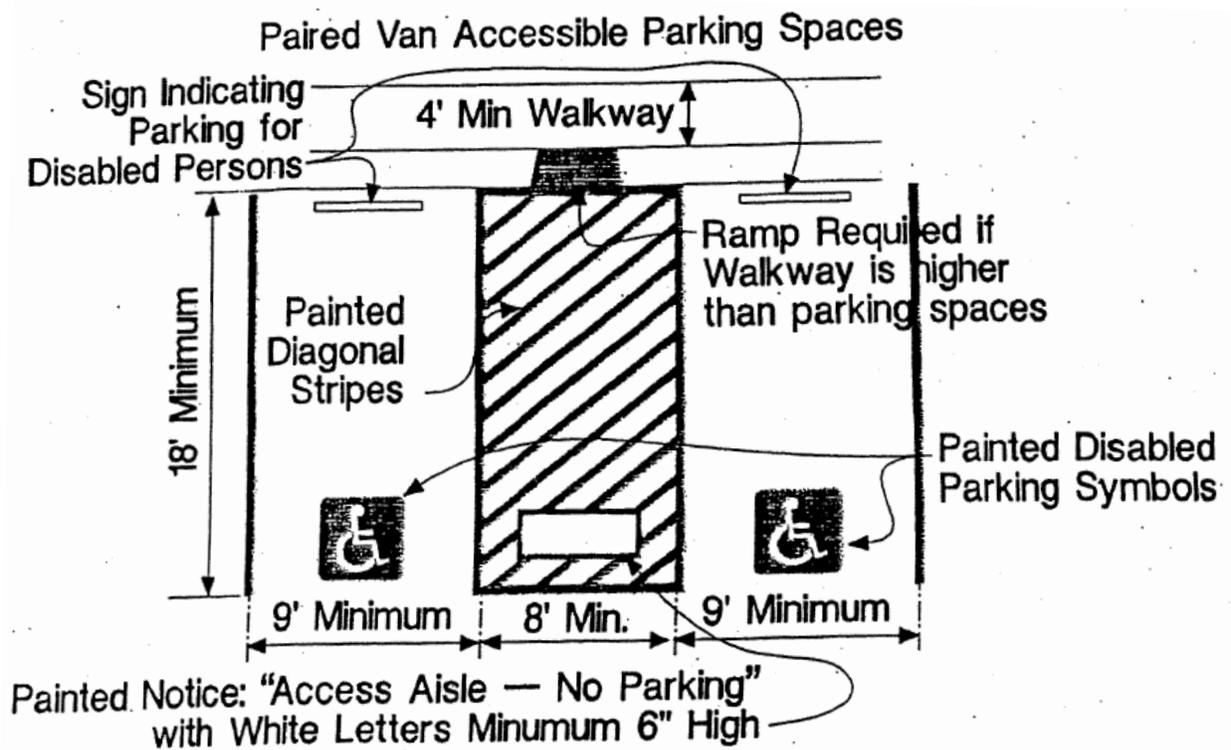
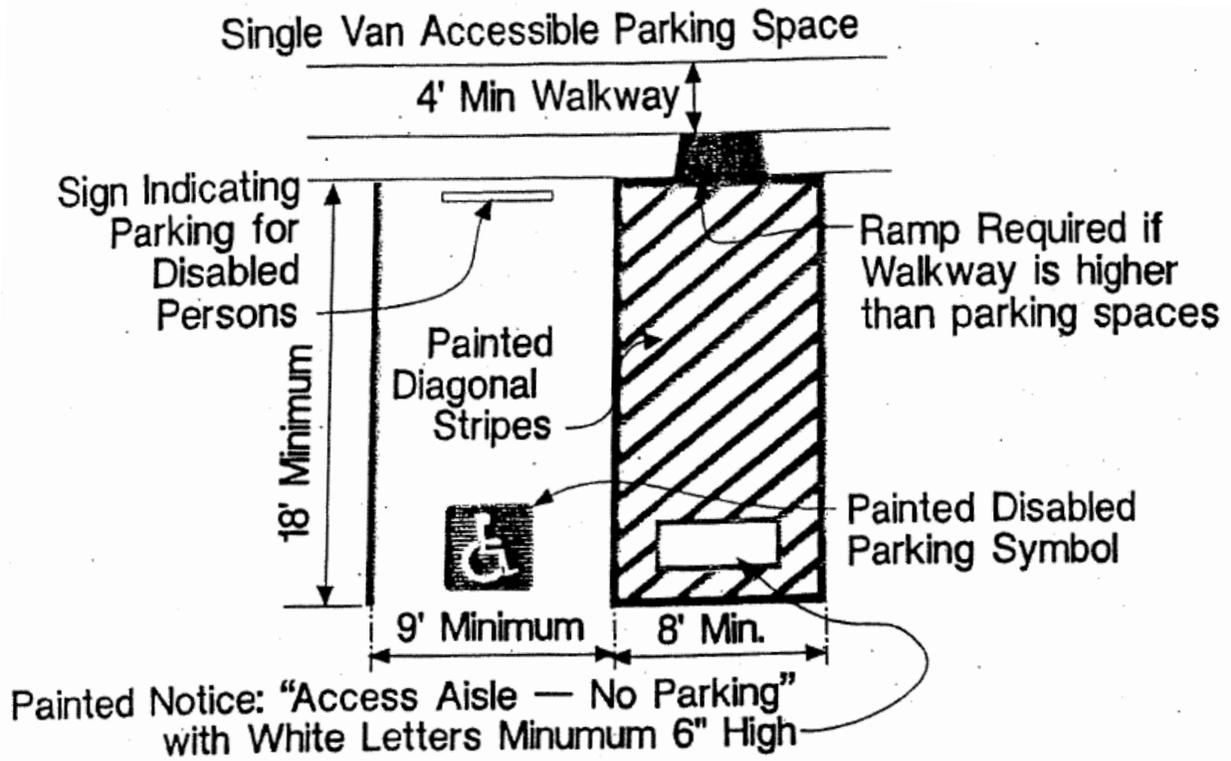
ACCESSIBLE PARKING SPACES FOR PERSONS WITH DISABILITIES

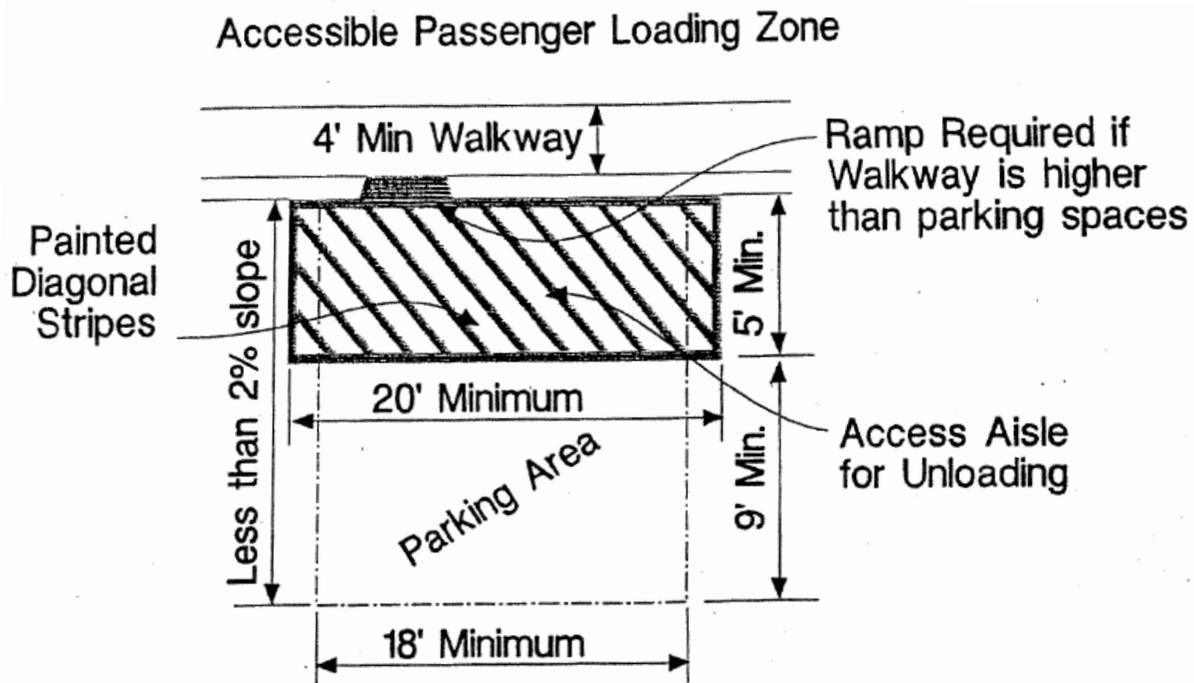
Single Standard Accessible Parking Space



Paired Standard Accessible Parking Spaces







Americans with Disabilities Act: Restriping Parking Lots for Accessible Parking Spaces

Reference: Section 22.52.1070; ADA Standards for Accessible Design (28 CFR Part 36):

Q: What are the guidelines for to make a parking lot ADA-compliant?

A: When a business restripes a parking lot, it must provide accessible parking spaces as required by the ADA Standards for Accessible Design.

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access existing parking lots when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases.

This ADA Business Brief provides key information about how to create accessible car and van spaces and how many spaces to provide when parking lots are restriped.

Accessible Parking Spaces for Cars

Accessible parking spaces for cars have at least a 60-inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces are identified with a sign and located on level ground.

Van-Accessible Parking Spaces

Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans:

- a wider access aisle (96") to accommodate a wheelchair lift;
- vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and
- an additional sign that identifies the parking spaces as "van accessible."



(Illustration showing a van with a side-mounted wheelchair lift lowered onto a marked access aisle at a van-accessible parking space. A person using a wheelchair is getting out of the van. A dashed line shows the route from the lift to the sidewalk.)

One of eight accessible parking spaces, but always at least one, must be van-accessible.

Minimum Number of Accessible Parking Spaces

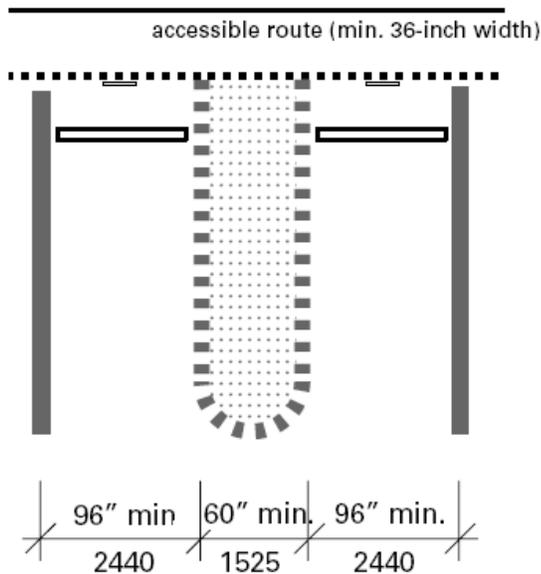
ADA Standards for Accessible Design 4.1.2(5)

Total Number of Parking Spaces Provided (per lot)	(Column A) Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van-Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**

* one out of every 8 accessible spaces ** 7 out of every 8 accessible parking spaces

Features of Accessible Parking Spaces for Cars

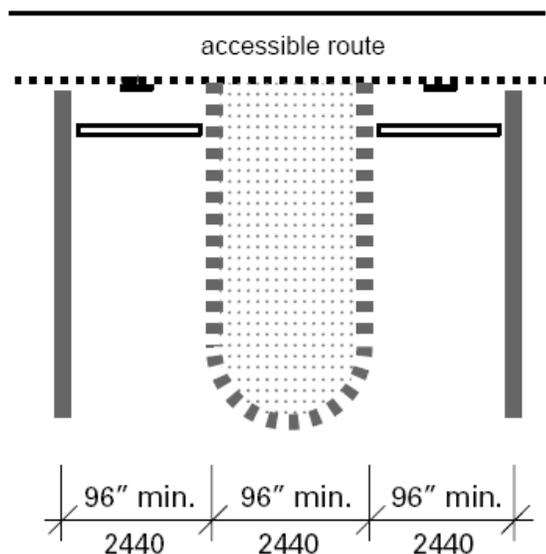
(Plan drawing showing an accessible parking space for cars with a 96 inch wide designated parking space, a 60 inch wide min. marked access aisle and the following notes)



- **Sign with the international symbol of accessibility** mounted high enough so it can be seen while a vehicle is parked in the space.
- If the accessible route is located in front of the space, install wheelstops to keep vehicles from reducing width below 36 inches.
- **Access aisle of at least 60-inch width must be level (1:50 maximum slope in all directions)**, be the same length as the adjacent parking space(s) it serves and must connect to an accessible route to the building. Ramps must not extend into the access aisle.
- **Boundary of the access aisle must be marked.** The end may be a squared or curved shape.
- Two parking spaces **may share an access aisle.**

Three Additional Features for Van-Accessible Parking Spaces

(plan drawing showing a van-accessible parking space with a 96 inch wide designated parking space, a 96 inch wide min. marked access aisle and the following notes)



- **Sign with "van accessible"** and the international symbol of accessibility mounted high enough so the sign can be seen when a vehicle is parked in the space
- **96" min. width access aisle**, level (max. slope 1:50 in all directions), located beside the van parking space
- **Min. 98-inch-high clearance** at van parking space, access aisle, and on vehicular route to and from van space

Location

Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances. When accessible parking spaces are added in an existing parking lot, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least 3- feet wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.

Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the 98-inch minimum vertical height requirement).

Free Technical Assistance

Answers to technical and general questions about restriping parking lots or other ADA requirements are available by telephone on weekdays. You may also order the ADA Standards for Accessible Design and other ADA publications, including regulations for private businesses or State and local governments, at any time day or night. Information about ADA-related IRS tax credits and deductions is also available from the ADA Information Line.

Department of Justice
ADA Information Line
800-514-0301 (voice)
800-514-0383 (TTY)

ADA Website and ADA Business Connection

You may also review or download information on the Department's ADA Internet site at any time. The site provides access to the ADA Business Connection and the ADA design standards, ADA regulations, ADA Policy Letters, technical assistance materials, and general ADA information. It also provides links to other Federal agencies, and updates on new ADA requirements and enforcement efforts.

Website address: www.usdoj.gov/crt/ada/adahom1.htm

Reference:

ADA Standards for Accessible Design (28 CFR Part 36):
§ 4.1.6 Alterations;
§ 4.1.2 Accessible Sites and Exterior Facilities: New Construction,
§ 4.1.6 Parking and Passenger Loading Zones, and
§ 4.3 Accessible Route

[10/2001 by the Disability Rights Section, Civil Rights Division, U.S. Department of Justice]

Bakery and 7-11 Type Convenience Stores and On-site Food/Drink Consumption

Reference: 22.52.1100

Q: When does a bakery or 7-11 type store stop being a retail, carry-away-sales location and become an on-site eating establishment? (The distinction is important because of parking requirement differences.)

A: 1. Section 22.52.1100 (Parking for commercial areas) indicates that a bakery which sells carry-away products must have " . . . one automobile parking space plus adequate access thereto for each 250 square feet of floor area of any building or area so used."

2. Section 22.52.1110 (Parking for entertainment, assembly and dining) says:

A. . . . every structure used for . . . drinking, eating . . . shall provide one or more automobile parking spaces . . .

1. . . . for each three persons based on the occupant load as determined by the county engineer. These uses include but are not limited to . . .

. . .

b. Dining rooms, cafes, cafeterias, coffee shops, nightclubs, restaurants, and other similar uses, . . .

2. For each 750 square feet for an eating establishment selling food for offsite consumption and having no seating or other areas for on-site eating where expressly allowed by a parking permit approved in accordance with Part 7 of Chapter 22.56.

B. A business establishment, other than that described in subsection A.2 of this section containing a use or uses enumerated in this section shall be subject to a minimum of 10 automobile parking spaces."

1. If a bakery or 7-11 type establishment sells a cup of coffee and/or donut, etc., has no place to sit down and eat or drink, and has a parking permit per part 7 of Chapter 22.56, then parking is required at one space/250 square feet.

2. Without a parking permit, conclusion 1. above would be changed to require a minimum of 10 parking spaces, or one space for each three persons based on the occupant load.

3. A bakery or other establishment which sells retail carry-away items (e.g., the store could not sell a cup of coffee) would require parking at one space/250 square feet. A parking permit would not be required.

[10/28/1991 – Rudy Lackner, Land Use Regulations]

History of Parking Provisions for Eating Establishments

Reference: 22.52.1110

Q: What were the parking requirements for restaurants and other eating establishments in the Zoning Ordinance?

A: The history of parking requirements for eating establishments is described in chronological order as follows:

Prior to 1941:

Nothing in the earlier Zoning Ordinances addressed parking or storage of automobile vehicles in commercial zones at all.

April 17, 1941 to January 11, 1950:

According to 1944, 1946, and 1948 Zoning Ordinances:

Section 41 Zone C-1 Regulations: "Conditions under which the use described in Section 40 are permitted to be erected, constructed, or established in Zone C-1 as follows:

...

(d) That provision be made for free off-street automobile storage or parking space sufficient in area to accommodate the automobiles of the operators and patrons of any such commercial use."

Same rules applied for Zones C-2, C-3, C-4, M-1, M-2 and M-3.

(No required numbers of spaces for each type of business were given except for public assembly uses, but dining/drinking establishments were not defined as public assembly, and no entertainment was allowed in conjunction with a café or restaurant)

January 12, 1950 to July 26, 1958:

Zone C-H (if a dining establishment is located within a hotel or motel)

Zone C-1 to C-4 – all parking requirements must comply with Zone P (Section 260-261)

No numbers were given for different types of commercial businesses. Generally, for most commercial zones:

"...an area not less than the area otherwise used for a use not permitted in Zone R-4, except in the case of electrical substations and similar public utilities in which there are no offices or other places visited by the public, is developed and used for the parking of motor vehicles in conjunction with such other use. Such area used for parking shall be developed and used as provided in Section 261."

Section 261 only provides requirements for paving materials, fences and walls, and lighting.

July 27, 1958 to September 21, 1970:

"Section 749. Other Commercial Uses.

"Except as otherwise provided in this Article, every lot or parcel of land which is used for a **use permitted in Zone C-4 but not permitted in Zone R-4**, ... shall have on the same lot or parcel of land, an area equal to the area so used, which area shall be developed and used for the parking of motor vehicles in conjunction with such other use. Such area also shall be of sufficient size so that it contains **one** automobile storage space plus adequate access thereto for each **four hundred square feet of floor area** of any building or structure so used."

September 22, 1970 to December 17, 1970 (urgency) and December 18, 1970 to January 1, 1981:

Section 745.5 was added to the Code, effective 9/22/70 as an urgency ordinance and 12/18/70 as permanent ordinance. *This is the first addition that specifically distinguishes assembly, entertainment and dining uses from other commercial uses for parking. It lists the same provisions as 703.11 above, except that the wording started with “Every structure used for amusement, assembly, drinking, eating,....”* Section 745.5 was renumbered to 703.11 in 1977.

Section 745.5. Parking – Entertainment and Dining.

Every structure used for amusement, assembly, drinking, eating or entertainment shall provide on the same lot or parcel one (1) or more automobile parking spaces:

“a. for every **45 square feet** of floor area for uses where **seats are not fixed**, including but not limited to:

...

2. Dining rooms, cafes, cafeterias, coffee shops, nightclubs, restaurants and other similar uses;

3. Drinking establishments, bars, cocktail lounges, night clubs, soda fountains, tasting rooms, taverns, and other similar uses;

...

b.Where benches, pews or **seats are fixed**, one (1) automobile parking space shall be provided for **each three (3) fixed seats**. Each eighteen (18) inches of fixed bench shall be the equivalent of one seat.

A business establishment containing a use enumerated in this section shall be subject to a **minimum of ten (10) parking spaces.**”

January 2, 1981 to October 13, 1983:

Section 703.11 was amended (as underlined) to read:

Parking – Assembly, Entertainment and Dining

“Except as otherwise provided in this Article, every structure used for amusement,....”

October 14, 1983 to October 15, 1988:

Section 22.52.1110 was added to the Code and became effective on 10/14/1983. All the provisions were the same as above (1970-1983).

October 16, 1988 to present:

Section 22.52.1110 Entertainment, assembly and dining (including: dining rooms, cafes, cafeterias, coffee shops, nightclubs, restaurants, bars, cocktail lounges, soda fountains, tasting rooms, taverns, and other similar dining/drinking establishments)

- 1 space for every 3 persons based on occupant load for on-site consumption
- 1 space for every 250 square feet for off-site consumption
- Minimum 10 spaces for other uses

[12/29/2005 –Ordinance Studies]

Assembly Use Parking Requirements

Reference: 22.52.1110

Q: How is occupancy load computed to determine the number of required parking spaces for assembly uses?

A: Ordinance 83-0161, effective October 14, 1983, modified the Los Angeles County Code Title 22 - Planning and Zoning, to require that the number of required parking spaces for various assembly uses be based on the occupant load as determined by the County Engineer.

The attached instructions and form have been developed to implement the ordinance. The instructions delineate all pertinent information and give examples to guide both the public and Building and Safety staff in determining occupant load and completing the form.

Request to determine occupant load for parking purposes will be handled as follows:

- Building and Safety personnel will receive three copies of the conceptual plans and one copy of Form A with the applicant's portion completed.
- Every effort should be made to process the application at the public counter. Only complex or unusual cases should be taken in for review.
- Determine the minimum design occupant load for each area (including offices, bar, kitchen, etc.) per Chapter 33 requirements and complete Form A per instructions.
- Place the "Determination of Assembly Occupant Loads - Parking" stamp on each of the three conceptual plans and complete required information. Return the forms and two stamped plans to the applicant. Keep one plan and a xerox copy of completed Form A on file.

During the building plan review process, the plan checker is responsible for verifying that the building plans, plot plan, etc. are in compliance with the final Regional Planning determination/approval of required parking.

Instructions for determining parking requirements for assembly uses:

The Los Angeles County Planning and Zoning Code (Title 22) now designates parking requirements for certain uses based on the occupant load of those uses as determined by the County Engineer. These uses are a) churches, temples, and other places of worship, where one parking space is required for each five persons based on the occupant load of the largest assembly area, and b) entertainment, assembly and dining establishments, where one parking space is required for each three persons based on the total occupant load of all portions of such establishments dedicated to, and supporting such uses. The lone exception is eating establishments selling food for off-site consumption where parking is approved by planning using other criteria.

In order to complete the review of plans submitted to Regional Planning, the occupant load of assembly and accessory areas designated on the plans must be determined. The applicant must bring 3 sets of plans and plot plan, labeled Parking Exhibit A, to the Building and Safety public counter located in the applicant's area along with a completed Form A, with copy attached.

The occupant load of an assembly use is determined by a combination of the following:

1. Minimum occupant load for determining egress, access, use requirements, etc., per Table 33A of the Building Code.
2. Maximum permitted occupant load in excess of Table 33A minimum requirements) based on exiting, ventilation, type of construction, sewer capacity, Fire Code, Health Code, etc.
3. The desires of the owner/tenant (but not to exceed maximum allowable per item 2).

The approved occupant load usually falls somewhere between the upper and lower limits of items 1 and 2.

Example: John Doe is renting 2000 sq. ft. of floor area in an existing commercial building (Type VN Construction I-story). He plans a 1000 sq. ft. kitchen and a 1000 sq. ft. dining area with two legal exits.

1. The minimum design occupant load per. Table 33A is $1000/15 = 65$ for the dining area plus $1000/200 = 5$ for the kitchen for a total of 70.
2. The maximum permitted occupant load (Group A-3) would be 300, based on Type of Construction.
3. Assume the building complies or may be reasonably made to comply with various code and agency requirements.

The County Engineer could approve any occupant load between 70 and 300 for the proposed restaurant use. The precise number must be determined by the applicant who will then be responsible for obtaining all necessary plan approvals, including parking requirements, for that occupant load. If the applicant is unable or unwilling to make a determination, the occupant load will be set by the County Engineer at the minimum design occupant load.

The applicant should be aware that the determination of occupant load for parking purposes by the County Engineer does not constitute approval for use of the structure for said purposes or number of occupants. The applicant must still obtain plan approval, permits and inspection approvals from all applicable agencies including Building and Safety, prior to the start of any construction and/or occupancy of the building or portion thereof.

Table 33A of the Building Code specifies the following determining minimum design occupant load:

USE	SQ FT. PER OCCUPANT
Assembly Area, Concentrated Use (without fixed seats)	7
Auditoriums	
churches and chapel	7
dance floors	
lodge rooms	
Reviewing Stands	
Stadiums	
Assembly Areas, Less - Concentrated Use	15
Conference Rooms	
Dining Rooms	
Drinking Establishments	
Exhibit Rooms	
Gymnasiums	
Lounges	
Stages	
Kitchen - Commercial	200
Storage Areas	300
Office Areas	100

Section 3301(d) of the Building Code provides the following:

Determination of Occupant Load. The occupant load permitted in any building or portion thereof shall be determined by dividing the floor area assigned to that use by the square feet per occupant asset forth in Table 33A.

EXCEPTIONS:

1. The occupant load of an area having fixed seats shall be determined by the number of fixed seats installed. Aisles serving the fixed seats and not used for any other purpose shall not be assumed as adding to the occupant load.
2. The occupant load permitted in a building or portion thereof may be increased above that specified in this section if the necessary exits are provided. An approved aisle or seating diagram may be required by the building official to substantiate an increase in occupant load.

If the floor plan shows an outside eating area -include it in determining the total occupant load.

This information should be used by the applicant to work out a proposed occupant load, compatible with available parking, prior to going to Building and Safety.

[12/30/1986 – Don Wolfe, Department of Public Works]

Clarification of WECS-N Ordinance

Reference: 22.52.1620

Q: How is “non-commercial” defined, and what are the case processing procedures for a WECS-N application?

A: There are several clarifications for policy issues that have arisen relating to the Wind Energy conversation System – Noncommercial (WECS-N) Ordinance as cases have been filed and processed. These guidelines should help facilitate the intake and processing of these cases. In addition, these procedures are consistent with our Green Building concept by encouraging people to use alternative energy sources.

1. Definition of Noncommercial

Although the intent on the WECS-N Ordinance is that the “N” describes the noncommercial use of the turbine, it has been interpreted to describe the use of the land. The Ordinance states WECS-N shall be permitted “on agriculturally and residentially zoned lots in unincorporated areas of Los Angeles County to encourage the generation of electricity for on-site use.” The definition of “on-site” use is to be interpreted that the electricity will be used on the subject property and not sold for use elsewhere. If the property is to be used for agriculture use a single-family residence is not required on the subject property. However, the applicant should provide the function of the turbine, i.e. powering a generator for landscaping, etc.

2. Environmental review of WECS-N

The environmental determination of all WECS-N will not be determined at the time of submittal; the case shall be taken in for processing without an environmental determination. The case planner shall determine if the case is categorically exempt, or if an initial study is required. If an

initial study is required the initial study fee shall be collected before the case processing can be completed.

In reviewing the WECS-N application, the case planner shall consider Section 15303 of the CEQA Guidelines which allows for a Class 3 Categorical Exemption for "...construction and location of limited numbers of new, small facilities or structures..." An example of such an exemption includes but is not limited to: "...Accessory (appurtenant) structures..." This exemption has qualifications or exceptions which are described in Section 15300.2 and include such things as impacts on particularly sensitive environments, scenic highways and historic resources. The exemption may not be appropriate if the tower is proposed in an SEA, adjacent to a scenic highway, etc. In most instances the "small scale" wind turbines, 35 feet in height or less, shall qualify for a Class 3 Categorical Exemption.

3. Permit processing fees

Currently an applicant is required to pay \$967 for a minor conditional use permit to obtain approval for a WECS-N. The Department of Regional Planning sends out notices to property owners within 300 feet (1,000 feet in the Fifth District). If fewer than two requests for public hearing are received, the Director can approve the minor CUP if it complies with the findings of 22.56.090 and the standards of Part 15 of Chapter 22.52. However, for a decision to be made on the project where two or more requests for a public hearing have been received, an additional \$4,402 must be submitted by the applicant if he or she wants to have the CUP considered at a public hearing.

Section 22.60.120.B of the County Code, relating to refunding of fees or deposits, can be applied here. If the applicant wants to withdraw the application after being notified that there were two or more requests for public hearing, a partial refund could be given to the applicant. Section 22.60.120.B states "one-half of the fee shall be refunded if the case is withdrawn after the preparation and mailing of the notice of completeness, but prior to publication of the notice of hearing or prior to ex parte action by the hearing officer." If the applicant withdraws the application after they are notified a public hearing is required they would qualify for one-half refund, or \$483.50.

4. Definition of "safe clearance"

Section 22.52.1620.A.3.c. of the Ordinance requires safe clearance be provided between a WECS-N or Temp Met Tower and all structures and trees. The safe clearance is further clarified as:

- The required distance between the WECS-N or Temp Met Tower and any residential structure shall be the distance which is equivalent to the height of the facility, including any wind turbine generator, wind-measuring devices, and the highest vertical extent of any blades, provided that the required distance shall also comply with any applicable fire setback requirements pursuant to section 4290 of the Public Resources Code.
- The safe clearance between a WECS-N or Temp Met Tower and any structure (other than a residential structure) shall be a minimum of six feet.
- The safe clearance between a WECS-N or Temp Met Tower and any trees shall only be as required by the Fire Department.

5. Climbing apparatus

Section 22.52.1620.A.4.c. of the Ordinance requires all climbing apparatus to be located at least 12 feet above ground, and the tower must be designed to prevent climbing within the first 12 feet. If the tower is constructed so that it can be climbed within the first 12 feet, fencing is required around the tower. The fence shall be a minimum of five feet in height and can be

constructed of cement block, woven or welded wire, chain link, wrought iron, metallic panels or similar materials approved by the Director. A barb wire fence or barb wire wrapped around the base of the tower is not permitted.

6. Certificate of Compliance

Although a Certificate of Compliance (COC) is not directly related to a WECS-N approval, applicants are often notified a COC is required on the property and adds to the length of the project. It is the property owner's responsibility to discover if a certificate of compliance is required. If the parcel is depicted with dashed lines on the assessor's map, it is indicative that a COC is required. If the Land Development Coordinating Center (LDCC) already has this information on the property they should relay the COC number to the applicant. However, in some cases it is unclear if a COC is required after LDCC has researched the property. If this is the case, it is the applicant's responsibility to do a preliminary title search on their own to determine if a COC is required. If a COC has already been obtained, the applicant should submit that information along with their application.

An alternative is that the applicant files a COC with the Land Development Research Center and they will do the title search upon submittal of the \$1,520.00 filing fee. However, if the search reveals a COC was previously issued on the subject property, the applicant would only receive a partial refund as significant research has already been completed on the case.

If a COC is required on the property, it can be done concurrently as the processing of the WECS-N case. However, the COC needs to be completed before the approval of the Exhibit "A" approving the project.

[7/26/07 – Ordinance Studies]

Accessory Electrical Generation Devices

Reference: 22.52.1640 and Part 15 of Chapter 22.52

Q: Are electrical generation devices permitted as an accessory use?

A: The following statement addresses the use of accessory electrical generation devices which can be considered as accessory to a primary use and do not constitute a generation plant which would require a CUP.

An example of this type of accessory generation device would be an electrical generating windmill on agricultural property where agricultural activities are taking place in addition to a residence. While the electricity will be primarily consumed onsite, some excess power could be sold to the electric utility to off-set electricity consumed when the demand for power exceeds the generation capacity of the windmill or the windmill is not generating electricity. Clearly, one windmill in this situation does not create a "plant" or a "wind farm."

Another example is a hardwood molding manufacturer in an industrial zone who installs a cogeneration device that burns scrap wood to generate electrical power for use in the manufacturing process. The device in this example uses a gasification process, generates about 200 KW and occupies about 400 square feet of space. Clearly, this device is not a "plant" and can be considered accessory to the manufacturing process.

In light of the recent electrical power problems, many different proposals for electrical generating devices may come up. One deciding factor to make this determination:

A generation plant would be a principal use. According to Webster, a plant is defined as "Tools, machinery, buildings, grounds, etc. of a factory or business," in other words, the principal activity. Whereas an accessory use as defined in our ordinance is "a use customarily incidental to related and clearly subordinate to a principle use established on some lot or parcels of land..." Both examples clearly meet the definition of accessory use as stated in the ordinance.

Any device would have to meet the standards of the zone, including the height limit, the specifications of the utility company, and, in the case of cogeneration devices, air quality standards. Finally, a plot plan will be required. Please inform any applicant that staff reserves the right to review the actual plot plan before making a final determination that the device is actually accessory to the primary use.

[3/1/2001 – John Hartman]

Density Bonus and Housing Permits

Reference: Part 17 of Chapter 22.52; Part 18 of Chapter 22.56

Q: What is a Housing Permit? Are there different types?

A: The Housing Permit (Part 18 of 22.56) was established to implement the County's density bonus provisions in (Part 17 of 22.52) of Los Angeles County Code. The density bonus provisions, in part, implement Section 65915 of the California Government Code. There are three types of housing permits:

Administrative Housing Permit: Requires a staff-level review. Applies to the granting of any of the following: density bonuses for qualified projects of five dwelling units or more with affordable housing, senior citizen housing, land donations and/or childcare facilities; parking reductions; on-menu affordable housing incentives; density bonuses and affordable housing incentives for projects of four dwelling units or less that participate in the CDC Infill Sites Program.

Administrative Housing Permit, Off-Menu: Same as Administrative Housing Permit, with the exception of on-menu incentives. Requires a staff-level review, with the determination subject to appeal by any interested person to the RPC or to be called up for review by the RPC, but through a limited procedure, with the decision of the RPC being final.

Discretionary Housing Permit: Requires a discretionary review and a public hearing before the RPC, with the determination subject to appeal by any interested person to the Board of Supervisors. Applies to the granting of requests for any of the following: waivers or modifications to development standards; the senior citizen housing option; affordable housing option.

Q: How does an applicant qualify for a density bonus? [22.52.1830]

A: An applicant is eligible for a density bonus if the project is five dwelling units or more, and includes a specified percentage of affordable housing, market-rate senior citizen housing, or

land donations for affordable housing. An applicant with a project of four units or less is eligible for a density bonus if the project is sponsored by the CDC Infill Sites Program.

Q: What is the difference between an “incentive,” “parking reduction” and a “waiver or modification to a development standard”?

A: While there is overlap between incentives, parking reductions (specified in Section 22.52.1850), and waivers or modifications to development standards, they are different provisions, and can be used in conjunction with one another.

Parking reduction: The parking rates specified in Section 22.52.1850 apply to all units within qualified projects, except for cases in which the parking provisions in Title 22 are more generous. If an additional parking reduction is needed, it can be requested as an on or off-menu incentive, or as a waiver or modification to a development standard.

Incentive: Incentives, as described in Section 22.52.1840, only apply to qualified projects that include affordable housing set-asides. A qualified project is eligible for one to three incentives. Incentives are granted on a sliding scale. If the qualified project includes a childcare facility, it is entitled to an additional incentive. On and off-menu incentives are granted through a staff-level review, although they are subject to different procedures.

Waiver or modification to a development standard: Waivers or modifications to development standards, as described in Section 22.52.1860, apply to all qualified projects, and can be requested on an as-needed basis for all qualified projects. Waivers or modifications to development standards are granted through a discretionary review.

Q: How does the menu of incentives work? What is the procedure for granting off-menu incentives? [22.52.1840]

A: The menu of incentives is a recommended list of incentives; however, the applicant can request an incentive off-menu, as well. In either the case of a request for an on-menu or off-menu incentive, the staff must determine that the incentive contributes to the long-term affordability of the housing set-asides, and that the incentive would not have an adverse impact upon public health, safety, physical environment, or real property listed in the California Register of Historical resources.

Q: Can the County prohibit what types of incentives or waiver or modification to development standards an applicant can request?

A: No. All requests for incentives or waivers or modification to development standards must be considered, and can only be denied based on limited criteria. The state density bonus law is clear that a local government will face considerable penalties if it refuses to grant qualifying incentives or waivers or modifications of development standards.

Q: Can incentives be used to trump prohibited uses or building types?

A: No. The Housing Permit cannot trump underlying prohibited uses and building types. For example, a residential project in an R-1 zone can qualify for a density bonus, but single-family provisions in R-1 still apply. In another example, a Housing Permit cannot be used to build residential uses in an industrial zone.

In the case of uses subject to permit, the applicant still needs to obtain the necessary entitlements for that project. In another example, a conditional use permit for a residential use in a commercial zone is still required.

Q: What are the appropriate bases by which the County could deny requests for incentives? [22.56.2730]

A: Requests for incentives can be denied for two reasons: 1) the incentive does not contribute to the long-term affordability of the housing set-asides; 2) the incentive would have an adverse impact upon public health, safety, physical environment, or real property listed on the California Register of Historical resources.

Q: Do senior citizen housing developments have to be affordable in order to qualify for the senior citizen development density bonus provisions?

A: No. “Senior citizen housing development,” which is defined in Section 51.3 of the CA Civil Code as a housing development that consists of age-restricted units—which means that the development could be market-rate—is entitled to a capped 20% density bonus. Senior citizen housing developments must consist entirely of age-restricted for senior citizens. If the senior citizen housing development contains affordable units, the project is entitled to the same density bonuses and incentives as non aged-restricted projects with affordable housing set-asides.

Q: What if the project is eligible for density bonuses for senior citizen housing and affordable housing?

A: Where a qualified project is eligible for both, the provisions for affordable housing shall apply.

Q: What is the senior citizen housing option? [22.52.1870]

A: The senior citizen housing option allows qualified projects that provide a minimum 50% senior citizen housing set-aside, up to a 50% density bonus through a discretionary housing permit. The set-asides provided through the senior citizen housing option must adhere to the provisions set forth in Section 51.3 of the CA Civil Code (ie., the senior citizen housing development shall be at least 35 units) and state and federal fair housing laws (ie., the senior citizen housing development provided as the set-aside for the overall development shall consist entirely of age-restricted units).

Q: What is the affordable housing option? [22.52.1880]

A: The affordable housing option allows for qualified projects that include an affordable housing set-aside to request a greater density bonus, or incentives that do not contribute to maintaining the affordability of the housing set-aside units, as well as the transfer of density bonuses and incentives, through a discretionary housing permit. The affordable housing option was created to consider qualified projects that may not meet such qualifications, but may provide desirable design features or amenities or be justified for social or other economic reasons, as well as to provide more options for qualified projects that may not have an incentive available to request a higher density bonus.

Q: How do density bonuses and incentives work in conjunction with Community Standards Districts (CSDs)?

A: The density bonus provisions in Title 22 apply to all areas that allow residential uses, including areas covered by CSDs. Where a qualified project falls within an area covered by a CSD, the density bonuses, parking reductions, incentives and waivers or modifications to development standards provided through a Housing Permit shall be calculated and applied to the underlying standards and requirements specified in the CSD.

Q: Can there be instances in which more than 35% density bonus can be granted (or in the case of senior citizen housing developments, more than 20%)? Can Housing Permit density bonuses be cumulative?

A: Yes; however, Housing Permit density bonuses are not cumulative. For example, if a project consists of qualifying housing set-asides for more than one level of affordability i.e., very-low income and lower income, the applicant must choose the level of affordability from which the density bonus and incentives are calculated.

The following are circumstances in which Housing Permit density bonuses can be larger than 35% (or 20% in the case of senior citizen housing developments):

- A qualified project includes a child care facility and the applicant requests an additional density bonus.
- A qualified project includes an on-menu request for a 50% density bonus.
- A qualified project includes an off-menu request for a larger density bonus.
- An applicant opts for up to a 50% density bonus through the senior citizen housing option (Discretionary Housing Permit).

An applicant opts for a larger density bonus through the affordable housing option (Discretionary Housing Permit).

Q: What if the applicant qualifies for density bonuses and incentives that can be granted through an Administrative Housing Permit, but also needs to apply for other discretionary entitlements? [22.56.2700]

A: The Regional Planning Commission can consider Administrative Housing Permits concurrently with other discretionary entitlements, as described in 22.56.2700, but must adhere to the requirements for the administrative procedures and cannot exercise discretion over the granting of the density bonus, and related incentives, etc.

Q: What is the procedure for processing a request for a fee waiver as an off-menu incentive? [22.52.1840.C]

A: The applicant can ask for a fee waiver not specified on the menu of incentives, but must first go through the Board of Supervisors to have the item agendaized and the fee waiver publicly approved before the fee waiver can be granted as an incentive.

Q: How are density bonuses and incentives granted? [22.52.1830 Tables A and B]

A: Density bonuses and incentives shall be granted, as described in the tables below:

Set-Aside	Density Bonus	Incentives
Lower 80% AMI	(+1.5%)	1-3
10% (min.)	20%	1
11%	21.5%	1
12%	23%	1
13%	24.5%	1
14%	26%	1
15%	27.5%	1
16%	29%	1
17%	30.5%	1
18%	32%	1
19%	33.5%	1
20%	35%	2
21%	35%	2
22%	35%	2
23%	35%	2
24%	35%	2
25%	35%	2
26%	35%	2
27%	35%	2
28%	35%	2
29%	35%	2
30%	35%	3
...	35%	3

Set-Aside	Density Bonus	Incentives
Very Low 50% AMI	(+2.5%)	1-3
5% (min.)	20%	1
6%	22.5%	1
7%	25%	1
8%	27.5%	1
9%	30%	1
11%	35%	2
12%	35%	2
13%	35%	2
14%	35%	2
15%	35%	3
16%	35%	3
17%	35%	3
18%	35%	3
19%	35%	3
20%	35%	3
...	35%	3

Set-Aside	Density Bonus	Incentives
Moderate 120% AMI	(+1%)	1-3
10%(min.)	5%	1
11%	6%	1
12%	7%	1
13%	8%	1
14%	9%	1
15%	10%	1
16%	11%	1
17%	12%	1
18%	13%	1
19%	14%	1
20%	15%	2
21%	16%	2
22%	17%	2
23%	18%	2
24%	19%	2
25%	20%	2
26%	21%	2
27%	22%	2
28%	23%	2
29%	24%	2
30%	25%	3
31%	26%	3
32%	27%	3
33%	28%	3
34%	29%	3
35%	30%	3
36%	31%	3
37%	32%	3
38%	33%	3
39%	34%	3
40%	35%	3
...	35%	3

Land Donation	Density Bonus
Very Low 50% AMI	(+1%)
10%(min.)	15%
11%	16%
12%	17%
13%	18%
14%	19%
15%	20%
16%	21%
17%	22%
18%	23%
19%	24%
20%	25%
21%	26%
22%	27%
23%	28%
24%	29%
25%	30%
26%	31%
27%	32%
28%	33%
29%	34%
30%	35%
...	35%

*Land donation density bonuses can be combined with density bonuses for affordable housing set-asides, up to a maximum combined total of 35%.

[5/3/2007 – Housing Section]

Green Building Ordinance

Reference: Part 20 of Section 22.52.

Q: What are the Green Building Ordinance requirements? How are certain terms as found in the ordinance defined? How is a site plan reviewed for compliance with this Ordinance? And what projects are exempt from this Ordinance?

A: This memo provides interpretation of sections of the Green Building Ordinance. This memo responds to specific issues that were raised by the Land Use Regulation and Current Planning Divisions. This memo is necessary in order for planners to accurately and consistently advise applicants regarding the Ordinance's intent.

22.52.2110 Definitions

- Section 22.52.2110.H "First-time tenant improvement" is the initial improvement of the interior of a building or portion thereof, where the work requires a building, electrical, plumbing and/or mechanical permit.

This definition shall be clarified to mean the first time interior improvements made within a building where only the shell and core exist. The Green Building Ordinance will not apply to improvements of structures built for a change of use, redevelopment of interior spaces for human habitation, hotel/motel or lodging house, or refurbishment of currently improved spaces. Table 22.52.2130-1 lists requirements for first-time tenant improvements with a gross floor area of $\geq 10,000$ up to $\geq 25,000$ square feet. The gross floor square footage refers to the area of tenant improvement only, not the total building square footage.

- Section 22.52.2110.P "Project" shall mean the construction of any building, as defined in Title 22, or first-time tenant improvement, but shall exclude the remodel or addition to an existing building. If a site contains one or more separate buildings, each separate building shall comply with this Title 20.

This definition includes all new accessory structures, but Section 22.52.2160 exempts agricultural accessory buildings, which include barns, greenhouses, coops, corrals and pens. Other accessory buildings such as sheds, guest houses, pool houses, and second units do need to comply. Some accessory buildings, such as sheds without any mechanical, electrical or plumbing may not be able to comply with the County green building standards. However, per Section 22.52.2150, only the Director of Public Works can waive or modify the green building requirements, so any modifications to the requirements would happen at building permits stage. Therefore, depiction of the required green building elements or notes indicating intent to comply with the requirements must be placed on the site plan prior to approval.

22.52.2120 Applicability

- Section 22.52.2120.A.1 Any project where a complete building permit application was filed with Public Works prior to January 1, 2009.

The applicability exception is based on building permit filing date. Therefore, projects with approved discretionary permits or other types of entitlements would still be subject to Green Building requirements if the complete application for a building permit was not filed prior to the

effective date. A receipt from Building and Safety will be required when verifying whether or not a project meets this exception.

- Section 22.52.2120.A.3 Any project involving construction of single-family residences on lots created by a parcel map which created four or fewer residential lots, or any project involving a building permit for the construction of one single-family residence on a legal lot, in both cases where a complete building permit application was filed with Public Works prior to April 1, 2009;

If the lot was not legally created, a Certificate of Compliance must be approved and recorded prior to April 1, 2009 **and** a complete building application must be filed prior to April 1, 2009 for the project to receive this exception.

Any accessory buildings on a lot with a single-family residence must have complete building applications for the accessory buildings filed by January 1, 2009 to be exempt from the Green Building requirements, unless they are agricultural accessory structures. Only single-family residences are subject to the April 1, 2009 applicability date, all other projects were subject to requirements starting January 1, 2009.

- Section 22.52.2120.B Projects involving a subdivision map with single-family lots where the map was approved after the effective date would require the total lots in the subdivision to be the project number of lots for green building purposes.

Regional Planning staff will be responsible to determine whether the lot is within a tract map and the tentative approval date of the subdivision is in order to determine which provisions apply.

22.52.2130 Green Building Requirements

- Section 22.52.2130.C.3 All tank-type toilets installed in residential projects containing five or more dwelling units regardless of gross floor area....shall be high-efficiency toilets (maximum 1.28 gallons/flush).

If a project is proposing the construction of less than five dwelling units, then this requirement would not apply. If a subdivision proposes single-family lots and contains more than five dwelling units, pursuant to section 22.52.2120.B, this requirement shall apply.

- Section 22.52.2130.C.5
 - a. For each lot containing a single-family residence, a minimum of two 15-gallon trees shall be planted and maintained, at least one of which shall be from the drought-tolerant plant list. The satisfaction of this requirement may be used to fulfill other tree-planting requirements of this Title 22.
 - b. For each lot containing a multi-family building, a minimum of one 15-gallon tree shall be planted and maintained for every 5,000 square feet of developed area, at least fifty (50) percent of which shall be from the drought-tolerant plant list. The satisfaction of this requirement may be used to fulfill other tree-planting requirements of this Title 22.
 - c. For each lot containing a hotel/motel, lodging houses, and non-residential buildings, a minimum of three 15-gallon trees shall be planted and maintained for every 10,000 square feet of developed area, at least sixty-five (65) percent of which shall be from the drought-tolerant plant list. (underline added)

Two-family residences shall be treated like single-family residences for the purposes for the tree planting requirement. Section 22.52.2130.C.5.a shall dictate the requirement for two-family residences.

Lots containing more than one multi-family building, lots with multiple main residential buildings (i.e. detached condos), and lots containing one multi-family building and any other structure containing additional dwelling units shall use the ratio used for multi-family buildings. Section 22.52.2130.C.5.b shall dictate the requirements for these projects.

In regard to section 22.52.2130.C.5.c the word and should be treated as the word or. Only one of the listed uses must be applicable for the requirement to come into effect.

Section 22.52.2130.C.5 only allows the tree planting requirements to satisfy other tree-planting requirements within Title 22. Although the intention was to allow this requirement to count toward any tree-planting requirement that may apply to the project, as written, these trees cannot be used to fulfill the tree-planting requirements of Title 21.

- Section 22.52.2130.C.5.d.i If the lot size or other condition makes the planting of the required trees pursuant to subsection C.5 impractical in the opinion of the Director, the Director may approve the planting of the required trees off-site at twice the ratio than would otherwise be required by this subsection C.5....

Section 22.52.2150 provides the Director of Public Works with the authority to grant a waiver or modification to the requirements contained within Part 20. If Public Works grants said waiver or modification, the applicant must also submit the waiver or modification to Regional Planning for review with their site plan submittal, as Regional Planning is responsible for verifying compliance with section 22.52.2130.C.5 (Tree Planting).

- Section 22.52.2130.D Additional Green Building Requirements for certain projects after January 1, 2010. In addition to the green building requirements set forth in subsections C.1 through C.5, this subsection sets forth green building requirements for certain projects, described below, where the building permit application for such project is filed on or after January 1, 2010.

Public Works Building and Safety will determine the various procedures for when certification is achieved through the County or through third-party; however, the applicant should inform Building and Safety of their desired method of certification.

When a LEED AP is required as part of the design team, verification of this person's participation would take place by the Department of Public Works when the applicant is in the building design stage. This person will be responsible for completing the LEED Checklist indicating what points they are planning to obtain in the proposed design. This checklist is provided by Building and Safety upon the submittal of plans for building permit approval.

- Section 22.52.2130.D.4 For purposes of this subsection D, the determination of whether a project achieves the equivalency of LEED certification shall be based on the project's use of a defined subset of menu options as set forth in the green building technical manual.

The Department of Public Works (DPW) will be responsible for making the determination of LEED achievement as outlined above. Section 22.52.2150 provides the Director of Public Works with the authority to waive or modify the requirements of the Green Building Ordinance.

Section 22.52.2130.E provides the Green Building Taskforce with the responsibility for reviewing and recommending changes to the Green Building Technical Manual (Manual). The Manual was presented to the Regional Planning Commission during the public hearings regarding the Green Building Program. It can also be found on the Green Building Program website (<http://planning.lacounty.gov/green>).

22.52.2140 Site Plan Review

The County Green Building Standards, which are required on or after January 1, 2009, and the additional Green Building Requirements, which are required on or after January 1, 2010, are detailed in Table 22.52.2130-1. Per Section 22.52.2140, applicants shall clearly depict or list any green building elements that are to be incorporated into the project. Department of Regional Planning (DRP) must ensure these elements are depicted on site plans submitted to Regional Planning; however, it is not DRP's responsibility to assess the accuracy or feasibility of the elements depicted. DRP is approving in concept only, final approval is by DPW.

If a tentative map does not include an Exhibit "A" or site plan, no depiction of green building compliance is necessary at that approval stage. As Section 22.52.2110.P defines a project as "the construction of any building," the tentative map itself would not be required to depict green building compliance. As green building compliance is not required at the tentative map stage, waivers or modifications to said requirements would not have to be reflected on the map or circulated for review and approval.

22.52.2160 Exemptions

- Section 22.52.2160.B Areas of a project that include warehouse/distribution buildings, refrigerated warehouses, and industrial/manufacturing buildings shall be exempt from the energy conservation requirements in Section 22.52.2130.C.1 and the third-party standards and rating system requirements in Section 22.52.2130.D. Any offices space, non-refrigerated, non-warehouse, and non-industrial/manufacturing areas of a building that are physically separated from the exempted area of the building just described, as determined by the Director, shall comply with all of the requirements of this Part 20.

Physical separation shall mean a wall or some type of enclosure that serves to separate various portions of the structure. It should be clarified to applicants that only energy conservation and the third-party standards and rating system requirements are exempted. These portions of the building still must comply with other measures in the Green Building Ordinance such as (where applicable), high efficiency toilets, trees, smart irrigation controller. The Director of Public Works will be responsible for granting this exemption and waiving or modifying the energy efficiency and/or third-party certification equivalency requirements.

[8/3/09 – Ordinance Studies Section]

Low Impact Development Ordinance Exemption

Reference: Section 22.52.2310

Q: Which projects may be exempt from the Low Impact Development requirements?

A: These guidelines establish a policy for determining whether a complete discretionary application for a Tentative Map or Vesting Tentative Map was filed with Regional Planning as applicable to the Low Impact Development ordinance only. In order to be exempt from the Low Impact Development ordinance under Section 12.84.430(A)(1) of the Los Angeles County Code ("County Code"), all of the following activities must have been completed prior to January 1, 2009:

1. Completed one Subdivision Committee review;
2. If required from Subdivision Committee report, submitted a Drainage Concept/SUSMP plan to Public Works and received approval, or revised plan resubmitted to Public Works;
3. If required from Subdivision Committee report, submitted a Preliminary Soils and Geology report to Public Works and received approval, or revised report resubmitted to Public Works; and
4. If required from Subdivision Committee report, submitted a Slope Density Exhibit to Regional Planning and no corrections were required in writing.

In addition, if a Tentative Map or Vesting Tentative Map was deemed complete for purposes of LID or approved by the Advisory Agency prior to January 1, 2009, and subsequently a Revised Map is submitted, the project would be exempt from the Low Impact Development ordinance if the change requested under the Revised Map was solely initiated by the County or other public agency.

If a Tentative Map or Vesting Tentative Map was deemed complete for purposes of LID or approved by the Advisory Agency prior to January 1, 2009, and subsequently an Amendment Map is submitted, the project would be exempt from the Low Impact Development ordinance.

The intent of these guidelines and Section 12.84.430(A)(1) of the County Code is to ensure that applicants that had filed complete applications and had invested substantial resources working with County staff to develop a final, or nearly final, drainage concept and site layout prior to the effective date of this ordinance would not be required to redesign their proposed Tentative Map or Vesting Tentative Map for purposes of LID. In rare circumstances, minor deviations from this criteria may be necessary if justified by facts particular to each case and where a strict application of these guidelines would produce an outcome contrary to this intent. For example, deviations may be justified either because this criteria would deem an application complete that still needs to undergo substantial revision or because it would produce an incomplete determination solely because of the County's delays in reviewing the application prior to January 1, 2009.

When a deviation is recommended, evidence justifying this exemption shall be placed in the file, and presented to the decision-making body as part of the staff analysis for the subject project.

[12/16/08 – Land Divisions Section]

Completeness of Permit Filings

Reference: 22.56.100

Q: When is a permit deemed complete?

A: AB 884 (The Permit Streamlining Act) guidelines should be implemented for all permit applications except those requiring legislative decisions such as Zone Change and Plan

Amendments. Permits concurrently processed with a Zone Change or Plan Amendment are also exempt.

As a result of several discussions on AB 884 and its current implementation, a consensus was arrived-at on the following issues:

1. COMPLETENESS – a project filing shall be complete when:
 - a. The Initial Study Determination has been made, and
 - b. All other items required as part of the application package have been submitted as specified in the filing instructions, and
 - c. A plan consistency determination has been made except for those cases which have plan amendments or hillside conditional use permits pending.

Government Code Section 65944 allows additional information to be requested to "clarify, amplify, correct or otherwise supplement" information required even after the application has been deemed complete.

2. ISSUANCE OF INCOMPLETE/ COMPLETE LETTERS - Procedurally, the Zoning Permits section coordinates all activities and is responsible for tracking the case/project. Therefore, the section will also be responsible for issuing the:
 - a. Incomplete filing letter within 30 days of the filing date, and
 - b. The complete filing letter when a case/project is determined to be complete as defined above.

3. UNIFORM LETTERS to notify the applicant/engineer of an incomplete and/or complete filing are attached for the use of all case processing sections.

Please note that Government Code Section 65943 requires that the "determination shall specify parts of the application which are incomplete and shall indicate the manner in which they can be made complete."

When applications have been filed for a zoning type conditional use permit and subdivision, the Incomplete Filing Letter should be sent out by Zoning Permits section. The form refers to minutes of the Subdivision Committee and additional information which maybe required for the subdivision. This letter will specify in what manner the CUP is incomplete, which can be done by simply attaching a copy of the current Zoning Permits checklist. Only one incomplete/complete filing letter is issued when more than one application has been filed for the project.

This enables the applicant to be aware of the fact that "incompleteness" refers to all applications relating to a project and is a better demonstration of concurrent processing and coordination.

4. PROCESSING TIME FRAME – Effective January 1, 1984, Section 65950 of the Government Code requires that, if a negative declaration is adopted, an action be taken on a development project within six months from the date the application is deemed complete. Since the Regional Planning Commission does not act on an environmental document separately prior to action on the project and there is no other reference to when action should occur in this instance, then there is really no time period within which a project with a negative declaration must be acted upon. The complete letter in this situation will not specify a time period within which action must be-taken.

If an EIR is required, the project must be acted upon within one year from the date of complete filing. If additional time is required, one time extension of any reasonable length may be granted to complete the environmental document. This time extension may also be completely open ended. Please note that a denial of the project is still possible based upon general plan consistency considerations and the required findings for that permit.

[4/18/1985 – James E. Hartl, Acting Chief Deputy]

Public Health Policies Regarding Water and Sewage Disposal

Reference: 22.56.180, 22.56.1764, 22.08.230, 21.24.240, and 21.32.100 (also County Plumbing Code 601.1)

Q: What are the Public Health Department's policies on plumbing facilities for new developments?

A: Following are the policies on potable water, sustainable water supplies, shared water wells, and private sewage disposal systems.

Potable Water

The Los Angeles County Plumbing Code, Section 601.1 requires that each plumbing fixture shall be provided with an adequate supply of potable running water piped thereto in an approved manner.

The Los Angeles County Plumbing Code, Section 218.0 defines *Potable Water* as water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the health authority having jurisdiction.

Sustainable Water

All new development of residential or commercial buildings shall be provided with an adequate, sustainable supply of potable water from a public water system or from an on-site drinking water well. A private well may be considered an adequate, sustainable supply of potable water when a twenty-four (24) hour pump test by a licensed well driller or engineer or other comparably qualified person confirms that the well yield is at least three gallons per minute.

New drinking water wells may not be put into use until bacteriological testing confirms that the water conforms to state and federal drinking water standards.

NOTE: FHA home appraisal guidelines for water quantity specify that the pump test must evidence that for new well construction the system is capable of delivering a flow of 5 gallons per minute over at least a four hour period, and 3 gallons per minute over at least a four hour period for existing wells.

Shared Water Wells

The Los Angeles County Code, Title 22, Sections 22.24.100 and 22.24.150 governing the A-1 and A-2 zones requires that a Conditional Use Permit must be approved in order for multiple homes to share a well.

The department of Health Services will permit four or less parcels that derive their water supply from a single well provided that each parcel possesses a legally recorded easement and right of way to the well, and a legal contract binding the right to water to each parcel. The applicants for such an arrangement shall demonstrate to the health officer that sufficient water is available from the well and distribution facilities to supply a minimum of three (3) gallons per minute for at least 24 hours for each connection. Reference: Title 22, California Code of Regulations, Section 64215

Private Sewage Disposal Approvals

Approvals of Feasibility Reports for private sewage disposal systems are valid for one year provided that the conditions evaluated in the report have not been altered. Any changes in grading, location of the system, or scope of project will require a separate review.

Data from previous percolation testing may be used as part of a Feasibility Report provided that it is relevant to the current development proposal. This data will be reviewed in the context of a full report. Supplemental data may be requested when existing data does not adequately address the current concerns.

**This is for new construction. No septic systems will be approved without meeting Page 1 & 2 water requirements. No trucked water.

[8/28/2002 – Richard Wagener, Acting Director, Bureau of Environmental Protection, Department of Public Works]

Guidelines for Alcoholic Sales Expansion

Reference: 22.56.195.A.3.a

Q: How is a “10% increase in the floor area” determined for alcoholic beverage sales?

A: This memo is intended to provide additional guidelines on the interpretation of Section 22.56.195 A.3.a of the Zoning Code. This Section states that a conditional 'use permit is required if an establishment proposes "a 10% increase in floor area devoted to alcoholic beverage sales or inventory."

The guidelines are as follows:

1. Liquor Stores/Beer and Wine Markets - A 10% increase in any part of the floor area. This guideline is based on the fact that the primary intent of these facilities is the sale of alcoholic beverages.
2. Supermarkets- A 10% increase in the area devoted to the display of alcoholic beverages and/or the storage of alcoholic beverage inventory. The primary purpose of these facilities is the sale of food products even though alcoholic sales may be significant.
3. Restaurants - A 10% increase in the sale area or "bar" (where drinks are stored, prepared and/or served) and/or the storage area for alcoholic beverages. In these facilities most patrons are present for dining purposes.
4. Beer Parlor/Beer Gardens/Cocktail Lounges - A 10% increase in any part of the floor area. The primary use of these facilities is the consumption of alcoholic beverages; dining is not the primary purpose.

[2/22/1993 – Rudy Lackner, Land Use Regulations]

Variances for Alcohol Sales

Reference: 22.56.195.B.3

Q: Is a variance required if a business selling alcohol sales is located within 500 feet of a similar business?

A: It is not necessary to grant a variance in order to approve a conditional use permit for alcoholic beverage sales within 500 feet of another premises where alcoholic beverages are sold if all of the other requirements of Section 22.56.195, 22.56.090 and 22.56.245 (where applicable) are satisfied.

[7/22/1993 – John Schwarze, Administrator, Current Planning]

A: Section 22.56.195 of the Zoning Code requires, under certain circumstances, a Conditional Use Permit (CUP) for new or expanding establishments which propose the sale of alcoholic beverages. Part of the CUP process is a review to determine if there is an undue concentration of similar establishments.

In the past there have been discussions regarding the need for a variance when a proposed business is located within 600 feet of a church, school, park or within 500 feet of another business selling alcoholic beverages.

A review of Section 22.56.195.B.3 indicates the need for a variance when the proposed business will have more than 5% of its total shelf space devoted to alcoholic beverages and is located within 500 feet of a facility which sells beverages for either off-site or on-site consumption. A variance is not required to modify the distance criteria set forth in this section; the criteria involve findings to be made in approving or disapproving a case/project.

The first step in resolving the need for a variance is determine for off-site facilities the total shelf space and the amount of that space to be devoted to alcoholic beverages. If the space exceeds 5%, you will need to know if the facility is located within 500 feet of any facility that sells alcohol (on-site or off-site).

In most cases this means a new liquor store and, perhaps, a small neighborhood market. It is not anticipated that a supermarket, restaurant, or bar will require a variance.

This memorandum is intended to expand the explanation contained in John Schwarze's memorandum of July 22, 1993.

[12/12/1994 – Rudy Lackner, Land Use Regulation]

Alcohol Sales and Temporary Use Permits

Reference: 22.56.195 and Part 14 of Chapter 22.56

Q: Are applications for temporary use permits subject to Section 22.56.195?

A: An analysis into this subject considers a number of factors:

1. The Zoning Ordinance describes the purpose of a temporary use permit by stating "The temporary use permit is established because certain temporary activities may be appropriate at specific locations but would be inappropriate on a permanent basis. It is the intent in authorizing the temporary use permit to provide for such temporary activities."
2. The Zoning ordinance provisions relating to alcoholic beverage sales refer to establishments that sell or propose to sell alcoholic beverages. Sites and structures proposed for normal temporary use permits are nonprofit (i.e., churches, service organizations, public halls, etc.).
3. Since the vast majority of events that would require a temporary use permit do not request a temporary use permit, a conditional use permit requirement would seem to punish only those who are trying to abide by the law.
4. A conditional use permit requirement would be extremely difficult to enforce in that by the time the event occurs and the violation verified, the event would be over and the violation would be corrected.
5. By ordinance requirement a temporary use permit can only be granted to a nonprofit organization for specific uses such as carnivals, exhibitions, fairs, festivals, pageants, and religious observances. Opportunity does not avail itself to profiteering by private individuals from a temporary use permit.
6. Based on previous interpretations relating to temporary use permits, the entire temporary use permit procedure seems to preempt all other provisions of the ordinance. For example, parking permits are not required for temporary use permits that operate with less than required parking. Conditional use permits are also not required for temporary uses that would normally require a conditional use permit.

In order to clarify the Department's position on this matter and provide the public with consistent counseling, it is suggested that staff use the following guidelines when referring to temporary use permits:

- a. Temporary use permits are not subject to Section 22.56.195; and
- b. Temporary use permits should be individually analyzed and if alcoholic sales would be inappropriate on a temporary basis, a condition prohibiting alcohol sales should become a condition of the temporary use permit. In the event alcoholic sales are not inappropriate, there should be no condition addressing alcohol sales.

[2/24/1993 – Rudy Lackner, Land Use Regulations]

Motels and Hotels

Reference: 22.56.220

Q: What are the criteria in approving a CUP application for a motel or hotel?

A: Please advise all potential and current applicants that all motel/hotel requests should establish:

- the area that the use will serve;
- the market justification for the use;

- the amenities in the area that will serve the traveler; and
- the particular reason why this use is needed in this area.

Without clear justification based on these items; it is highly likely that the request will be denied.

[11/4/1987 – John Schwarze, Zoning Administration]

Nonconforming Uses

Reference: 22.56.1500

Q: How may a nonconforming use be continued?

A: Some nonconforming uses may continue, provided that:

- No enlargement or alteration or addition to a building or a structure.
- No increase in occupant load.

Q: Which additions to nonconforming uses are exempted from the ordinance?

A: Some additions are permitted, provided that such:

- Addition does not increase the number of dwelling units or requirement in additional parking spaces
- Additions do not violate other portions of the zoning ordinance related to development standards such as building heights, yard setbacks, etc.

Q: How may a conforming use in a nonconforming building continue its use?

A: Conforming uses in building nonconforming due to standards other than parking may be occupied by any use permitted in the zone in which is located subject to the limitations and conditions governing such use as specified in the zone.

Conforming uses in buildings or structures nonconforming due to parking may be occupied by any use permitted in the zone in which is located provided that:

- The number of parking spaces is the same or less than the number of parking spaces required for the existing or previous use.
- If the use has a greater requirement than the existing or previous use then a sufficient number of additional parking spaces must be developed to accommodate the increased amount of spaces required by the new use.

Q: How may a building or structure made nonconforming due to a zone change be constructed or completed for which a valid building permit has been issued?

A: Building or structures for which a building permit has been issued prior to the effective date of the zone change will be considered nonconforming due to use and or standards may be constructed or completed provided that:

- Such construction is not in violation of Title 22 or other ordinances
- That such structure is completed within one year from the effective date if less than 2 stories and no more than 70,000 sq. ft.
- That such structure is completed within one year and one-half of the effective date if structure is three to six stories or more and not more than 100,000 sq. ft.

- That such structure is completed within two years from the effective date if structure is more than seven stories in height and more than 150,000 sq. ft.

Q: Are repairs to damaged or partially destroyed nonconforming buildings or structures permitted?

A: Repair of damaged or partially destroyed building or structures nonconforming due to use or standards is permitted when:

- The cost of reconstruction does not exceed 50 percent of the total market value of the building as determined by:
 - The current assessment roll, or
 - A narrative appraisal prepared by a certified member of a recognized professional appraiser's organization is submitted and approved by the director.
- That all the construction shall be started within one year of the date of damage.

Q: What types of nonconforming uses or buildings are subject to termination?

A: A nonconforming use, or a nonconforming building or structure due to standards which requires a yearly maintenance cost exceeding 25 percent of the current market value, shall be subject to termination and shall be made to conform to the requirements for new building or structures.

Q: What are the exceptions on the limitation on additional development?

A: Some exceptions to the limitation may apply, provided:

- That each existing and proposed use /building or structure be located on a parcel of land having the required area as provided in Part 2 Chapter 22.52.
- That if divided into smaller parcel of lands, each parcel could meet not less than the required area for development.
- That each subdivided parcel will comply with the requirements of Title 22 regarding the number and location of the structures.

Termination conditions and limits of nonconforming uses and structures

Q: When is a nonconforming use or nonconforming structure due to standards considered terminated?

A: A nonconforming use or structure is considered terminated when:

- The nonconforming use is converted to a conforming use.
- The nonconforming structure is removed.
- The nonconforming use or structure is discontinued for a consecutive period of one year.

Q: When does termination by operation of law apply?

A: For Nonconforming uses and buildings due to standards:

- Where the property is unimproved, **one year**.
- For uses or structures which do not required building permits, **three years**.

- For unimproved properties where structures are less than 100 sq. ft. or with a total market value of \$500.00, **three years**.
- Outdoor advertising signs and structures, **five years**.
- Where a nonconforming use is carried in a conforming structure, **five years**.
- From the date of construction based on the type of construction as defined by the building code:
 - Type IV and V structures used as: three-family dwellings, apartment houses and other residential structures, **35 years**. Stores and factories, **25 years**. Others not here listed, **25 years**.
 - Type III structures used as: three-family dwellings, offices and hotels, **40 years**. Structures with commercial uses in the first floor and residential uses in floors above, **40 years**. Warehouses, stores and garages, **40 years**. Factories and industrial buildings, **40 years**.
 - Type I and II structures used as: three-family dwellings, apartment houses, office and hotels, **50 years**. Theaters, warehouses, stores and garages, **50 years**. Factories and industrial buildings, **50 years**.

Q: What termination requirements apply to nonconforming signage?

A: Termination periods apply to the following:

- Prohibited signs, **90 days**
- All other signs structures except outdoor advertising signs, **10 years**.

Q: When is a review of amortization schedule or substitution of use for a nonconforming use permit required?

A: When an applicant requests for an extension of time for a nonconforming use or structure.

[Undated, author unknown]

Business License Applications for Apartments

Reference: 22.56.1510.B and F

Q: What is the policy for non-conforming apartments?

A: Recently, there have been a number of business license denials for apartments. Many of these sites are actually legal nonconforming and applicants may be required to go through paperwork that could be viewed as excessively bureaucratic. To resolve this issue, our procedures are as follows:

Whenever a business license for an apartment is applied for, the Treasurer & Tax Collector's Office will advise the applicant to provide a copy of the building permit for which the apartment was constructed, along with their business license application to Regional Planning for zoning clearance. If the building is so old that there are no building records, we will accept documentation from the Assessor's Office.

With this information in hand the following procedures are appropriate:

1. If the building permit does not match the number of units on the business license application, then the application will be denied. Corrective action may include:
 - a) A reduction in the number of units to match the building permit; or
 - b) Finalization of a new building permit for the additional units.
 - c) Once corrective action has been completed, the business license application should be handled as in 2a or 2b.

2. If the building permit matches the number of units on the business license application, then the zoning of the subject property must be compared to the density.
 - a) If the density (based on the number of units) matches the zoning, then the business license referral should be approved; and
 - b) If the density (based on the number of units) is inconsistent with the zoning, then the business license referral may be approved with the following condition:

"This business may be a legal non-conforming use, according to the County zoning regulations. Consequently, the licensee shall contact the Department of Regional Planning within 30 days of the license issuance date. Prior to the renewal date of this license, it may be necessary to file for an obtain approval by the planning agency of a nonconforming review case, a conditional use permit, a zone change/plan amendment, or other land use approval."

[11/2/1995 – Rudy Lackner, Land Use Regulations]

Zoning Approval – Unreinforced Masonry Buildings

Reference: 22.56.1510.B; Chapter 96 of Title 26 (Building Code)

Q: Should any earthquake repairs to be done on unreinforced masonry buildings require zoning approval?

A: Based on County Counsel opinion, Building & Safety will not require that plans for unreinforced masonry buildings be forwarded to the Department of Regional Planning for their approval when the work involved is limited only to seismic strengthening in accordance with the provisions of Chapter 96 and when the use of the building remains unchanged.

If the repair work also incorporates additions, alterations, renovations or modifications which are unrelated to and not a part of the strengthening work required by Chapter 96, approval of the Department of Regional Planning is required and plans must be submitted to Zoning for their approval.

It may be sometimes necessary to insert a shear wall or some other strengthening element within the building to increase its lateral resistance. Such techniques will be construed as seismic strengthening and not as an addition or modification.

County Counsel's opinion will also be applicable retroactively. Therefore, earthquake cases for strengthening only that were sent to the Department of Regional Planning prior to this memo, will not require zoning approval.

[9/8/1990 – Tom Remillard, Superintendent of Buildings, Department of Public Works]

Building Permit Review Procedure to the List of Consistent Uses.

Reference: 22.56.1510.F, also 22.12.090

Q: How can building permits be made consistent with the General Plan?

A: Building permit applications are deemed consistent with the General Plan in the following situation regardless of the Plan category. Building permits may be issued without further General Plan review, provided, the proposed application conforms to zoning requirements.

The repair/restoration of damaged or partially destroyed buildings or structures, provided, that the cost of reconstruction does not exceed 50 percent of the total market value of the building or structure. The total market value may be determined by either the current assessment roll immediately prior to the time of damage or destruction, or a narrative appraisal prepared by a certified member of a recognized professional appraiser's organization. The costs shall not include the land or any factor other than the building or structure itself. In verifying the accuracy of the appraisal submitted, additional information or an independent appraisal may be requested from the applicant at his expense.

[9/6/1985 – Jon Sanabria, Countywide Studies]

Reconstruction of Damaged or Destroyed Multifamily Dwellings

Reference: 22.56.1510.G, also refer to State Government Code 65852.25

Q: What effect has SB 2112 on the County's zoning regulations on rebuilding, reconstructing or restoring damaged or destroyed multifamily dwellings?

A: Government Code Section 65852.25 (SB 2112) applies as it relates to reconstruction of multifamily dwellings. To ensure consistency when counseling and applying requests for reconstruction of multi-family dwellings, the following guidelines have been prepared:

1. Generally, requests for reconstruction, restoration or rebuilding of multi-family dwellings that are involuntarily damaged or destroyed by fire or other catastrophic event or the public enemy must be allowed.
2. Requests for reconstruction, restoration or rebuilding of nonconforming multi-family dwellings, more than 50% destroyed as a result of a catastrophic event (i.e., fire, earthquake, flood) or the public enemy, will be approved, unless:
 - (a) the property is located within an industrial zone; or
 - (b) there is substantial evidence that the reconstruction would be detrimental or injurious to the health, safety or general welfare of the neighborhood or its residents:
3. Where reconstruction, restoration or rebuilding of a nonconforming multi-family dwelling is authorized, a building permit shall be obtained within two years.
4. Where reconstruction, restoration or rebuilding of a nonconforming multi-family dwelling is authorized, it shall not be rebuilt beyond its pre-damaged size and number of dwelling units.
5. A multi-family dwelling relates to any structure designed for human habitation that is divided into two or more independent living quarters.

Reconstruction, restoration or rebuilding of a nonconforming multi-family dwelling that has been or is proposed to be more than 50% voluntarily demolished and rebuilt will not be approved.

[4/4/1996 – Rudy Lackner – Land Use Regulation]

Repair of Damaged Nonconforming Structures

Reference: 22.56.1510.G

Q: May a damaged or destroyed building or structure nonconforming due to use or standards be repaired?

A: The Zoning Ordinance permits repair of damaged or partially destroyed buildings or structures which are nonconforming due to use and/or standards if two (2) conditions are satisfied (Section 22.56.1510G):

1. The cost of the reconstruction does not exceed 50 percent of the total market value of the buildings or structures.
2. That all reconstruction shall be started within 1 year of the date of damage and pursued diligently to completion.

To utilize the provisions of Section 22.56.1510G, the following information is required:

1. A plot plan describing the nonconforming aspects of the use and/or structures. Document when the nonconforming use began. This information may be available from the Public Works Building and Safety Division or the County Assessor.
2. The date the damage occurred.
3. The market value of the building as it existed immediately prior to the damage occurrence. This may be determined by:
 - a. The current assessment roll immediately prior to the time of damage or destruction, or
 - b. A narrative appraisal prepared by a certified member of a recognized professional appraiser's organization; provided that such appraisal is first submitted to and approved by the Director.

Submission of an appraisal shall be at the option of the applicant. In verifying the accuracy of the appraisal submitted, the Director may request additional supporting information from the applicant and/or conduct his own investigation, including a request for technical assistance from any source which, in his opinion, can contribute information necessary to complete such evaluation. Further, the Director may also obtain an independent narrative appraisal of the applicant's property in order to verify the accuracy of the appraisal submitted by the applicant. Where a discrepancy exists between the applicant's appraisal and the appraisal prepared pursuant to the Director's request the Director may, at his discretion, determine the market value of the applicant's property based on the evidence submitted; and his decision is final; provided, that the applicant shall first have the opportunity to file additional information to substantiate the accuracy of the appraisal submitted by him.

Where the Director undertakes his own investigation and/or requests that an independent appraisal be prepared as provided herein, the applicant shall pay to the County the actual costs of conducting such investigation and/or the appraisal. Value shall be determined by the use of the assessment roll in all instances where an appraisal prepared pursuant to this subsection is not approved by the Director. Such costs shall not include the land or any factor other than the building or structure itself.

4. A signed contract(s) to perform all proposed repairs and showing the total costs of such repairs. Costs resulting from work necessary to comply with new regulations should be identified and itemized separately.
5. A notarized statement from the owner stating:
 - a. he is the owner of the real property in question,

- b. the address of the property,
 - c. the total cost of the proposed repairs, including engineering and/or design costs.
6. Filing fee, per current Fee Schedule.

Note: This procedure applies only to nonconforming uses which have not been terminated pursuant to the provisions of Section 22.56.1540 of the Zoning Ordinance. Uses which have been terminated per 22.56.1540 must file a Nonconforming Review or other appropriate case.

[11/25/1987 – author unknown]

Nonconforming Use Repairs, Alterations, and Expansion

Reference: 22.56.1510 and 1540

Q: What is a nonconforming use, and how long may such a use remain in operation? Can any maintenance, repairs, and alternations be done to the nonconforming use?

A: The Zoning ordinance defines nonconforming use as any use of land that was lawfully established and in compliance with all applicable ordinances and laws at the time the zoning ordinance or any amendment thereto became effective and is nonconforming only because of the application of such ordinance or amendment. Nonconforming use also includes: (1) Uses reclassified from permitted to director's review or subject to a permit and (2) Uses made nonconforming by the addition of a development standard previously not required where such added standard is specified to be a condition of use.

Termination of Nonconforming uses

Section 22.56.1540 establishes regulations concerning the length of time that nonconforming uses may remain in operation. Most nonconforming structures may remain in operation for 20 years after the building and/or use became nonconforming. An additional period of time may be allowed based upon the use and date and type of construction. For example, residential structures may remain for 35 years from their date of construction or 20 years from the time they became nonconforming, whichever is longer.

Maintenance, repairs, alterations, and expansion of nonconforming uses and/or structures are allowed subject to various conditions. Generally such work can be performed only when the use or structure has not exceeded its amortization period. However, because of the housing shortage, repairs, maintenance, and alterations may be performed on residential uses even after expiration of the amortization period. Applicants should be notified that performance of maintenance, repairs, alterations, or expansion does not extend the amortization period for the use or structure.

Maintenance and Repairs

Maintenance and routine repairs may be performed on nonconforming structures so long as the cost of such work within any 12 months period does not exceed 25% of the current market value of the structure (Section 22.56.1510.H). This limitation applies only to structures:

- (1) nonconforming due to use, or

(2) nonconforming due to standards which are subject to a termination date by operation of law as provided in Section 22.56.1540.B. As of January 1, 1988, signs are the only structures subject to amortization for nonconformity with standards.

Where either of these two conditions exists and repairs or maintenance exceed 25% of the current market value of the structure, such structure shall be made to conform to the requirements for new structures.

Repair of Damaged or Partially Destroyed Structures

When a nonconforming structure is damaged or partially destroyed, it may be restored to the condition it was in immediately prior to the occurrence of said damage or destruction if the following two conditions exist:

- (1) The cost of reconstruction does not exceed 50% of the total market value of the structure as determined by:
 - (a) the current assessment roll for the period immediately prior to the damage or
 - (b) a narrative appraisal prepared by a member of a recognized professional appraiser's organization as provided in Section 22.56.1510G.1.b and
- (2) All reconstruction shall be started within one year from the date damage occurred and be pursued diligently to completion.

The intent of this Section (22.56.1510.G) is to allow repairs to damaged or partially destroyed structures to exceed the 25% limitation provided in Section 22.56.1510.H for maintenance or routine repairs. However, a literal interpretation of this section frustrates this intent. Section 22.56.1510.G states that it is applicable to "any structure nonconforming due to use and/or standards..." No exemption is enumerated for structures nonconforming due to standards which are not subject to amortization. Strict application of this provision would subject repairs to certain damaged structures to a \$50 limitation while exempting normal repairs of such structures from any limitation.

Therefore, the provisions for repair of damaged or partially destroyed structures specified in Section 22.56.1510.G shall be applied only to structures which are:

- (1) nonconforming due to use or
- (2) nonconforming due to standards which are subject to termination by operation of law as provided in Section 22.56.1540.B. As of January 1, 1988, signs are the only structures subject to amortization because of nonconformity with standards.

Additions and Alterations to Nonconforming Uses or Structures

Notwithstanding the aforementioned regulations governing repairs and maintenance of nonconforming uses and/or structures, such uses or structures may be expanded, enlarged, or altered when the Planning Director finds that such work is required by a subsequently enacted law, ordinance, or regulation.

Residential uses which are nonconforming due to use or standards may be expanded or altered provided that:

- (1) The number of dwelling units is not increased and
- (2) The alteration or expansion does not occupy the only portion of the site which can be used for the required parking.

Additions or alterations may be made to structures which are nonconforming only because they do not meet the following standards of development:

- (1) Yards, provided that the expansion or alteration conforms to the yard regulations;
- (2) Building height limit, but not including floor area ratio or maximum lot coverage provisions, provided such expansions or alterations are developed pursuant to the height regulations;
- (3) Parking facilities, when the alterations or expansions do not occupy the only portion of the site which could provide the required parking and the expansions or alterations conform to the parking requirements.

See subsections B and C of Section 22.56.1510 for details of these provisions.

[1/29/1988 – John Huttinger, Case & Hearing Coordinator]

Nonconforming Residences in Commercial Zones

Reference: 22.56.1540

Q: What is the amortization period for a non-conforming residential use in a commercial zone?

A: In assessing the 20 year non-conforming status of residential uses in commercial zones, use August 13, 1965 (the date the ordinance excluding residences became effective) or the date the property in question was changed from a residential to a commercial zone, whichever is later. Remember, though, that residential uses have a minimum nonconforming life of 35 years, measured from the date of construction, and may go as long as 50 years.

[12/24/1986 – Richard Frazier, Permits and Variances Section]

Classic Car Collections

Reference: 22.56.1761

Q: What are the criteria for new classic car collections?

A: In addition to the standards set forth in section 22.56.1761 of the Zoning Code, the following criteria constitutes good/sound zoning practice in determining a classic car (historic vehicles) collection is accessory to the main use:

- Vehicles are at least 25 years old.
- Vehicles are being restored or maintained (e.g., car has been restored and is being kept in condition).
- Vehicles that are being restored shall be limited to two (2), except if the vehicles are enclosed within a garage.
- A list of vehicles to be kept on-site shall be provided.
- For restored vehicles, an affidavit shall be submitted stating which vehicles are in running order.
- Within a garage, there can be no body work or vehicle painting.

In addition to the standard that the area used

for these vehicles can not exceed 10% of the total parcel/lot area, the following also apply:

- For vehicles stored outside of a garage, the vehicle area shall not exceed 50% of the footprint area of the main residence. A vehicle storage area shall be calculated on the basis of a 9'x20' stall.
- For vehicles stored within a garage, the garage shall be less than 800 square feet. This garage provision is not intended to eliminate current parking standards.
- For vehicles stored inside and outside of a garage structure, both of the above standards may be applied in combination (e.g., if 1,000 square feet -- based on a 2,000 square foot home -- can be used for classic vehicles, a 750 square foot garage could be provided outside of the garage, including a carport).

[date and author unknown]

Director's Review of Accessory Structures to Single Family Residences In the Malibu Coastal Zone

Reference: 22.56.2290

Q: Does a director's review of a single family residence require an environmental review, and are there any exceptions?

A: Director's Review of single family residences requires Environmental Review Board (ERB) analysis; however, the ordinance points out certain exemptions from this requirement: Accessory structures, such as garages and room additions, may be exempt from the above review as follows:

- If fixtures or structures are directly attached to a residence;
- If structures would be normally associated with a single family residence (guest houses or self-contained residential units are excluded).

For more details, refer to Section 22.56.2290 of the Planning and Zoning Code. Sections of Title 14 that are referenced are enclosed with this memo.

Please do not treat the above as set in concrete. Any development that may involve a risk of adverse environmental effects should be set up for Director's Review.

[1/14/1993 – Frank Meneses, Impact Analysis]

Submittal Requirements for New or Expanded Single Family Residences in Sensitive Environmental Resources Areas in the Malibu Coastal Zone

In compliance with provisions of Ordinance No. 92-0037, a Director's Review application with Environmental Review Board (ERB) analysis is required for all new single family residences. Structures normally associated with a single family residence, such as, garages, swimming pools, fences and storage sheds (excluding guest homes or self-contained residential units) are usually exempt from the ERB review requirement.

The ERB analysis of proposed projects requires twelve (12) individual packages containing the following materials to be submitted to the Department of Regional Planning along with the necessary material required for a Director's Review (plot plan review). Note: Each item must have the plot plan number marked on a conspicuous location.

1. Color photos of the site
 - Must be of adequate size to clearly show detail and should be taken from ground level;
 - Must depict all areas to be developed or disturbed (including fuel modification areas);
 - May be clear, color photocopies;
 - Must have photo locations keyed on a property map.
2. A copy of the U.S.G.S. Quad Sheet at 1:24,000 scale with the subject property accurately plotted. This is very important for comparison of the site to appropriate planning maps.
3. Site plan shall depict:
 - Existing and proposed development as well as topographic contour lines;
 - The fuel modification zone (200 feet fire clearance) and the existing condition of the area (e.g. landscaped, natural vegetation, paved, graded, etc.); if the 200' line extends beyond the subject property, adjoining properties must also be depicted;
 - All off-site improvements which may be necessary;
 - The building pad (disturbed areas) and total site acreage; the north arrow should point up.
4. Grading plan (if applicable)
 - Must depict all areas to be graded including heights/depths of cuts/fills;
 - Must provide total cubic yards to be graded including any off-site removal.
5. Surrounding Land Use Map to 50 feet (may be on 8 ½ x 11)
6. The Assessor's Map Book page(s) depicting the subject property and all contiguous parcels must be included; a list of the owners of all contiguous parcels must also be provided.

Cited References from Title 14, California Code of Regulations in Section 22.56.2290

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 14. NATURAL RESOURCES
DIVISION 5.5 CALIFORNIA COASTAL COMMISSION [FNA1]
CHAPTER 6. EXCLUSIONS FROM PERMIT REQUIREMENTS

Section 13250

SUBCHAPTER 6. EXISTING SINGLE-FAMILY RESIDENCES

13250. Improvements to Existing Single-Family Residences.

(a) For purposes of Public Resources Code Section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:

- (1) All fixtures and other structures directly attached to a residence;

(2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and

- (3) Landscaping on the lot.

(b) Pursuant to Public Resources Code Section 30610(a), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:

(1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff.

(2) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;

(3) The expansion or construction of water wells or septic systems;

(4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-

attached structure such as garages, fences, shoreline protective works or docks.

(5) In areas which the commission or a regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system.

(6) Any improvement to a single-family residence where the development permit issued for the original structure by the commission, regional commission, or local government indicated that any future improvements would require a development permit.

(c) In any particular case, even though an improvement falls into one of the classes set forth in subsection (b) above, the executive director of the commission may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit; provided, however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed improvement shall not be undertaken without a permit.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610(a), Public Resources Code.

Section 13252

SUBCHAPTER 7
REPAIR AND MAINTENANCE ACTIVITIES THAT REQUIRE A PERMIT

13252. Repair and Maintenance of Activities Requiring a Permit

(a) For purposes of Public Resources Code Section 30610(d), the following extraordinary methods of repair and maintenance shall

require a coastal development permit because they involve a risk of substantial adverse environmental impact:

(1) Any method of repair or maintenance of a seawall revetment, bluff retaining

wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

(A) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

(B) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

(C) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or

(D) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.

(2) Any method of routine maintenance dredging that involves:

(A) The dredging of 100,000 cubic yards or more within a twelve (12) month period;

(B) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or

(C) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

(3) Any repair or maintenance to facilities or structures or work located in an

environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

(A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;

(B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

All repair and maintenance activities governed by the above provisions shall be subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and emergency permits. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Public Resources Code Section 30700 unless so provided elsewhere in these regulations. The provisions of this section shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.

(b) Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under Section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.

(c) Notwithstanding the above provisions, the executive director of the commission shall have the discretion to exempt from this section ongoing routine repair and maintenance activities of local governments, state agencies, and public utilities (such as

railroads) involving shoreline works protecting transportation road ways.

(d) Pursuant to this section, the commission may issue a permit for on-going maintenance activities for a term in excess of the two year term provided by these regulations.

(e) In any particular case, even though a method of repair and maintenance is identified in subsection (a) above, the executive director may, where he or she finds the impact of the development on coastal resources or coastal access to be

insignificant, waive the requirement of a permit; provided however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed repair and maintenance shall not be undertaken without a permit.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610(d), Public Resources Code.

Section 13253

SUBCHAPTER 7.5.

IMPROVEMENTS TO STRUCTURES, OTHER THAN SINGLE-FAMILY RESIDENCES AND PUBLIC WORKS FACILITIES THAT REQUIRE PERMITS

13253. Improvements That Require Permits

(a) For purposes of Public Resources Code Section 30610(b) where there is an existing structure, other than a single-family residence or public works facility, the following shall be considered a part of that structure:

- (1) All fixtures and other structures directly attached to the structure.
- (2) Landscaping on the lot.

(b) Pursuant to Public Resources Code Section 30610(b), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policy of Division 20 of the Public Resources Code:

- (1) Improvement to any structure if the structure or the improvement is located: on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; in an area designated as highly scenic in a certified land use plan; or within 50 feet of the edge of a coastal bluff;
- (2) Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area;

(3) The expansion or construction of water wells or septic systems;

(4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the commission or regional commission an improvement that would result in an increase of 10 percent or more of internal floor area of the existing structure, or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to Public Resources Code Section 30610(b), and/or increase in height by more than 10 percent of an existing structure;

(5) In areas which the commission or regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for protection of coastal recreation or public recreational use, the construction of any specified major water using development including but not limited to swimming pools or the construction or extension of any landscaping irrigation system;

(6) Any improvement to a structure where the coastal development permit issued for the original structure by the commission, regional commission, or local government indicated that any future improvements would require a development permit;

(7) Any improvement to a structure which changes the intensity of use of the structure;

(8) Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium

conversion, stock cooperative conversion or motel/hotel timesharing conversion.

(c) In any particular case, even though the proposed improvement falls into one of the classes set forth in subsection (b) above, the executive director of the commission may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit; provided, however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed improvement shall not be undertaken without a permit.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610(b), Public Resources Code.

Oak Tree Permits and Natural Disasters

Reference: Part 16 of Chapter 22.56

Q: Does the Oak Tree Ordinance apply when properties damaged during natural disasters are proposed for repairs and such repairs would encroach into the protected zones of the oak trees on the property?

A: The specific issues relate to whether or not an Oak Tree Permit will be required when an individual proposes to rebuild using the same building footprint and that footprint encroaches into a protected zone of an oak tree. While the specifics that relate to this question refer to property in a specific community, the response should also be applicable to other areas of the county that have experienced a recent disaster.

Per discussions with the County Forester's office, it was agreed upon that the primary concerns of the County should be two-fold: (1) to promote the rebuilding of structures damaged by firestorm or earthquake as soon as possible with a minimum amount of government red tape; and (2) to create favorable conditions for the preservation of oak trees within areas subjected to the disasters. To implement these objectives, an Oak Tree Permit may not be necessary when rebuilding occurs on the same building footprint (i.e., exact same foundation). Where a foundation is the only remaining portion of a structure within a protected zone, the protected zone is already encroached upon and rebuilding would do nothing to further incur damage to the oak tree. If, however, an applicant wishes to expand or alter the building footprint and that expansion or alteration encroaches into the protected zone of an oak tree, then an oak Tree Permit should be required.

With respect to trimming or pruning of oak trees to accommodate rebuilding, all applicants should be directed to the Forester to make specific determinations on each property. According to the Forester, most of these can be accommodated without the required Oak Tree Permit.

Again, the primary objective is to not impose additional red tape or cost delays on individuals who have already been a victim of a major disaster. The intent is to make it easier on these individuals while at the same time protect the existing oak trees.

[2/14/1994 – Rudy Lackner, Land Use Regulations]

Chapter 22.60

Application Filings

Reference: Part 2 of Chapter 22.60

Q: At what point is an application deemed “complete”? How should “incomplete” applications be processed?

A: In order to provide flexible customer service while ensuring that complete applications are reviewed in a timely manner, the Los Angeles County Department of Regional Planning accepts the following application filings:

1) Complete application filings – For complete applications where all required materials and information are provided at the time of filing and no items are missing, these applications will receive priority review and processing. The Department encourages applicants to provide a complete application filing for timely project review.

2) Incomplete application filings – For incomplete application filings where only one requirement is missing or improperly prepared from the list below, the Department of Regional Planning will accept the application with issuance of a Notice of Incomplete Filing and delayed processing. This Notice will identify the missing requirement and state that the application will not be processed until the missing information is submitted. Failure to submit the missing information will result in application denial due to incompleteness, including forfeiture of application fees. The applicant will be required to sign the Notice to signify acknowledgement of the incomplete filing terms and conditions. If more than one requirement is missing or it is not one of those specified in the list below, the Department will not accept the incomplete application filing.

Allowable missing application requirement:

- Photos
- Recorded Grant Deed (if property ownership recently changed)
- Building Permits (as applicable depending on application type)
- Assessor’s Building Description Blanks (as applicable)
- Burden of Proof (as applicable)
- Mailing labels and affidavit (as applicable)
- Ownership maps (as applicable)
- Vicinity maps (as applicable)
- Land use maps (as applicable)
- USGS Quad Sheet or Thomas Guide Page (as applicable)
- For Second Unit applications, one item from the additional information required
- For Alcoholic Beverage Sales, one item from the additional information required

Plot Plan Amendment Requests

Reference: 22.60.100 (for fees)

Q: At what point does an amendment or revision to an approved plot plan require additional review?

A: The Zoning Ordinance does not address nor define plot plan amendments. Many applicants often request revisions to already approved plot plans. Some revisions are very minor in nature. Examples of minor revisions are changes in residential interior room layout, addition of a laundry room, bedroom or small accessory structure, small parking lot re-striping, etc. Other requests are more substantial. Major revisions include new building location, second story addition, increase in occupant load, addition constituting more than 10% of the previously approved residential floor area, etc.

In determining whether the amendment is minor or major, please give consideration to the difficulty of the plan review and/or whether a CSD is involved. For example, if the project involves a large shopping center site and the amendment will trigger a review of the entire center for parking/landscaping then it would be prudent to require a plot plan review.

If staff is unsure whether a project is minor or major, please check with senior level staff, or take a copy of the plan for staff discussion and determination.

Please institute the following procedures for plot plan amendment requests:

- Minor amendments shall be eligible for a Zoning Conformance Review (ZCR) Major amendments shall require a complete plot plan review.
- Requests for amendments should be made prior to the expiration date of the original approval – the amendment shall not extend the two year approval for the plot plan.

[5/10/2006 – Sorin Alexanian, Land Development Coordinating Center]

Notification of Action Taken and Speaker Cards

Reference: 22.60.190

Q: What is the new procedure on notification of an action taken at a public hearing, and what are speaker cards?

A: This memo provides policy for modifying the notification of action taken for public hearings as defined in Section 22.60.190 of the Los Angeles County Code.

Section 22.60.190.B requires the notification (of the action taken) by first class mail, postage prepaid, of the first three persons testifying in opposition to the request and the first three persons testifying in favor of the request.

Relative to the Hearing Examiner Procedure that was heard by the Board of Supervisors on August 5, 2008, the Board made a motion that the notification of the action taken by the Hearing Officer, Hearing Examiner, and Regional Planning Commission should include every member of the public who testifies at their respective hearings. To the extent possible consistent with Section 22.60.190.B, such noticing shall be done by electronic-mail.

The Board of Supervisors subsequently, on August 12, 2008, required that all County Commissions use speaker cards. The speaker cards replace the sign-in sheets used for the Hearing Officer and Planning Commission. The speaker cards contain the contact information necessary to give notice of the action taken by a hearing body. Speaker cards shall be used for all public hearings and community meetings as appropriate.

[08/25/08 – Bruce W. McClendon, Director of Planning]

Appeals Ordinance Amendment

Reference: Part 5 of Chapter 22.60

Q: What are the new appeal procedures?

A: By the adoption of the Appeal Ordinance Amendment, which was adopted by the Board of Supervisors (Board) on May 27, 2008 and effective on June 28, 2008; the following are the procedures for filing an appeal of a Director's, Hearing Officer's, or Regional Planning Commission's decision.

Filing an Appeal

- An appeal of the Director's or Hearing Officer's decision is filed with the Commission Secretary; as the appeal is to the Regional Planning Commission (RPC). The Appeal Form is available on the Department of Regional Planning (DRP) website - (<http://planning.lacounty.gov/docApps.htm>). The Appeal Form with the applicable appeal fee, also available on the website, must be submitted in person within the appeal period. The Commission Secretary can be reached at (213) 974-6409 for an appointment.
- An appeal of the Commission's decision is filed with the Executive Office of the Board of Supervisors; as the appeal is to the Board of Supervisors. The Executive Office can be reached at (213) 974-1426 for an appointment. The appellant should also contact the case planner for the appeal verification form which verifies to the Executive Office the start and end of the appeal period.
- In addition to the forms the DRP has available for appeals to the Board, the Board also has appeal forms on their website – (<http://bos.co.la.ca.us/Categories/ResourceCenter.htm>). Appellants may fill out either the Board's form, or the one provided by the Department of Regional Planning, but the completion of both is not required.

Appeal and Effective Dates

Title 22 Projects: Conditional use permits, oak trees, variances, or similar cases.

- The decision of the Director, Hearing Officer, or the Commission is effective on the 15th calendar day following the date of the decision, except and unless the decision is timely appealed or called up for review.
- To be timely, an appeal or call for review must be initiated on or before the 14th calendar day following the date of the decision unless the 14th day falls on a non-business day of the applicable appellate body, in which case, the appeal deadline is extended to the next business day and the effective date of the decision is the following day.

Title 21 Projects: Tentative parcel maps, tract maps, revised maps, or similar cases.

- The decision of the Hearing Officer or the Commission is effective on the day of the decision, except and unless the decision is timely appealed or called up for review.

- To be timely, an appeal or call for review must be filed on or before the 10th calendar day following the date of the decision unless the 10th day falls on a non-business day of the applicable appellate body, in which case, the appeal deadline is extended to the next business day.

Concurrent Title 21 and 22 Cases: Appeal and Effective Dates

- The appeal period for concurrent Title 21 and Title 22 case filings under the same project number is the appeal period for a land division case (i.e. the appeal for a conditional use permit associated with a land division case must be filed on or prior to the 10th calendar day following the date of the decision).
- The effective date of a Title 22 permit or permits when there is a concurrent filing under the same project number with a Title 21 case is the same as it is for the land division case (i.e. the effective date of the conditional use permit associated with a land division is the 11th calendar day following the date of the decision).

Fees:

- Title 22 Project-Multiple Cases. When more than one case is filed under the same project number (e.g. conditional use permit, oak tree permit, and parking permit), only one appeal fee is charged even if more than one case is appealed. In addition, if only one case is appealed or called for review, all cases are considered appealed or called for review and will be heard concurrently at the appeal public hearing or meeting.
- Title 21 and Title 22 Project-Multiple Cases. When a project has concurrent Title 21 and Title 22 case filings under the same project number, only one appeal fee is charged even if more than one case is appealed. In addition, if only one case is appealed or called for review, all cases are considered appealed or called for review and will be heard concurrently at the appeal public hearing or meeting.
- When a transcript of the previous proceeding is required transcription fees will no longer be charged to the appellant. The cost of preparing these transcripts will be absorbed by the County.

Decision

- At the close of the public hearing or meeting, the Hearing Officer or Commission will announce the start and end of the appeal period and the effective date of the grant(s). Although the appeal period starts the day after the hearing, it should be noted that the case can be appealed immediately after the hearing.
- On the date of the director's decision, the director will inform the applicant of the start and end of the period.
- The Regional Planning Commission Appeal Forms (for use when the Director's of Hearing Officer's decision is appealed to the RPC) and Appeal Verification Forms (for use when the RPC's decision is appealed to the Board of Supervisors) will be available at the public hearing, as well as posted on the website. The Appeal Verification Form is to be signed by Regional Planning staff.
- The case planner will mail the final letter, findings, and conditions if applicable, on the day following the decision date (i.e. the day after the decision is made). In addition, the decision will be posted on Regional Planning's website on the first day of the appeal period.

[07/03/08 – Ordinance Studies Section]

Adult Residential and Day Care Facilities and Zoning Enforcement

Reference: Part 6 of Chapter 22.60

Q: What procedures should be followed in ensuring that adult residential and adult day care facilities comply with the conditions of their conditional use permits?

A: The Department is responsible for land use planning, permitting and zoning enforcement for properties located within the unincorporated areas of the County of Los Angeles. If a member of the public intends to operate an adult residential facility with more than six (6) residents, a conditional use permit must be obtained. Depending on the zoning of the area where a proposed adult day care facility is to be located, the applicant must obtain approval from the Director. The Land use Coordinating Center assists applicants through the land use permitting and zoning application process.

The Department, however, does not license or control the operation of such facilities. The California Department of Social Services, Community Care and Licensing Division (CCL) regulates and licenses adult day health centers and adult residential care facilities for elder and dependent adults. CCL notifies the Department when prospective providers apply for licenses to operate such care facilities in the unincorporated County area. The Department will establish a cooperative working relationship and monitoring system with CCL. This coordination will assist staff with research, tracking and review of existing state licensed care facilities.

Upon receipt of a complaint from a member of the public or a referral from another government agency, the Department will initiate zoning enforcement actions by investigating the subject property for violations of Title 22 of the Los Angeles County Code.

Conditions for Violations - Land Use/Zoning Violations

The following conduct violates Title 22 of the County Code:

1. The use of property as an adult day care facility without prior approval from the Department.
2. The use of property as an adult residential facility that houses seven (7) or more residents without a valid CUP.
3. The use of property as an adult residential facility within 300 feet of another adult residential facility, whether licensed or unlicensed. See California Health and Safety Code Section 1520.5.
4. An adult residential facility or an adult day care facility that maintains items classified as junk and salvage on the property.
5. Storage of inoperable vehicles on the property.
6. Room additions or building expansion on property without Department's approval.

If the Department receives a complaint from a constituent or a referral from a government agency that the property is being used as an adult residential facility or as an adult day care facility without appropriate land use approvals, the Department will contact the owner/operator/owner of the property and schedule an appointment to inspect the facility. During the inspection, the Department will document any zoning code violations, inform the owner/operator of such land use violations in writing and request the owner/operator comply with the County Code within fifteen (15) days of the written notice of violation. If the Department's inspection also reveals that the facility is operating without necessary licensing from the State, the Department will make appropriate referrals to CCL or another government agency to handle operation and licensing issues. When there are zoning violations that involve un-permitted structures used as living quarters which pose a health and safety concern to elder

or dependent adult residents, a referral will be made to the Department of Community and Senior Services/Adult Protective Services (DCSS/APS)

When the Department receives a request for assistance from another government agency because that agency believes that there is a land use violation, the Department will begin its investigation of the facility within three (3) business days. In these cases, joint inspections with other agencies are helpful to address all existing code violations at the time of the inspection.

[Undated, author unknown]

Noncompliance Fee

Reference: 22.60.390

Q: What are the procedures in imposing a noncompliance fee on a property owner/tenant who violates the Zoning Ordinance?

A: On June 22, 1999, the Board of Supervisors adopted ordinance 99-0051, amending the zoning ordinance to allow for the imposition of a noncompliance fee of \$548* for failure to comply with a final zoning enforcement order. The new ordinance became effective July 22, 1999.

The following is an outline of the procedures involved in imposing the noncompliance fee in accordance with Title 22, section 22.60.390. This ordinance is applicable to all commercial and industrial properties. Please note, however, that the following procedures can only be used for residential units that are not owner occupied. This means that if you have 2 dwelling units on the property and one of them is owner occupied you can only apply these provisions to the unit that is not owner occupied.

Staff confirms violation exists-Staff sends Notice of Violation to property owner/tenant. If the person has not complied by the abatement date then staff issues the Final Order.

Staff issues the violator a Final Order to Comply notice informing them that they are subject to a noncompliance fee of \$548 if they do not comply with the order. The order is to be served by personal delivery or certified mail with return receipt requested to at least one of the following individuals: 1) any person in charge of the property, 2) the recorded owner of the property, 3) the holder of any lease for the property, and 4) the recorded owner of any interest in or to the land or structures located on the property. While the notice may be given to the tenant, it is the property owner who is ultimately responsible for payment of the fee.

The violator has 15 days from the compliance date specified in the Final Order to Comply to file an appeal with the department's hearing officer (please see attached appeal procedures and application). The hearing officer will hear the case within 45 days of the appeal filing date. The hearing officer's decision is final and is not subject to further administrative appeal. Once the hearing officer has rendered a decision, the case should be referred to the District Attorney if appropriate. The director, however, may waive the imposition and collection of the noncompliance fee at his discretion.

If the violator fails to either abate the violations listed in the Final Order to Comply or file an appeal within 15 days from the compliance date, staff issues the violator a Notice of Noncompliance Fee. The violator has 15 days to remit payment to the department.

If the violator fails to remit payment within the mandatory 15 days, staff issues the violator a Second Notice of Noncompliance Fee, advising them that they will be charged a total of \$1,918.00 if they do not remit payment within 15 days. At that time, the county shall withhold the issuance of building permits and other approvals.

If the violator fails to pay the fee within 15 days of the Second Notice of Noncompliance Fee, they will be charged an additional administrative penalty equal to two times the noncompliance fee (\$1,096*) and a collection fee equal to 50 percent of the noncompliance fee (\$274). These fees are in addition to the \$548 noncompliance fee. Staff issues violator the Notice of DA Referral informing them that the case will be referred to the DA and that they have been charged \$1,918.00.*

*Fees for noncompliance, administrative penalty, and referral to the District Attorney increase each year based on the increases in the annual Consumer Price Index. Refer to the latest Fee Schedule for the most current fee.

The letter: Final Zoning Enforcement Order

Q: What is the final Zoning Enforcement Order?

A: The Final Zoning Enforcement Order is the second letter sent to the violator. This letter informs the violator that the noncompliance fee is due within 15 days after the date specified in the letter. It also states that a referral to the District Attorney is the next step on the criminal side of the case.

"Such order shall state, in not less than 14 point type in substantially the following form, that 'Failure of the owner or person in charge of the premises to comply with this order within fifteen (15) days after the compliance date specified herein, or any written extension thereof, shall subject the violator to a noncompliance fee in the amount of \$548, unless an appeal from this order is filed within fifteen (15) days after the compliance date. Such appeal must comply with Section 22.60.390 C of the Los Angeles County Code.' " (A.2.)

Q: How is Service of the letter delivered?

A: "Service of the letter shall be by personal delivery or by registered or certified mail, return receipt requested, at the director's election." (A.2.)

Q: What if the violator will not accept the letter?

A: "In the event that the director, after a reasonable effort, is unable to serve the order as specified above, proper service shall be by posting a copy of the order on the premises" (A.2.)

Q: What is the "date of service" to start the 15 day time limit?

A: "The date of service is deemed to be the date of mailing, personal delivery or posting, as applicable" (A.2.)

Q: Who is the letter sent to?

A: "Service of a final zoning enforcement order shall be upon:

1. the person in real or apparent charge and control of the premises involved
2. the record owner
3. the owner or holder of any lease of record, or
4. the record owner of any interest in or to the land or any building or structure located thereon" (A.2.)

Q: When do I send a Final Zoning Enforcement order?

A: "If person has not complied by the abatement date..." on the first Notice of Violation, "...then staff issues the Final Order."

The letter: Second Notice of Noncompliance fee

The procedures for the final zoning enforcement order above is the same for second notice of noncompliance fee

Q: When do I send a Second Notice of Noncompliance letter?

- A:
1. "If the person against whom a noncompliance fee has been imposed fails to pay such fee within 15 days of notification as provided above" In the final zoning enforcement order "the director may send a second notice of noncompliance fee..." (E)
 2. Or after the noncompliance fee has been appealed, gone through an administrative hearing but has not been collected.
 3. See attached flow chart and letters.

Q: Is the Second Notice of Noncompliance letter also to be sent certified?

A: Yes. "...the director may send a second notice of noncompliance fee in the manner described in this section for service of a final zoning enforcement order." (E)

Appealing a Final Zoning Enforcement Order

Q: What is the deadline to request an appeal of the noncompliance fee?

A: 15 days after the compliance date set in the letter.

Q: Who is eligible to request an appeal to the final zoning enforcement order?

A: "Any person upon whom a final zoning enforcement order has been served may appeal the order to the hearing officer within the time specified in subsection A of this section." (C.1.)

Q: What is required of the appeal?

- A:
1. "Such appeal shall contain any written evidence that the appellant wishes to be considered in connection with the appeal."(C.1.)
 2. "If applicable, the appeal shall state that said person has applied for the appropriate permit or other administrative approval pursuant to this title." (C.1.)

Q: What powers does the hearing officer have at a noncompliance fee hearing?

A: 22.60.010 Authority of hearing officer. "The hearing officer may approve, conditionally approve or disapprove applications for land use permits and variances, subject to the general purposes and provisions of this Title 22. In addition, the hearing officer may consider an appeal from a final zoning enforcement order issued by the director in accordance with the procedures specified in Section 22.60.390, and may thereafter sustain, modify or rescind such final zoning enforcement order."

Q: What is the deadline for the hearing officer to consider the appeal?

A: "The hearing officer shall consider such appeal within 45 days from the date that the appeal is filed and shall notify the appellant of the decision within a reasonable period of time thereafter in the manner described in this section for service of a final zoning enforcement order"(personal delivery or registered or certified mail, return receipt requested) (C.2.)

Collecting the Noncompliance Fee/ Owner occupied vs. non-owner occupied

Q: What mechanism is in place for Regional Planning to collect noncompliance fees?

A: No formal mechanism is in place to collect the noncompliance fee.

Q: What is the difference in our enforcement procedures between owner-occupied and non-owner occupied properties?

A: There is no difference in our enforcement procedure. Both owner occupied and non-owner occupied properties receive the same notices.

Q: Is there any difference in our right to enforce on owner occupied versus non-owner occupied properties?

A: Yes.

1. The Department of Regional Planning has the right to place a lien on commercial, industrial or non-owner occupied residential property in order to recover the noncompliance fee
2. The Department of Regional Planning does not have the right to place a lien on an owner occupied residential property.

District Attorney filing vs. Noncompliance fee

Q: Are these two separate procedures?

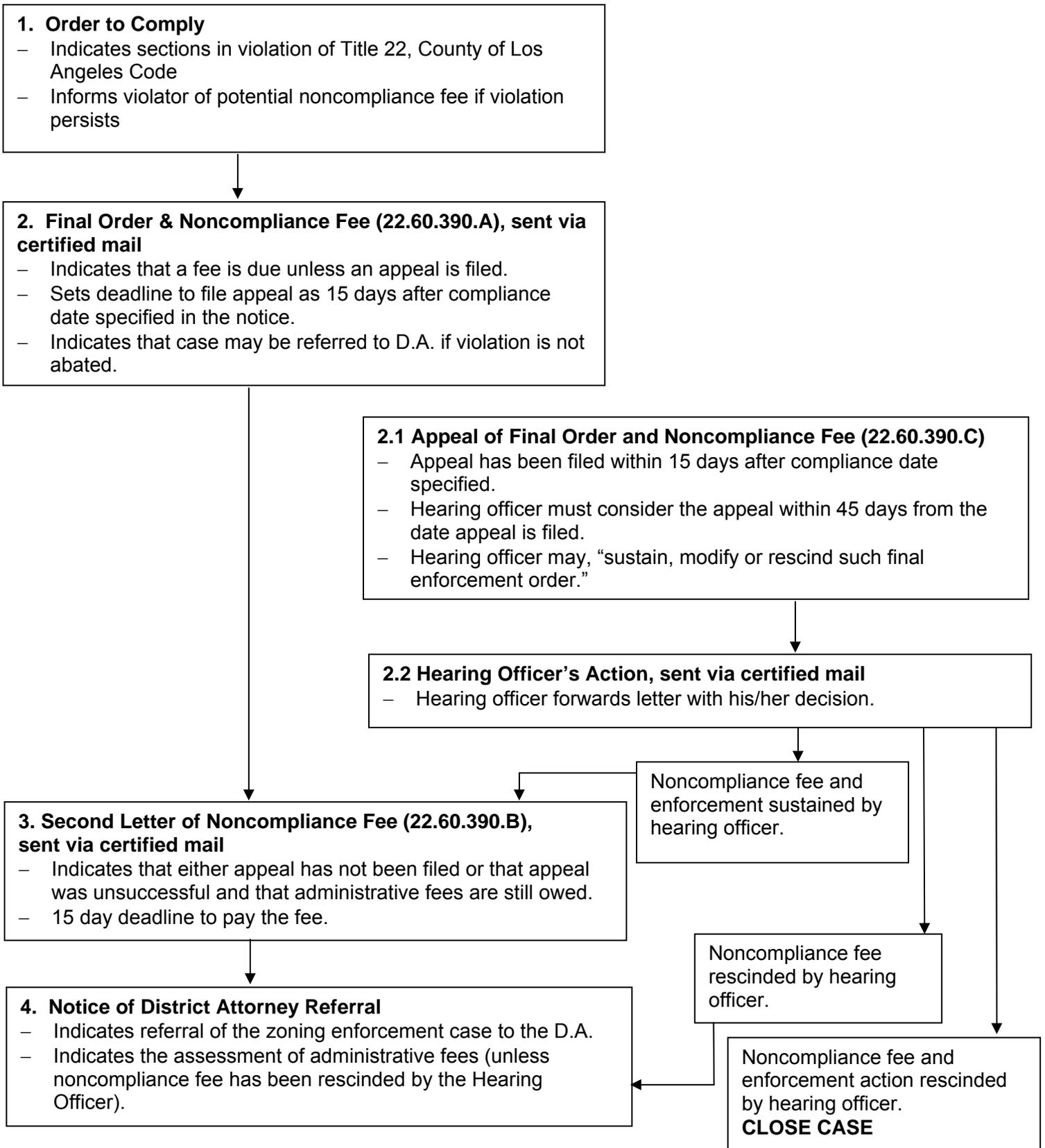
A: Yes.

1. "The purpose of the noncompliance fee is to recover costs of zoning enforcement inspections and other efforts by the director to secure substantial compliance with a zoning enforcement order" (B.2.)
2. Section 22:60:340.A. "Every person violating any condition or provision either of this Title 22, or of any permit, nonconforming use and structure review, zoning exception case,

variance or amendment thereto, is guilty of a misdemeanor, unless such violation is otherwise declared to be an infraction in Section 22.60.360. Each violation is a separate offense for each and every day during any portion of which the violation is committed.”

Our D.A. referral and criminal complaint procedures are our mechanism for abating our enforcement cases through the criminal justice system.

[9/26/2000 – John Calas, Land Use Regulation]



Policy on Time Extension Requests

Reference: Subsections B and D of Section 22.60.390

Q: When may a property owner submit a request for a time extension to correct a zoning violation on his or her property?

A: Please consider the following regarding time extension requests for any zoning enforcement correspondence sent out by staff:

- All time extension requests must be in writing and a hard copy kept in the enforcement file,
- Especially for the "Second Notice of Non-Compliance Fee", the time extension request must be received by staff prior to the expiration date as specified in the letter.

Please be aware that a total of \$2,033.50 (includes the \$581 Non-Compliance Fee and further administrative costs) will be assessed if no written time extension requests has been submitted within 15 days after the date of service of the Second Notice of Non-Compliance Fee, and if the violation still exists.

Please be aware that the noncompliance fee is subject to an annual increase.

[3/28/2005 – Rose Hamilton and Alex Garcia, Zoning Enforcement]

Chapter 22.62

Conformity Review for Adult Businesses

Reference: Chapter 22.62

Q: What is the appropriate case processing procedure for an adult business?

A: The Zoning Code, Chapter 22.62, requires adult-oriented businesses to meet certain development standards by November 17, 1996. Notification has been sent to the nine adult businesses in the unincorporated areas of the County informing them of these requirements.

The process to review these projects will be the plot plan/director's review. At the same time, it is appropriate to review the businesses for compliance with the remaining provisions of the Code to determine, if necessary, the amortization periods for any non-conformance. The following procedure will be used.

Plot Plans

A plot plan will be required to determine if an adult business meets the standards in the Zoning Code. The plot plan must show how these standards are to be met; those that can not be graphically shown (such as hours of operation, business license to be current) must be listed on an attachment.

The plot plan must show: parking spaces and design, landscaping, building location, and basic interior floor plan. The purpose of the plot plan is to determine if the business is conforming/nonconforming with regards to: (1) the regular commercial/industrial development

standards, (2) the adult business development standards, (3) zoning (basically, C-3 or higher - 22 .62.040), and (4) locational standards.

Photographs of the front of the building, any rear entrance door, and the parking area are to be included.

An occupancy load approved the Department of Public Works is also required for assembly uses -- live entertainment, arcades, but not for film rentals only.

Surrounding Land Use/Existing Zoning

A land use map and zoning map for the surrounding area shall be included as part of the application. The map is similar to the ones required by our zoning process. For adult businesses, it is necessary to show a 250 and 500 foot radius around the building. The purpose of these maps is to determine if the business meets the locational standards, which are:

- 250 feet from any residence or property zoned residential or agricultural.
- 500 feet from schools (K-12), child care center, public park, or recognized place of worship.

Development Standards

These are to be included on the plot plan or an attached statement (based on 22.62.030, see the Section for the specifics):

- The business is within a permanent structure
- Trash dumpsters are enclosed by a screen.
- Exterior doors and windows are to be closed during business hours and windows shall have an opaque covering.
- Permanent barriers to screen interior views of the property from the outside.
- Landscaping of trees and shrubs shall consist of ground cover less than 30' in height and of which the foliage shall be maintained a minimum of 6' above the ground.
- The exterior area shall be clearly lighted.
- Signage shall not contain sexually explicit representations. Entrances shall be posted to indicate minors are prohibited. Non-conforming structures can not be converted to an adult business.
- No activities shall be conducted/sponsored which creates a parking demand beyond what the Code requires.
- No material, performers, or signs shall be visible from outside the building.
- The exterior areas shall be maintained in a clean and orderly manner.
- The required business license shall be kept current.
- The business is to conform to all applicable laws and regulations.
- The hours of operation are limited between 9:00 a.m. and 2:00 a.m.
- Sound absorbing material shall be installed so that sounds from inside are not audible on the adjacent property line or public right-of-way.
- No massages, acupuncture, tattooing, acupressure, or escort services are permitted on site.
- A security guard during hours of operation shall be on duty if the occupancy load exceeds 50 people.

Actions

If the development standards can be met, the project is to be approved; if they can not be met, the project is to be denied or the applicant shall request a review of the termination schedule (22.62.100.)

In addition, if a project is found to be non-conforming due to other zoning standards (parking, etc.), zoning, and/or locational standards, it is to be approved with a note that it has been found non-conforming and the amortization period is until February 8, 2016.

[8/1/1996 – Rudy Lackner, Land Use Regulations]

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APPENDIX I

Miscellaneous Interpretations

Common Zoning Violations

Reference: Miscellaneous Title 22 Citations

Code Violating Activity	Applicable Code	Penalty for Violation	Legal Remedies	What is Needed to Substantiate Compliant	Other County Depts Involved
Auto repair is being conducted on residential premises	A - 22.24.070 R-1 22.20.070 R-2 22.20.170 R-3 22.20.260 R-4 22.20.340 R-A 22.20.410	Misdemeanor in all applicable zones	DRP Referral	Written Complaint	
Auto repair is conducted outside of an enclosed building	C-H 22.28.030 C-1 22.28.080 C-2 22.28.130 C-3 22.28.180 C-M 22.28.230 C-R 22.28.290 CPD 22.28.340 M-1 22.32.040	Misdemeanor Misdemeanor Misdemeanor Misdemeanor Infraction Misdemeanor Misdemeanor Infraction	DRP Referral	Written Complaint	
Commercial Vehicle over 6,000 pound is maintained on residential premises	Agr - 22.24.035.A Res - 22.20.025.A	Infraction in all applicable zones	DRP Referral	Written Complaint	California Highway Patrol & Parking Control
Single family residence has been converted into a duplex	A-1 22.24.070 A-2 22.24.120 R-1 22.20.070 Res Multi-unit 22.52.1180.A	Misdemeanor in all applicable zones	DRP Referral	Written Complaint	Building & Safety
Front yard fence is higher than the 42" maximum permitted	Agr - 22.48.160 Res - 22.48.160	Misdemeanor in all applicable zones	DRP Referral	Written Complaint	
The required garage has been converted into living quarters	22.52.1010 A-1 22.24.070 A-2 22.24.120 R-1 22.20.070	Misdemeanor in all applicable zones	DRP Referral	Written Complaint	Building & Safety
The required garage has been maintained as inaccessible for parking/storage of vehicles	Agricultural and Residential 22.52.1010	Misdemeanor in all applicable zones	DRP Referral	Written Complaint	Building & Safety

An inoperable vehicle is maintained on the premises	Agr - 22.24.035.B Res - 22.20.025.B	Infraction in all applicable zones	DRP Referral	Written Complaint	Property Rehab
Items classified as junk and salvage are maintained on the premises	A-1 22.24.070 A-2 22.24.120 R-1 22.20.070 R-A 22.20.410	Misdemeanor in all applicable zones	DRP Referral	Written Complaint	Property Rehab
A vehicle is parked within the required front yard setback area	Agr - 22.24.035.A Res - 22.20.025.A	Infraction in all applicable zones	DRP Referral	Written Complaint	Parking Control
A recreational vehicle is being used for residential purposes	A-1 22.24.070 A-2 22.24.120 R-1 22.20.070 R-2 22.20.170 R-3 22.20.260 R-4 22.20.340 R-A 22.20.410 RPD 22.20.460	Misdemeanor in all applicable zones	DRP Referral	Written Complaint	Building & Safety
A recreational vehicle is parked on the driveway	Agr - 22.24.035.A Res - 22.20.025.A	Infraction in all applicable zones	DRP Referral	Written Complaint	Parking Control
An unpermitted structure is maintained within the required setback area	A-2 22.24.120 R-1 22.20.120 R-2 22.20.220 R-3 22.20.320 R-4 22.20.380	Misdemeanor in all applicable zones	DRP Referral	Written Complaint	Building & Safety
() is not permitted in this zone	A-1 22.24.070 A-2 22.24.120 A-2-H 22.24.200 R-1 22.20.070 R-2 22.20.170 R-3 22.20.260 R-4 22.20.340 R-A 22.20.410 RPD 22.20.460 C-H 22.28.030 C-1 22.28.080 C-2 22.28.130 C-3 22.28.180 C-M 22.28.230 C-R 22.28.290 CPD 22.28.340	Misdemeanor in all applicable zones	DRP Referral	Written Complaint	
An unpermitted home based business is being conducted on the premises	Agr - 22.24.030 Res - 22.20.020	Misdemeanor in all applicable zones	DRP Referral	Written Complaint	
Having more than two yard sales in a 12 month period on the premises	Agr - 22.24.065 Res - 22.20.065	Misdemeanor in all applicable zones	DRP Referral	Written Complaint	

Banners, pennants and streamers are displayed on the premises	Commercial and Industrial 22.52.800, 22.52.990.F (streamers exempt in Industrial)	Infraction in all applicable zones	DRP Referral	Written Complaint	
A free standing sign is displayed on the premises	Commercial and Industrial 22.52.800, 22.52.890	Misdemeanor in all applicable zones	DRP Referral	Written Complaint	
Portable signs are displayed on the premises	Commercial and Industrial 22.52.800, 22.52.990.I	Infraction in all applicable zones	DRP Referral	Written Complaint	
Material and/or merchandise are displayed outside an enclosed building	C-1 22.28.120.F C-2 22.28.170.D C-3 22.28.220.C C-M 22.28.270.C	Infraction in all applicable zones	DRP Referral	Written Complaint	Property Rehab
Materials and equipment are stored outside an enclosed building	C-1 22.28.120.G C-2 22.28.170.E C-3 22.28.220.D C-M 22.28.270.D	Misdemeanor in all applicable zones	DRP Referral	Written Complaint	Property Rehab
Materials and/or merchandise are displayed or stored outside an enclosed building without meeting the current development standards	Industrial - 22.52.560 - display 22.52.560 - storage	Infraction Misdemeanor	DRP Referral	Written Complaint	Property Rehab

Action for Department to take to correct zoning violations:

Send four (4) notices of violation, and if there's no compliance, assess a noncompliance fee and refer to the District Attorney for conference or criminal complaint filing.

All zoning violations should be reported to the Zoning Enforcement section at either (213) 974-6453 or (213) 974-6483.

[Undated, Zoning Enforcement Section]

Development Standards for Accessory Recycling Collection Centers

Reference: None.

Q: How should accessory and small-scale recycling facilities be handled?

A: This interpretive memo provides definitions and development standards for accessory recycling collection centers. Although state law encourages such uses and there have been inquiries about mobile and permanent collection centers accessory to supermarkets, the zoning ordinance does not adequately address such uses. The increase in redemption value has stimulated the establishment of recycling collection centers in the unincorporated areas of Los Angeles County, and the California

Bottle Bill (AB 3056) has demonstrated that the combination of consumer recycling incentives and a convenient recycling infrastructure will result in greater recycling activity.

Definitions:

Recycling Collection Center: A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Collection centers include mobile units operated within a truck not kept on the property overnight and centers operated within a storage container. Collection centers do not involve the processing of the recyclable materials, which is only allowed with a conditional use permit in the M-2 (Heavy Industrial) and higher zones.

Recycling Collection Receptacle: A container that is suitable for the collection of recyclable materials. Containers shall be durable, waterproof, rustproof, and of incombustible construction, and shall be enclosed to provide protection against the environment or be located within completely enclosed indoor areas.

Supermarket: A self-service retail store (minimum 5,000 sq. ft. in size) that sells a full line of dry grocery, canned goods, or nonfood items and some perishable items. Recycling collection center locations must be approved by the State of California as a Supermarket Site prior to application submittal.

Supermarket Site: Any certified recycling center that redeems all types of empty beverage containers in accordance with the State Public Resource Code 14572, and that is located on the same property as a supermarket.

Size:

The area used for an accessory recycling collection center shall be limited 500 sq. ft.

Location:

Accessory recycling collection centers shall be permitted on a Supermarket Site property in zones C-1, C-2, C-3, C-M, and all industrial zones, subject to compliance with all of the following:

- The supermarket shall:
 1. Meet the definition of a supermarket; and
 2. Have a valid and current "Food Establishment" business license.
- The property shall:
 1. Comply with all currently applicable development standards, including parking and landscaping requirements;
 2. Be free of any zoning violations; and
 3. Be permitted to have only one accessory recycling collection facility.
- The accessory recycling collection center shall:
 1. Be located a minimum of 10 feet from all property lines and structures;
 2. Be located a minimum of 100 feet away from any residential use;
 3. Not be located on any required parking spaces, driveways, aisles, vehicular back-up space, walkways, loading areas, fire lanes, trash enclosure areas and landscaped areas. The center shall not obstruct pedestrian or vehicular circulation.

Required Parking:

- One parking space shall be required for every 250 square feet of area (enclosed and outdoor areas) used by the recycling collection center.
- Existing parking requirement for the existing uses on the property shall not be reduced.

Standards of Operation:

- The hours of operation are limited to 9:00 am to 6:00 pm, Monday through Saturday and 12:00 pm to 5:00 pm, Sunday.

- Only the following materials can be collected: aluminum cans, glass or plastic containers, paper products, and cardboard.
- At least one employee is required to be and no more than three employees are allowed on the premises during the hours of operation.
- All collected recyclables shall be stored within an enclosed container or structure or within a mobile recycling truck. Recyclables shall not be stored in or around the supermarket site or left outside. Signage shall be provided on site regarding this standard.
- Any facility larger than 250 square feet of area shall be required to have view-obscuring fencing or wall. Chain-link fences are prohibited.
- If recycling collection receptacles are filled to capacity, no additional recyclables shall be collected until additional receptacles are available for collection.
- Containers must be clearly labeled to indicate the type of material to be deposited.
- No vertical stacking of containers.
- A trash receptacle shall be provided for customers.
- At the end of every collection day, the facility shall be swept clean.
- Power-driven processing equipment, except for reverse vending machines, is not permitted.
- Within 30 days of discontinuation of the recycling collection center use, all related equipment shall be removed.

Signage:

- One sign with a minimum dimension of 2 feet x 2 feet and maximum dimension of 3 feet x 3 feet shall be permanently fixed on the recycling collection center in a location visible to customers and front the nearest street.
- The following shall be posted on the sign:
 1. Hours of operation
 2. Items collected
 3. "No Loitering", "No Littering", and "No material shall be left outside of the recycling enclosure or containers"
 4. The name and telephone number of the facility operator
- No freestanding signs, portable signs, or banners will be allowed.

Review:

- A complete Site Plan Review Application (refer to Application Checklist) shall be submitted with the current application fee and all of the following:
 1. Letters of authorization from the supermarket operator and property owner authorizing the applicant to operate a recycling collection center on the subject property;
 2. A copy of the State license allowing a recycling collection center on the subject property;
 3. A letter from the Health Department for an approved vermin/rodent/pest abatement program;
 4. A zoning enforcement inspection cost recovery fee shall be required prior to site plan approval - the inspection shall be conducted after approval of the site plan to ensure compliance with the approved plan;
 5. Site plans shall show the exact boundaries of the space that will be used for the operation of the recycling collection center and the location of required parking.

Expiration:

- Approval of a collection/redemption location is valid only for the lifetime of the supermarket. The facility must be removed once the supermarket ceases to operate.
- Violation of any of the above provisions shall render the approval null and void.

[11/03/08 – Land Use Regulations]

Bingo Licenses

Reference: None.

Q: What is DRP's role in reviewing license applications for bingo parlors?

A: Regulations regarding bingo are established by State law and the county's responsibility for implementing these regulations rest with the Sheriff's Vice. The Sheriff fingerprints, conducts background checks and verifies whether or not the applicant represents a nonprofit organization. DRP has no role in this capacity.

DRP's responsibility is to review the location to determine whether there is a place for public assembly and appropriate parking. In other words, is the current use of the property in compliance with zoning regulations. Since bingo can only be operated once a week, it would be an accessory to whatever present use exists.

[4/14/1993 – Rudy Lackner]

Building Permit Reviews

Reference: None.

Q: What is the Department's policy on building permits issued by Building & Safety?

A: District Engineers have different levels of planning and zoning knowledge and they encounter potential land use problems which vary from district to district. The Department of Regional Planning has, and will continue to support, all building officials. However, when a Building & Safety Office is uncertain of zoning requirements, a planning referral may become necessary. The following represents the Department's basic policies in this regard:

1. Regional Planning will continue to recognize all building permits issued by Building & Safety as having met zoning requirements. Pursuant to Section 22.48.180 of the County Code, building officials have the authority to grant modifications to yard or setback regulations.
2. If there are structures involved and the Building Department is concerned with the size, location, etc. of that building, the applicant must file for, and receive plot plan approval. This may require approval of a setback modification that involves neighbor notification.
3. In the event there is a question whether a particular use is permitted in the underlying zone, the Building & Safety individual can either:
 - a) call Land Development Coordinating Center section head at (213) 974-6470, or Land Use Regulations Administrator at (213) 974-6431 to receive a verbal approval; or
 - b) call one of the above persons to request a memo.

Again, this will only apply to whether a use is permitted in a particular zone.

4. Regional Planning will not sign-off on the actual building permit.

[11/1/1995 – Rudy Lackner, Land Use Regulations]

Property Owner's Signature for Minor Ministerial Projects

Reference: None.

Q: Is a property owner's signature requirement for minor ministerial projects?

A: It has been brought to my attention that the requirement for the property owner's signature, including letters of authorization and corporations' articles of incorporation, can be onerous for applicants proposing minor ministerial projects. In addition, other County agencies such as the Department of Public Works and Fire Department do not require this type of extensive ownership documentation, particularly for properties owned by corporations or organizations, rather than by individuals. Therefore, in order to enhance customer service and meet the strategic plan goal of service excellence, this procedural memorandum clarifies when a property owner's signature is not required for certain ministerial applications.

Applicability

1. This policy applies only to Site Plan Review and Revised Exhibit A applications for minor projects, including, but not limited to, business signs, tenant improvements, remodeling, minor parking lot modifications such as restriping, solar panel installations (accessory landscaping, fences/walls, etc).
2. This policy does not apply to applications that establish uses on vacant land, uses that require any discretionary review or public hearing, for Marina del Rey projects, or for commercial projects that increase the building footprint.

For projects that do not require the property owner's signature, the application may be signed by the applicant or agent, who will be required to certify under penalty of perjury that the information provided is correct and that the property owner is aware of and has agreed to the application submittal.

The Director retains the authority in any instance to require a property owner's original signature, including any related documentation for verification.

[07/08/09 – Field Offices/Land Use Regulations]

Requirements for Building Construction and Land Use Within or Adjacent to High Voltage Transmission Lines

Reference: None. Refer to citations below.

Q: What are the development standards for new and existing buildings built near high voltage transmission lines?

A: The Fire Department has issued the following guidelines for structures placed within or adjacent to high voltage transmission line easements:

A. Purpose: The purpose of this Regulation is to establish consistent requirements for the construction of new permanent structures, existing structures and other secondary land uses within or adjacent to high voltage transmission line easements.

B. Scope: This regulation shall apply to existing structures and all individuals, companies, and organizations which propose to build any permanent structures or develop other secondary land uses within or adjacent to high voltage transmission line easements.

C. Related Citations:

1. Health and Safety Code, State of California (H.S.C.)
2. California Code of Regulations Title 19 (TI 9)
3. Los Angeles County Fire Code, Section 101.4
4. California Public Utilities Commission General Order 95
5. California Code of Regulations Title 8, Article 37, Section 2946

D. Definitions:

1. Adjacent to a High Voltage Transmission Line Easement: A one hundred foot wide area adjacent to and parallel with the drip line of the most outward high voltage transmission line.
2. High Voltage Transmission Line: Transmission lines operating at or above 66 kilovolts.
3. New Permanent Structure: Any structure to be erected for more than 180 days/year and started construction after the effective date of this Regulation.
4. Secondary Land Use: Includes all land uses other than the transmission of power.

Responsibilities

A. All individuals, companies and organizations who propose to engage in the construction of permanent structures or development of other secondary land uses within or adjacent to high voltage transmission line easements are subject to the requirements of this Regulation.

B. Fire Prevention Division personnel will review all proposed secondary land use plans and verify compliance with this Regulation.

C. Operations Bureau personnel shall be informed of the requirements of this Regulation.

Policy

A. This Regulation outlines the procedures related to all new permanent structures and other secondary land uses to be constructed within or adjacent to a high voltage transmission line easement.

Procedures

A. Code Application:

1. No new permanent structures shall be constructed underneath or within 50 feet of the drip line of a high voltage transmission line.
2. Any structure which is constructed adjacent to High Voltage Transmission Lines (within 100 feet of drip line) shall be subject to additional review with regard to Fire Department Operational Procedures.
3. No required fire lane serving a structure shall be located underneath or within 50 feet of the drip line of a high voltage transmission line.
4. All new and existing combustible storage shall comply with Section C (#2).

B. Distances of Structures to High Voltage Transmission Lines:

1. All portions of the building shall be located a minimum of 50 feet horizontally from the drip line of the high voltage transmission lines.

C. Agricultural/Recreation Use (Secondary Use):

1. Agricultural and recreational use may continue as long as the above requirements are met.
2. Exception: Restroom facilities serving recreational areas and built entirely out of non combustible materials may be allowed under high voltage transmission lines.
3. Outside storage of combustible materials shall be limited as follows:
 - a. Provide an approved storage configuration plan.
 - b. Combustible storage shall be restricted to individual piles not exceeding 5,000 square feet or 50,000 cubic feet in volume.
 - c. A clear space of at least 20 feet or half the height of the pile which ever one is greater shall be provided between piles. The clear space shall not contain flammable or combustible material or vegetation.
 - d. No pile shall produce a fire that generates more than 20 megawatts of energy.
 - e. Required on-site hydrants shall be spaced at a maximum of 600-foot intervals.

D. Existing Buildings within 100 feet of a High Voltage Transmission Line:

1. Fire Prevention Plan:
Each occupancy shall have an approved Fire Prevention Plan consistent with Cal-OSHA standards, properly posted for use by employees and occupants. Implementation of the plan will be the responsibility of the operator of the occupancy. The plan shall include but not be limited to the following:
 - a. Evacuation Plan indicating all exits and identifying safe refuge areas away from hazards
 - b. Location of fire extinguishers
 - c. Emergency phone numbers
2. Placarding:
A placard indicating "CAUTION HIGH VOLTAGE LINES OVERHEAD" shall be placed at the entrance off the public street and on all sides of the building.

E. Vehicle Parking/Storage: (Secondary Use):

1. Vehicle storage is permitted underneath or adjacent to high voltage transmission lines.
 - a. A vehicle parking/storage plan shall be approved by the jurisdictional Regional Fire Prevention Office prior to vehicle parking/storage.
 - b. Vehicle storage/parking is restricted to passenger type vehicles only.
 - c. Vehicles other than passenger type vehicles shall not be permitted to be parked/stored underneath or within 50 feet of the drip line of a high voltage transmission line.
 - d. Vehicles parked or stored underneath high voltage transmission lines shall be provided with 20-foot wide, all-weather Fire Department vehicular access.
 - e. Vehicle storage shall have a 20-foot break every 150 feet.
 - f. Vehicle storage is to have three feet between cars and shall not exceed four vehicles deep.
 - g. No single vehicle or multiple vehicles stored in a group shall produce a fire that generates more than 20 megawatts of energy.
2. Required on-site hydrants shall be spaced at 600-foot intervals.
3. Fire flow shall be 1,000 GPM in VHFHSZ and 750 GPM in Fire Zone 3.
4. Vehicle parking shall be free of combustible vegetation.

[6/2/2006 - The Deputy Chief of the Prevention Services Bureau of the Fire Prevention Division]

Sewage Treatment Plants as Accessory Uses

Reference: None. See CUP provisions under Zones R, A and C.

Q: Does a sewage treatment plant, as an accessory use, require a Conditional Use Permit?

A: The County Counsel has advised this Department that a sewage treatment plant which is accessory to and serves only the property on which it is located does not require a conditional use permit. Therefore, the only time a conditional use permit would be required to establish a sewage treatment plant would be for a facility that is to serve property other than that on which it is located or is to be deeded to the County for operation and maintenance.

[11/9/1972 – O..K. Christenson, Director of Planning (Daniel N. Cullen, Division Chief, Plan Administration)]

APPENDIX II

County of Los Angeles General Plan and Area Plans Policy Interpretations

List of Consistent Uses and the General Plan

Q: Which uses do not need a General Plan consistency determination?

A: Except as provided below and on the maps, the following uses are deemed consistent with the applicable plan, regardless of the Plan category. Building permits may be issued for the following uses without additional Regional Planning review, provided the uses conform to zoning and all other applicable County regulations.

1. Addition or modifications to existing non-residential buildings or structures, provided that such additions or modifications will not result in an increase of more than 50% of the floor area of the building or structure before the addition or modification, or 2,500 square feet, whichever is less;
2. Additions or modifications to existing residences, provided that such additions or modifications do not increase the number of families that can be housed in said residences; and
3. Except where residential uses are prohibited or restricted as indicated, one individual single family residence constructed on a legal lot or parcel, or contiguous lots or parcels.

Building permit applications for sites identified on the maps as inconsistent or potentially inconsistent with the applicable plan, and for uses not listed above, are to be referred to the Department of Regional Planning for a General Plan consistency determination.

[Undated, author unknown, updated 2/2007]

Residential Density Calculations – General Plan Interpretative Guidelines

Q: How is maximum residential density calculated according to the General Plan and various community and areawide plans?

A: *Method of Calculating Maximum Residential Densities*

It has recently come to attention that there is a need to re-state the method by which staff is to calculate the maximum allowable residential density for the county-wide General Plan and various area, community, and coastal plans. This memorandum is intended to clarify the departmental policy with respect to the calculation of maximum residential density for properties within the unincorporated area. It should be emphasized that most plan categories allow for a

range of densities and the maximum number of units appropriate for a given property may not be the maximum allowable as discussed below.

Calculation Does Not Grant an Entitlement

The maximum allowable density, as calculated by the three methods discussed below, represents a reference point for county decision-makers in determining the appropriate level and intensity of development for the property. It does not establish an entitlement. Many other written and mapped policies in the General Plan, and various area and community plans, further circumscribe and limit the allowable uses on a given property. Key policy areas to consider include hillside management areas, significant ecological areas, flood prone areas, seismic hazard areas, and the presence or absence of supporting infrastructure systems, including the availability of water and sewer facilities, and municipal services such as fire, police, library and public educational institutions.

Map of Legal Ownership

All applicants for residential development, requiring discretionary approval by the county, shall submit a map depicting the legal boundaries of the property (total fee area of lot), and all roadway easements as may apply to the property. Where the status of easements is not clear or unknown, one may assume that the property ownership extends to the centerline of any adjacent street. The map shall include a calculation of the gross area of the property, and the acreage of any road easements shown on the map. The gross area defined by this map shall be the area used to make the following residential density calculations.

1. County-wide General Plan method

a. Applicable to:

- Antelope Valley Area Plan
- Santa Clarita Valley Area Plan
- Unincorporated areas not covered by an area, community or coastal plan

b. Gross Acreage Method: Use the gross area of the property as shown on the map. Transfer onto this map all land use categories from the appropriate land use policy map. Since more than one land use category may apply to a given property, calculate the area that is defined by each land use category. Express the result to the nearest one-tenth (1/10) of an acre. For each individual land use category that affects a given parcel, multiply the area within that category by the maximum permitted dwelling units as set forth by the land use classification. Express the calculation out to one-tenth (1/10) of a unit. If more than one category is applicable to a given property, add all of the fragments together to derive a total allowable number of units, and then apply the "rounding method" as discussed under "Fractional Units" below. The resulting calculation expresses the maximum permitted number of dwelling units.

Example: 40 acre parcel in unincorporated island

<u>Acres</u>	<u>Land Use Category</u>	<u>Dwelling Units</u>
10.3 acres	x (R)1du/acre	= 10.3
17.2 acres	x (1) 6du/acre	= 103.2
5.4 acres	x (2) 12du/acre	= 64.8
<u>7.1 acres</u>	x (3) 22du/acre	= <u>156.2</u>
40.0 acres		334.5
Maximum permitted dwelling units = 334		

2. Modified Community Plan Method

a. Applicable to:

- Santa Monica Mountains Interim Area Plan
- Malibu Land Use Plan

b. Modified Method: Use the same calculation method as described above in Method No. 1, except that no credit shall be given for existing easements dedicated as public right-of-way as shown on the Highway Plan as a major, secondary or limited secondary highway. However, do not deduct for new streets proposed as part of the development.

Example: 40.0 gross acres
 -6.5 acres in existing public road easement for Topanga Blvd (not included)
 33.5 net acres
 [2.3 acres in local public street easement (included)]

Acres

9.3 acres	x 1du/20 acres =	0.5
13.1 acres	x 1du/2 acres =	6.6
5.0 acres	x 1du/acre =	5.0
<u>6.1 acres</u>	x 3du/acre =	<u>18.3</u>
33.5 acres		30.4
Maximum permitted dwelling units = 30		

3. Community Plan Method

a. Applicable to:

- Altadena Community Plan
- Diamond Bar Community Plan
- East Los Angeles Community Plan
- Hacienda Heights Community Plan
- Marina del Rey Land Use Plan
- Rowland Heights Community Plan
- Twin Lakes Community Plan
- Walnut Park Neighborhood Plan
- West Athens/Westmont Community Plan
- Future community plans such as
 West Compton & Florence-Firestone
- Revisions to all existing plans including
 current updates to Ventura Freeway Corridor Area Plan,
 Santa Monica Mountains Land Use Plan, and
 County-wide General Plan

b. Net Acreage Method: Use the gross area of the property as shown on the map. Transfer onto this map all land use categories from the appropriate land use policy map. Subtract from this gross area all existing easements dedicated to public roadways. However, do not deduct for new streets proposed as part of the development. Since more than one land use category may apply to a given property, calculate the area that is defined by each land use category. Express the result to the nearest 1/10 of an acre. For each individual land use category that affects a given parcel, multiple the area within that category by the maximum permitted dwelling units as set forth by the land use classification. Express the calculation out to nearest 1/10 of a unit. If

more than one category is applicable to a given property, add all of the fragments together to derive a total allowable number of units, and apply the "rounding method" as discussed under "Fractional Units" below.

Example: 40.0 gross acres
 - 8.5 acres in public road easement
 31.5 net acres

<u>Acres</u>			
15.1 acres	x	1du/2 acres =	7.6
7.3 acres	x	1du/acre =	7.3
5.0 acres	x	3du/acre =	16.0
<u>4.1 acres</u>	x	6.6du/acre =	<u>24.6</u>
3 1.5 acres			55.5
Maximum permitted dwelling units = 55			

Fractional Unit Rounding Method

Due to the generalized nature of all land use policy maps produced by the department to date, a margin of error may exist in any effort to transfer and apply land use boundary lines drawn at a gross scale to precise boundaries as depicted on legal maps of properties. Thus, the departmental policy is to round down all fractional units as derived in the above calculations to the next lower whole number.

Santa Catalina Island Land Use Plan

None of the above methods of calculating maximum dwelling units apply to the Santa Catalina Island Land Use Plan. The Santa Catalina Island Specific Plan, beginning at Section 22.46.050 of Los Angeles County Code Title 22, provides specific allocation of all development, including residential, for all land use districts.

[12/3/1998 – Pamela Holt, Administrator, Advance Planning]

Urban Infill – General Plan Interpretation

Q: Does the General Plan allow urban infill at higher densities than specified in the Plan?

A: The General Plan specifically addresses and encourages urban infill. The issue is whether the current practice of allowing urban residential infill projects to develop at densities slightly in excess of their countywide land use designation should be allowed where a more detailed community or areawide plan exists.

On page III-31 of the Land Use Element, language specifically exempts residential projects covered by a more detailed community or areawide plan from the urban infill provisions. The assumption is that the urban infill emphasis was and will be taken into consideration whenever a local plan is adopted or amended.

Therefore, the urban infill provision allowing densities slightly in excess of their land use designation are not applicable where a more detailed community or areawide plan has been adopted.

[7/7/1982 – A. P. DeVito, Chief Deputy]

Slope Analysis – Resubdivisions (General Plan)

Q: What is the method for calculating slope analysis in resubdivisions?

A: Both the General Plan and the adopted General Plan Implementing Ordinances have failed to address the problem of slope analyses for resubdivisions. The issue is whether slope analyses for resubdivisions should be based on existing topography which may have been graded in accordance with an original tract map, or on the topography that existed at the time an original tract map was tentatively approved.

The General Plan and Ordinance 82-0003 (effective 2/5/1982) refer to hillside management areas as lands characterized by natural slopes of 25% or greater. The key word is “natural,” which Webster defines as “in a state provided by nature, without manmade changes; wild; uncultivated.” In addition, the intent of the General Plan would appear to direct that slope analyses for resubdivisions be applied to the topography that existed at the time an original tract map was tentatively approved. To base a slope analysis on topography that was recently graded would encourage illegal grading and provide a loophole allowing up to twice the densities permitted by the General Plan and its implementing ordinances.

Based on the above and until the Hillside Ordinance is amended to include specific language to resolve this dilemma, the topography existing at the time an original tract map was tentatively approved should be used on all resubdivision slope analyses. A single exception to this would be the occasion where a resubdivision is requested for the same number or fewer lots as the original approval and where all of the lots have already been legally graded under this previous approval. In this instance, an approval would be consistent with the policies of the General Plan since it would enlist no additional grading and since the existing hillsides would remain in their existing condition.

[7/7/1982 – A. P. DeVito, Chief Deputy]

Interpretation of Antelope Valley Area Plan Provisions Regarding Non-Residential Uses in Non-Urban Areas

Q: What is the policy for non-residential uses in non-urban areas of the Antelope Valley?

A:

1. Consistency

The Antelope Valley Area Plan contains language pertaining to non-residential uses in non-urban areas on pages VI-4 through VI-6. This language is contained within the legend of the Land Use Policy Map and is separate from language pertaining to commercial, industrial, and public facilities map designations. Non-urban map designations are considered to be residential in nature. In part, the Area Plan states:

Non-residential uses requiring, or appropriate for, remote locations may be allowed in Non-urban areas ...

Subject to compliance with the General Conditions for Development, (Section D of this Chapter) non-residential uses can include:

- (a) Local and highway oriented commercial and industrial uses to serve the needs of local residents and travelers;*
- (b) Manufacturing activities requiring remote or secluded locations for product testing, development and storage, including storage of volatile/hazardous substances*
- (c) Public and semi-public uses typically located in non-urban environs, such as solid and liquid waste disposal sites, utility and communication installations, and schools and other public facilities necessary to serve the Non-urban populations. In the case of proposals for waste disposal and mineral extraction facilities and uses, and other appropriate proposals, approved site restorations shall be required at the termination of such use.*
- ...*
- (d) Private and commercial recreational uses and specialized activities such as nature study centers, scientific research and educations camps, lodges and retreats, and visitor accommodations services and facilities when designed in a manner compatible with and sensitive to surrounding scenic and natural resources.*
- (e) Agricultural activities including live-stock grazing, bee-keeping, orchards and vineyards.*
- (f) Mineral extraction uses such as quarries and oil and gas fields.*

Since non-urban map designations are considered to be residential in nature and there is separate language pertaining to the commercial, industrial, and public facilities map designations, the cited language indicates that non-residential uses can be established in non-urban map designations without changing the map designation, i.e. without a Plan Amendment. However, these non-residential uses must conform to the criteria (a) through (f) cited above.

2. Standards

In addition, there are "general guidelines" for non-residential uses in non-urban areas. In part, the Area Plan states:

The application process for a non-residential use in a non-urban residential area shall involve the public hearing process and appropriate conditioning of the design of the project such that the negative impacts on adjacent land uses will be minimized.

All applications for environmentally sensitive uses including waste disposal facilities, mining operations, quarries, airports or other similar uses shall require a full environmental analysis to identify potential negative impacts.

This language indicates that non-residential uses can be established in non-urban map designations without changing the map designation but require discretionary review, including applicable review under the provisions of the California Environmental Quality Act (CEQA).

It should also be noted that pages VI-6 and VI-7 make reference to "Unmapped Highway Oriented Commercial" and "Unmapped Neighborhood Commercial" uses that are not shown on the Land Use Policy Map. If these "Unmapped" uses are located within a non-urban area, the Plan requires compliance with either the "Unmapped Highway Oriented Commercial Conditions for Development" or "Unmapped Neighborhood Oriented Commercial Conditions for

Development" in addition to the "General Conditions for Development" required of all non-residential uses in non-urban areas.

3. Legal Non-Conforming Uses

The standards discussed above apply to new non-residential uses in non-urban areas, provided that they conform to the criteria (a) through (f) cited above. However, it is probable that some non-residential uses were established in non-urban areas prior to adoption of the Area Plan. While many of these pre-existing uses conform to the criteria (a) through (f) cited above, others may not, and the Area Plan includes language concerning those non-conforming uses:

It is the express intent of the Plan that these legally established non-conforming uses and developments may be allowed to operate throughout the time-frame covered by the Plan if they are found to be operated in full compliance with applicable codes and ordinances and can be shown to fill an important social or economic need within the area. However, while normal maintenance and repair is to be allowed, expansion or intensification of these uses will not be permitted (except as noted below) except through the Plan Amendment process.

4. Relationship to Zoning and Title 22 Provisions

New Uses

New non-residential uses within the non-urban map designations of the Area Plan may be deemed consistent with the Area Plan only if they conform to the criteria (a) through (f) cited above and meet the Area Plan standards for development cited above. While a Plan Amendment may not be required for these uses, they must still be located in an appropriate zoning designation and comply with all applicable provisions of Title 22.

In most cases, new non-residential uses within the non-urban map designations will require a zone change. In order to meet the Area Plan standards for development, such zone change must be to a Development Program (DP) designation (see Part 2 of Chapter 22.40), which requires a Conditional Use Permit for any new use to be established. The requirement of a zone change and Conditional Use Permit will meet the Area Plan's requirement that new non-residential uses in non-urban areas be established through a discretionary review process, including applicable review under the provisions of CEQA.

However, in some instances new non-residential uses within the non-urban map designations will not require a zone change, as they will occupy a vacant parcel of land or a parcel of land previously occupied by a different use. It is probable that many of these uses will require a Conditional Use Permit under the provisions of the underlying zoning. In those instances, the requirement of a Conditional Use Permit will meet the Area Plan's requirement that new non-residential uses in non-urban areas be established through a discretionary review process, including applicable review under the provisions of CEQA.

Rare circumstances may exist in which new non-residential uses within the non-urban map designations will not require a zone change or a Conditional Use Permit under the provisions of the underlying zoning. However, the Area Plan requires that they be established through a discretionary review process and be conditioned "such that the negative impacts on adjacent land uses will be minimized." This can only be accomplished through a Conditional Use Permit (see Section 22.56.010). Therefore, a Conditional Use Permit should be required for these uses even if they are typically permitted "by right" within the underlying zoning.

Existing Uses

Existing non-residential uses that were legally established prior to the adoption of the Area Plan may be deemed consistent with the non-urban map designations of the Area Plan only if they conform to the criteria (a) through (f) cited above. If they do not conform to the criteria, they may be maintained in perpetuity but cannot be expanded or intensified without a Plan Amendment.

If an existing use does conform to the criteria (a) through (f) cited above, expansion or intensification may be permitted without a Plan Amendment but may require a zone change, Conditional Use Permit, or other discretionary review subject to the provisions of Title 22. Site plans for expansion or intensification should be submitted to ensure compliance with Title 22 if a zone change, Conditional Use Permit, or other discretionary review is not required.

[9/11/07 – Countywide Studies Section]

Application of Policy 88 of the Malibu Land Use Plan to New Access Roads Crossing Multiple Legal Parcels

Q: Policy 88 of the Malibu Local Coastal Program Land Use Plan ("LUP") states that "standard new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less," and requires a conditional use permit for longer roads. To determine the length of a new access road, should just the portion of the road on the parcel to be developed be measured or should the entire length of the road regardless of underlying parcel ownership be considered when calculating access road length?

A: Policy 88 was established to minimize grading and vegetation removal associated with development in the Malibu/Santa Monica Mountains Coastal Zone. Therefore, access roads that exceed a certain length are subject to additional review and discretionary approval. Consistent with the intent of this policy, the entire length of a new access road should be considered as part of the development site when determining whether the "new on-site access road" exceeds the lesser of "300 feet or one-third the parcel depth." This applies regardless of the fee ownership of any underlying parcels that the access road crosses.

It is not unusual for parcels in the area covered by the LUP to be "landlocked" and take access over other property to reach a public or a private roadway. Often the majority of an access road to reach a particular parcel is located on property owned by someone other than the applicant. Taking the entire length of a new access road into consideration, and treating the road as part of the project site, regardless of the ownership of any of the underlying lots that it crosses, is more protective of the environment and is consistent with the goals and intent of the LUP. Therefore, any new access road that exceeds the lesser of the distance of 300 feet or one-third of the parcel depth, when measuring the full length of the road, requires a CUP.

[9/15/09 – Patricia Keane, County Counsel]

APPENDIX III

COUNTY OF LOS ANGELES ZONING ORDINANCE SUMMARY

The document summarizes the major and important components of the Planning and Zoning Ordinance for the unincorporated areas of Los Angeles County. The summary is meant to provide general insight and guidance to a complex body of zoning regulations, standards and classifications for the general welfare of the unincorporated areas. Citations which follow each referenced zoning use refer to sections within the Zoning Ordinance.

This is a **summary only** of the Los Angeles County Zoning Ordinance. The information herein is **not all inclusive**.

For more complete and detailed information, please consult Title 22 (Planning and Zoning) of the Los Angeles County Code.

Please be reminded when using this summary; **all uses must be consistent with the General Plan, local plans, and/or community standards districts**. These may limit the type and intensity of use.

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Residential Zones
Chapter 22.20

Zone R-1: Single-Family Residence
22.20.070 – 150

Permitted Uses:

Single-family residences (22.20.070-22.20.100)

Minimum Required Area:

Unless otherwise specified, 5,000 square feet per lot (22.52.100, 22.52.250)

Maximum Height Limit:

35 feet from existing or excavated grade (22.20.110)

*unless modified by a special standards district, i.e. community standards district

Minimum Required Parking:

Single family residence: 2 covered parking spaces (22.52.1180)

Standard Yard Requirements:

Front yard: 20 feet (22.20.120)

Rear yard: 15 feet or 20% of average dept of shallow lot, but no less than 10 feet (22.20.120 and 22.48.110)

Side yards: Interior lot – 5 feet or 10% of average width of narrow lot, but no less than 3 feet. Corner lot – 5 feet. Reversed Corner lot – 10 feet (22.20.120)

Development Standards:

See 22.20.105

Zone R-2 Two Family Residence
22.20.170 – 250

Permitted Uses:

All R-1 uses, including:

Single-family residences

+ Two-family residences (duplexes) (22.20.170-22.20.200)

Minimum Required Area:

Unless otherwise specified:

5,000 square feet per lot (22.52.100)

2,500 square feet per unit (22.52.270)

Maximum Height Limit:

35 feet from existing or excavated grade (22.20.210)

*unless modified by a special standards district, i.e. community standards district

Minimum Required Parking:

Two-family residence/duplex: 1½ covered spaces and ½ uncovered space per unit

Single family residence: 2 covered parking spaces (22.52.1180)

Standard Yard Requirements:

Front yard: 20 feet (22.20.220)

Rear yard: 15 feet or 20% of average dept of shallow lot, but no less than 10 feet (22.20.220 and 22.48.110)

Side yards: Interior lot – 5 feet or 10% of average width of narrow lot, but no less than 3 feet. Corner lot – 5 feet. Reversed Corner lot – 10 feet (22.20.220)

Development Standards:

See 22.20.230-250

Zone R-3: Limited Multi-Family Residence

22.20.260 – 330

Permitted Uses:

All R-2 uses, including:

Single-family residences

Two-family residences

+ Apartment houses (22.20.260-22.20.290)

Minimum Required Area:

Unless otherwise specified:

5,000 square feet per lot (22.52.100)

1,425 square feet per unit or as otherwise limited by the General Plan (22.20.310 and 22.20.060)

Maximum Height Limit:

35 feet from existing or excavated grade (22.20.300)

*unless modified by a special standards district, i.e. community standards district

Minimum Required Parking:

Bachelor apartment unit: 1 covered space

Efficiency/1-bedroom unit: 1 covered space

2-bedroom unit: 1½ covered and ½ uncovered spaces

Two-family residence: 1½ covered spaces and ½ uncovered space per unit

Single-family residence: 2 covered spaces

Guest parking (for buildings with 10 or more units): 1 guest space for each 4 units (22.52.1180 and 22.20.330)

Standard Yard Requirements:

Front yard: 15 feet, except as provided (22.20.320)

Rear yard: 15 feet or 20% of average dept of shallow lot, but no less than 10 feet (22.20.320 and 22.48.110)

Side yards: Interior lot – 5 feet or 10% of average width of narrow lot, but no less than 3 feet. (22.20.320 and 22.48.100) Corner lot – 5 feet. Reversed Corner lot – 7½ feet (22.20.320).

Zone R-4: Unlimited Multi-Family Residence

22.20.340 – 400

Permitted Uses:

- All R-3 uses, including:
 - Apartment houses
 - Single-family residences
 - Two-family residences
- + Rooming and boarding houses
(22.20.340-22.20.370)

Minimum Required Area:

- Unless otherwise specified:
 - 5,000 square feet per lot (22.52.100)
 - 871 square feet per unit or as otherwise limited by the General Plan (22.20.390 and 22.20.060)

Maximum Height Limit:

- Total floor area not to exceed 13 times the buildable area (22.52.050)

Minimum Required Parking:

- Bachelor apartment unit: 1 covered space
- Efficiency/1-bedroom unit: 1 covered space
- 2-bedroom unit: 1½ covered and ½ uncovered spaces
- Two-family residence: 1½ covered spaces and ½ uncovered space per unit
- Single-family residence: 2 covered spaces
- Guest parking (for buildings with 10 or more units): 1 guest space for each 4 units
(22.52.1180 and 22.20.330)

Standard Yard Requirements:

- Front yard: 15 feet, except as provided (22.20.380)
- Rear yard: 15 feet or 20% of average dept of shallow lot, but no less than 10 feet
(22.20.320 and 22.48.110)
- Side yards: Interior lot – 5 feet or 10% of average width of narrow lot, but no less than 3 feet, plus 1 additional foot further back for each story above 3 stories, maximum required is 16 feet. (22.20.380)
- Corner lot – 5 feet. Reversed Corner lot – 7½ feet (22.20.380).

Zone R-A: Residential Agriculture

22.20.410 – 450

Permitted Uses:

- Single-family residences
- +Crops (field, tree, berry, row and nursery stock) (22.20.410-22.20.440)

Minimum Required Area:

- Unless otherwise specified, 5,000 square feet per lot (22.52.100, 22.52.250)

Maximum Height Limit:

35 feet (22.20.450)

Minimum Required Parking:

Single family residence: 2 covered spaces (22.52.1180)

Standard Yard Requirements:

Front yard: 20 feet (22.20.4500)

Rear yard: 15 feet or 20% of average dept of shallow lot, but no less than 10 feet (22.20.450)

Side yards: Interior lot – 5 feet or 10% of average width of narrow lot, but no less than 3 feet. Corner lot – 5 feet. Reversed Corner lot – 10 feet (22.20.450)

Development Standards:

See 22.20.450

Zone RPD: Residential Planned Development

22.20.460

Permitted Uses:

Single-family residences (22.20.460.A)

+ Planned unit development with approved CUP (22.20.460.B)

Minimum Required Area:

Unless otherwise specified, 5,000 square feet per lot (22.52.100, 22.52.250)

5 acres per development project (22.20.460.B.1)

Maximum Height Limit:

35 feet from existing or excavated grade (22.20.460)

As established by CUP (22.20.460)

Minimum Required Parking:

2 covered parking spaces per single family residence (22.52.1180)

For other planned units: same as Zones R-1 through R-4, depending on the type of structure or as required by CUP (22.20.460)

Standard Yard Requirements:

C. Front yard: 20 feet

Rear yard: 15 feet or 20% of average dept of shallow lot, but no less than 10 feet.

Side yards: Interior lot – 5 feet or 10% of average width of narrow lot, but no less than 3 feet. Corner lot – 5 feet. Reversed Corner lot – 10 feet (22.20.460.A)

C. The Regional Planning Commission, in approving a CUP for a planned development, may modify or require greater yards than those required in a normal single family residential development. Building separation is a minimum of 10 feet for 1 and 2 stories. Add 2 feet for each story above 2 stories. (22.20.460.B). The CUP will regulate the type of structures, open space, building coverage, utilities, landscaping, and other features.

Agricultural Zones

Chapter 22.24

Zone A-1: Light Agriculture

22.24.070 – 110

Permitted Uses:

Crops (field, tree, berry, row and nursery stock)
Greenhouses and raising of cattle, horses, sheep, goats, poultry, birds, earthworms, etc.
Single-family residences (22.24.070)

Minimum Required Area:

Unless otherwise specified, 5,000 square feet per lot (22.52.100, 22.52.250)
1 to 5 acres per lot, depending on the type of structures and/or number and types of animals. (22.24.070)

Maximum Height Limit:

A. 35 feet for residential uses (22.24.110)
B. 13 times the buildable area for non-residential uses (22.52.050)

Minimum Required Parking:

Single-family residence: 2 covered spaces
See Parking Ordinance – Part 11, Chapter 22.52

Standard Yard Requirements:

A. For single-family residences: Front yard: 20 feet
Rear yard: 15 feet or 20% of average dept of shallow lot, but no less than 10 feet.
Side yards: Interior lot – 5 feet or 10% of average width of narrow lot, but no less than 3 feet. Corner lot – 5 feet. Reversed Corner lot – 10 feet (22.24.110)
B. Animal-related structures must be kept a minimum of 50 feet from streets and highways and structures used for human habitation (22.24.070)
C. Structures for the display and sales of products grown on the property must be wooden, not larger than 300 square feet, not nearer than 20 feet from a street, and on a parcel of at least 1 acre. (22.24.080.B)

Development Standards:

See 22.24.110

Zone A-2: Heavy Agriculture

22.24.120 – 190

Permitted Uses: (list not exhaustive)

All A-1 uses, including:
Crops (field, tree, berry, row and nursery stock)
Greenhouses and raising of cattle, horses, sheep, goats, poultry, birds, earthworms, etc.
Single-family residences
+ Animal hospitals, dairies, dog kennels, livestock feed lots, manure spreading, oil wells

(22.24.120)

Minimum Required Area:

Unless otherwise specified, 10,000 square feet per lot (22.52.100, 22.52.250)
1 to 10 acres per lot, depending on the type of structures and/or number and types of animals. (22.24.120)

Maximum Height Limit:

- A. 35 feet for residential uses (22.24.170)
- B. 13 times the buildable area for non-residential uses (22.52.050)

Minimum Required Parking:

Single- family residence: 2 covered spaces
See Parking Standards – Part 11, Chapter 22.52

Standard Yard Requirements:

- A. For single-family residences: Front yard: 20 feet
Rear yard: 15 feet or 20% of average dept of shallow lot, but no less than 10 feet.
Side yards: Interior lot – 5 feet or 10% of average width of narrow lot, but no less than 3 feet. Corner lot – 5 feet. Reversed Corner lot – 10 feet (22.24.170)
- B. Animal-related structures must be kept a minimum of 50 feet from streets and highways and structures used for human habitation (22.24.120)
- C. Structures for the display and sales of products grown on the property must be wooden, not larger than 300 square feet, not nearer than 20 feet from a street, and on a parcel of at least 1 acre. (22.24.130)

Development Standards:

See 22.24.170

Zone A-2-H: Heavy Agriculture Including Hog Ranches

22.24.200 – 240

All standards are the same as for Zone A-2 (see above), plus hog ranches.

Commercial Zones
Chapter 22.28

Zone C-H: Commercial Highway
22.28.030 – 070

Permitted Uses: (list not exhaustive)

Business and professional offices
Community and financial services
Parks and playgrounds
No retail services (22.28.030)

Minimum Required Area:

No minimum required area. Refer to 21.24.240 of the Subdivisions Code.

Maximum Height Limit:

35 feet, or as provided in the community standards district (22.28.070)

Minimum Required Parking:

Banks, post offices, medical offices: 1 space per 250 square feet of floor space
Other office uses: 1 space per 400 square feet of floor space (22.52.1100)

Building Setback:

20 feet for front or corner side yards where property adjoins a parkway, major or secondary highway. On local streets, use the same yard requirements as adjoining residential or agriculture-zoned properties (22.28.070)

Maximum Lot Coverage:

90% of net area of lot
10% of net area must be open and landscaped (22.28.070)

Outside Display:

Limited to a few uses (22.28.070)

Outside Storage:

Not permitted (22.28.070)

Zone C-1: Restricted Business
22.28.080 – 120

Permitted Uses: (list not exhaustive)

All C-H uses, including:
Business and professional offices
Community and financial services
Other commercial services
Parks and playgrounds
+ Retail sales of new goods and genuine antiques (22.28.080)

Minimum Required Area:

No minimum required area. Refer to 21.24.240 of the Subdivisions Code.

Maximum Height Limit:

35 feet, or as provided in the community standards district (22.28.120)

Minimum Required Parking:

General commercial and medical offices: 1 space per 250 square feet of floor space.

Other office uses: 1 space per 400 square feet of floor space

Eating/drinking establishments: 1 space per 3 persons, based on occupant load as determined by the Public Works Department, but a minimum of 10 parking spaces. (22.52.1100)

Building Setback:

20 feet for front or corner side yards where property adjoins a parkway, major or secondary highway. On local streets, use the same yard requirements as adjoining residential or agriculture-zoned properties (22.28.120)

Maximum Lot Coverage:

90% of net area of lot

10% of net area must be open and landscaped (22.28.120)

Outside Display:

Limited to a few uses permitted in C-H, plus a few additional uses. (22.28.120)

Outside Storage:

Not permitted (22.28.120)

Zone C-2: Neighborhood Business

22.28.130 – 170

Permitted Uses: (list not exhaustive)

All C-1 uses, including:

Business and professional offices

Community and financial services

Other commercial services

Parks and playgrounds

Retail sales of new goods and genuine antiques

+ Outdoor advertising

+ Rentals

+ Tailor shops (22.28.130)

Minimum Required Area:

No minimum required area. Refer to 21.24.240 of the Subdivisions Code.

Maximum Height Limit:

35 feet, or as provided in the community standards district (22.28.170)

Minimum Required Parking:

General commercial and medical offices: 1 space per 250 square feet of floor space.
 Other office uses: 1 space per 400 square feet of floor space
 Eating/drinking establishments: 1 space per 3 persons, based on occupant load as determined by the Public Works Department, but a minimum of 10 parking spaces.
 (22.52.1100)

Building Setback:

No building setback required.

Maximum Lot Coverage:

90% of net area of lot

10% of net area must be open and landscaped (22.28.170)

Outside Display:

Limited to a few uses 22.28.170)

Outside Storage:

Not permitted (22.28.170)

Zone C-3: Unlimited Commercial

22.28.180 – 220

Permitted Uses: (list not exhaustive)

All C-2 uses, including:

Business and professional offices

Community and financial services

Other commercial services

Outdoor advertising

Parks and playgrounds

Rentals

Retail sales of new goods and genuine antiques

Tailor shops

+ Automobile sales, service and repair shops

+ Secondhand stores (22.28.180)

Minimum Required Area:

No minimum required area. Refer to 21.24.240 of the Subdivisions Code.

Maximum Height Limit:

13 times the buildable area, except as otherwise provided in the community standards district (22.52.050)

Minimum Required Parking:

General commercial and medical offices: 1 space per 250 square feet of floor space.

Other office uses: 1 space per 400 square feet of floor space

Eating/drinking establishments: 1 space per 3 persons, based on occupant load as determined by the Public Works Department, but a minimum of 10 parking spaces.

(22.52.1100)

Building Setback:

No building setback required.

Maximum Lot Coverage:

90% of net area of lot

10% of net area must be open and landscaped (22.28.220)

Outside Display:

Automobile sales, restaurants, and a few other uses (22.28.220)

Outside Storage:

Permitted at the rear of a parcel when incidental to the permitted use existing in the front of the parcel; storage may not be closer than 50 feet to the front lot line and must be completely enclosed by a 5 to 6 foot-high solid fence or wall. (22.28.220)

Zone C-M: Commercial Manufacturing

22.28.230 – 270

Permitted Uses: (list not exhaustive)

All C-3 uses, including:

Automobile sales, service and repair shops

Business and professional offices

Community and financial services

Other commercial services

Outdoor advertising

Parks and playgrounds

Retail sales of new goods and genuine antiques

Rentals

Secondhand stores

Tailor shops

+ Limited manufacture and assembly (22.28.230)

Minimum Required Area:

No minimum required area. Refer to 21.24.240 of the Subdivisions Code.

Maximum Height Limit:

13 times the buildable area, except as otherwise provided in the community standards district (22.52.050)

Minimum Required Parking:

General commercial and medical offices: 1 space per 250 square feet of floor space.

Other office uses: 1 space per 400 square feet of floor space

Eating/drinking establishments: 1 space per 3 persons, based on occupant load as determined by the Public Works Department, but a minimum of 10 parking spaces. (22.52.1100)

Building Setback:

No building setback required.

Maximum Lot Coverage:

90% of net area of lot

10% of net area must be open and landscaped (22.28.270)

Outside Display:

Automobile sales, restaurants, and a few other uses (22.28.270)

Outside Storage:

Permitted at the rear of a parcel when incidental to the permitted use existing in the front of the parcel; storage may not be closer than 50 feet to the front lot line and must be completely enclosed by a 5 to 6 foot-high solid fence or wall. (22.28.270)

Zone C-R: Commercial Recreation

22.28.280 – 330

Permitted Uses: (list not exhaustive)

Amusement parks

Campgrounds

Golf courses

Limited agriculture

Parks and playgrounds

Tennis courts (22.28.290)

Minimum Required Area:

5 acres (22.52.100)

Maximum Height Limit:

13 times the buildable area, except as otherwise provided in the community standards district (22.52.050)

Minimum Required Parking:

See Parking Ordinance – Part 11, Chapter 22.52

Building Setback:

No building setback required

Maximum Lot Coverage:

No maximum lot coverage.

Zone CPD: Commercial Planned Development

22.28.340

Permitted Uses:

All Zone R-A uses, including:

Single-family residences

Crops (field, tree, berry, row and nursery stock) (22.28.340)

+ Non-residential C-1 uses with an approved CUP (22.28.340)

Minimum Required Area:

5,000 square feet (22.28.340 and 22.52.100)

Maximum Height Limit:

35 feet (22.28.170)

13 times the buildable area (22.52.050)

Minimum Required Parking:

- A. Single family residence: 2 covered spaces (22.52.1180)
General commercial and medical offices: 1 space per 250 square feet of floor space.
Other office uses: 1 space per 400 square feet of floor space
Eating/drinking establishments: 1 space per 3 persons, based on occupant load as determined by the Public Works Department, but a minimum of 10 parking spaces. (22.52.1100)
- B. As required by CUP (22.28.340)

Building Setback:

- A. Same as R-A: Front yard: 20 feet (22.20.4500)
Rear yard: 15 feet or 20% of average dept of shallow lot, but no less than 10 feet (22.20.450)
Side yards: Interior lot – 5 feet or 10% of average width of narrow lot, but no less than 3 feet. Corner lot – 5 feet. Reversed Corner lot – 10 feet (22.20.450)
- B. As required by CUP (22.28.340)

Maximum Lot Coverage:

- A. Does not apply
- B. 40% of gross area of the lot (22.28.340)

Other Standards:

- A. Same as Zone R-A
- B. Design, access, utilities, signs, walls, walks, landscaping, and development schedule to be established in the conditional use permit.

Industrial Zones
Chapter 22.32

Zone M-1: Light Manufacturing
 22.32.040 – 080

Permitted Uses: (list not exhaustive)

Uses permitted in Zones A-1 and C-M, except residential uses and schools which are prohibited

Expanded list of light manufacturing and assembly uses (22.32.040)

Minimum Required Area:

No minimum required area. Refer to 21.24.240 of the Subdivisions Code

Maximum Height Limit:

13 times the buildable area, except as otherwise provided in the community standards district (22.52.050)

Minimum Required Parking:

Industrial uses: 1 space per company vehicle + 1 space per 2 employees on the largest shift, or 1 space per 500 square feet, whichever is greater

Warehouses: 1 space per 1,000 square foot of warehouse if at least 80% of building is used for warehousing. (22.52.1140)

Building Setback:

No building setback required

Maximum Lot Coverage:

For C-M and A-1 uses, see 22.32.040

Otherwise, no maximum lot coverage required

Zone M-1½: Restricted Heavy Manufacturing
 22.32.100 – 140

Permitted Uses: (list not exhaustive)

Most uses are allowed, except all residential uses, schools and some institutions which are prohibited

Certain heavy manufacturing uses are prohibited

Expanded list of light/heavy manufacturing and assembly uses (22.32.100)

Minimum Required Area:

No minimum required area. Refer to 21.24.240 of the Subdivisions Code

Maximum Height Limit:

13 times the buildable area (22.52.050)

Minimum Required Parking:

Industrial uses: 1 space per company vehicle + 1 space per 2 employees on the largest shift, or 1 space per 500 square feet, whichever is greater
Warehouses: 1 space per 1,000 square foot of warehouse if at least 80% of building is used for warehousing. (22.52.1140)

Building Setback:

No building setback required

Maximum Lot Coverage:

No maximum lot coverage required

Zone M-2: Heavy Manufacturing
Zone M-4: Unlimited Manufacturing
22.32.160 – 200

Permitted Uses: (list not exhaustive)

All uses are allowed, except all residential uses and schools which are prohibited
Certain heavy manufacturing uses may require a CUP
More exhaustive list of light/heavy manufacturing and assembly uses (22.32.160)

Minimum Required Area:

No minimum required area. Refer to 21.24.240 of the Subdivisions Code

Maximum Height Limit:

13 times the buildable area (22.52.050)

Minimum Required Parking:

Industrial uses: 1 space per company vehicle + 1 space per 2 employees on the largest shift, or 1 space per 500 square feet, whichever is greater
Warehouses: 1 space per 1,000 square foot of warehouse if at least 80% of building is used for warehousing. (22.52.1140)

Building Setback:

No building setback required

Maximum Lot Coverage:

No maximum lot coverage required

Zone M-2½: Aircraft Heavy Manufacturing
22.32.260 – 320

Permitted Uses: (list not exhaustive)

Storage, maintenance manufacturing and testing of aircraft and aircraft parts. All M-4 uses with a CUP (22.32.160)

Minimum Required Area:

No minimum required area. Refer to 21.24.240 of the Subdivisions Code

Maximum Height Limit:

13 times the buildable area (22.52.050)

Minimum Required Parking:

Industrial uses: 1 space per company vehicle + 1 space per 2 employees on the largest shift, or 1 space per 500 square feet, whichever is greater

Warehouses: 1 space per 1,000 square foot of warehouse if at least 80% of building is used for warehousing. (22.52.1140)

Building Setback:

No building setback required

Maximum Lot Coverage:

No maximum lot coverage required

Zone M-3: Unclassified Manufacturing

22.32.210 – 250

Permitted Uses: (list not exhaustive)

All uses, including light and heavy manufacturing, some of which may require a CUP.

Minimum Required Area:

5,000 square feet (22.52.100)

Maximum Height Limit:

13 times the buildable area (22.52.050)

Minimum Required Parking:

Industrial uses: 1 space per company vehicle + 1 space per 2 employees on the largest shift, or 1 space per 500 square feet, whichever is greater

Warehouses: 1 space per 1,000 square foot of warehouse if at least 80% of building is used for warehousing. (22.52.1140)

Other standards refer to the Parking Ordinance – Part 11 of Chapter 22.52

Building Setback:

No building setback required

Maximum Lot Coverage:

No maximum lot coverage required

Zone MPD: Manufacturing Planned Development

22.32.150

Permitted Uses: (list not exhaustive)

A. Any zone SR-D use and non-residential uses permitted in Zone R-A (22.32.150)

B. Any M-1½ use with a CUP (22.32.150)

Minimum Required Area:

- A. Varies, depending on use (22.32.150)
- B. 5 acres (22.32.150)

Maximum Height Limit:

- A. Varies, depending on use (22.32.150)
- B. 1 times buildable area (22.32.150)

Minimum Required Parking:

- A. Refer to the Parking Ordinance – Part 11 of Chapter 22.52
- B. As established by the Conditional Use Permit (22.32.150)

Building Setback:

- A. Same as Zone R-A and SR-D, depending on use (22.32.150)
 R-A: Front yard: 20 feet; Rear yard: 15 feet or 20% of average dept of shallow lot, but no less than 10 feet; Side yards: Interior lot – 5 feet or 10% of average width of narrow lot, but no less than 3 feet. Corner lot – 5 feet. Reversed Corner lot – 10 feet (22.20.450)
 SR-D:
 B. No building setback required

Maximum Lot Coverage:

- A. Same as Zone R-A and SR-D, depending on use (22.32.150)
- B. 60% of gross area of lot or parcel (22.32.150)

Zone D-2: Desert-Mountain

22.32.090

Permitted Uses:

Uses permitted in Zones A-2 or M-1, including:

A-2: All A-1 uses, including: (22.24.120)

Crops (field, tree, berry, row and nursery stock)

Greenhouses and raising of cattle, horses, sheep, goats, poultry, birds, earthworms, etc.

Single-family residences

Animal hospitals, dairies, dog kennels, livestock feed lots, manure spreading, oil wells

M-1: Uses permitted in Zones A-1 and C-M, and a limited list of light manufacturing and assembly uses.(22.32.040)

Except as limited by general or local plan (22.32.090)

Minimum Required Area:

Varies, depending on use (22.32.090)

Maximum Height Limit:

Varies, depending on use (22.32.090)

Minimum Required Parking:

Refer to the Parking Ordinance – Part 11 of Chapter 22.52

Building Setback:

Same as in Zones A-2 or M-1, depending on use (22.32.090)

Maximum Lot Coverage:

Same as in Zones A-2 or M-1, depending on use (22.32.090)

Zone B-1: Buffer Strip

22.32.330 – 360

Permitted Uses:

Recreation, landscaping, and parking lots (22.32.330)

Minimum Required Area:

No minimum required area. Refer to 21.24.240 of the Subdivisions Code

Maximum Height Limit:

Not applicable

Minimum Required Parking:

Not applicable

Building Setback:

Not applicable

Maximum Lot Coverage:

Not applicable

Zone B-2: Corner Buffer

22.32.370 – 400

Permitted Uses:

Recreation, landscaping, and parking lots, same as Zone B-1 (22.32.330)
Some Zone C-3 uses are permitted. (22.32.370)

Minimum Required Area:

No minimum required area. Refer to 21.24.240 of the Subdivisions Code

Maximum Height Limit:

13 times the buildable area for Zone C-3 uses (22.52.050)

Minimum Required Parking:

Refer to the Parking Ordinance – Part 11 of Chapter 22.52

Building Setback:

No building setback required

Maximum Lot Coverage:

90% of net area of lot for C-3 uses. 10% of the remaining net area must be landscaped. (22.32.370)

Combining Zones
Chapter 22.40

Zone ()-BE: Billboard Exclusion
22.40.090 – 110

Permitted Uses:

Uses permitted in the basic zone, excluding outdoor advertising (22.40.110)

Minimum Required Area:

Per basic zone

Maximum Height Limit:

Per basic zone

Minimum Required Parking:

Refer to the Parking Ordinance – Part 11 of Chapter 22.52

Building Setback:

Per basic zone

Maximum Lot Coverage:

Per basic zone

Zone ()-CRS: Commercial-Residential
22.40.530 – 590

Permitted Uses:

- A. Uses permitted in the basic zone (22.40.550)
- B. With Director's Review, any residential use, separate or in combination with a permitted commercial use (22.40.570)

Minimum Required Area:

Per basic zone

Maximum Height Limit:

Per basic zone, except as otherwise provided in the community standards district

Minimum Required Parking:

Refer to the Parking Ordinance – Part 11 of Chapter 22.52

Building Setback:

Per basic zone

Maximum Lot Coverage:

Per basic zone

Zone ()-DP: Development Program
22.40.030- 080

Permitted Uses:

A specific development proposal in basic zone. A Conditional Use Permit is required and must be consistent with development proposal at the time of rezoning. (22.40.040)

Minimum Required Area:

Per basic zone and CUP

Maximum Height Limit:

Per basic zone and CUP

Minimum Required Parking:

Refer to the Parking Ordinance – Part 11 of Chapter 22.52

Building Setback:

Per basic zone and CUP

Maximum Lot Coverage:

Per basic zone and CUP

Zone ()-P: Parking
22.40.120 – 170

Permitted Uses:

Uses permitted in the basic zone and supplemental off-street parking (22.40.130)

Minimum Required Area:

Per basic zone

Maximum Height Limit:

Per basic zone

Minimum Required Parking:

Refer to the Parking Ordinance – Part 11 of Chapter 22.52

Building Setback:

Per basic zone

Maximum Lot Coverage:

Per basic zone

Zone ()-PO: Unlimited Residence-Professional Office
22.40.600 – 650

Permitted Uses:

- A. Any use permitted in the basic zone (22.40.620)
- B. Any use permitted in the basic zone and/or any professional office use with an approved CUP (22.40.650)

Minimum Required Area:

Per basic zone

Maximum Height Limit:

Per basic zone

Minimum Required Parking:

Refer to the Parking Ordinance – Part 11 of Chapter 22.52; standards may be established by CUP

Building Setback:

Per basic zone

Maximum Lot Coverage:

Per basic zone

Special Purpose Zones
Chapter 22.40

Zone A-C: Arts and Crafts
22.40.450 – 500

Permitted Uses:

All R-A uses, including:
 Single-family residences
 Crops (field, tree, berry, row and nursery stock) (22.20.410-22.20.440)
 Arts and craft uses are permitted with a CUP (22.40.450)

Minimum Required Area:

5,000 square foot per lot (22.40.500)

Maximum Height Limit:

35 feet, or as provided in community standards district (22.40.500)

Minimum Required Parking:

Each single-family residence: 2 covered spaces (22.52.1180)
 Other uses, refer to the Parking Ordinance – Part 11 of Chapter 22.52

Building Setback:

Same as Zone R-1 (22.40.500):
 Front yard: 20 feet (22.20.120)
 Rear yard: 15 feet or 20% of average dept of shallow lot, but no less than 10 feet
 (22.20.120 and 22.48.110)
 Side yards: Interior lot – 5 feet or 10% of average width of narrow lot, but no less than 3
 feet. Corner lot – 5 feet. Reversed Corner lot – 10 feet (22.20.120)

Maximum Lot Coverage:

Not applicable

Zone IT: Institutional
22.40.660 – 710

Permitted Uses:

All institutional uses with a Conditional Use Permit (22.40.670)

Minimum Required Area:

No minimum required area. Refer to 21.24.240 of the Subdivisions Code

Maximum Height Limit:

As specified in approved Conditional Use Permit

Minimum Required Parking:

Refer to the Parking Ordinance – Part 11 of Chapter 22.52, standards established by
 Conditional use Permit.

Building Setback:

As specified in approved Conditional Use Permit

Maximum Lot Coverage:

As specified in approved Conditional Use Permit

Zone MXD: Mixed Use Development

22.40.510 – 520

Permitted Uses:

All R-A uses, including:

Single-family residences

Crops (field, tree, berry, row and nursery stock) (22.20.410-22.20.440)

Any use permitted in Zones R-4, M-1, A-C and SR-D, and subject to CUP (22.40.520)

Minimum Required Area:

A. 5,000 square feet per lot (22.40.520)

B. 5 acres per lot. Area per dwelling unit as established by CUP (22.40.520)

Maximum Height Limit:

A. 35 feet (22.40.520)

B. 2 times buildable area (22.40.520)

Minimum Required Parking:

A. Each dwelling unit: 2 covered spaces (22.52.1180)

B. As specified in approved Conditional Use Permit (22.40.520)

Other uses, refer to the Parking Ordinance – Part 11 of Chapter 22.52

Building Setback:

A. Same as Zone R-A (22.40.520)

B. As specified in approved Conditional Use Permit (22.40.520)

Maximum Lot Coverage:

A. Not applicable

B. 50% of net area of lot or parcel (22.40.520)

Zone O-S: Open Space

22.40.400 – 440

Permitted Uses:

Campgrounds, crops, grazing of animals, resource management (22.40.410)

Minimum Required Area:

No minimum required area. Refer to 21.24.240 of the Subdivisions Code

Maximum Height Limit:

35 feet or two stories (22.40.440)

Minimum Required Parking:

Refer to the Parking Ordinance – Part 11 of Chapter 22.52

Building Setback:

Certain use setbacks apply (22.40.440)

Maximum Lot Coverage:

Not applicable

Zone P-R: Restricted Parking

22.40.300 – 340

Permitted Uses:

Parking lots or parking structures (22.40.310)

Minimum Required Area:

Not applicable

Maximum Height Limit:

13 times buildable area, except as otherwise provided in the community standards district (22.52.050)

Minimum Required Parking:

Refer to the Parking Ordinance – Part 11 of Chapter 22.52

Building Setback:

Wall setbacks vary (22.52.1060 and 22.40.310)

Maximum Lot Coverage:

No maximum lot coverage required

Zone R-R: Resort and Recreation

22.40.180 – 230

Permitted Uses:

Recreation and amusement, agricultural uses (22.40.190)

Minimum Required Area:

5,000 square foot per lot (22.52.100)

Maximum Height Limit:

13 times buildable area, except as otherwise provided in the community standards district (22.52.050)

Minimum Required Parking:

Refer to the Parking Ordinance – Part 11 of Chapter 22.52

Building Setback:

No setbacks required

Maximum Lot Coverage:

No maximum lot coverage required

Zone SP: Specific Plan

22.40.720 – 770

Permitted Uses:

Specific to site, as provided in local specific plan (22.40.730)

Minimum Required Area:

As provided in local specific plan

Maximum Height Limit:

As provided in local specific plan

Minimum Required Parking:

Refer to the Parking Ordinance – Part 11 of Chapter 22.52

Building Setback:

As provided in local specific plan

Maximum Lot Coverage:

As provided in local specific plan

Zone SR-D: Scientific Research and Development

22.40.350 – 390

Permitted Uses:

Scientific research and development, schools, libraries and museums (22.40.350)

Minimum Required Area:

No minimum required area

Maximum Height Limit:

1 times the buildable area (22.40.390)

Minimum Required Parking:

1 to 1¼ spaces per employee on the largest shift, or 1 space per 200 square feet of floor area (22.40.390)

Building Setback:

Front yard of the building is to be between 30 to 60 feet, based on building height.
Structures are to be 100 to 500 feet from adjacent residential/agricultural zoned property
(22.40.390)

Maximum Lot Coverage:

35% of total area (22.40.390)

Zone W: Watershed

22.40.240 - 290

Permitted Uses:

Uses owned and managed by the U.S. Forest Service and recreational uses approved by the Forest Service (22.40.250)

Minimum Required Area:

No minimum required area

Maximum Height Limit:

13 times the buildable area, except as otherwise provided in the community standards district (22.52.050)

Minimum Required Parking:

Refer to the Parking Ordinance – Part 11 of Chapter 22.52

Building Setback:

Not applicable

Maximum Lot Coverage:

Not applicable

**DEPARTMENT OF REGIONAL PLANNING
SUBDIVISIONS AND ZONING
PROCEDURES**

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DEPARTMENTAL PROCEDURES

Protection of Solid Waste Facilities

Reference: None – Refer to state law

Q: What is the review procedure for development projects proposing to be located within the vicinity of a solid waste landfill?

A: All staff has a obligation, under State law, to review development proposals located within one (1) mile of an existing or proposed landfill to ensure such development will not preclude the establishment or expansion of such landfills. [2/29/1988]

The County is required by State Law and the General Plan to protect solid waste facilities from the encroachment of incompatible land uses. Section 66796.41 (c) of the Government Code States that:

"A city or county shall not authorize land uses adjacent to or near a site for any solid waste facility designated in the applicable city or county general plan if the land uses would restrict or preclude the establishment of a solid waste facility or expansion of the facility or site."

Also, the General Plan, Land Use Policy No. 12, states:

"Protect major landfill and solid waste disposal sites from encroachment of incompatible uses."

In order to ensure compliance with State Law and the General Plan, any project requiring a discretionary approval shall be reviewed for conformance with the Los Angeles County Solid Waste Management Plan -- a policy map associated with Chapter VI (Water and Waste Management Element) of the General Plan. Any request located within one (1) mile of a site shown on the Plan shall be submitted to the Land Use Planning Section for a determination of consistency. The consistency review will be based on proximity to the site, project design, and project density/intensity. See attachment 1 for an identification of these landfill sites.

The California Administrative Code (Section 17734, Title 14) contains a provision regarding completed landfills:

"Prior to the construction of improvements on completed (landfill) sites, such projects must be submitted to the enforcement agency for review and comment concerning possible construction problems, hazards to health and safety, and factors which might affect the improvements."

These projects should be submitted to the County's enforcement agency:

Solid Waste Management Programs
County Department of Health Services
5050 Commerce Drive
Baldwin Park, CA 91706

LIST OF GENERAL PLAN LANDFILL SITES WITHIN UNINCORPORATED TERRITORY

Antelope Valley

- Lancaster (northeast of Lancaster)
- Antelope Valley (southwest of Palmdale)

Santa Clarita Valley

- Chiguita Canyon (west of Castaic Junction)
- Sand Canyon *(west of Sand Canyon Road)

San Fernando Valley (North)

- Browns Canyon (west of Porter Ranch)
- North Valley/Sunshine Canyon (northwest of I-5 and I-210 interchange)

Malibu

- Calabasas (north of US101 and Lost Hills Road)

East San Gabriel Valley

- Spadra (between Pomona and Walnut)
- Puente Hills (west of Hacienda Heights)
- Whittier (northeast of Whittier)

West San Gabriel Valley

- San Gabriel Valley Gravel Pits *(between Arcadia and Irwindale)

Los Angeles Basin

- Baldwin Hills *(Baldwin Hills area)
- Landfill Associates (West Carson area)

* Identified as potentially new site in the Plan.

[1/13/1988 and 2/29/1988 – Norman Murdoch, Director]

Safe Water and Toxic Enforcement Act

Reference: None

Q: What is the Department of Planning's role in enforcing Proposition 65 (Safe Water and Toxic Enforcement Act of 1986)?

A: Please be advised that the Safe Water and Toxic Enforcement Act of 1986 (Proposition 65 on the November 4, 1986 ballot) contains certain reporting requirements for all those employees designated in the department's Conflict of Interest and Disclosure Code.

Section 25180.7 of the Health and Safety Code requires designated employees who, in the course of their official duties, obtain information that reveals the illegal discharge of a hazardous waste within the geographical area of their jurisdiction must, within 72 hours, file a report with the Board of Supervisors and with the local health officer. Failure to do so could result in criminal prosecution.

This means that all employees listed in the department's Conflict of Interest and Disclosure Code are required to comply with the provisions of this law.

The Department of Health has developed criteria and procedures relative to reporting under the requirements of this Act. They are attached for your information, and should be referred to when applicable.

REPORTING REQUIREMENTS FOR DESIGNATED GOVERNMENT EMPLOYEES
PURSUANT TO PROPOSITION 65 REQUIREMENTS

Pursuant to the recently passed Proposition 65 (Safe Drinking Water and Toxics Enforcement Act Of 1986), effective January 1, 1987, an individual classified as a "designated government employee", as defined by Government Code Section 82019, must comply with the Act's reporting requirements for illegal or threatened illegal discharges of hazardous waste which the designated government employee "knows" are likely to cause substantial injury to the public's health or safety.

Section 25180.7 of the Act requires that "designated government employees" report actual or threatened illegal discharges to the Board of Supervisors and the local health officer within 72 hours. The local health officer is required to notify the news media of such public health and safety threats and to make such information available to the public without delay.

Reports should contain sufficient information to establish that the discharge is illegal, poses a significant threat to the public's health and safety, and that the nature of the threat may be clearly understood by the media and the public.

Due to the lack of a precise definition of a "threatened illegal discharge" or "substantial injury to the public's health or safety", the attached criteria for reporting discharges have been developed to prevent excessive reporting and to establish realistic parameters for reportable occurrences. It is extremely important to observe these criteria and for each reporting agency to take appropriate action to verify discharges and complaints prior to reporting them to my office and the Board of Supervisors. Those agencies or organizations which may not have the expertise to determine that there is a risk of substantial injury to the public's health or safety should refer the suspected threat through the established and customary channels to the appropriate agency for investigation, assessment and then reporting, as appropriate, in accordance with Proposition 65. Reporting incidents that are unsubstantiated or that otherwise fail to meet criteria for Proposition 65 reporting will only undermine the intent of Proposition 65 and cause loss of the reporting agency's credibility.

When making your reports, please ensure that they are clearly identified as reports of illegal discharges of hazardous waste pursuant to Section 25180.7, California Health and Safety Code (Proposition 65) and forward to both

Executive Officer
Board of Supervisors
County of Los Angeles
500 W. Temple St., Room 383
Los Angeles, CA 90012

Department of Health Services
County of Los Angeles
Hazardous Waste Control Program
2615 S. Grand Avenue, Room 607
Los Angeles, CA 90007

-or-

Easy Link Mail Box #62821597

Questions regarding the reporting of illegal discharges should be directed to the Hazardous Waste Control Program Duty officer at (213) 744-3223.

PROPOSITION 65 - CRITERIA FOR REPORTING DISCHARGES OR THREATENED DISCHARGES OF HAZARDOUS WASTE BY DESIGNATED GOVERNMENT EMPLOYEES

1. The discharge must be an illegal discharge or threatened illegal discharge of hazardous waste within the geographical area of your jurisdiction. The discharge may be either accidental, intentional and/or the result of negligence.
2. The designated government employee must "know" - that is, he must have personal knowledge - that such discharge or threatened discharge is likely to cause substantial injury to the public's health or safety. This knowledge should be based on reasonable information of the actual or threatened discharge.
3. A discharge likely to cause substantial injury to the public's health or safety must meet the following criteria:
 - a. The discharge must involve a hazardous waste as defined in Chapter 6.5 of the California Health and Safety Code and/or Title 22 of the California Administrative Code.
 - b. The discharge must impact or threaten to impact the public's health or safety in one or more of the following ways:
 - It has required or threatens to require evacuation of persons by an official agency.
 - It has caused or is likely to cause injury to persons through inhalation, ingestion or physical contact requiring medical attention or hospitalization.
 - It has contaminated or threatens to contaminate domestic water supplies in levels exceeding State Drinking Water Action Levels (AL) or Maximum Contaminant Levels (MCL).
 - It has or threatens to contaminate recreational waters in concentrations which pose a hazard by physical contact or bioaccumulation by organisms consumed by humans.
 - It has or threatens to contaminate food or crops.
 - It has resulted in or is involved in a fire likely to cause a public health or safety hazard.
4. Discharges which should not be reported:
 - a. Discharges which are already public knowledge within the locality affected.
 - b. Discharges which are the subject of an ongoing criminal investigation which could be adversely affected by disclosure.
 - c. Discharges for which notification has already been made.
 - d. Discharges made in compliance with and under permit or approval of an appropriate regulatory agency.
 - e. Discharges which occurred prior to the effective date of January 1, 1987 for disclosing hazardous waste discharges pursuant to Section 24180.7, California Health and Safety Code.

[3/9/1987 – Kathy Ikari/Robert Gates, Department of Health Services]

Community Standards Districts

Reference: Chapter 22.44

Q: How is a Community Standards District established?

A: The following are the procedures to establish a Community Standards District and the format for preparing an ordinance.

PROCEDURE

A Community Standards District (CSD) is a legal section of the Los Angeles County Zoning Ordinance that establishes use standards which are more specific than countywide regulations for a defined geographic area. It is intended to address issues and problems unique to that area. Typically, the CSD is drafted by the community—along with County staff assistance—prior to being submitted for public hearing and adoption. For a proposed CSD to move forward, it must have been developed with community-wide input, and be supported by a strong consensus of property owners and residents within the CSD boundary.

Before a draft Community Standards District can move forward, it will be necessary for you to build community support for the idea. First, you should create a Community Standards District committee which is authorized by the community to coordinate the review of issues to be included in the CSD. Part of your obligation in bringing an amendment forward is to demonstrate unanimous (or as close as you can get to it) support for your proposal. You can do this by hosting a public workshop to introduce the community standards district concept to the entire community and gather their input as to what issues there are. Then, your Community Standards District committee, with assistance from Department staff, should complete a rough draft. A further community meeting can be held to get input on the draft. Once details have been ironed out, we will compose a preliminary draft which must be reviewed by our County Counsel. Ideally, consensus building has been an on-going process in your community. You can help in the ultimate approval process by gathering of petition signatures in support of this draft.

FORMAT

The format we have consistently employed is alluded to in County Code Chapter 22.44, Part 2 (Community Standards Districts) and consists of the following main sections:

- A. Intent and Purpose
- B. Description of District Boundary
- C. Community-wide Development
- D. Zone-Specific Development Standards
- E. Area-specific Development Standards

“A. Intent and Purpose.”

You should specifically state what is to be accomplished by the amendment. A good start would be to use the policy language from that portion of the Areawide/Community or County General Plan that relates to your community. The intent statement should clearly enunciate the problems to be resolved, the issues, the needs, and the quality of life objectives to be achieved. This is important because the intent statement serves as the outline for the body of standards to follow. The intent statement also provides the reader with a sense of what you and ultimately the Board of Supervisors really meant. Please have your committee go through the exercise utilizing the logic exemplified by the samples included in Appendix A to expand your intent statement. The underlined language exemplifies the ultimate “bullets” that make up the intent statement and is the result of a progression from the statement of each particular problem, issue or opportunity to the object that specifically requires an action step – the standard.

“B. Description of District Boundary.”

The Zoning Ordinance will contain both a plain language and a mapped description of your district. Please provide a written description based on location of the boundary relative to existing streets and city boundaries. This description should “close”; that is, at a minimum, provide north, east, south and west lines that create a closed box. It will also be necessary to provide a mapped version in greater detail that relies on property lines, streets and other more precise boundaries. To accomplish this, you should gather Thomas Guide pages and other documentation, such as Assessor’s maps, all of which precisely show the edge of the community. You could also draw the boundary on a copy of the latest 7.5 minute quadrangle map issued by the U.S. Geographical Service. This level of precision is required because we have recently begun to describe all district ordinances using computer-assisted mapping. The district-wide map (designated as Map A) and any refining maps (designated as Maps B, etc.) will be located at the end of the Community Standards District Section in the Zoning Ordinance.

“C. Community-wide Development Standards.”

Standards in this subsection of the Ordinance amendment apply to new construction throughout the community. It should be noted that you need not list standards for your district which do not depart from the existing Countywide standard. Issues that may be addressed include, but are not limited to, the following: fence design, screening accessory equipment, exterior lighting, preservation of natural vegetation, and signs. You may look at other existing CSD’s for examples.

“D. Zone-specific Development Standards.”

These provisions are related to specified zones in the community. This is an alternative way to regulate standards of development on similarly zoned properties, in, for example, the business district. Also, alternate (rural) street design standards may be applied to new residential subdivisions in the same zone. All standards applying to street rights-of-way are the domain of the Department of Public Works. Although these standards may appear in the Zoning and Subdivision Ordinances, issues of roadway and access safety must be resolved with the concurrence of the Department of Public Works and the Fire Department. Please contact both departments to determine how your proposed street design standards can be implemented. Be prepared to discuss several options and conflicts among community objectives.

Setbacks can be prescribed in the proposed district, but not to the extent of depriving persons from the ability to develop legally subdivided lots.

“E. Area-Specific Development Standards.”

These standards would apply only to specific geographic area(s) within the community. For example, it may be necessary to designate a special area within the Community Standards District as the Business District which would be described in narrative and shown precisely on the refining Maps B, etc. following the section in the Zoning Ordinance. Within the Business District specific standards may apply, such as height, setbacks, exterior wall coverings, colors, and other appearance standards.

GENERAL COMMENTS

The following comments relate to items in a Community Standards District on matters of form and substance:

1. In writing amendments, it is important to use the general style and choice of language already in the Zoning Ordinance. It is also necessary to use words that have already been defined in the Zoning Ordinance. We will refine the amendment which you submit in this respect.
2. It is the department's policy that new standards for home-based occupations should not be included in new CSD's as the Board of Supervisors has only recently adopted new countywide standards for these uses.
3. It is generally considered that existing, legally permitted uses/structures can continue and be maintained under the provisions of County Code Chapter 22.56, Part 10 (Nonconforming Uses, Buildings, and Structures.) However, nonconformity can inflict a heavy burden on an otherwise innocuous structure in that damage or destruction over 50 percent will result in removal of the structure and a requirement that new development conform with current standards. A recently enacted ordinance had the following language to deal with this problem in residential zones:

"Non-Conforming Residences. Any single-family residence, nonconforming due to standards of development contained in this community standards district, which is damaged or partially destroyed may be restored to the condition in which it was immediately prior to the occurrence of such damage or destruction, provided i) that the cost of reconstruction does not exceed 100 percent of the total market value of the building or structure as determined by the methods set forth in Section 22.56.1510.G.1.a. and b. and ii) that all reconstruction shall be started within one year from the date of damage and be pursued diligently to completion after complying with all other applicable laws."

Out of respect to owners of newly nonconforming properties, you may wish to include such language in your CSD ordinance.

4. New signs established after adoption of the district and those for which alteration of the size/shape (changes in the "can"), height, and location are proposed must conform to the new standards. It is, however, generally considered that changes in text, including color or type of facing materials, are permitted as insubstantial.
5. There are some limits set by the state and federal governments on the application of local restrictions with regard to types of housing, set out as follows:
 - a. All structures on a lot established with a building permit as habitable can be used for that purpose. Under the present Zoning Ordinance, that includes detached living quarters for servants and guests.
 - b. It is illegal for structures built as non-habitable garages to be used for residential purposes.
 - c. The present Zoning Ordinance allows up to 5 unrelated persons to live in a residence and it is possible that any limitation may not be legal. Homeowners can sub-let rooms in a home, but only if there is one kitchen. A CSD may not abridge this opportunity for the single family homeowner.

- d. With respect to home appearance and style, factory built homes can be used as residences if they are certified by the state as meeting the 1974 National Mobile home Construction Standards Act and located on a permanent foundation system approved by the County Department of Public Works. This does not include “old” mobile homes, recreational vehicles and the like. The right to use a modular as a residence cannot be regulated; however, you have the ability to set standards for appearance.
- e. The Zoning Ordinance includes provisions that allow small group homes as a matter of course in residential zones. These provisions are required by state law to provide an equal opportunity for persons with disabilities to enjoy a normal life in a residential setting. The state allows the County to assure that there is not an unusual concentration of these facilities in a neighborhood, but they cannot be prohibited within the CSD.
- f. It would probably be better to regulate setbacks and daylight planes rather than dictate residence size since most people building new homes will seek to maximize their return on investment.
- g. By state law, all communities must provide opportunities for their “fair share of affordable housing”.

**SAMPLE BULLETS FOR INTENT STATEMENT
(AN EXERCISE IN OBJECTIVE SETTING)**

This process is the foundation of community planning. All quality of life issues should be raised so that a comprehensive and complete list can be constructed. The exercise should also include identification of opportunities perceived by the community. Once identified the community can decide which issues need attention and establish a priority order. After the issue is raised, the community can identify and resolve to achieve the corresponding quality of life objective. The last step in planning for change is the assignment of responsibility and establishment of a time table for action.

It should be noted that the community standards district, as a land use planning and zoning tool, may not be suitable to implement many of the identified objectives. Please remember that the community and the County have many tools to apply to this effort and it is important that this process be undertaken in partnership with other community organizations, as well as the County system of departments and agencies, under the auspices of the Supervisor’s office.

The listing following this paragraph is typical of the kind of thinking that might go into establishment of community objectives. The problem or opportunity is identified and made specific, allowing a natural progression to an objective statement. The objective can be viewed as an end state requiring an action step. It would be preferable that objectives have a refined, narrow focus, so that one or a few action steps could be identified.

1. In rural areas residents may observe that night skies with urban levels of illumination detract from the quality of life. Random illumination destroys the rural appearance of neighborhoods. Notwithstanding a minimum needed for safety and security, they may also conclude that an objective or the proposed community standards district should be that residential exterior night lighting must be compatible with the desired rural setting and should be permissible only when it does not illuminate adjoining properties. With the exception of the minimum required for safety, exterior lighting of commercial properties is not compatible with the rural setting.

2. Rural residents may also observe that paved streets, concrete curbs, gutters and sidewalks make neighborhoods look like the urbanized areas of the city. In addition, they may realize that there is no place off the paved highways and streets to ride horses, walk or ride bicycles and accommodate the needs of children in the community. They could conclude as a policy direction of the proposed community standards district that public and private street improvements should complement the rural character of the community and that ridings and hiking trails should be located in the public right-of-way.

Please note that in some instances community objectives might be in conflict. For example, curbs and gutters mark a change from a rural to an urban appearance, but they also play a role in adequate flood protection for the community. It may be necessary to search for a set of compromise objectives that will satisfy both needs. It may be necessary for your committee to contact other County departments to understand which objectives are feasible and what possibilities there are for combinations of judicially placed infrastructure that may meet all objectives.

3. Residents may observe that signs obscure the visual beauty of the community and that all those signs are not needed since the businesses are local serving and everybody in the community knows where these concerns are located anyway. They may conclude that billboards are not compatible with preservation of the scenic qualities of their community. They would probably conclude that billboards should be excluded from the community and that on-site commercial signs should be closer regulated as to type, size and location.
4. The community may observe that outside storage on the property of local merchants detracts from the appearance of the community. Also, they may observe that the newest store was constructed of materials that detract from the appearance of the community or from its image. Or, it may be that some local businesses are not local at all and serve the region to the detriment of the appearance and peace of the community. An objective may be that local-serving commercial uses and appearance should be compatible with the character of the community.
5. One opportunity for most communities may be that the business district has existed for sometime with a unique character. The community may decide that this area should be maintained and enhanced. To do so, it may be necessary to retain the "small town" theme but allow the business district to experience some growth so as to accommodate the possible demand for goods and services by surrounding residential developments.
6. The community may realize that it has an opportunity to retain and encourage a particular set of building styles and appearances. Residents may decide that standards of development, including setbacks, lot size and selection of building materials, should be imposed to effect the desired appearance. Residents may choose standards that are different from the surrounding residential developments, and could, therefore, be adding to the value and attractiveness of their community – a gem of an island in a sea of common and ordinary suburban sprawl. An objective could also include some standardization for fence design and that trash containers should be stored out of sight.

[7/31/2000 - Community Studies Section]

Procedures for Parking Deviation Requests Requested Concurrently with Other Discretionary Permits

Reference: Section 22.56.1762.E

Q: What is the procedure for filing a minor parking deviation request that is made in conjunction with another discretionary permit for the same project?

A: This is for purposes of clarifying Section 22.56.1762.E of the County Code with respect to Parking Deviation requests made concurrently with other discretionary permits such as a Conditional Use Permit. County Counsel has agreed with the substance of this clarification.

The minor parking deviation filing process was adopted by the Board of Supervisors to allow a low cost Director's review filing for reductions in parking that are less than 30% of required parking.

Section 22.56.1762.E reads as follows: The procedure set forth in this section shall not apply where an application for a site plan review has been concurrently filed with an application for a permit, variance or other discretionary approval under Title 22, or for a zone change, development agreement or subdivision.

The clear answer to the question is that parking reductions, pursuant to this subsection, can and should be incorporated within the related discretionary permit such as a CUP, variance or development agreement, and no additional filing or fee for a Parking Deviation is necessary. The grant for reduced parking, if approved, will be incorporated in the related permit and with findings and conditioned accordingly. In the unlikely event, however, that a request is made with a stand alone zone change or subdivision, there may be a need to formulate a mechanism by which to allow for the reduced parking. These requests may be handled on a case-by-case basis on consultation with the appropriate Section Head and Administrator of the Current Planning Division.

[5/14/2007 - Frank Meneses, Administrator]

Withdrawal of Appeals from Regional Planning Commission Decisions

Reference: Part 5 of Chapter 22.60 (also 22.60.090)

Q: When may an appeal on a zoning case be withdrawn from being considered by the Board of Supervisors after the Regional Planning Commission has decided on the case?

A: After discussion with County Counsel regarding appeals made to the Board from Regional Planning Commission decisions, and specifically, the procedures to follow when an appellant withdraws the appeal. Following are the points that were resolved and the procedures to be followed in the future.

1. Any person who files an appeal with the Board, be it the applicant or an opponent, can withdraw the appeal at any time. The withdrawal shall be in writing, addressed to the Board.
2. All withdrawals of appeals should be presented to the Board, and their acknowledgment of the withdrawal entered into the Board's records. This is not a legal requirement, but it is recommended to protect the Board's interest. The Board should not vote to accept the

withdrawal; the Board can merely read into the record that the appellant has withdrawn his appeal and that the decision of the Regional Planning Commission stands as originally taken; Board Services shall enter the same into the minutes. Further, it is not appropriate to adopt findings and conditions when an appeal is withdrawn.

3. Once an appeal is withdrawn and acknowledged by the Board, the effective date of the approval of the case shall be that of the Regional Planning Commission's original action on the case, as if there has never been an appeal made to the Board.

4. If the Executive Office determines that someone's rights may be prejudiced by the withdrawal of an appeal, the office should contact County Counsel for advice. If appropriate, County Counsel will prepare a letter for the Executive Office to send to the appropriate party that will notify them of an additional appeal period.

[6/4/1984 – Georgette Dewyer, Deputy Executive Officer, Executive Office of the Board]

Steps for Implementation of Adopted Ordinances

Reference: None

Q: What steps need to be taken in implementing a zoning ordinance that has been adopted by the Board of Supervisors?

A: The steps to implement a Title 22 ordinance are as follows:

1. A Notice of Determination, under CEQA Guidelines Section 15075 for Negative Declarations and 15094 for Environmental Impact Reports, must be completed and filed with the County Clerk within 5 days of the ordinance being adopted by the Board of Supervisors. The County Clerk will post the notice, allowing a 30-day statute of limitations on court challenges to the approval of the project under CEQA. The Notice of Determination shall be posted on the Department's web site under the new ordinance.

Section supervisor must sign completed Notice of Determination, make two copies of signed document; with original hard copy given to the Section Head of Administrative Services who sends documents to County Clerk for recordation and posting. Send one copy of signed Notice of Determination to the Office of Planning and Research at 1400 Tenth Street, Rm. 121, Sacramento, CA 95814. Put additional copy in project file.

2. A memo must be prepared and sent to Administrator of the Technical and Fiscal Services Division, indicating any changes in fees as a result of a newly adopted ordinance. Section head must review and sign memo before it is sent. Front counter in the LDCC must also be notified on any change in fees. Copy memo to Section Head of Budgeting and Accounting Services. Recommend task completion 21 to 30 days before ordinance takes effect.

3. Complete a GIS request form to have boundary lines for area outlined and affected by new ordinance updated in GIS. GIS form can be obtained from Department's Intranet site. Go to <http://10.2.8.26/forms.htm>. Complete form, attach copies of maps showing ordinance area boundaries from adopted ordinance, present to section head for signature. Once signed, drop off GIS request form in Division Administrator's box for his or her signature. After Division Administrator signs, section head will take request form to Section Head of

Geographic Information Systems. Recommend task completion 25 to 30 days before ordinance takes effect.

4. Obtain a copy of the minutes from the Board hearing on the ordinance from the Clerk of the Board at (213) 974-1426. The adopted ordinance must be attached to the minutes with the new ordinance number on it. These documents may be e-mailed to us in PDF format. Recommend task completion 21 to 30 days before ordinance takes effect.
5. Once adopted ordinance with ordinance number is received from the Clerk, along with zone changes and other applicable documents, contact LDMA to update the Department's internet website with the newly adopted ordinance and all pertinent documents. E-mail the PDF format which was sent over from the Clerk of the Board. LDMA will post new ordinance, zone changes and other pertinent documents under Public Review Documents' Newly Adopted Ordinance's Section. Recommend task completion 15 to 30 days before ordinance becomes effective.
6. Put a copy of adopted ordinance in the latest volume of the Historical Ordinances binder located on the shelves in the Ordinance Studies room (1357).
7. Write two memos, one addressed to all staff section heads within the division, and section heads of the LDCC, Field Offices, Land Divisions, Zoning Permits I and II, and Zoning Enforcement I and II, with a copy to the Director, Deputy Director and Administrators. The second memo is to be directed to the Director of Public Works, with a copy to the Superintendent of Building and Safety Division, Department of Public Works. The memos will inform their readers that BOS has adopted a new ordinance, giving the date of adoption, and explaining in brief detail what the ordinance is about. Use a bullet style format to emphasize the major points. Length of memo is usually 1½ pages. Use executive summary and presentation of ordinance prepared by Ordinance Studies' Section Head to help outline the memo. Memo to other section heads is to be initiated and signed by the Ordinance Studies' Section Head. The memo to the Director of Public Works is to be initiated and signed by the Director of Regional Planning.
8. After the memo to staff has been signed by the Ordinance Studies' Section Head, have the Division Secretary make copies of the memo and the new ordinance for distribution to all recipients listed in the memo. At least ten extra copies should be made to distribute to planners who will work directly with the ordinance, and/or for the public. The memo to the Director of Public Works must be cleared by the Ordinance Studies' Section Head before it is sent to the Director for his or her signature. When the memo is returned with the signature, make copies for record and distribution and also make extra copies of the adopted ordinance and pertinent documents to go with them. Have the Division Secretary mail the packages off.
9. Make sure all documents are saved on F: drive under the proper heading of the ordinance they pertain to.
10. Ordinance Studies' Section Head will make arrangements with Lexis-Nexis to have the ordinance codified for insertion into the code book.

[3/21/2005 – Leonard Erlanger, Section Head, Ordinance Studies]

Procedures for Dissemination of Proposed and/or New Ordinances and Policies

Reference: None

The following procedures are to be followed whenever the Board of Supervisors adopts an ordinance regulating land use. It also applies to any regulations or policies adopted by the Regional Planning Commission which did not require action by the Board and any proposed draft ordinances or procedures.

1. Responsible Regional Planning staff forwards the proposed draft ordinance/ policy or adopted ordinance/ policy to the Ordinance Studies section with a cover memo, if necessary, explaining the purpose, intent and key features of the ordinance, including the effective date.
2. Ordinance Studies section will e-mail the ordinance/policy to the following:
 - Director of Public Works (Donald L. Wolfe)
 - Superintendent of Building (Rajesh Patel)
 - Building Zoning Coordinator (Ariel Palomares)
 - Assistant Deputy Director (Dennis Hunter)
 - Public Works Subdivision Mapping Section
 - Public Works Building and Safety Divisions, Attention: Office Manager
 - Other permit issuing agencies as appropriate, e.g. Health, Fire, Parks and Recreation

A hard copy to follow shall be sent to the Director of Public Works, the Superintendent of Building, the Building Zoning Coordinator and the Assistant Deputy Director.

In the case of Urgency Ordinances, Ordinance Studies shall be given prior warning so that notice can be sent to Public Works immediately, and the following additional steps taken:

1. Responsible Regional Planning Staff will create a list of all approved plot plans in the affected area and forward it to the Ordinance Studies section. Ordinance Studies shall forward the information to all persons listed above.
2. Public Works will pull the appropriate building permit files and:
 - If no permit issued, notify Regional Planning who will notify applicant that the Plot Plan is void or suspended until the urgency ordinance expires (if appropriate).
 - If plan check or permit issued but construction not begun, DPW will suspend the project and refer applicant to Regional Planning.
3. When an urgency ordinance terminates, Ordinance Studies will notify DPW as noted above.

[2001 – Ordinance Studies]

Review of Environmental Document for Advance Planning Projects

Reference: None

The Advance Planning Division is responsible for preparing environmental documents related to its projects (e.g. Community Plan updates, Zoning Ordinance revisions, etc.). In the past, these documents were not reviewed by the Impact Analysis Section of the Current Planning Division. In October 2007, County Counsel raised concerns over this practice and recommended that the Impact Analysis Section conduct a completely impartial and objective review of these

documents, with no consideration given to the fact that they relate to a County initiated project. This memorandum describes the protocol that must be followed.

Negative Declarations/Mitigated Negative Declarations

If a Negative Declaration or Mitigated Negative Declaration is generated for an Advance Planning project, the responsible Section Head will transmit the document to the Section Head of Impact Analysis and provide not less than 15 calendar days for review and comment. The Section Head of Impact Analysis may review the document or designate a staff member to do so. The Advance Planning Section Head will ensure that any comments are reflected in the final document.

Environmental Impact Reports

If an Environmental Impact Report is generated for an Advance Planning project, the responsible Section Head will transmit the document to the Section Head of Impact Analysis and provide not less than 30 calendar days for review and comment. The Section Head of Impact Analysis will be responsible for reviewing the document. The Advance Planning Section Head will ensure that any comments are reflected in the final document.

[2/11/08 – Countywide Studies Section]

Notarized Property Ownership and Consent Affidavit

Reference: Part 4 of Chapter 22.60

The Department of Regional Planning does not currently require applications with notarized signatures indicating current property ownership and owner's consent. In order to ensure that applicant understand and are aware of the importance of providing accurate ownership and consent information, a notarized affidavit shall be required for all applications that require a public hearing. This affidavit shall contain a statement certifying under penalty of perjury that the signee(s) on the application are the legal property owner(s) of the parcel(s) included in the application and that the owner(s) consent to the case filing. All property owner(s) of record are required to sign and notarize the affidavit. The notarized affidavit will be required for all public hearing applications submitted beginning July 1, 2008.

[06/09/08 – Bruce W. McClendon, Director of Planning]

GENERAL PLAN IMPLEMENTATION PROCEDURES

Infill Areas

Q: What is the procedure to file an application for an infill project?

A: General Plan policy supports the compatible, environmentally sensitive development of by-passed vacant land within established urban areas. Potential "infill" areas are described by the Plan as parcels of vacant or agricultural land within existing urban communities, suitable for development at urban intensities.

While due to its scale and diagrammatic nature, the General Development Policy Map generally does not depict infill areas of less than 50 acres in size, the Plan recognizes that there exists a sizable inventory of smaller parcels suitable for infill development. Therefore, in addition to those areas depicted on the Policy Map, potential infill areas can generally be defined as un- or underdeveloped parcels, located within existing urban communities, served by the full range of urban services and facilities.

Permitted residential densities within identified infill areas are established by applicable community or areawide plans. Where no local plan exists, the General Plan allows residential development at densities "slightly higher" than those of surrounding uses.

This provision can be interpreted to allow residential development at densities exceeding the applicable Land Use Policy Map classification, but in most cases falling within the parameters established by the "next higher" residential category (e.g., where determined appropriate, infill parcels designated for Low Density Residential use, might be developed at Low/Medium Residential densities). In limited instances, development at densities exceeding those provided for by the "next higher" residential category on the Land Use Policy Map might be determined to be appropriate, given strict compliance with the design and compatibility standards described under 'Findings' below.

Approval of infill development proposals at increased densities is contingent upon compliance with the general design and compatibility standards described on page III-31 of the Land Use Element. Further, where such proposals include low and moderate income housing units, an additional density bonus may be awarded based upon the provisions of Part 17 of Chapter 22.52 of the Zoning Ordinance. Here again, however, such proposals should reflect the general considerations outlined on page III-33 of the Land Use Element.

Procedures

The following shall apply to all zoning applications and land division proposals involving residential infill development, where proposed densities exceed those designated by the Land Use Policy Map.

a. Findings

1. The applicant shall substantiate to the satisfaction of the hearing officer and / or Commission the following facts:

(a) That the proposed project will not disrupt sound residential neighborhoods nor adversely affect the character of the established community;

- (b) That the proposed project site is of sufficient size to accommodate design features necessary to ensure compatibility with surrounding uses;
- (c) That the proposed project will not overburden existing public services and facilities;
- (d) That the proposed use will not disrupt or adversely impact local traffic and parking conditions; and
- (e) That the proposed project is compatible with surrounding uses in terms of scale, intensity and design.

b. Site Plan Review

1. The Plan requires site plan review in order to ensure compatibility of a proposed infill project at densities higher than those shown on the General Plan Land Use Policy Map.

(a) Where a proposed project includes an application for a Conditional Use Permit or where a Development Program (DP) is to be utilized as a part of a rezoning request, that the required site plan review be utilized to ensure compliance with required findings regarding design and compatibility as described above;

(b) Where a project does not include as a part of normal case filing the submittal and review of a site plan (e.g., proposed rezoning or land division) one of the following methods can be utilized to ensure site plan review:

(1) Where zoning authority exists, the applicant could be required to file an application for a Conditional Use Permit;

(2) The applicant could be required to submit a plot plan for review and approval prior to tentative map or tract approval]

(3) Site plan review could be made a condition of approval of tentative tracts or maps, as follows:

Prior to final map approval, the applicant shall submit a plot plan drawn to a scale satisfactory to and in the number of copies prescribed by the Director indicating the area and dimensions of the proposed site as well as the location and dimensions of all structures, yards, walls, fences, parking facilities, street and highway dedications, landscaping, open space and buffer areas and other development features. Such plot plan shall demonstrate that the project is compatible with surrounding uses in terms of scale, intensity and design. In this instance, an approved plot plan would be required prior to approval and recordation of the final map.

[Undated; author unknown]

AIRPORT LAND USE COMMISSION PROCEDURES

ALUC Helicopter Landing Facilities Policy

Reference: Part 1 of Chapter 22.56 on CUP requirements

Q: What is the Airport Land Use Commission's policy on heliports, helistops and other helicopter landing facilities?

A: ALUC's policy is as follows:

I. ALUC Helicopter Policy:

A. Statement of Intent

The Los Angeles County Airport Land Use Commission hereby finds and declares as follows:

- Within Los Angeles County there is a trend toward increased use of helicopters in the business, medical, media, public safety, and commercial, transportation sectors.
- While helicopter transport is becoming an increasingly important component of the regional transportation system, unguided proliferation of helicopter landing facilities may adversely affect local land use and environmental quality.
- At present there are no uniform criteria employed in the review of potential helicopter landing sites which adequately address potential land use impacts within the affected community or region as a whole.
- Particular concern has been expressed by many regarding the potential noise and safety impacts associated with helistop approach and departure paths, and the low level overflight of residential areas.
- The Airport Land Use Commission is mandated by the State Public Utilities Code to review and act on proposed new helicopter landing facilities with reference to local land use considerations and the maintenance of a viable regionwide aviation system

Therefore, it is the intent of the Los Angeles County Airport Land Use Commission to:

- 1) Actively review proposals for the development of new helicopter landing facilities within Los Angeles County relative to potential noise and safety impacts; and,
- 2) Provide assistance to involved local jurisdictions, state and regional agencies, and private interests in the identification and mitigation of potential adverse impacts associated with such facilities.

B. Statement of Policy

It is the policy of the Los Angeles County Airport Land Use Commission, in cooperation with involved local, state and federal agencies, and industry representatives, to:

- 1) Provide for the establishment of helicopter landing facilities to serve the special needs of the emergency medical and public service sectors.
- 2) Provide for the establishment of helicopter landing-facilities for business and personal use only where it can-be demonstrated that:
 - Substantial public benefit will be derived from the intended use of the proposed facility; and that,*

- The intended use of the proposed facility will not increase community exposure to adverse health (particularly noise), safety or nuisance impacts.**
- 3) Promote efforts to establish defined regional corridors for private and commercial helicopter traffic in order to maintain the safe and efficient use of airspace and reduce overflight of noise sensitive land uses.

The finding of "substantial public benefit" is a subjective determination which can only be reached after careful consideration of each specific proposal. For example, proposed facilities which significantly contribute to the creation or retention of employment opportunities, demonstrably reduce the costs of goods and services consumed by the public at large, or are integral and necessary to the continued viability of an otherwise desirable enterprise, may be found to have substantial public benefit. Facilities intended for the personal convenience of a limited and exclusive set of users should be carefully considered in light of potential adverse impacts on the surrounding community.

** See review criteria for proposed helicopter landing facilities.

II. ALUC Review Procedure

A. Unincorporated Areas

Within unincorporated areas, proposals to establish new helicopter landing facilities require approval of a Conditional Use Permit. In such instances, the mandated ALUC action will be incorporated within the Planning Commission's normal review and decision-making process. In the event that the Commission acts to approve a proposed facility, the matter will be transmitted to the Los Angeles County Board of Supervisors for final action as required by the State Public Utilities Code (Article 3, Section 21661.5).

B. Incorporated Jurisdictions

With regard to proposals to establish new helicopter landing facilities within local incorporated jurisdictions, the ALUC will act as an advisory body. It is the Commission's intent to evaluate such proposals during the public review process, and offer comments and suggestions as may be appropriate prior to final local action on the project.

III. Review Criteria

The following factors and criteria will be considered by the ALUC in its review of proposed new helicopter landing facilities.

1. Intended Use and Purpose: Proposed new helicopter landing facilities to be used in conjunction with emergency medical, police, fire or other public health and safety services will be accorded first priority consideration
2. Location, Elevation and Design: The design of the proposed facility should comply with standards established by the FAA and set forth in Advisory Circular No. 150/539-18 (Heliport Design Guide). In urbanized settings, rooftop landing facilities are generally preferable to ground level pads due to the increased separation between ground activities and conflicting aircraft operations.

3. Approach and Departure Routes: Overflight of noise sensitive land uses should be avoided. The availability of alternative emergency landing sites along designated approach and departure paths will be assessed.
4. Noise Impact Assessment: The following factors will be considered in the assessment of potential noise impacts.
 - Size and type of aircraft to use the proposed facility.
 - Acoustical propagation characteristics associated with operations at the proposed facility.
 - Anticipated number and hours of operations.
 - Location and height of surrounding buildings, walls and other noise attenuating features.
 - Prevailing local wind patterns
 - Proximity of residential areas, schools and other noise sensitive use.
5. Noise Standard: The noise impact area is defined as that area exposed to a SENEL of 70 dB or greater as a result of helicopter operations at the proposed facility. Exposure of residential and other sensitive uses to such noise impacts should be avoided, particularly during noise sensitive hours.
6. Pedestrian and Automotive Thoroughfares: Low level overflight of pedestrian and automotive thoroughfares should be avoided.
7. Special Land Use Considerations: The proximity of land uses involving special compatibility and/or safety issues, such as places of public assembly, storage facilities for volatile or dangerous materials, and manufacturing or communication facilities particularly sensitive to noise and vibration will be assessed. Low level overflight of such uses should be avoided.
8. Proximity to Other Helicopter Landing Facilities: The proximity of the proposed landing facility to other active helicopter facilities will be assessed. Non-emergency medical/public safety related private landing facilities will be discouraged within 2 miles of an established public use helistop or heliport.

IV. PERMIT CONDITIONS

Permits issued by local jurisdictions for proposed new helicopter landing facilities should incorporate the following provisions:

- A standard defining acceptable noise emission and impacts associated with operation of the proposed helistop.
- Helistop design, location and use conditions as necessary to assure noise and safety compatibility with surrounding community (i.e., type of aircraft permitted, number and hours of operations, designated approach and departure paths, quiet landing and take off procedures, restricted overflight areas, etc.)
- An effective permit duration not to exceed ten years, with annual reviews relative to conditions of approval. Such permits may be renewed upon expiration following formal public review and hearing.
- Helistop owners/operators, in conjunction with users, to develop and institute a 'fly neighborly' program.
- Helistop owners/operators to maintain an up-to-date log of aircraft-operations at the facility.
- A specific revocation clause based upon violation of the conditions of approval.

- Required maintenance of adequate liability insurance.

[9/1984 - Regional Planning Commission/ALUC]

Aviation Case Processing Procedures for Airports/Heliports in Unincorporated Areas.

Reference: None.

Q: What is the case processing procedure for aviation cases?

A: There are special procedures to be followed in cases involving the original approval of heliports, helistops and airports. The Commission policy is no longer official but is included for reference purposes. Note the need to coordinate with the Airport Land Use Section. After processing of aviation cases in unincorporated areas is completed by the Zoning Permits section;

- A. Following filing by applicant, Airport Land Use Section should be notified of pending case, indicate dates for review by Hearing Officer and Regional Planning Commission.
- B. Transmit factual data report to Airport Land Use Section.
- C. RPC meeting - agenda should reflect that consideration is by Regional Planning Commission and Airport Land Use Commission.
- D. If approved, transmit to Board of Supervisors for consideration.
- E. If approval by Board of Supervisors, transmit final letter and transmittal package to State.

[2/3/1987 – Richard Frazier, Permits Section]

Aviation Case Processing Procedures for Heliport/Airport/Helistop Applications

Reference: None (related reference is Chapter 22.56)

Q: How are applications for heliports and airports processed and decided?

A: Applications for heliports/airports within unincorporated areas will normally require review and approval by the Regional Planning Commission (C.U.P.), the Airport Land Use Commission (site plan), and the Board of Supervisors (site plan).

In order to accomplish the processing of heliport/airport applications in compliance with both local zoning and State Public Utility Code requirements, without duplicating staff and Commission efforts, the following steps are suggested:

1. When an application for a heliport/airport is received by the Permits section, the Airport Land Use Section should be notified. The Airport Land Use section will review the case and determine, what steps, in addition to normal zoning provisions, are required by the Public Utilities Code.
2. As the application is processed, the Airport Land Section should be notified of the date the item will appear on the Planning Commission's agenda. Also, it should be provided a copy of the factual data report and related environmental document when they become available.

3. Place the item on the agenda for simultaneous review and action by both the RPC and ALUC.

(See attached suggested agenda wording and ALUC findings.)

4. If the item is approved by the RPC/ALUC, transmit a copy of the site plan to the

Executive Clerk of the Board, with a cover letter requesting board review and action as required by the Public Utilities Code. (See attached suggested cover letter.) The environmental document need not be reviewed by the Board.

5. When the matter has been reviewed and approved by the Board, the Airport Land Use Section should be notified and provided with a copy of the approval documentation (i.e., normally the documentation will simply be a copy of the cover letter with a Board approval stamp). The section will then transmit a copy of the site plan, the coning grant and conditions, the environmental document, the FAA air space clearance, and the documentation of board approval to the State Division of Aeronautics, together with a standard cover letter setting forth the findings action of the Airport Land Use Commission.

By following the above outlined process, this will prevent duplicating staff effort, as well as having to bring these items before the Commission first for zoning approval, and then again for ALUC review.

Sample Letter of Recommendation

Date

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

Dear Supervisors:

RE: APPROVAL OF CONSTRUCTION PLANS FOR HELISTOP OF
 _____ CONDITIONAL USE PERMIT NO. _____

RECOMMENDATION:

1. That your honorable board review Regional Planning Commission's (date) approval of Conditional Use Permit No., for a proposed helistop in the (no.) supervisorial district, and approve the construction plans for said helistop which are attached as Exhibit "A" pursuant to Public Utilities Code, Section 21661.5.

2. Instruct the Clerk of the Board of Supervisors to forward a certified copy of this order to California Division of Aeronautics.

Public Utilities Code, Section 21661 et seq. requires that all airports, heliports and helistops in California must obtain a state permit prior to initiating their use. One of the requirements which must be satisfied prior to the issuance of such a permit is the approval of the proposed construction plans for the given airport, heliport or helistop by the governing body of the concerned local jurisdiction. This construction plan approval requirement is an additional requirement to the conditional use permit approval granted by the Regional Planning Commission. It is not necessary for your Board to hold a public hearing when approving or disapproving the involved construction plans.

Should you have any questions, a staff representative of the Department of Regional Planning will be present on (date) to provide additional information.

Respectfully submitted,

DEPARTMENT OF REGIONAL PLANNING
 _____, Planning Director

Sample Agenda Item on RPC Calendar

Agenda Item for Project Located in Incorporated City

PART X. Airport Land Use Commission
For Discussion and Possible Action

Aviation Case xx-(x) (Mr. _____)

Proposal from _____ to establish one ground level private use helistop within the corporate limits of the City of _____.

Agenda Item for Project Located in Unincorporated Area

PART X. Consent Items for Approval (Denial)

For simultaneous action as the Regional Planning Commission and Airport Land Use Commission

Variance and Permits (Mr. _____)
Airport Land Use (Mr. _____)

1. Conditional Use Permit Case xxxx-(x) Aviation Case xx-(x)

_____(Company)_____ to establish and maintain a private, ground level helistop;
_____(Address)_____; Zone_____; (Unincorporated community)

[June 16, 1982 – Bob Theobald]

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PROCEDURES FOR HEARING OFFICERS

Roles and Duties of the Hearing Officer

Q: What are the roles and duties of a Hearing Officer?

A: The roles, duties, and functions of the Hearing Officer are as follows:

1. Introduction

On November 26, 1985, the Board of Supervisors introduced ordinances which allowed the Department of Regional Planning to use staff hearing officers to conduct various public hearings. In his motion to initiate the use of Hearing Officers, Supervisor Schabarum stated, "...The primary objective of these ordinance revisions is to further reduce County costs, hasten the permit process, and improve our land use regulations." The ordinances became effective February 10, 1986.

For more than 50 years, all planning matters requiring public hearings by a group other than the Board of Supervisors were heard by the Regional Planning Commission itself or the Zoning Board. With the inception of the Hearing Officer process, certain staff members of the Department of Regional Planning now conduct hearings and render actions on various zoning permits and land divisions which previously required action of the Regional Planning Commission. Such legislative matters as zone changes and general plan activities continue to require consideration by the Commission. In addition, the Commission continues to hear the more complicated land divisions, variances, and permits.

To facilitate the transition to Hearing Officers, guidelines were established to minimize the distinction between hearings conducted by the Regional Planning Commission and the Hearing Officers. These include using the Regional Planning Commission hearing room, room 150, Hall of Records, 320 West Temple Street, Los Angeles, and much of the same support team, including tape machine operator and court reporter/ stenographer. Both zoning and land division hearings are held on Tuesdays, starting at 9:00 a.m. There is no ordinance requirement as to time and place of these hearings and in the future they may be rearranged, depending upon prevailing needs and circumstances.

2. Function of Hearing Officer

To briefly summarize, the functions the Hearing Officer is responsible for include:

- conducting the public hearing
- analyzing the merits of a case
- rendering a decision
- ensuring the adequacy of the findings and conditions
- ensuring his decision is not influenced by outside issues or individuals.

The term "Hearing Officer" is not a payroll title. Designation as a Hearing Officer constitutes a collateral duty assignment. Sections 21.08.075 and 22.08.080 of the County Code provide that Hearing Officers are employees of the Department of Regional Planning who are appointed by the Planning Director and confirmed by the Board of Supervisors. Their duties are to conduct public hearings and render decisions on specific land divisions, land use permits, and variances. When acting as Hearing Officer, the employee is removed from the normal chain of command in order to function as an independent and unbiased hearer and decider of fact.

In his role as Hearing Officer, the employee's relationship with staff regarding specific cases he will hear should be similar to the relationship between the Regional Planning Commission and the Department of Regional Planning in such matters. The Department staff will review, analyze and formulate the Department's recommendations. Although the Hearing Officer may be briefed by the staff, he does not participate in the formulation of the Department's recommendations. Prior to rendering his decision, the Hearing Officer should endeavor to restrict his discussion of the cases to the confines of the public hearing. Even discussions with the staff should be limited to the staff report, which is part of the public record. Any discussions which occur outside of the public hearing should be noted at the hearing.

In conducting public hearings and rendering decisions, the Hearing Officer is bound by the rules of disclosure of evidence described in the County Counsel's letter of April 1, 1986 (see attachment 8.10).

3. Determining Who Conducts Hearing

All public hearings regarding legislative matters must be conducted by the Regional Planning Commission. This includes zone changes, ordinance amendments, development agreements, and general plan adoptions or amendments.

Pursuant to the County Code, the Hearing Officer may hear and decide the following types of cases unless the Commission decides to conduct the hearing and render the decision:

- animal permits
- cemetery permits
- conditional use permits
- explosive storage permits
- housing permits
- modifications and revocations
- mobilehome permits
- nonconforming use and structure reviews
- oak tree permits
- parking permits
- surface mining permits
- variances
- tentative parcel maps
- tentative tract maps

Guidelines have been established by the Regional Planning Commission and confirmed by the Board of Supervisors which delineate the factors to be considered in determining whether a case will be heard by the Commission or a Hearing Officer. As a result, some cases which are theoretically within the statutory purview of the Hearing Officer are heard only by the Commission. Included are cemetery permits, landfill cases, and modification and revocation cases. Similarly, land use permits and land divisions that are being processed concurrently with legislative cases are heard by the Commission rather than by a Hearing Officer.

The guidelines call for the staff to prepare and transmit to the Commission two lists of upcoming cases: One list includes those cases proposed to be heard by a Hearing Officer; the other list includes those cases to be heard by the Commission. In making these lists, the guidelines call for the staff to comply with the RPC's policy statement of December 12, 1985, and assign to the Commission those cases involving any of the following factors:

- General Plan Amendment

- Zone Change
- Revocation Case
- Cemetery Case
- Landfill Site Request
- Requirement for full EIR (thus reflecting known physical site problem)
- Major Policy Implications and/or Countywide Implications
- Significantly large project
- Request represents a concentrated problem in an area
- “Insist” filing and/or request involving variation from known RPC position
- Known substantial controversy
- Resubmittal of a case previously heard by the RPC

If the Commission wants to hear any case proposed for a Hearing Officer, it will inform the staff via an adopted Commission action.

The Regional Planning Commission's guidelines are contained in the next section.

4. Authority of Hearing Officer on Zoning Matters

Los Angeles County Ordinance Number 85-0195 establishes the role and duties of the Hearing Officer on zoning matters, as follows:

Section 22.08.080 (of Title 22 of the County Code—The Zoning Ordinance), "Hearing Officer" means the person who is an employee of the Department of Regional Planning appointed by the director and confirmed by the board of supervisors to perform the duties prescribed by this Title 22 relating to the conducting of public hearings and making determinations on land use permits and variances.

Section 22.60.010 Authority of hearing officer. The hearing officer may approve, conditionally approve, or disapprove applications for land use permits and variances, subject to the general purposes and provisions of Title 22. In addition, the hearing officer may consider an appeal from a final zoning enforcement order issued by the director in accordance with the procedures specified in Section 22.60.390, and may thereafter sustain, modify or rescind such final zoning enforcement order.

Section 22.60.020 Duties of hearing officer.

A. The hearing officer shall preside over the public hearing and hear testimony for and against an application for a land use permit or variance, unless the commission determines to and itself holds a public hearing.

B. The hearing officer, within 10 working days of the conclusion of a public hearing on a use permit or variance, shall:

1. Make findings as required by Title 22;
2. Based on the findings, approve, conditionally approve, or disapprove the application;
3. Mail notice of the decision as required by Title 22.

Section 22.60.170 Initiation of hearing. Hearings on permits, variances or nonconforming use or structure reviews may be initiated:

A. If the board of supervisors instructs the hearing officer or the commission to set the matter for a public hearing in the case of a conditional use permit, animal permit, variance, or nonconforming use or structure review; or

B. Upon the initiative of the hearing officer or the commission in the case of a conditional use permit, animal permit, variance, or nonconforming use or structure review; or

C. Upon the filing of an application.

Section 22.60.176 Conduct of hearings--Hearing officer duty. When a verified application is filed for a permit or variance and a hearing is required by this Title 22, the hearing officer shall hold such hearing if the commission does not itself hold the hearing.

Section 22.60.190 Notification of action taken. The hearing officer, commission, or board of supervisors shall serve notice of its action upon:

A. The applicant for a permit, variance, nonconforming use or structure review, development agreement or zone change, or the person owning and/or operating a use for which the revocation of a permit, variance or nonconforming use or structure is under consideration

B. The following persons shall be notified by first class mail, postage prepaid:

1. The first three protestants testifying or speaking at the public hearing, except at a hearing for the revocation or modification of any permit, variance or nonconforming use or structure;
2. The first three persons testifying or speaking at a public hearing in favor of the revocation or modification of any permit, variance or nonconforming use or structure;
3. Any other persons testifying or speaking at a public hearing that request such notification of the chairman at the hearing.

4.1 Appeals of Zoning Matters

The following sections relate to appeals of Hearing Officer decisions on zoning matters. Actions of the Hearing Officer become effective 15 days after the date that the applicant receives notice of the Hearing Officer's decision, unless the case is appealed.

Section 22.60.200 Purpose and authorization.

A. Appeals. To avoid results inconsistent with the purposes of this Title 22, decisions of the hearing officer may be appealed to the commission; and where the commission itself initially hears applications, decisions of the commission may be appealed to the board of supervisors.

B. Calls for review. As an additional safeguard to avoid results inconsistent with the purposes of this Title 22, decisions of the hearing officer may be called for review by the commission.

Section 22.60.210 Rights of appeal. Any interested person dissatisfied with the action of the hearing officer may file an appeal from such action. Any interested person dissatisfied with the action of the commission may file an appeal from such action.

Section 22.60.220 Time limits for appeals and calls for review. Appeals of decisions shall be initiated prior to the effective date of the decision.

Section 22.60.230 Initiation of appeals and calls for review.

A. Appeals.

1. Filing. An appeal shall be filed with the secretary or clerk of the designated appellate body on the prescribed form and shall state specifically wherein a determination or interpretation is not in accord with the purposes of this Title 22; wherein it is claimed that there was an error or abuse of discretion; wherein the record includes inaccurate information; or wherein a decision is not supported by the record.
2. Fee for Appeals to the Board of Supervisors.
 - a. In General. When an appeal is filed, it shall be accompanied by a deposit in an amount determined by the secretary or clerk of the appellate body to be ample to cover the cost of one original and five copies of the transcripts of the previous hearings. If the actual cost of the transcripts is more than the amounts deposited by

- the appellant, such appellant shall deposit the deficiency. If the actual cost of transcript is less than the amount deposited by the appellant and no hearing is held, the secretary or clerk shall refund the difference to the appellant. The appellant shall also pay a processing fee to the department of regional planning [*as specified in Section 22.60.230*] to cover the costs of the appeal.
- b. Specific Procedures on Appeals to Board of Supervisors. If the board of supervisors does not hold a hearing on an appeal, and no transcript is prepared, the money deposited for the preparation of the transcript shall be refunded to the appellant. If the board of supervisors itself holds a public hearing on an appeal, no refund shall be made to the appellant, whether a transcript is prepared, partially prepared, or not prepared at all. When more than one notice of appeal from the action of the commission is filed, each notice shall be accompanied by a separate deposit in the amount required by this section. Subsequent to the final action of the board of supervisors upon the appeal, the executive officer shall refund to the appellants a proportionate share of their deposits as may be necessary to insure that the total amount retained by the county is equal to the costs of the transcripts of all hearings held by the commission and the cost of the hearings held by the board of supervisors.
3. The filing of an appeal vacates the decision from which the appeal is taken. Such decision is only reinstated if the appellate body fails to act or affirms the decision in its action.
 4. Fee for Appeals to the Regional Planning Commission.
 - a. Processing Fee. Upon filing an appeal with the regional planning commission, the appellant shall pay a processing fee [*as specified in Section 22.60.230*] to be applied in its entirety to the department of regional planning; provided, however, that when an appeal is filed from a Director's Review of a large family child care home, the amount of the processing fee shall be [*as specified in Section 22.60.230*].
 - b. The fees included in this subsection shall be reviewed annually by the county of Los Angeles auditor-controller. Beginning on January 1, 1992, and thereafter on each succeeding January 1, the amount of each fee in this section shall be adjusted as follows: Calculate the percentage movement in the Consumer Price Index for Los Angeles during the preceding January through December period, adjust each fee by said percentage amount and round off to the nearest dollar. However, no adjustment shall decrease any fee and no fee shall exceed the reasonable cost of providing services.
 - c. Additional Deposits. When a transcript of the previous proceeding is required, the appellant shall pay an additional deposit, in an amount to be determined by the secretary or clerk of the appellate body, to be ample to cover the cost of one original and five copies of the transcripts of the previous hearings. If the actual cost of the transcripts is more than the amount deposited by the appellant, such appellant shall deposit the deficiency.
 5. Exception to Fees. When the appellant is not the applicant, the preceding prescribed fees for appeals shall be reduced by 50 percent, except that this reduction shall not apply to the processing fee for an appeal from a director's review of a large family child care home, as prescribed in subsection 4.a of this section.
- B. Calls for review.
1. A call for review may be initiated by the affirmative vote of the majority of the members present of the designated review body. A call for review by a designated review body shall be made prior to the effective date of the decision being reviewed. No fee shall be required.
 2. When the commission makes a recommendation to the board of supervisors on a general plan or specific plan amendment, zone change, development agreement or

other legislative action, any concurrent decision by the commission on a permit, variance, nonconforming use or structure review or other non-legislative land use application concerning, in whole or in part, the same lot or parcel of land shall be deemed to be timely called up for review by the board of supervisors.

Section 22.60.240 Procedures for appeals calls for review.

- A. Hearing Dates. The appellate body may delegate the setting of hearing dates to its secretary or clerk.
- B. Notice and Public Hearing. An appeal or review hearing shall be a public hearing if the decision being appealed or reviewed required a public hearing. Notice of public hearings shall be given in the manner required for the decision being appealed or reviewed.
- C. Plans and Materials. At an appeal or review hearing, the appellate body shall consider only the same application, plans and materials that were the subject of the original decision. Compliance with this provision shall be verified prior to or during the hearing by a representative of the person or body that made the original decision. If new plans and materials which differ substantially from the original are submitted, the applicant must file a new application. Changes to the original submittal made to meet objections by the staff, the decision-maker or the opposition below need not be the subject of a new application. Nothing herein shall prevent the appellate body from imposing conditions on a project and granting approval to a project modified by conditions imposed as part of the decision.
- D. Hearing. At the hearing, the appellate body shall review the record of the decision and hear testimony of the appellant, the applicant, the party or body whose decision is being appealed or reviewed, and any other interested party.
- E. Decision and Notice. After the hearing, the appellate body shall affirm, modify or reverse the original decision. When a decision is modified or reversed, the appellate body shall state the specific reasons for modification or reversal. Decisions on appeals or reviews shall be rendered within 30 days of the close of the hearing. The secretary or clerk of the appellate body shall mail notice of the decision within five working days after the date of the decision to the applicant, the appellant and any other persons required to be notified pursuant to Section 22.60.190.
- F. Failure to Act. If the appellate body fails to act upon an appeal within the time limits prescribed in Subsection E above, the decision from which the appeal was taken shall be deemed affirmed.

Section 22.60.250 Additional procedures for appeals to the board of supervisors. Notwithstanding the foregoing procedures, upon receiving an appeal or initiating a call for review, the board of supervisors may take one of the following additional actions:

- 1. Affirm the action of the commission; or
- 2. Refer the matter back to the commission for further proceedings with or without instructions; or
- 3. Require a transcript of the testimony and any other evidence relevant to the decision and take such action as in its opinion is indicated by the evidence. In such case, the board of supervisors' decision need not be limited to the points appealed and may cover all phases of the matter, including the addition or deletion of any conditions.

Section 22.60.260 Effective dates. Unless otherwise specified in Chapter 22.56, the following effective dates shall apply to all land use permits and variances:

- A. The decision of the Hearing Officer shall become effective 15 days after receipt of the notice of decision by the applicant, unless appealed to or called up for review by the commission prior to that date.

- B. The decision of the commission, where it initially holds the public hearing, shall become effective 15 days after receipt of notice of decision by the applicant, unless appealed to the board of supervisors prior to that date.
- C. The decision by the commission regarding an appeal or review shall become effective eight days after receipt of the notice of decision by the applicant, unless called up for review by the board of supervisors prior to that date.
- D. Where an appeal to or a call for review by the board of supervisors is filed relating to any land use permit or variance, the date of decision by the board of such appeal or review shall be deemed the date of grant in determining an expiration date.

5. Authority of Hearing Officer on Subdivision Matters

Los Angeles County Ordinance Number 85-0194 establishes the role and duties of the Hearing Officer on subdivision matters, as follows:

Section 21.08.020 (of Title 21 of the County Code—the Subdivision Ordinance) Advisory agency. “Advisory agency” means and refers to both the Regional Planning Commission and the Hearing Officer. The Hearing Officer shall exercise all of the duties associated with the submission, review and approval or disapproval of maps of reversions to acreage and subdivisions which are delegated to the advisory agency by this Title 21, unless the Regional Planning Commission determines to and itself exercises such duties.

Section 21.08.075 Hearing Officer. “Hearing Officer” means the person who is an employee of the Department of Regional Planning appointed by the Director and confirmed by the Board of Supervisors to perform the duties which are delegated to the advisory agency by this Title 21.

5.1 Appeals of Subdivision Matters

The following sections relate to appeals of the Hearing Officer's decision of land division cases. Such appeals must be filed within 10 days after the date of the Hearing Officer's action.

Section 21.56.010 Procedures--Submittal and Determination.

- A. A subdivider or any interested person dissatisfied with an action taken by the hearing officer, when functioning as the advisory agency with respect to a tentative map, parcel map or request for waiver, may appeal to the regional planning commission.
- B. A subdivider or any interested person dissatisfied with an action taken by the regional planning commission when it is functioning as the advisory agency or appellate body with respect to a tentative map or parcel map, or request for waiver, may appeal to the board of supervisors.
- C. When the regional planning commission makes a recommendation to the board of supervisors on a general plan or specific plan amendment, zone change, development agreement or other legislative action, any concurrent decision by the commission on a tentative map, parcel map or request for waiver concerning, in whole or in part, the same lot or parcel of land shall be deemed to be timely appealed to the board of supervisors as provided in this section.
- D. All appeals shall be submitted and acted upon in the manner prescribed by Section 66452.5 of the Government Code.

(Note: Appeal procedures on subdivision and parcel map matters differ from those established for zoning matters; however, county ordinance amendments are pending which will simplify and provide consistency between them.)

6. Procedures for Cases to be Heard by Hearing Officer

Crucial to the effective operation of the Hearing Officer system is the staff support offered by the Zoning Permits and the Land Divisions Sections. These sections provide the background and follow-up work in preparing the cases, in addition to providing help at the hearings.

The Hearing Officer proceeds as follows:

1. Hearing Officer receives factual data packages on cases from appropriate section approximately seven (7) days prior to hearing.
2. Hearing officer studies information in factual data packages, including tentative conditions (i.e., if approval is recommended by staff), and case data on design, zoning, general plan, and so forth.
3. Hearing Officer is briefed by section personnel approximately six (6) days prior to hearing.
4. Hearing Officer field checks subject properties of cases, unless he determines field trip is not necessary.
5. Hearing Officer conducts the public hearing on the specified hearing date.
6. At the conclusion of the testimony, the Hearing Officer has several options from which to choose:
 - a. Close the hearing. Make and announce his decision, including any special findings and/or conditions;
 - b. Close the hearing, announce his tentative decision (i.e., intention to approve or disapprove) and direct staff to prepare findings and conditions for approval at a later date. (Case will appear on future agenda as a consent item;)
 - c. Close the hearing and take the matter under submission;
 - d. Continue the hearing to a specific time and date. No additional notice is necessary;
 - e. Continue the hearing to an unspecified time and date. Additional public notice required.
7. With zoning cases, the Hearing Officer must make his findings and decision within ten (10) working days of the close of the public hearing, per Section 22.60.020. In land division cases, the time limits are as specified by the Subdivision Map Act. Essentially, this means that, technically, the advisory agency does not have the ten (10) day time limitation, imposed on zoning matters, after the hearing is closed.
8. Staff mails Final Letter, signed by the Hearing Officer, including findings and, in the case of an approval, conditions.

7. Sample Format for Public Hearing

The following are statements that may be used by the Hearing Officer in going through the hearing process:

"This hearing is now called to order.

"Today's date is: _____.

"I am Regional Planning staff member _____, serving as Hearing Officer on today's cases. For your convenience, copies of today's agenda are available in the back of the room.

"The hearing procedure, which may vary some, depending upon the circumstances, is as follows: testimony will be given by the applicant and proponents, then the opponents, and, finally, one rebuttal by the applicant or other proponent.

“At the conclusion of the testimony, either today or at a continued hearing, the hearing will be closed. I may render my decision at the close of the hearing--if not, then soon thereafter.

“In the event that it becomes apparent that the case involves a major planning issue, I may refer the case to the Regional Planning Commission without further action or decision on my part.

“Any decision made by a Hearing Officer may be appealed.

A. With regard to zoning matters, the appeal would be to the Regional Planning Commission.
B. With regard to land divisions, the subdivider would appeal to the Regional Planning Commission, with further appeal available to the Board of Supervisors, Other interested parties would appeal directly to the Board of Supervisors. This interesting arrangement results from the way state law on these matters is written.

(When another hearing officer is on the same agenda:)

“As indicated earlier, I am the Hearing Officer scheduled for today; however, there are ____ cases which have been continued from an earlier date. These cases will be heard by another Hearing Officer. Agenda item(s) _____ will be heard by _____.

(For land division cases, include the following:)

“The items for today are all land divisions. They are not land use cases. Lot lines are being created; uses are not being authorized. State law is very specific as to how and why a land division case can be approved or, more specifically, denied. A land division will be approved unless significant problems arise relative to:

- a. General Plan consistency;
- b. Suitability of type or density of development on the site;
- c. Substantial environmental damage; or
- d. Public health problems.

If you have any objections to one or more of the land divisions being proposed today, try to address your comments to these types of problems.

(For zoning cases, include the following:)

“The items for today are all zoning cases. While a variety of types of zoning cases exists, each with its own burden of proof, they all, for the most part, include a required showing that the proposal will not jeopardize or adversely affect public health, peace, comfort, safety, or welfare or be materially detrimental to the use, enjoyment, or valuation of properties nearby and that the subject property is suited to the proposed use. Some of your comments should be oriented to these points.

“I have/have not visited the sites on today's cases.

“Will all those persons who intend to testify on any of today's cases please rise and be sworn?

(Swearing of witnesses)

“In the testimony you are about to give, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you?

(Regarding Consent Items, if any:)

“The following cases are consent items. As I read the item and case numbers, please raise your hand if you wish to comment. If you concur with the staff recommendation and no one else raises his hand to oppose the action, you should leave your hand down.

(Read item and case numbers.)

“The consent items, with the exception of item no(s)._____, are approved.

(Deal with any comments on consent cases:)

“The (first, etc.) case today, (Conditional Use Permit, etc.) number _____ is a request to _____, applied for by _____.

“Would the applicant and his representative please come forward to the microphone?

We'll start with a factual presentation by the staff--and a statement of any issues the staff thinks the applicant should address.

(Staff presentation.)

“Would the applicant please state his name and address? (etc.)

(Names, addresses, and testimony from proponents, opponents and rebuttal.)

(Ask questions based on field check and review of case factual data prior to the hearing. Signs? ... landscaping? ... walls?...etc.)

(At the conclusion of the hearing, if the case is approvable, ask staff to read proposed conditions, or at least ask the applicant if he has read the proposed conditions.)

(At the very end:)

- if it's a zoning matter, close the hearing—unless case is going to be continued--and announce decision to approve, deny, or take under submission. [In these cases, the decision must be made and mailed within ten (10) days after the close of the hearing.]

- if it's a land division matter, close the hearing--unless case is going to be continued--and announce decision to approve, deny, take under submission, or indicate intention to approve or deny and state date case will appear on agenda as a consent item for action. This latter option is useful for matching dates of action for cases considered concurrently on the same parcel, such as a land division and a CUP and the conditions for the CUP have not yet been prepared. [As a reminder--for land division cases at this stage, the decision does not have to be made and mailed within ten (10) days after the close of the hearing.]

(After all of the cases have been processed:)

“Is there anybody in the audience who wishes to comment on any item not on today's agenda but which is within my purview? This opportunity is offered as a result of changes in the Brown Act.

(Execute the procedure.)

“This meeting is adjourned.”

- Hearing Officers should refer all inquiries regarding cases to the Zoning Permits or Land Divisions sections.

- The audience should be advised to move their cars, if parked on the street prior, to 4 p.m.

8. See related memos on Disclosure of Evidence, RPC Policy for Hearing Officers and the Brown Act below.

[Department of Regional Planning, undated]

Disclosure of Evidence

Q: What is the disclosure of evidence?

A: The memo is to advise the Commission about the appropriate use of information received outside of the commission's public hearings. The California Supreme Court recognizes that members of a planning commission can rely upon their personal familiarity with the site and neighborhood characteristics in reaching a decision on a pending matter. The Court assumes that if planning commission members viewed the site, such action was proper. Siller v. Board of Supervisors (1962) 58 Cal. 2d 479, 484.

In a case where plaintiffs sought to invalidate the granting of a variance contending that a city council relied on information acquired other than at the hearing, the Court of Appeal upheld the variance approval and noted that there was no concealment, after citing an announcement made at the city council meeting that the council members had looked at the property. Flagstad v. City of San Mateo (1957) 156 Cal. App. 2d 138, 141-142.

Although no specific rule is obvious from a reading of these cases, the following recommendation deals specifically with evidence obtained outside the public hearing process, including views of the site.

A commissioner who has received evidence outside of a noticed meeting, or has individually viewed the subject property, or is familiar with the subject property, shall fully disclose at the noticed meeting such evidence and his or her observations and familiarity with the property. This disclosure enables the applicant, interested persons and other commissioners to hear the evidence upon which he or she is relying and have an opportunity to controvert the evidence. All written evidence received outside of the noticed meeting shall also be filed with the secretary.

[4/1/1986 – Charles J. Moore, Principal Deputy, Public Works Division, County Counsel]

Regional Planning Commission Policy Statement: Hearing Officer Procedures

Q: Which cases should be heard by the Hearing Officer, and which by the Regional Planning Commission?

A: Section 1. The following guidelines are designed to assist the staff in setting hearings and scheduling cases before the Regional Planning Commission and staff hearing officers.

Section 2. Staff will transmit to the Commission a list of upcoming casts that are proposed for hearing before the Commission. In making this assignment, staff may utilize the following criteria:

- General Plan Amendment

- Zone Change
- Revocation Case
- Cemetery Case
- Landfill Site Request
- Requirement for full EIR (thus reflecting known physical site problem)
- Major Policy implications and/or Countywide Implications
- Significantly large project
- Request represents a concentrated problem in an area
- "Insist" filings and/or requests involving deviation from stated Commission policy
- Known substantial controversy
- Resubmittals of cases previously heard by the Commission.

Section 3. Staff will also transmit to the Commission a list of upcoming cases that are proposed for hearing before a staff hearing officer. If the commission determines that there is a case that they wished to hear, they shall inform staff via an adopted Commission motion.

Section 4. In the case of hearings before a hearing officer, the decisions of the hearing officer are final unless appealed or called up for review before the Regional Planning Commission. Prior to the expiration of the appeal period, staff will transmit to the Commission a list of the decisions made by the hearing officers. If the Commission determines that there is a decision they wish to review, they shall set a date for Commission hearing of the case-via an adopted Commission motion.

After a hearing officer renders a decision, either the applicant or the opposition may appeal the decision to the Commission; established appeal procedures shall apply. Decisions by the Commission may, of course, be appealed or called up by the Board of Supervisors in accord with established procedures.

[12/12/1985 – Regional Planning Commission]

**RULES OF PROCEDURE FOR
REGIONAL PLANNING COMMISSION**

September 9, 1999

SECTION 1. DEFINITION. These definitions shall govern the construction and application of these rules:

- (a) Clerk. As used herein "clerk" shall mean the officially designated clerk or secretary of the Regional Planning Commission.
- (b) Commission. As used herein "Commission" shall mean the Regional Planning Commission.
- (c) Evidence. As used herein "evidence" shall mean factual information, including testimony, written materials, objects or other things that are offered to prove the existence or nonexistence of a fact, as defined in Section 140 of the California Evidence Code.
- (d) Hearing. As used herein "hearing" shall mean a noticed public hearing required by State law or County ordinance relating to planning and zoning and land use.

SECTION 2. RECORD. The Clerk shall cause a record of any hearing to be made. If a hearing is tape recorded, a copy of the tape may be purchased at its reproduction cost from the Clerk provided that a deposit in an amount estimated by said Clerk to cover the cost of reproduction shall first be made. If any person desires to have a hearing reported by a stenographic reporter, he or she may employ one directly at his or her expense, or may request that the Clerk arrange, at the requesting party's expense, for a reporter. Any such request to arrange for a reporter shall be submitted to the Clerk in writing at least two working days before the hearing.

SECTION 3. COMMISSION MEETINGS. The regular meetings of the Regional Planning Commission shall be on Wednesday of each week, commencing at 9:00 a.m. in the Hearing Room of the Hall of Records, Room 150, 320 West Temple Street, in the City of Los Angeles. A special meeting may be called for any reasonable time by the Commission.

SECTION 4. AGENDA. Seventy-two hours prior to the beginning of all hearings, copies of the Commission's agenda shall be available at the office of the Clerk, and posted pursuant to Government Code Section 54954.2.

SECTION 5. STAFF REPORTS.

- (a) When a written staff report exists, copies of such report shall be available for public inspection at the office of the Clerk at least 24 hours prior to the commencement of the hearing; provided, however, the Commission may allow in its discretion the filing of supplemental reports which shall be made public at the commencement of the hearing.
- (b) When any hearing is held, a written staff report with recommendations and the basis for such recommendations shall be filed as a part of the record of the hearing. Said report shall discuss each issue upon which a finding must be made and shall include all relevant area, topographical, street and other maps, site plans and diagrams applicable to the hearing, as necessary.
- (c) The staff report shall also be distributed to each member of the Commission within a reasonable time to assure adequate notification prior to the scheduled public hearing.

SECTION 6. QUORUM AND VOTING.

- (a) Three voting members constitute a quorum at any meeting of the Commission. Approval of any legislative recommendation (for example, a general plan adoption or amendment, specific plan adoption or amendment, or zone change) requires the affirmative vote of a majority of the Commission, *i.e.* at least three members. Except as otherwise provided by Robert's Rules of Order, approval of any other motion requires the affirmative vote of a

majority of those members of the Commission present and voting. An abstention disqualifies the member as a voting member.

- (b) An application shall be deemed disapproved unless it is approved by the required majority vote as provided above. In the event of a tie vote, the motion fails; unless another motion is thereafter approved by the required majority vote, the application is deemed denied. In the case of an appeal, if an affirmative vote does not occur, the decision appealed stands as decided by the decision-maker from which the appeal was taken.

SECTION 7. ORDER OF EVIDENCE. The order of presentation of evidence, unless otherwise directed by the Commission, shall be as follows:

- (a) Staff report;
- (b) Environmental Impact Assessment, as applicable;
- (c) Disclosures by members of the Commission, unless previously disclosed;
- (d) Evidence in favor of proposal;
- (e) Evidence in opposition to proposal;
- (f) Other evidence concerning the proposal;
- (g) Rebuttal by applicant, subject to the discretion of the Commission;
- (h) Closing of public hearing;
- (i) Discussion by Commissioners and statement of intended decision;
- (j) Questions by Commissioners will be in order at any time following any party's presentation, subject to time limitations;

SECTION 8. RULES OF EVIDENCE. The following rules of evidence shall apply:

- (a) The hearing need not be conducted according to technical judicial rules of evidence.
- (b) Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.
- (c) Witnesses will be sworn prior to the hearing.

SECTION 9. CONTINUANCE. Any hearing may be continued by the Commission to a subsequent meeting. The Clerk shall give notification of the continuance to any person who, prior to such continuance, has filed with the Clerk a written request for such notice. One or more continuances may be granted to the proponents of each position being presented to the Commission upon request, and upon a showing of good cause therefor to the satisfaction of the Commission. Where during the course of a hearing it appears desirable that the applicant or the planning staff or other interested person submit a revised or modified plan for incorporation in the decision of the Commission, the Commission shall continue the hearing to permit the filing thereof. The Commission will not consider any revised or modified plan to be filed after the close of a hearing.

SECTION 10. ABSENCE FROM HEARING.

- (a) A Commissioner who was absent from a hearing or a portion of a hearing conducted by the Commission may vote on the matter provided that the Commissioner:
 - (1) Listens to the tape recording or reads the transcript made of the entire hearing or the entire portion of the hearing from which the Commissioner was absent; and
 - (2) Examines all of the documentary material received in evidence during the hearing or portion of the hearing, from which the Commissioner was absent; and
 - (3) Deems oneself to be as familiar with the record and with the evidence presented at the hearing as the Commissioner would have been had he or she personally attended the entire hearing, and so states in public session for the record.

- (b) Upon request, the Clerk shall provide a Commissioner with the tape recording and all documentary material received in evidence during the hearing or portion of the hearing from which the Commissioner was absent.
- (c) The provisions of this section do not apply to a Commissioner's absence from a visit to the site as provided in Section 12.

SECTION 11. RECEIPT OF EVIDENCE OUTSIDE OF HEARING.

- (a) The Commission does not encourage the receipt of evidence on a pending application outside the public hearing. If a Commission member talks with an applicant or other interested party, visits a site independently or receives any other evidence pertinent to a pending matter outside the public hearing, the Commissioner shall disclose the contact and evidence received during the hearing on the matter as provided in Section 13. The applicant, appellant or any other interested party shall have the opportunity to supplement or rebut the evidence disclosed, and failure to do so shall be deemed a waiver of any objection regarding the evidence.
- (b) The provisions of this section do not apply, however, to the following:
 - (1) Matters which have broad application in the County as distinguished from specific application to individual parcels of property;
 - (2) Receipt of evidence after the close of a hearing for the limited purposes of
 - (i) clarifying information received during the hearing by directing questions to County staff or to the public; or
 - (ii) determining whether to order that the matter be reheard; or
 - (3) Factual inquiries made to and received from County staff.
- (c) If necessary to permit additional testimony or other evidence, a public hearing may be reopened during Commission deliberation at the meeting in which the hearing was held without further public notice.

SECTION 12. VIEW OF PROPERTY. Where, during the course of a hearing it appears that one or more Commission members desire to view the subject property, the hearing shall be continued for that purpose. When the hearing is continued and if the members of the Commission so desire, they may individually view the site and shall thereafter report their observations at the continued hearing, or as a body they may view the site and may be accompanied by proponents, opponents, and other interested persons.

SECTION 13. DISCLOSURE. A Commission member who has received evidence outside of a hearing or has viewed the subject property, or is familiar with the subject property, shall fully disclose at the hearing such evidence and his or her observations and familiarity with the property so that the applicant, opponent, interested person, planning staff, and other members of the Commission may be aware of the facts or evidence upon which he or she is relying and have an opportunity to support or controvert the facts or evidence. All written evidence received outside of the hearing shall be filed with the Clerk.

SECTION 14. DECISION.

- (a) Except as provided in Section 11(b), members of the Commission who receive evidence after conclusion of a hearing shall not participate in the vote on the matter except where the matter is reheard, or reopened, after appropriate notice pursuant to order of the Commission.
- (b) Subsequent to the statement of intended decision, the Commission shall adopt written findings or a resolution constituting final action of the Commission.
- (c) All final actions relating to subdivisions, permits, variances and other adjudicatory proceedings shall be accompanied by written findings of fact supporting the decision. In all

other cases, the Commission may direct that written findings of fact supporting the decision shall accompany the final action.

- (d) No application for rehearing of final actions involving major and minor subdivision map approvals or denials, special use permits, variances and other adjudicatory proceedings will be entertained by the Commission.
- (e) An application for rehearing of final actions involving amendments to the zoning ordinance, including but not limited to reclassification of land, general plan adoptions and amendments, and specific plan adoptions and amendments, may be entertained by the Commission only in those instances involving intentional or negligent misrepresentation of facts at the original hearing.
- (f) Notwithstanding the provisions of subsections (d) and (e) above, in cases where the Commission lacked jurisdiction to make the original decision, whether due to improper notice or other defect, an application for a rehearing on such matter will be entertained by the Commission.
- (g) At any time following closing of the public hearing and prior to final action, the Commission may reopen the public hearing. The basis of the reopening shall be either that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the intended decision.
- (h) A request to reopen a public hearing, or to rehear a final action, under the guidelines set out above will be accepted and considered only upon written application signed by the applicant, and setting out in detail the reasons for such request including a statement of all facts upon which the application is based.

The director shall report the request to the Commission with a preliminary recommendation of the grounds for the request, and shall give written notice of such request to the applicant and all interested persons at least five days prior to the Commission meeting upon such request.

The applicant and all interested persons shall be afforded a reasonable time to address the merits of the request.

The Commission shall vote on the request at the same meeting.

SECTION 15. CONTACT WITH STAFF ON NON-HEARING MATTERS.

No member of the Commission shall request from planning staff the preparation of a report or other written compilation of material, not readily available and involving the expenditure of significant staff time, unless the Commission by motion duly made and adopted shall have approved the preparation of a report or the compilation of the material.

SECTION 16. SUPPLEMENTAL RULES OF PROCEDURE.

- (a) The Commission may amend these rules and adopt additional and supplemental rules of procedure governing the conduct of its meetings.
- (b) The Commission may suspend any of these rules for the duration of the meeting or for a particular item by an affirmative vote of a majority of those members of the Commission present and voting, unless such suspension would violate any applicable laws or ordinances. A motion to suspend any of these rules shall be made on the ground that such suspension will promote the public interest, convenience or welfare.
- (c) Except where these rules provide to the contrary, the meetings shall be governed by the latest edition of Robert's Rules of Order.
- (d) Failure of the Commission to follow the rules of procedure established herein shall not invalidate or otherwise affect any action of the Commission.

SECTION 17. TRAINING. County Counsel shall for each member of the Commission, upon the member's election or appointment thereto, conduct a training course upon the State laws and County ordinances relating to planning and zoning and land use. County Counsel shall also, for all members of the Commission, conduct at least each year a supplemental training course to keep said members apprised of current developments and changes in laws and ordinances relating to planning, zoning and land use.

SECTION 18. CHAIRMAN AND VICE-CHAIRMAN. The chairmanship and vice-chairmanship of the Commission shall rotate on the basis of seniority. The chairman shall be the senior member of the Commission in terms of continuous service who has not yet served as chairman, or, if all members have served as chairman, whose term of service as chairman is most remote in time. The vice-chairman shall be the second most senior member as defined above. Should two or more members have equal seniority, seniority among them shall be determined by lot. The terms of the chairman and vice-chairman shall be one year, starting January 1 and concluding December 31. At the beginning of the following year, the vice-chairman shall become the chairman upon the vote of the Commission. Notwithstanding anything contained herein to the contrary, no person shall serve as chairman until he or she has completed at least six months of continuous service as a Commissioner.

ADDENDUM TO RULES OF PROCEDURE FOR REGIONAL PLANNING COMMISSION

1. In accordance with federal law, evidence concerning alleged actual or potential health effects of radio frequency emissions is not relevant evidence in an application for a wireless telecommunications facility.
2. California Evidence Code Section 140: "Evidence" means testimony, writings, material objects, or other things presented to the senses that are offered to prove the existence or nonexistence of a fact.

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**ENVIRONMENTAL DOCUMENT REPORTING
PROCEDURES AND GUIDELINES**

**Adopted by the Board of Supervisors
November 17, 1987**

I.	Applicability	223
II.	Purpose	223
III.	Definitions	223
	301 Approval	
	302 Categorical Exemption	
	303 Discretionary Project	
	304 Lead County Agency	
	305 Local Planning Agency	
	306 Notice of Consultation	
	307 Project	
IV.	Preliminary Review and Initial Study	225
	401 Preliminary Review	
	402 Initial Study	
V.	Negative Declarations	227
	501 Negative Declaration Process	
VI.	Environmental Impact Reports	228
	601 Decision to Prepare an EIR	
	602 Environmental Impact Report Process	
	603 Findings for Projects with Significant Effects	
	604 Statement of Overriding Considerations	
	605 Final EIR	
	606 Types of EIRs	
VII.	General Considerations in Preparing and Evaluating Environmental Documents	231
	701 Role as a Responsible Agency	
	702 Standards for Adequacy of an EIR	
	703 Incorporation by Reference	
	704 Degree of Specificity of an EIR	
	705 Tiering	
	706 Fees	
VIII.	Consultation and Public Review	232
	801 Consultation with Responsible Agencies Prior to Preparation of EIR or Negative Declaration	
	802 Consultation with Responsible Agencies After Completion of Draft EIR or Negative Declaration	
	803 Consultation with other Public Agencies, Persons, and Organizations, and County Departments	
	804 Notification of Availability of Environmental Documents	
	805 Availability of Environmental Documents	
	806 Public Hearing Procedures	
	807 Notice of Determination	

IX.	Time Limits	234
	901 Complete Applications	
	902 Initial Study	
	903 Notice of Preparation	
	904 Negative Declarations	
	905 EIRs	
	906 Notice of Determination	
Appendix A:	Initial Study Questionnaire (Private Projects)	237
Appendix B:	Initial Study (Private Projects)	239
Appendix C:	Initial Study (Public Projects)	241
Appendix D:	Significant Effects	243
Appendix E:	Negative Declaration	245
Appendix F:	Content for Environmental Impact Reports	247
Appendix G:	Categorically Exempt Projects	253
Appendix H:	Ministerial Projects	267
Appendix I:	Environmental Factors and County Agencies with Environmental Information	269
Appendix J:	Notice of Exemption	271
Appendix K:	Notice of Completion	273
Appendix L:	Form to Mail Environmental Documents to the State	275
Appendix M:	Notice of Determination	277
Appendix N:	Notice of Consultation	279
Appendix O:	Notice of Consultation (If Preliminary Environmental Determination is Submitted)	281
Appendix P:	Notice of Preparation	283
Appendix Q:	Notice of Preparation (When Determination and Consultation are Combined)	285

CHAPTER I: APPLICABILITY

The requirements set forth in these Guidelines apply to projects which may have a significant effect on the environment that are either to be carried out by, or require discretionary approval of special districts and agencies governed by the Board of Supervisors, County of Los Angeles.

CHAPTER II: PURPOSE

The purpose of these Guidelines is to set forth definitions, procedures, and criteria to be used by the County of Los Angeles in implementation of the California Environmental Quality Act of 1970, Public Resources Code, Section 21000 et. seq. (CEQA). A brief summary of the intent and requirements of the CEQA is included. The County Guidelines are intended to supplement, where appropriate, the state CEQA Guidelines by outlining specific procedures or provisions unique to County operations. In the event of any conflict, the State CEQA Guidelines shall prevail.

At the beginning of each Chapter there is a reference to corresponding portions of the State CEQA Guidelines. For information on General Responsibilities, Authority, and Lead Agency Determination, see Title 14, Division 6, Chapter 3, Article 1 (Sections 15000 et. seq.); Article 2 (Sections 15020 et. seq.); Article 3 (Sections 15040 et. seq.); and Article 4 (Sections 15050 et. seq.) of the California Administrative Code.

CHAPTER III: DEFINITIONS

Only definitions which differ from those in the State CEQA Guidelines, Title 14, Division 6, Chapter 3, Article 20 (Sections 15350 et. seq.), of the California Administrative Code are identified in this chapter. The minor re-definitions are necessary to clarify their application to County procedures.

301. Approval

The action or determination to carry out a project as follows:

A. Public Projects:

- (1) If acquisition of real property is required for a project, approval occurs on the first date the specific site is approved by the Board of Supervisors or if there is no site approval involved, approval occurs on the first date expenditures are authorized for the real property acquisition or on the first date a gratis acquisition is obtained;
- (2) If no real property acquisition is required, approval occurs on the first date that construction plans, at any stage of design, are approved by the Board; or
- (3) If no plan approval by the Board is required, approval occurs on the first date public funds for the project are committed.

B. Private Projects:

- (1) If no public funds are involved in a project, approval occurs on the date the project is authorized to proceed or a discretionary permit, lease, license, certificate, or other entitlement for use is granted by the Board of Supervisors or other officials having final approval authority.

302. Categorical Exemption

An exemption from CEQA for a project meeting the criteria for a class of projects determined by the Secretary for Resources not to have a significant effect on the environment. Appendix G

contains a list of projects, as determined by the Board of Supervisors, qualifying for these classes, and as a result, found not to have a significant effect on the environment.

303. Discretionary Project

A project which requires the exercise of judgment, deliberation, or decision on the part of the public agency or body in the process of approving or disapproving a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances or regulations.

304. Lead County Agency

A County department or special district which has the principal responsibility for carrying out a public project or approving a non-public project. The lead County agency will be responsible for the preparation of the environmental documents for the project.

305. Local Planning Agency

The Los Angeles County Regional Planning Commission and/or the Department of Regional Planning within the unincorporated County area. Within incorporated areas, the local planning agency is the planning department and/or planning commission of that city.

306. Notice of Consultation

A brief notice sent by the lead County agency to responsible agencies to solicit their guidance as to whether a project requires an EIR or a Negative Declaration. The notice may also request information on the scope and content of material to be covered in an EIR, if the responsible agency recommends an EIR be prepared.

307. Project

A. The whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately, that is any of the following:

(1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption of and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65 100-65700.

(2) An activity undertaken by a person which is supported, in whole or in part, through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

(3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

B. Project does not include:

(1) Anything specifically exempted by State law.

(2) Proposals for legislation to be enacted by the State Legislature.

(3) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure making (except as they are applied to specific instances covered above), and feasibility or planning studies.

(4) The submittal of proposals to a vote of the people of the State or of a particular community.

(5) An activity undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor.

(6) Any interim ordinance enacted pursuant to Section 65 85 8 of the Government Code or any amendment to the Zoning Ordinance which is a procedural change rather than a substantive change affecting the zoning of property, land use regulations, development standards or other similar regulations.

(7) Feasibility or planning studies for possible future actions which have not been approved, adopted, or funded.

(8) Activities and approvals pursuant to the California Coastal Act (Section 30000 et. seq. of the Public Resources Code).

(9) Actions to disapprove a proposal.

(10) Establishment or changes to rates or charges for the purpose of meeting operating expenses.

(11) Any project of less than one mile in length within a public street or highway or any other public right-of-way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline. For purposes of this section, "pipeline" includes subsurface facilities but does not include any surface facility related to the operation of the underground facility.

C. The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval.

D. Where the lead agency could describe the project as either the adoption of a particular regulation under sub-section (A)(1) or as development proposal which will be subject to several governmental approvals under sub-sections (A)(2) or (A)(3), the lead agency shall describe the project as the development proposal for the purpose of environmental analysis.

CHAPTER IV: PRELIMINARY REVIEW AND INITIAL STUDY

For more detailed information, see Title 14, Division 6, Chapter 3, Article 5 (Sections 15060 et. seq.) of the California Administrative Code.

401. Preliminary Review

- A. When a project is proposed, the lead County agency shall determine whether the project is ministerial (see Appendix H), categorically exempt (see Appendix G), an emergency project, or does not fall within the definition of a project (see Section 30B). Such projects are exempt from the requirements of CEQA and require no further consideration of environmental impact.
- B. Even though the formal environmental review period begins only after the lead County agency accepts an application as complete, the agency may begin its environmental analysis prior to this acceptance.
- C. A Notice of Exemption (see Appendix J) may be filed by either the lead County agency or by an applicant after the project has been approved. The Notice shall be filed with the County Clerk, who shall post the Notice for a period of 30 days.

402. Initial Study

- A. If a project is not exempt from the requirements of CEQA as determined by Section 401(A), the lead County agency shall conduct an Initial Study, considering all phases of the project, to determine if there is substantial evidence that the project may have a significant effect on the environment.
- B. If a project is to be carried out by a private person or private organization, the lead County agency may require such person or organization to submit data and information which will enable the lead County agency to prepare the Initial Study. This data may be in the form of the Initial Study Questionnaire as shown in Appendix A.
- C. Prior to determining whether a Negative Declaration or an EIR will be required for a project, the lead County agency shall consult with all responsible agencies and with any trustee agencies responsible for natural resources potentially affected by the project to obtain their recommendations. The consultation may include a preliminary Initial Study determination by the lead County agency, provided sufficient information has been submitted for review. If an EIR is required, the consultation may be combined with the Notice of Preparation. See Section 801 for the consultation procedure.
- D. An Initial Study for a private project should be prepared according to the sample format in Appendix B. For County projects, the lead County agency shall prepare an Initial Study using the format in either Appendix B or Appendix C .
- E. The time limits for completing an environmental determination on a private project after accepting the application as complete are 30 days for an EIR and 45 days for a Negative Declaration.
- F. If the project will have no significant effect on the environment (considering both primary and secondary effects) as determined by the Initial Study and a review of the examples of possible significant effects included in Appendix D, the lead County agency shall prepare a Negative Declaration. If there is substantial evidence that the project may have a significant effect on the physical environment, the agency shall prepare a Draft EIR. The decision shall be based on information in the record of the lead County agency and may be guided by serious environmental controversy or disagreement between experts.
- G. Environmental effects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in an EIR unless the lead County agency subsequently receives information inconsistent with the finding in the Initial Study. A copy of the Initial Study

shall be attached to the EIR and may be attached to a Negative Declaration to provide the basis for limiting the impacts discussed.

H. A Negative Declaration shall be prepared where the Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment or where the potentially significant effects identified in the Initial Study are mitigated to insignificant levels by revisions in the project plans made by the applicant or mutually agreeable conditions made a part of the case approval.

CHAPTER V. NEGATIVE DECLARATIONS

For more detailed information, see Title 14, Division 6, Chapter 3, Article 6 (Sections 15070 et. seq.) of the California Administrative Code.

501. Negative Declaration Process

A. If the lead County agency determines that there is no substantial evidence that a project may have a significant effect on the physical environment or if potentially significant effects are reduced to insignificant levels by revisions to project plans or proposals or by a mutually agreeable condition of the case approval, a Negative Declaration shall be prepared by or under contract to the lead County agency. The format shown in Appendix E may be used.

B. After drafting the Negative Declaration, the lead County agency shall consult with all responsible agencies, trustee agencies responsible for natural resources affected by the project, and every agency with jurisdiction by law (see Section 802). The lead County agency should consult with other agencies and persons having special expertise (see Section 803(B)).

If any of these agencies is a State agency, 15 copies of the Negative Declaration shall be submitted to the State Clearinghouse for distribution and a 30 day review period.

The transmittal form used for State consultation is shown in Appendix L.

C. The lead County agency shall provide a public review period of a Negative Declaration for a reasonable period of time, but not less than 10 days, before approval of the Negative Declaration. (30 Days if the project has been submitted for State Clearinghouse review.) (See Section 804).

D. Prior to the time the project is approved, the Board of Supervisors or other decision-making bodies or administrative officials having final approval authority shall consider the Negative Declaration, together with any comments received during the public review process, and approve or disapprove the Negative Declaration.

E. The lead County agency shall complete a Negative Declaration for a private project within one hundred five (105) calendar days from the date on which an application requesting approval of the project is received and accepted as complete. Such time limit may be extended once for 90 days, provided that compelling circumstances justify additional time and that the project applicant and lead County agency consent thereto.

F. After making a decision to carry out or approve a project for which a Negative Declaration has been prepared, the lead County agency shall file a Notice of Determination (see Appendix M) within five (5) working days with the County Clerk, and if the project requires discretionary approval from a State agency, with the Governor's office of Planning and Research. The filing of

the Notice of Determination with the County Clerk and the subsequent posting by the County Clerk starts a 30-day statute of limitations on court challenges to the approval under CEQA.

CHAPTER VI. ENVIRONMENTAL IMPACT REPORTS

For more detailed information, see Title 14, Division 6, Chapter 3, Article 7 (Sections 15080 et seq.) and Article 9 (Sections 15120 et. seq.) of the California Administrative Code.

601. Decision to Prepare an EIR

If the lead County agency finds that there is substantial evidence that the project may have a significant effect on the physical environment, the lead County agency must prepare or cause to be prepared an EIR. The lead County agency shall consider all aspects of the project, either individually or cumulatively, which may cause a substantial adverse change in the environment, regardless of whether the overall effect of the project is adverse or beneficial. A project shall be found to have a significant effect on the environment if it has the potential to degrade the quality of the physical environment, threaten to substantially reduce or eliminate a plant or animal community, or eliminate important examples of the major periods of California history or pre-history; has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals; or will cause substantial adverse physical effects on human beings, either directly or indirectly.

602. Environmental Impact Report Process

A. After making a determination to prepare an EIR, the lead County agency shall send a Notice of Preparation to each responsible agency and trustee agency responsible for natural resources affected by the project. These agencies shall respond within 30 days with specific detail on scope and content for the EIR. See Section 801 for consultation process and Appendix P for a sample format on a consultation letter. If appropriate, this step may be combined with the consultation phase of the Initial Study. A sample letter of consultation is found in Appendix Q. If a State agency is involved, a copy of the Notice of Preparation shall be sent to the Office of Planning and Research.

B. Before completing a Draft EIR, the lead County agency should also consult with other agencies and persons as provided in Section 803(A).

C. The lead County agency may begin work on the Draft EIR without awaiting the responses to the Notice of Preparation; however, if necessary, the EIR is to be revised or expanded to conform to responses to such Notice.

D. A Draft EIR shall be prepared by or under contract to the lead County agency according to the format shown in Appendix F.

E. For private projects, the lead County agency may require the applicant to provide necessary data to assist in the preparation of an EIR by the lead County agency. Such data may be provided in the form of a Draft EIR. The lead County agency may not use the document as its own without independent evaluation and analysis.

F. The lead County agency shall submit all Draft EIRs for review and comment (for a period not less than 30 calendar days from the date of mailing) to all responsible agencies and trustee agencies responsible for natural resources affected by the project and should consult with other organizations and persons, as provided in Sections 802 and 803 (B). Distribution to State

agencies is made by submitting 15 copies to the State Clearinghouse. Appendix L contains the format used in transmitting the EIR to the State. The review period for the State Clearinghouse is 45 days. If no comment is received within the time specified, it shall be assumed, absent a written request for a specific extension of time, that no comment is to be made. Agencies reviewing the Draft EIR shall consider only those significant environmental factors within their area of expertise, and specifically comment on those factors which have not been considered or which may be inaccurate.

G. Upon completion of a Draft EIR the lead County agency shall file a Notice of Completion with the Governor's Office of Planning and Research (see Appendix K) and shall at the same time notify the public of the completion of the Draft EIR, pursuant to Section 804. When the Draft EIR is to be reviewed by State agencies, the cover form required by the State Clearinghouse shall serve as the Notice of Completion.

H. The Draft EIR shall be available for Public review for at least 30 calendar days. The Draft EIR should be available in a library or libraries or other public building(s) nearest the project site. Notice of the availability of the Draft EIR shall be provided (See Section 804).

I. After evaluating the comments from those who reviewed the Draft EIR, a Final EIR shall be prepared by the lead County agency. The responses shall describe the disposition of significant environmental issues raised and shall be based on factual information.

J. Prior to the time the project is approved, the Final EIR shall be sent to the Board of Supervisors or other decision-making body for certification that the Final EIR has been completed in compliance with CEQA and the State and County Guidelines, and that they have reviewed and considered the information contained in the Final EIR prior to approval of the project. In addition, the Board of Supervisors or other decision making body shall determine that the project will or will not have a significant effect on the environment. An advisory agency shall also review the Final EIR prior to a recommendation on the project.

K. After the project for which an EIR has been prepared is approved, the lead County agency shall file a Notice of Determination (see Appendix M) within five (5) working days with the County Clerk and, if the project requires discretionary approvals from a State agency, the Governor's Office of Planning and Research. The filing of the Notice of Determination with the County Clerk and the subsequent posting by the County Clerk starts a 30-day statute of limitations on court challenges to the approval under CEQA.

L. The lead County agency shall complete and certify the Final EIR for a private project within 12 months after the date on which an application requesting approval of such a project has been received and accepted as complete. Such time limit may be extended once for 90 days provided that compelling circumstances justify additional time and that the project applicant and lead County agency consent thereto.

603. Findings for Projects with Significant Effects

A. If the Board of Supervisors or other County decision-making body has approved a Final EIR for a project which identifies one or more significant effects, the lead County agency must recommend that the Board of Supervisors or other County decision-making body make one or more of the following findings before the project is approved. If such finding(s) is not made, the project cannot be approved.

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.

(3) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

B. The findings required by Subsection A above shall be supported by substantial evidence in the record.

C. The finding in Subsection (A)(2) shall not be made if the agency making the findings has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.

D. A project shall not be approved unless it will not have a significant effect on the environment or the effects are substantially lessened to the extent feasible and are acceptable due to overriding considerations.

E. As part of the findings, there shall be an explanation why other alternatives identified in the EIR were rejected in favor of the recommended proposal.

604. Statement of Overriding Considerations

A. Where the decision of the Board of Supervisors or other decision-making body allows the occurrence of significant effects which are identified in the Final EIR but are not mitigated, it must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. This statement may be necessary if a finding is made under Section 603(A)(2) or 603(A)(3) .

B. If a statement of overriding considerations is made, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

605. Final EIR

A. The lead County agency shall file a copy of the Final EIR with the local planning agency where significant effects may occur.

B. The applicant shall provide a copy of the certified EIR to each responsible agency.

606. Types of EIRs

The State Guidelines (Article 11, Sections 15160 et. seq. and Article 12, Sections 15180 et. seq.) provide for a variety of methods to using previously prepared EIRs on a project and methods to supplement them to ensure their adequacy. The State CEQA Guidelines also encourage broader EIRs which can be used on subsequent projects. Part of the State CEQA Guidelines also provide for special situations for projects consistent with specific or general plans.

CHAPTER VII. GENERAL CONSIDERATIONS IN PREPARING AND EVALUATING ENVIRONMENTAL DOCUMENTS

For more detailed information, see Title 14, Division 6, Chapter 3, Article 10 (Sections 15140 et. seq.), Article 11 (Sections 15160 et. seq.), Article 12 (Sections 15180 et seq.); and Article 14 (Sections 15220 et. seq.) of the California Administrative Code.

701. Role as a Responsible Agency

A. A responsible County agency should review and comment on Draft EIRs. Comments should focus on shortcomings, possible alternatives, and possible mitigation measures and should be as specific as possible.

B. A responsible County agency shall consider the environmental document prepared by a lead agency and reach its own conclusions. If necessary, a subsequent or supplemental EIR can be prepared. The responsible County agency shall implement feasible alternatives or mitigation measures within its powers and shall make the findings required by Section 603.

702. Standards for Adequacy of an EIR

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate. The courts have not looked for perfection but for adequacy, completeness and a good faith effort at full disclosure.

703. Incorporation by Reference

A. An environmental document may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. The referenced document shall be briefly summarized and its relationship to the EIR or Negative Declaration explained.

B. Where part of another document is incorporated by reference, such other document shall be made available to the public for inspection at a public place or public building. At the minimum, the incorporated document shall be made available to the public in an office of the lead agency in the County where the project would be carried out.

704. Degree of Specificity of an EIR

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

705. Tiering

Agencies are encouraged to tier EIRs so as to eliminate repetitive discussions and focus the discussion at each level of environmental review. As the level of detail increases, the EIR should be limited to the effects not discussed previously.

706. Fees

A. All lead agencies preparing EIRs or Negative Declarations for projects to be carried out by any person other than the lead agency itself may charge and collect a reasonable fee from such person or entity, in order to recover the estimated cost incurred in preparing and/or reviewing the EIR or Negative Declaration.

B. Public agencies may charge and collect a reasonable fee from members of the public for a copy of an environmental document not to exceed the actual cost of reproducing a copy.

CHAPTER VIII. CONSULTATION AND PUBLIC REVIEW

For more detailed information, see Title 14, Division 6, Chapter 3, Article 13 (Sections 1 5200 et. seq.) of the California Administrative Code.

A. Prior to determining whether a Negative Declaration or EIR is required for a project, the lead County agency shall consult with all responsible agencies and with any trustee agencies responsible for natural resources affected by the project. This first step of consultation may be done quickly and informally. A Notice of Consultation shall be sent to each responsible and trustee agency (See Appendix N).

This notice may be combined with the Notice of Preparation if a preliminary environmental determination is a part of the consultation material (See Appendix O).

B. In response to consultation, a responsible agency must explain its reasons for recommending whether the lead County agency should prepare an ER or Negative Declaration for a project. Where the agency recommends that an EIR be prepared for a project, the responsible agency should identify the significant environmental effects which it believes could result from the project or recommend that the project be modified to eliminate the significant effects.

C. Immediately after making a determination to prepare an EIR, the lead agency shall send a Notice of Preparation (see Appendix N) by certified mail or any other method of transmittal which provides it with a record that the Notice was received, to each responsible agency and to those trustee agencies responsible for natural resources affected by the project. Appendix Q is a sample format for a Notice of Preparation when it is combined with the consultation process. When one or more agencies will be a state agency, the lead agency shall send the Notice of Preparation to each state responsible agency and each trustee agency with a copy to the office of Planning and Research. The Notice shall also be sent to any Federal agency involved in approving or funding the project.

D. In order to expedite the consultation, after a Notice of Preparation has been sent indicating an EIR will be required, the lead County agency, a responsible agency, a trustee agency or a project applicant may request one or more meetings between representatives of the agencies involved to assist the lead County agency in determining the scope and content of the environmental information which the responsible agency may require. Such meetings shall be convened by the lead County agency as soon as possible, but no later than 30 days, after the meetings were requested. The responsible agency shall designate employee (s) or representative (s) to attend such meetings.

E. As soon as possible, but not longer than 30 days after receiving a Notice of Preparation, the responsible agency is required to send a written reply to the lead County agency by certified mail or equivalent. The reply must specify with specific detail the scope and content of the

environmental information which would be germane to the responsible agency's statutory responsibilities in connection with the proposed project. The response at a minimum shall identify the significant issues and possible alternatives mitigation which the responsible agency will need to have explored in the Draft EIR. The lead agency shall include this information in the EIR.

802. Consultation with Responsible Agencies after Completion of Draft EIR or Negative Declaration

A. After completing the Draft EIR or Negative Declaration, the lead County agency shall also consult with and seek to obtain comments from each responsible agency.

If the environmental document is to be reviewed by a State agency or if the project is of statewide or regional concern, the lead County agency shall submit 15 copies of the environmental document to the State Clearinghouse (See Appendix L).

B. A responsible agency should review and comment on Draft EIRs and Negative Declarations for projects which the responsible agency would later be asked to approve. Comments should focus on any shortcomings in the EIR, the appropriateness of using a Negative Declaration, or on additional alternatives or mitigation measures which the EIR should include. The comments shall deal only with those activities which fall within their area of expertise. Comments should be as specific as possible.

803. Consultation with Other Public Agencies, Persons and Organizations, and County Departments

A. Prior to completing the Draft EIR, the lead County agency may consult directly with any person or organization it believes will be concerned with the environmental effects of the project.

B. After completing the Draft EIR or Negative Declaration, the lead County agency shall also consult with and seek to obtain comments from other public agencies having jurisdiction-by-law and should also consult with persons having special expertise with respect to any environmental impact involved.

804. Notification of Availability of Environmental Document

The public notice of the preparation of a Negative Declaration and the public notice of the completion of a Draft EIR shall be provided as follows:

A. Organizations and individuals previously requesting notice shall be informed directly.

B. At least one of the following procedures:

(1) Publication in a newspaper having general circulation in the area affected by the proposed project.

(2) Posting of notice on and off site in the area where the project is to be located.

(3) Direct mailing to owners of contiguous property as such owners are shown on the latest equalized assessment roll.

The requirements of this section do not preclude a public agency from providing the public notice required herein at the same time and in the same manner as public notice otherwise required by law for such project.

805. Availability of Environmental Documents

A. The Negative Declaration shall be available to the public at least 10 calendar days prior to the approval of the project or the Negative Declaration. (30 days if project has been submitted for State Clearinghouse review).

B. The Draft EIR shall be available for public review for at least 30 calendar days.

C. The Negative Declaration or Draft EIR should be available in a library or libraries or other public building(s) nearest the project site.

806. Public Hearing Procedures

While CEQA does not require a formal hearing, public participation is an essential part. If the lead County agency decides to hold a public hearing on the Draft EIR, the following procedures shall be utilized:

A. An appropriate notice shall be published in a newspaper of general circulation with respect to the project at 10 calendar days prior to the hearing.

B. The hearing shall be conducted by the lead County agency with the Draft EIR to be used as the outline for discussion.

C. Hearings for environmental determinations may be incorporated into the normal hearing process if such a process is required for project approval.

807. Notice of Determination

After the project is approved, the lead County agency shall file a Notice of Determination (see Appendix M) within five (5) working days with the County Clerk and, if the project requires discretionary approvals from a State agency, with the Governor's Office Of Planning and Research. The Notice shall remain posted for at least 30 days and kept on file for a reasonable period thereafter.

CHAPTER IX. TIME LIMITS

For more detailed information, see Title 14, Division 6, Chapter 3, Article 8 (Sections 15100 et. seq.) of the California Administrative Code.

901. Complete Applications

On a private project, the lead County agency or responsible County agency shall determine the completeness on an application within 30 days of receipt.

902. Initial Study

The lead agency shall determine the type of environmental document necessary for a private project within 30 days after it has accepted an application as complete. During this time the lead agency shall make necessary consultations with other agencies. By mutual consent, this time may be extended for 15 days.

903. Notice of Preparation

A responsible agency or a trustee agency shall respond to a Notice of Preparation within 30 days.

904. Negative Declaration

A. On a private project, the Negative Declaration shall be completed within 105 days after an application has been accepted as complete. This time may be extended once for 90 days.

B. The Negative Declaration shall be available for public review for 10 days.

C. The review period for a Negative Declaration submitted to the State Clearinghouse is 30 days.

905. Environmental Impact Reports

A. On a private project, the EIR shall be completed and certified within 1 year after an application has been accepted as complete. This time may be extended once for 90 days.

B. The EIR shall be available for public review for 30 days.

C. The review period for an EIR submittal to the State Clearinghouse is 45 days.

906. Notice of Determination

The Notice of Determination shall be filed with the County Clerk within 5 working days after approval of the environmental document.

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Appendix A**INSTRUCTIONS FOR COMPLETING
INITIAL STUDY QUESTIONNAIRE**

TO THE APPLICANT:

The California Environmental Quality Act requires a review of your proposed project for possible environmental impacts. This Initial Study process is intended to determine the type of environmental documentation necessary to have your project considered by the County. The Initial Study consists of a completed questionnaire and other material which you must provide, and an analysis of potential impacts prepared by staff - often with the input from reviewing agencies with special expertise. This process can be expedited with your cooperation.

The project file must include the following exhibits, which provide (check boxes are provided for your use):

- 1. Initial Study Questionnaire- In completing this questionnaire, all questions should be answered as completely as possible (attach extra pages if necessary). If requesting a land division, it should be anticipated that future development will take place, and the questionnaire completed accordingly. Preliminary grading and/or development concepts should be submitted, even if no immediate construction is anticipated
- 2. Development Plan with Contours showing:
 - a) the location and layout of the proposed development or possible pad location;
 - b) native vegetation-including the location, spread, health and circumference (measured 4 1/2 feet above ground level) of any oak trees; and
 - c) existing and proposed landscaping and existing and proposed trails.

Note: If your project is in the Santa Monica Mountains area, four extra copies of the map are required.
- 3. Vicinity Map of appropriate scale showing the subject property in relation to nearby streets and other significant physical features. Street maps (such as Thomas Guide) in urban areas of U.S.G.S. Quad Sheets in rural areas should be used. (Quad Sheets are available at many map stores or from the Department of the Interior Geologic Survey, 300 North Los Angeles Street, Room 7638, Los Angeles - this is the Federal Building in Los Angeles Civic Center).
- 4. Photographs of the site, pad locations and surrounding area An index map keyed to the photographs should be provided, showing the location and direction of each photograph.

- 5. Generalized land use map of appropriate scale for the project site and surrounding properties, with uses clearly labeled.

Be certain that the project number(s) is on all material (e.g. maps, photographs, questionnaire).

FAILURE TO SUBMIT ALL REQUESTED MATERIALS AND TO PROVIDE COMPLETE QUESTIONNAIRE INFORMATION CAN RESULT IN DELAYS IN PROCESSING YOUR CASE.

Appendix B

INITIAL STUDY QUESTIONNAIRE

This section is maintained as a separate document outside of this Manual.

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Appendix C

**INITIAL STUDY
(PROJECT TITLE)**

This Initial Study was prepared by the (name of lead county agency) pursuant to the California Environmental Quality Act of 1970, as amended (Division 13, California Public Resources Code) and the "State EIR Guidelines" (Division 6, California Administrative Code).

1. Location and Description of Project.

A brief statement on the project location and project description.

2. Compatibility with General Plan(s)

A statement regarding the project's conformity with the general plan or any element thereof.

3. Environmental Setting

A brief statement on the environmental setting within the project site and the surrounding area.

4. Identification of Environmental Effects

Discuss all environmental effects which will result from implementation of the project. This discussion must contain the information to make it clear whether or not the project will result in any of the effects included in Appendix D.

5. Discussion of Ways to Mitigate Significant Effects

If no significant effects are identified, so state.

6. Initial Study Preparation

This study was prepared by (section) of the (lead county agency) under the supervision of (individual in charge).

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Appendix D

SIGNIFICANT EFFECTS

A project will normally have a significant effect on the environment if it will:

- (a) Conflict with adopted environmental plans and goals of the community where it is located;
- (b) Have a substantial, demonstrable negative aesthetic effect;
- (c) Substantially affect a rare or endangered species of animal or plant or the habitat of the species;
- (d) Interfere substantially with the movement of any resident fish or wildlife species, or migratory fish or wildlife species;
- (e) Breach published national, state, or local standards relating to solid waste or litter control;
- (f) Substantially degrade water quality;
- (g) Contaminate a public water supply;
- (h) Substantially degrade or deplete ground water resources;
- (i) Interfere substantially with ground water recharge;
- (j) Disrupt or adversely affect prehistoric or historic archaeological sites or a property of historic or cultural significance to a community or ethnic or a social group; or a paleontological site except as part of a scientific study of the site;
- (k) Induce substantial growth or concentration of population;
- (l) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system;
- (m) Displace a large number of people;
- (n) Encourage activities which result in the use of large amounts of fuel, water or energy;
- (o) Use fuel, water or energy in a wasteful manner;
- (p) Increase substantially the ambient noise levels for adjoining areas;
- (q) Cause substantial flooding, erosion or siltation;
- (r) Expose people or structures to major geological hazards;
- (s) Extend a sewer trunk line with capacity to serve new development;
- (t) Substantially diminish habitat for fish, wildlife or plants;
- (u) Disrupt or divide the physical arrangement of an established community;
- (v) Create a potential public health or safety hazard; or involve the use, production or disposal of materials which pose a hazard- to people or animals or plant populations in the area affected;
- (w) Conflict with established recreational, educational, religious or scientific uses of the area;
- (x) Violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations.
- (y) Convert prime agricultural land to non-agricultural use or impair the agricultural productivity of prime agricultural land.
- (z) Interfere with emergency response plans or emergency evacuation plans.

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Appendix E

**COUNTY OF LOS ANGELES
DEPARTMENT OF _____**

NEGATIVE DECLARATION

1. Location and Brief Description of Project:

2. Mitigation Measures Included in the Project to Avoid Potentially Significant Effects (If none, so state):

3. Finding of No Significant Effect:

Based on the attached Initial Study, it has been determined that the project will not have a significant effect on the environment.

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Appendix F**CONTENT FOR ENVIRONMENTAL IMPACT REPORTS**

For more detailed information, see Title 14, Division 6, Chapter 3, Article 9 (Sections 15120 et. seq.) and Article 10 (Sections 14140, et. seq.) of the California Administrative Code.

Environmental Impact Reports (EIRs) shall contain the information outlined in this section. The suggested guidelines are intended to provide assistance in the preparation of an EIR by discussing the factors to be considered. Only those factors or items applicable to the project need to be discussed and evaluated; however, the content should be accurate, complete and objective, and the forms provided should be followed as closely as possible.

The EIR should be prepared using a systematic, interdisciplinary approach. The interdisciplinary analysis shall be conducted by competent individuals, but no single discipline shall be designated or required to undertake this evaluation. The EIR shall reference all documents used in its preparation, including when possible a citation to the page and section number of any engineering, geological or other technical reports used as the basis for any statements in the EIR. While economic or social effects may be used to determine the significance of physical change, they shall not be treated as significant effects on the environment.

An EIR should avoid speculation and emphasize feasible mitigation measures and alternatives to projects, omit unnecessary information describing projects, and be written and organized in such a way as to be meaningful and useful to decision-makers and the public. The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. If possible, photographs, and/or sketches of the project area and development plans should be incorporated into the EIR. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analysis as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be available for public examination and shall be submitted to all clearinghouses which assist in public review.

An EIR may incorporate by reference information or data which is relevant to the EIR and is a matter of public record or is generally available to the public. Such information or data need not be repeated in its entirety but may be specifically cited as the source for conclusions stated in the EIR.

The incorporated information or data shall be made available to the public in an office of the lead agency or some other public place or public building in the county where the project would be carried out; the EIR shall state where the incorporated documents will be available for inspection. Where an EIR uses incorporation by reference, the

incorporated information or data shall be briefly summarized, and its relationship to the EIR indicated.

The environmental setting section, and other sections where applicable, should include a description of the water quality aspects of the proposed project which have previously been certified by the appropriate state or interstate organization as being in substantial compliance with applicable water quality standards.

DRAFT ENVIRONMENTAL IMPACT REPORTS

SUMMARY

Each EIR shall contain a brief summary of the proposed action and its consequences in language sufficiently simple that the issues can be understood by the average member of the lay public. This summary may consist of a brief description of the project, a list of potential significant impacts, and proposed mitigating measures. The summary shall stress the major conclusions, areas of controversy (including issues raised by agencies and the public), and the issues to be resolved (including the choice among alternatives and how to mitigate the significant effects).

TABLE OF CONTENTS

Each EIR shall include a Table of Contents or Index.

Section I – Project Description

The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

- (A) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a region map.
- (B) A statement of the objectives sought by the proposed project.
- (C) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals and supporting public service facilities.
- (D) A statement briefly describing the intended uses of the EIR. This statement shall include, to the extent that the information is known to the lead agency, a list of the agencies that are expected to use the EIR in their decision-making and a list of the approvals for which the EIR will be used. If a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed, preferably in the order in which they will occur. On request, the Office of Planning and Research will provide assistance in identifying state permits for a project.

Section II – Description of Environmental Setting

An EIR must include a description of the environment in the vicinity of the project, as it exists before commencement of the project, from both a local and regional perspective. Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources are rare or unique to that region. Specific reference to related projects, both public and private, both existing and planned, in the region should also be included for the purposes of examining the possible cumulative impact of such projects.

Any inconsistencies between the proposed project and applicable general plans and regional plans shall be discussed. Such regional plans include, but are not limited to, the applicable Air Quality Management Plan (or State Implementation Plan once adopted), areawide waste treatment and water quality plans, regional transportation plans, and regional land use plans for the protection of the coastal zone and Santa Monica Mountains.

Section III – Environmental Impact

All phases of a project must be considered when evaluating its impact on the environment: acquisition, development and operation. The following subjects shall be discussed, preferably in separate sections or paragraphs. (If they are not discussed separately, the EIR shall include a table showing when each of the subjects is discussed.)

The EIR shall emphasize discussion of the impacts determined to be significant and can omit any further examination of those impacts which were determined to be clearly insignificant in the Initial Study. A copy of the Initial Study shall be attached to the EIR to provide the basis for limiting the impacts discussed. An EIR shall also contain a statement briefly indicating the reasons that various possibly significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Such a statement may be contained in an attached copy of an Initial Study.

(A) The Significant Environmental Effects of the Proposed Project:

Describe the direct and indirect significant effects of the project on the environment, giving due consideration to both the short-term and long term effects, in proportion to be their severity and probability of occurrence. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development) and other aspects of the resource base such as water, scenic quality and public services. Cumulative effects shall also be discussed when found to be significant. The significant effect should be discussed in proportion to its severity.

(B) Any Significant Environmental Effects Which Cannot be Avoided if the Proposal is Implemented:

Describe any significant impacts, including those which can be reduced to an insignificant level but not eliminated. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described. Describe significant impacts on any aesthetically valuable surroundings or on human health.

(C) Mitigation Measures Proposed to Minimize the Significant Effects:

Describe significant avoidable adverse impacts, including inefficient and unnecessary consumption of energy, and the measures to minimize these impacts. The discussion shall distinguish between the measures which are proposed to be included in the project and other measures that are not included, but could reasonably be expected to reduce adverse impacts. This discussion shall identify the mitigation measures which will eliminate such impacts or reduce them to a level of insignificance. Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Energy conservation measures shall be discussed when relevant.

(D) Alternatives to the Proposed Action:

Describe all reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, and why they were rejected in favor of the ultimate choice. The specific alternative of "no project" must also always be evaluated, along with the impact. The discussion of alternatives shall include those capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives substantially impede the attainment of the project objectives, and are most costly. If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

(E) * The Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity:

Describe the cumulative and long-term effects of the proposed project which adversely affect the state of the environment. Special attention should be given to impacts which narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. In addition, the reasons why the proposed project is believed by the sponsor to be justified now, rather than reserving an option for future alternatives, should be explained.

(F) * Any Significant Irreversible Environmental Changes Which Would be Involved in the Proposed Action Should it be Implemented:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as a highway improvement which provides access to a non-

accessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

(G) The Growth-Inducing Impact of the Proposed Action:

Discuss the ways in which the proposed project could foster economic or population growth, either directly or indirectly, in the surrounding environment, Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas).

Increases in the population may further tax existing community service facilities so consideration must be given to this impact. Also discuss the characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

* Discussion of items (E) and (F) are required only in EIRs prepared in conjunction with the following: (1) the adoption, amendment, or enactment of a plan, policy or ordinance of a public agency; (2) the adoption by a local agency formation commission of a resolution making determinations; and (3) a project which will be subject to the requirement for preparing an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969.

Section IV – Organizations and Persons Consulted

The identity of all Federal, state or local agencies, other organizations and private individuals consulted in preparing the EIR, and the identity of the persons, firm or agency preparing the EIR, by contact or other authorization must be given.

FINAL ENVIRONMENTAL IMPACT REPORT

Contents of Final Environmental Impact Report

(A) The Final EIR shall consist of:

- (1) The Draft ER or a revision of the draft.
- (2) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- (3) A list of persons, organizations and public agencies commenting on the Draft EIR.

- (4) The responses of the lead county agency to significant environmental points raised in the review and consultation process.
- (B) The response of the lead county agency to comments received may take the form of a revision of the Draft EIR or may be an attachment to the Draft EIR. The response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major issues raised when the lead county agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted.

Appendix G

CATEGORICALLY EXEMPT PROJECTS

Pursuant to Section 21084 of CEQA, the State EIR Guidelines include a list of classes of projects which the Secretary for Resources found do not have a significant effect on the environment and which, therefore, are exempt from the provisions of CEQA. The following qualifications regarding the use of the exempt classes are included in the State guidelines:

Location - Classes 3, 4, 5, 6, and 11 are not to be applied where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by Federal, state, or local agencies.

Cumulative Impact - All classes are inapplicable for projects where the cumulative impact of successive projects of the same type in the same place is significant.

Significant Effect - A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

As required by Section 15300.4 of the State EIR Guidelines, specific activities which county agencies approve or carry out are listed below under the exempt classes within which they qualify. No environmental document is required for these projects; however, the lead county agency's letter to the Board of Supervisors or other decision-making bodies or administrative officials recommending approval of the project must include a statement that the project is categorically exempt together with the class number and the subsection reference number and/or letter from the listing below.

Class 1: Existing Facilities - Class 1 consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to :

- (a) Individual water service meter installation;
- (b) Installation of fire hydrants on existing water mains;
- (c) Restoration and repair of buildings, structures, equipment and appurtenances required because of accumulated maintenance not performed;
- (d) Interior and exterior alterations of buildings involving such things as interior partitions, exterior parapets, placement of wall veneer facings, installation of false or drop ceiling, plumbing and electrical conveyances, and heating and refrigeration systems;
- (e) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, water, sewage, flood control, or other public services;
- (f) Existing bicycle, pedestrian and equestrian trails within already established rights-of-way except where the activity will involve removal of a scenic resource including, but not limited to, a stand of trees, a rock outcropping, or a historic building;

- (g) Additions to existing structures, provided that the addition will not result in an increase of more than:
- (h)
 - (1) 50 percent of the floor area of the structure before the addition or alteration, or 2,500 square feet, whichever is less; or
 - (2) 10 percent of existing company; or
 - (3) 10,000 square feet if:
 - a. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and
 - b. The area in which the project is located is not environmentally sensitive.
- (i) Demolition and removal of individual small structures listed in this subsection except where the structures are of historical, archaeological or architectural significance;
 - (1) Single family residences not in conjunction with the demolition of two or more units,
 - (2) Motels, apartments, and duplexes designed for not more than four dwelling units if not in conjunction with the demolition of two or more such structures,
 - (3) Stores, offices, and restaurants if designed for an occupant load of 20 persons or less, if not in conjunction with the demolition of two or more such structures,
 - (4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (j) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities or mechanical equipment, or topographical features where these devices do not have or result in an adverse environmental impact;
- (k) Maintenance of and minor alternations to existing landscaping and native growth (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agricultural Code);
- (l) New copy on existing on and off-premise signs;
- (m) Replacement or addition of pumps, valves, or other mechanical equipment at existing facilities;
- (n) Security fencing and gates;
- (o) Access road, ramp and driveway paving;
- (p) Invert access ramps;
- (q) Erosion control facilities;
- (r) Temporary facilities in unimproved watercourses;
- (s) Building leases, renewals, and amendments:
 - (1) that involve the use of structures and facilities for the purpose for which they were constructed (e.g., office use in office buildings); and
 - (2) for the housing of County operations that do not include visits by the public as a normal, regular and recurring function of such operations;
- (t) Repair and maintenance of fences, irrigation systems, docks, signs, etc.;
- (u) Repair and maintenance of concession lease structures;
- (v) Any change in the method of conveyance of an existing facility;

- (w) Community recreational agreements involving only staff, equipment and supplies and utilizing existing facilities;
- (x) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources;
- (y) The following projects involving existing highway and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities except where the activity will involve removal of a scenic resource, including but not limited to a stand of trees, a rock outcropping, or a historic building:
 - (1) Sealing roadway pavement;
 - (2) Resurfacing roadway pavement;
 - (3) Gutter construction adjacent to existing curbs;
 - (4) Modification of existing traffic signal system;
 - (5) Installation of new traffic signal system;
 - (6) Establishing various limitations on the use of County streets and highways as authorized by law, such as but not limited to: vehicle weight, type and parking restrictions or prohibitions including the posting of regulatory and advisory signs;
 - (7) Paving of maintained dirt roads;
 - (8) Parkway tree planting;
 - (9) Median beautification;
 - (10) Repairs and maintenance of bridge structures;
 - (11) Slope planting;
 - (12) Installation of sprinkler systems;
 - (13) Reconstruction of existing roadway pavement, curbs, gutters, sidewalk, drive aprons, and drainage structures in place, including the removal of those trees which are the cause of the damage requiring the reconstruction; and up to five other trees within any 500 foot long road segment provided they are not considered to be rare plants;
 - (14) Pavement widening to join curb and gutter provided by the adjacent property owner;
 - (15) Sidewalk construction within existing road right-of-way where no rare plant nor more than five mature trees will be removed within any 500 foot long road segment;
 - (16) Installation of guardrails;
 - (17) New street drainage facilities which do not discharge onto private property;
 - (18) New highway channelization including raised islands;
 - (19) Construction of new curb and gutter on local streets between existing segments of curb where curbs exist on more than 50 percent of the block including necessary right-of-way acquisition and localized pavement widening required to join the new curb and gutter provided that no rare plant nor more than five mature trees will be removed within any 500 foot long road segment;
 - (20) Undergrounding of existing above-ground utility facilities;
 - (21) Maintenance of existing roadway facilities;
 - (22) Pavement widening of an uncurbed roadway within existing road right-of-way that does not result in additional travel lanes provided that no rare

- plant nor more than five mature trees will be removed within any 500 foot long road segment;
- (23) Construction of bicycle paths or lanes within existing developed road right-of-way with pavement widening of six feet or less, contiguous with existing pavement provided that no rare plant nor more than five mature trees will be removed within any 500 foot long road segment;
 - (24) Completing roadway improvements on a partially improved paved local street or highway within existing right-of-way, provided that the number of travel lanes is not increased and no rare plant nor more than five mature trees will be removed within any 500 foot long road segment;
 - (25) Issuance of permits for the following activities:
 - a. Movie making;
 - b. Temporary use of public highway during adjacent subdivision or building activity;
 - c. Temporary closing of streets;
 - d. Temporary encroachments requiring use of public streets with proper traffic control and barricades for public safety;
 - e. Temporary street use by construction equipment during construction activity on adjacent property;
 - f. Footing encroachments by retaining walls located on private property;
 - g. Identification structures with name of local subdivision or community;
 - h. Excavating or filling on public highway by adjacent property owner;
 - i. Placing of Christmas tree ornaments across streets;
 - j. Temporary use of right-of-way for storage of construction materials for use on adjacent property;
 - k. Various encroachments on public property, such as fencing, at top or bottom of slope, walls, posts, steps, porches, garage, extensions and building overhang extensions;
 - l. Subsurface facilities required on public right-of-way for use or protection of adjacent private property;
 - m. Geophysical seismic testing;
 - n. Temporary use of highway for the draining of swimming pools in areas without sewers;
 - o. Underground tunnels connecting private property used for equestrians, pedestrians, and conveying of materials;
 - (26) Formation of and annexations to street lighting districts and the installations of street lights and street lighting systems in the Urban Area of the County as shown in the County General Plan;
 - (z) Nonconforming use or structure reviews;
 - (aa) Cemetery cases for reduction of boundaries.

Class 2: Replacement or Reconstruction - Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including, but not limited to:

- (a) Replacement or reconstruction of structures with a new structure of substantially the same size, purpose and capacity; such as, but not limited to, fire stations, sheriffs stations, comfort stations, survey towers, microwave towers, and repair and maintenance shops;
- (b) Replacement of old, deteriorated or damaged sewers, storm drains, or water mains with new structures of substantially the same purpose and capacity as the structure replaced;
- (c) Replacement of other water system facilities;
- (d) Driveway permits;
- (e) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity;
- (f) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding;

Class 3: New Construction or Conversion of Small Structures – Class 3 consists of construction and location of limited numbers of new small facilities or structures; and conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel or to be associated with a project within a two year period. Examples of this exemption include, but are not limited to:

- (a) Water main, sewer and storm drain extensions of reasonable length to serve new construction such as single-family residences, duplexes, or motels and apartments designed for not more than four dwelling units, all when not in conjunction with the building of two or more such units;
- (b) Accessory (appurtenant) structures such as garages, carports, patios, cabanas, swimming pools, screens, windbreaks, fences, parking attendant and golf starter structures, and comfort stations;
- (c) Locally funded sanitary sewers, water, and telephone system facilities located entirely within existing traveled ways in already urbanized areas for protection of health and safety and convenience where such areas are deficient in these facilities;
- (d) Office buildings, community centers, garages, storage sheds, work rooms, and similar structures at existing facilities;
- (e) Installation of piezometers at dams and debris basins;
- (f) Installation of observation wells and survey monuments;
- (g) Permits to other local agencies and utilities for underground utility crossing of public right-of-way;
- (h) Construction of retaining walls within existing right-of-way wherein the height of the wall does not exceed five feet;
- (i) Installation of gas controlling equipment and devices in or on existing sanitary landfills and existing County buildings;
- (j) Building leases, renewals, and amendments:
 - (1) that involve the use of structures and facilities for the purpose for which they were constructed (e.g., office use in office buildings); and

- (2) for the housing of County operations that do not include visits by the public as a normal, regular and recurring function of such operations.
- (k) Stores, motels, offices, and restaurants and similar small commercial structures not involving the use of significant amounts of hazardous substances, if designed for an occupant load of 30 persons or less, if not in conjunction with the building or two or more such as structures. In urbanized areas, the exemption also applies to commercial buildings on sites zoned for such use, if designed for an occupant load of 30 persons or less, if not constructed in conjunction with the building of 4 or more structures and if not involving the use of significant amounts of hazardous substances;
- (l) Facilities required by the County to be constructed for public use pursuant to the provisions of an existing lease on County-owned real property;
- (m) Single-family residences (including "granny" housing), not in conjunction with the building of two or more such units. In urbanized areas up to three single-family residences may be constructed under this exemption;
- (n) Apartments and similar structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures. In urbanized areas, the exemption applies to single apartments, duplexes and similar small structures designed for not more than six dwelling units if not constructed in conjunction with the building of two or more such structures.
- (o) Conversion of a single-family residence to office use;
- (p) Conversion of existing commercial units in one structure from single to condominium-type ownership.
- (q) Storm drain construction to alleviate local drainage problems in developed urban areas provided the construction will not adversely affect a natural watercourse, wetland, or environmentally sensitive area; nor involve the removal of a scenic resource (stand of trees, rock outcropping, or historic building), a rare plant, or more than five mature trees within any 500-foot long segment of the drain.

Class 4: Minor Alterations to Land - Class 4 consists of minor public or private alterations in the condition of land, water and/or vegetation which do not involve the removal of mature scenic trees except for forestry and agricultural purposes. Examples include, but are not limited to:

- (a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in any officially designated (by Federal, State or local governmental action) scenic area, or in officially mapped areas of severe geologic hazard;
- (b) Grading projects on lands of 10 percent or greater slope which are involved with one single-family residence and accessory uses, or which involve 5,000 cubic yards or less of earth movement for other uses, except that grading projects shall not be exempt in a water way, in any wetland, in an officially designated (by Federal, State, or local governmental action) as an archaeologically sensitive areas, a scenic area or in officially mapped areas of severe geologic hazard;
- (c) New gardening or landscaping. Live tree removal is not included except for forestry and agricultural purposes or if removal consists of one or two trees less than 36 inches in diameter;
- (d) Installation of protective fencing around small water retaining facilities as required by Ordinance No. 5307 (Excavation Ordinance);

- (e) Filling and plugging abandoned wells;
- (f) Minor temporary uses of land having negligible or no permanent effects on the environment, such as:
 - (1) Carnivals, festivals, picnics, concerts and recreational events;
 - (2) Sale of Christmas trees and wreathes;
 - (3) Mobilehomes used as a residence during construction;
 - (4) Tract sales office; and
 - (5) Election polling.
- (g) Destroying unused wells;
- (h) Permits for temporary use of District right-of-way;
- (i) Permits for slopes, borrow pits, fills, storage and miscellaneous entries;
- (j) Permits, licenses, and leases on County-owned property;
- (k) Trenching or backfilling where the surface is restored;
- (l) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable regulatory agencies;
- (m) Filling of earth into previously excavated land with material compatible with the natural features of the site;
- (n) The creation of bicycle lanes on existing rights-of-way.

Class 5: Alterations to Land Use Limitations - Class 5 consists of minor alterations in land use limitations, in areas with less than a 20 percent slope, which do not result in any changes in land use or density including, but not limited to:

- (a) Granting easements or entering into agreements with other local agencies, utilities or private citizens to accomplish activities that are categorically exempt such as underground utility crossings, landscaping and temporary use of District rights-of-way;
- (b) Plot plan for minor setback modification;
- (c) Access to property lawfully used;
- (d) Tentative land division maps for lot line adjustment;
- (e) Renewals of approved tentative division of land maps or approved variances or permits where environmental documentation has been prepared at the time of the original approval;
- (f) Minor revisions or amendments to approved tentative division of land maps or approved plot plans of variances or permits;
- (g) Conditional Certificates of Compliance where required improvements are similar to adjacent improvements or will not require substantial alteration to existing natural features;
- (h) Variances or permits for changes or modifications to conditions of existing cases which would not result in any substantial change to use or occupancy of the land;
- (i) Variances for a minor modification of building line setbacks, yards, open space, and buffer areas; parking facility development standards; landscaping requirements; wall, fencing and screening requirements; street and highway dedication, and improvements standards; lot area and width requirements; sign regulations other than outdoor advertising; provided that such variances do not result in any change in land use or density nor in the creation of any new parcel;
- (j) Animal permits;
- (k) Reversion to acreage in accordance with the Subdivision Map Act;
- (l) Quit-claim of an easement to satisfy a legally binding agreement;

- (m) Conditional Certificates of Compliance, wherein improvements required are pursuant to General or Area plans and/or are required in the interest of public health, safety, or general welfare, and do not substantially alter the existing natural features;
- (n) Parking permits;

Class 6: Information Collection - Class 6 consists of basic data collection, research, and experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for strictly information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted or funded.

- (a) Installation of gas monitoring equipment and devices in or on existing sanitary landfills and existing County buildings;
- (b) Small projects performed for research and demonstration purposes which involve no more than minor construction at or on existing County facilities, such as but not limited to solid waste disposal by pyrolysis, sanitary landfill demonstration cells, and automated mapping demonstrations;
- (c) Permits and licenses on County-owned property;
- (d) Test boring permits and geologic investigations;
- (e) Installation of Stream Gauges.

Class 7: Regulatory Actions for the Protection of Natural Resources - Class 7 consists of actions taken by regulatory agencies, as authorized by State law or local ordinance, to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Construction activities are not included in this exemption.

Class 8: Regulatory Actions for the Protection of the Environment - Class 8 consists of actions taken by regulatory agencies as authorized by State and local ordinance, to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities are not included in this exemption.

Class 9: Inspections - Class 9 consists of activities limited entirely to inspection, to check for performance of an operation, or quality, health or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation or adulteration of products. Examples include:

- (a) Industrial waste inspection;
- (b) Water Quality sampling and testing.

Class 10: Loans - Class 10 consists of loans made by the Department of Veteran Affairs under the Veteran's Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction, and the purchase of such mortgages by financial institutions.

Class 11: Accessory Structures - Class 11 consists of construction or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including, but not limited to:

- (a) Construction of small parking lots to serve existing facilities;
- (b) Paving of outdoor storage areas on existing County-owned property;
- (c) Erection or placement of small storage or work sheds accessory to existing County facilities;
- (d) Erection of informational or directional on-premise signs;
- (e) Plot plan for on-premise signs;
- (f) Small parking lots and landscaping;
- (g) Building leases, renewals, and amendments:
 - (1) that involve the use of structures and facilities, for the purpose for which they were constructed (e.g., office use in office buildings); and
 - (2) for the housing of County operations that do not include visits by the public as a normal, regular and recurring function of such operations,
- (h) Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities design4 for public use.

Class 12: Government - Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in the Governor's Environmental Goals and Policy report prepared pursuant to Government Code Section Nos. 65041, et. seq. However, if the surplus property to be sold is located in those areas identified in the Governor's Environmental Goals and Policy Report, its sale is exempt if:

- (a) The property does not have significant values for wildlife habitat or other environmental purposes; and
- (b) Any of the following conditions exists:
 - (1) The property is of such size or shape that it is incapable of independent development or use, or
 - (2) The property to be sold would qualify for an exemption under any other class of categorical exemption in these guidelines, or
 - (3) The use of the property and adjacent property had not changed since the time of purchase by the public agency.

Class 13: Acquisition of Lands for Wildlife Conservation Purposes - Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes, including preservation of fish and wildlife habitat, establishing ecological reserves under Fish and Game Code Section No. 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

Class 14: Minor Addition to Schools - Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25 percent or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

Class 15: Minor Land Divisions - Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to

local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have a slope greater than 20 percent.

Class 16: Transfer of Ownership of Land in Order to Create Parks - Class 16 consists of the acquisition or sale of land in order to establish a park where the land is in a natural condition or contains historic sites or archaeological sites and either the management plan for the park has not been prepared, or the management plan proposes to keep the area in a natural condition or preserve the historic or archaeological site. CEQA will apply when a management plan is proposed that will change the area from its natural condition or significantly change the historic or archaeological site.

Class 17: Open Space Contracts or Easements - Class 17 consists of the establishment of agricultural preserves, the making and reviewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests or easements is not included.

Class 18: Designation of Wilderness Areas - Class 18 consists of the designation of wilderness areas under the California Wilderness System.

Class 19: Annexations of Existing Facilities and Lots for Exempt Facilities -

Class 19 consists of only the following annexations:

- (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, providing, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities;
- (b) Annexations of individual small parcels of the minimum size for facilities exempted by Class 3, New Construction of Small Structures.

Class 20: Changes in Organization of Local Agencies - Class 20 consists of changes in the organization or reorganization of local governmental, agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include, but are not limited to:

- (a) Establishment of a subsidiary district.
- (b) Consolidation of two or more districts having identical powers.
- (c) Merger with a city of a district lying entirely within the boundaries of the city.

Class 21: Enforcement Actions by Regulatory Agencies – Class 21 consists of actions by regulatory agencies:

- (a) to enforce a lease, permit, license, certificate, or other entitlement for use issued, adopted or prescribed by the regulatory agency or law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:

- (1) The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard or objective to the District Attorney for judicial enforcement.
 - (2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.
- (b) Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.

Class 22: Education or Training Program Involving No Physical Changes – Class 22 consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include, but are not limited to:

- (a) Development of or changes in curriculum or training methods;
- (b) Changes in the grade structure in a school which do not result in student transportation.
- (c) Development of recreational and/or safety classes.

Class 23: Normal Operations of Facilities for Public Gatherings – Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same kind of purpose. Facilities included within this exemption include, but are not limited to, race tracks, stadiums, convention centers, auditoriums, community centers, amphitheaters, planetariums, swimming pools, parks and beaches.

Class 24: Regulation of Working Conditions – Class 24 consists of actions taken by regulatory agencies, including the Industrial Welfare commission, as authorized by statute, to regulate any of the following:

- (a) Employee wages,
- (b) Hours of work, or
- (c) Working conditions where there will be no demonstrable physical changes outside of the place of work.

Class 25: Transfers of Ownership of Interests in Land to Preserve Open Space – Class 25 consists of the transfers of ownership of interests in land in order to preserve open space. Examples include, but are not limited to:

- (a) Acquisition of areas to preserve the existing natural conditions;
- (b) Acquisition of areas to allow continued agricultural use of the areas;
- (c) Acquisition to allow restoration of natural conditions;
- (d) Acquisition to prevent encroachment of development into flood plains.

Class 26: Acquisition of Housing for Housing Assistance Programs – Class 26 consists of actions by a redevelopment agency, housing authority, or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units.

Class 27: Leasing New Facilities – Class 27 consists of the leasing of a newly - constructed or previously unoccupied privately-owned facility by a local agency where the local governing authority determined that the building was exempt from CEQA. To be exempt under this section, the proposed use of the facility:

- (a) Shall be in conformance with existing State plans and policies and with general, community, and specific plans for which an EIR or Negative Declaration has been prepared;
- (b) Shall be substantially the same as that originally proposal at the time the building permit was issued;
- (c) Shall not result in a traffic increase of greater than 10 percent of front access road capacity; and
- (d) Shall include the provision of adequate employee and visitor parking facilities.

Examples of Class 27 include, but are not limited to:

- (a) Leasing of administrative offices in newly constructed office space;
- (b) Leasing of client service offices in newly constructed office space;
- (c) Leasing of administrative andor client service offices in constructed industrial parks.

Class 28: Installation of Hydroelectric – Class 28 consists of the installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

- (a) The capacity of the generating facilities is less than 5 megawatts;
- (b) Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including, but not limited to:
 - (1) Rate and volume of flow,
 - (2) Temperature,
 - (3) Amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and
 - (4) Timing of releases.
- (c) New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right-of-way and will not be located adjacent to a wild or scenic river;
- (d) Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment;
- (e) There will be no significant existing upstream or downstream passage of fish;
- (f) The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure;
- (g) The project will not cause violations of applicable State or Federal water quality standards;
- (h) The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places; and
- (i) Construction will not occur in the vicinity of any rare or endangered species.

Class 29: Installation of Cogeneration Equipment – Class 29 consists of the installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in this section.

- (a) At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:

- (1) Result in no net increases in air emissions from the industrial facility, or will produce emissions lower than the amount that would require review under the new source review rules applicable in the County; and
 - (2) Comply with all applicable State, Federal, and local air quality laws.
- (b) At commercial and institutional facilities, the installation of cogeneration facilities will be exempt if the installation will:
- (1) Meet all the criteria described in subsection (a);
 - (2) Result in no noticeable increase in noise to nearby residential structures;
and
 - (3) Be adjacent to other commercial or institutional structures.

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Appendix H

MINISTERIAL PROJECTS

The following are projects county agencies approve or carry out which are classified as ministerial projects:

Permits

1. Issuance of permits in accordance with the County Building, Plumbing, Electrical, Mechanical, Health, and Fire Codes.
2. Issuance of Sewer Construction Permits and Industrial Waste Permits in accordance with the Sanitary Sewer and Industrial Waste Ordinance (County Ordinance No. 6 1 30).
3. Issuance of permits allowing the connection of drainage facilities to Flood Control District facilities when the flows conveyed will meet Regional Water Quality Control Board water quality requirements and the drain will only convey flows from tributary watersheds.
4. Issuance of the following permits by the County Road Department in accordance with County Ordinance No. 3597:
 - (a) Construction Permits
 - 1) Curb and gutter
 - 2) Sidewalk
 - 3) Driveways -- all types
 - 4) Drainage structures -- includes catch basins, junction structures, manholes and pipes
 - 5) Road surface improvements -- includes lengthening existing left turn pockets, widening of existing openings, irrigation systems for landscaping and landscaping of medians
 - 6) Street improvements in existing right-of-way by subdivision activity
 - 7) Private driveways on unimproved right-of-way
 - (b) Excavation
 - 1) Placing of underground pipes, conduits and pertinent facilities -- including gas, water, sewer, storm drains, oil, telephone, electrical and cable television lines
 - 2) Utility services -- includes water meter installation and service, connection, house sewer laterals, gas and communication service connections
 - 3) Power poles--includes installation, relocation and removal
 - 4) Street light standards
 - 5) Fire hydrants and pertinent facilities
 - 6) Pipeline attachments to bridges
 - 7) Excavations for investigation of soils and location of pipelines
 - 8) Emergency utility work--includes excavation and repair to all facilities
 - 9) Use of right -of-way for privately-owned utility facilities by fee owner or fee owner's consent
 - (c) Encroachments
 - 1) Pedestrian protection fence--temporary wooden fencing during construction

- 2) Overhead structures and canopies
 - 3) Utility facilities--above ground--includes metering stations, control cabinets, pressure release facilities and boxes for connections of communications
 - 4) Utility subsurface facilities--includes subsurface vaults, pumping facilities, regulators, metering, splicing and filtering
- (d) Moving Permits
- 1) Annual moving permits -construction equipment and trailers less than 10" wide and oil well rigs and truck cranes
 - 2) Overlength vehicles
 - 3) Overweight vehicles
 - 4) Overwidth vehicles
 - 5) Housing moving

Highway Plan

1. Amendment of the Highway Plan to reflect actions by the California State Highway Commission on the location of State Highways or Freeways.
2. Amendment of the Highway Plan to reflect City Highway Plans.
3. Determination of centerline for existing Highway Plan and local streets.

Subdivisions/Zoning

1. Certificates of Compliance where no conditions are required
2. Notices of Violation of subdivision and zoning regulations.

Zoning Plot Plans

Plot plans for zoning ordinance compliance, including, but not limited to, the following uses:

- apiaries
- business licenses
- campgrounds
- churches, convents, and monasteries
- crops
- day care nurseries
- equestrian hotels
- grazing
- lot coverage
- maintenance building
- outdoor advertising
- outside display
- plant nurseries
- radio and television stations and towers
- residence for caretaker
- schools
- ski lifts, tows, runs, warming huts
- Zone SR-D site plans

Appendix I

**ENVIRONMENTAL FACTORS AND COUNTY DEPARTMENTS
WITH ENVIRONMENTAL INFORMATION**

	Air Quality Management District	Arboreta/Botanic Gardens	Beaches and Harbors	Forester/Fire Warden	Health Services	Natural History Museum	Parks and Recreation	Public Works	Regional Planning	Sanitation District	Sheriff	Superintendent of Schools
Geological/Soils Hazard				X				X	X			
Fire Hazard		X		X					X			
Flood/Run-off Hazard			X					X	X			
Noise					X			X	X			
Water Quality					X			X		X		
Air Quality	X								X			
Biota		X		X	X	X	X					
Archeological/Historical/ Paleontological Resources						X			X			
Scenic Qualities		X	X				X		X			
Fire/Police Services				X							X	
Other Services (e.g., liquid waste, utilities, education, and recreation)			X	X	X	X	X	X	X	X		X
Traffic/Access	X		X		X			X	X			
Other Factors (e.g., energy, community, disruption)									X			

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Appendix J

NOTICE OF EXEMPTION

TO: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

FROM: Los Angeles County
Department of Regional Planning
312 W. Temple Street
Los Angeles, CA 90012

County Clerk
County of Los Angeles
12400 Imperial Highway
Norwalk, CA 90650

Project Title: _____

Project Location – Specific: _____

Project Location – County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemption. State code number: _____

Reason why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

- 1) Attach certified document of exemption finding.
- 2) Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

- Signed by Lead Agency Date received for filing at OPR: _____
- Signed by Applicant

Revised 2005

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Appendix K

**NOTICE OF COMPLETION
OF DRAFT EIR**

To: Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

Project Title

Project Location – Specific

Project Location – County Area

Project Location – County

Description of Nature, Purpose and Beneficiaries of Project:

Lead Agency

Division

Address where Copy of EIR is Available

Review Period

Contact Person

Area Code

Phone Extension

Authority cited: Section 21083, Public Resources code. Reference: Sections 21092, 21152, and 21153, Public Resources Code.

Revised 2005

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Appendix L

**NOTICE OF COMPLETION
And Environmental Document Transmittal**

For U.S. Mail: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH#

Project Title: _____
 Lead Agency: _____ Contact Person: _____
 Mailing Address: _____ Phone: _____
 City: _____ Zip: _____ County: _____

Project Location:
 County: _____ City/Nearest Community: _____ Total Acres: _____
 Cross Streets: _____ Zip Code: _____
 Assessor's Parcel No. _____ Section: _____ Twp: _____ Range: _____ Base: _____
 Within 2 miles: State Hwy# _____ Waterways _____
 Airports _____ Railways _____ Schools: _____

Document Type:

CEQA:	NEPA:	Other:
<input type="checkbox"/> NOP	<input type="checkbox"/> NOI	<input type="checkbox"/> Joint Document
<input type="checkbox"/> Early Cons	<input type="checkbox"/> EA	<input type="checkbox"/> Final Document
<input type="checkbox"/> Neg Dec	<input type="checkbox"/> Draft EIS	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Mit Neg Dec	<input type="checkbox"/> FONSI	_____
<input type="checkbox"/> Draft EIR		
<input type="checkbox"/> Supplement to EIR		
<input type="checkbox"/> Subsequent EIR		
<input type="checkbox"/> Other: _____		

Local Action Type:

<input type="checkbox"/> General Plan Update	<input type="checkbox"/> Master Plan	<input type="checkbox"/> User Permit	<input type="checkbox"/> Coastal Permit
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Land Division	<input type="checkbox"/> Other: _____
<input type="checkbox"/> General Plan Element	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Annexation	_____
<input type="checkbox"/> Community Plan	<input type="checkbox"/> Rezone	<input type="checkbox"/> Redevelopment	
<input type="checkbox"/> Specific Plan	<input type="checkbox"/> Prezone		

Development Type:

<input type="checkbox"/> Residential: Units _____ Acres _____	<input type="checkbox"/> Water Facilities: Type _____ MGD _____
<input type="checkbox"/> Office: Sq. ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Transportation: Type _____
<input type="checkbox"/> Commercial: Sq. ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Mining: Mineral _____
<input type="checkbox"/> Industrial: Sq. ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Power: Type _____
<input type="checkbox"/> Educational _____	<input type="checkbox"/> Waste Treatment: Type _____ MGD _____
<input type="checkbox"/> Recreational _____	<input type="checkbox"/> Hazardous Waste Type _____
	<input type="checkbox"/> Other _____

Project issues That May Have a Significant or Potentially Significant Impact:

<input type="checkbox"/> Aesthetic/Visual	<input type="checkbox"/> Economic/Jobs	<input type="checkbox"/> Public Services/Facilities	<input type="checkbox"/> Traffic/Circulation
<input type="checkbox"/> Agricultural Land	<input type="checkbox"/> Fiscal	<input type="checkbox"/> Recreation/Parks	<input type="checkbox"/> Vegetation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Flood Plain/Flooding	<input type="checkbox"/> Schools/Universities	<input type="checkbox"/> Water Quality
<input type="checkbox"/> Archeological/Historical	<input type="checkbox"/> Forest Land/Fire Hazard	<input type="checkbox"/> Septic Systems	<input type="checkbox"/> Water Supply/Groundwater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Geologic/Seismic	<input type="checkbox"/> Sewer Capacity	<input type="checkbox"/> Wetland/Riparian
<input type="checkbox"/> Coastal Zone	<input type="checkbox"/> Minerals	<input type="checkbox"/> Soil Erosion/	<input type="checkbox"/> Growth Inducement
<input type="checkbox"/> Drainage/Absorption	<input type="checkbox"/> Noise	Compaction/Grading	<input type="checkbox"/> Land use
<input type="checkbox"/> Population/ Housing Balance	<input type="checkbox"/> Solid Waste	<input type="checkbox"/> Toxic/Hazardous	<input type="checkbox"/> Other _____

Present Land Use/Zoning/General Plan Designation:

Project Description *(please use a separate page if necessary)*

NOTE: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice or Preparation or previous draft document) please fill in.)

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below.

- | | |
|---|--|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Emergency Services |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Historic Pre |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Caltrans District # _____ | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Reclamation Board |
| <input type="checkbox"/> Coachella Valley Mountains | |
| <input type="checkbox"/> Conservancy | <input type="checkbox"/> Regional WQCB # _____ |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Colorado River Board | |
| <input type="checkbox"/> Commission | |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> San Gabriel & Lower Los Angeles Rivers |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> & Mountains Conservancy |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> Santa Monica Mountains Conservancy |
| <input type="checkbox"/> Office of Public School Construction | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Fish & Game Region # _____ | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Forestry & Fire Protection | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Housing & Community Development | |
| <input type="checkbox"/> Integrated Waste Management Board | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Native American Heritage Commission | <input type="checkbox"/> Other: _____ |

Local Public Review Period (to be filled by lead agency)

Starting Date _____ End Date _____

Lead Agency (Complete if applicable)

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: () _____
Phone: () _____	

Signature of Lead Agency Representative _____ **Date:** _____

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code

Revised 2005

Appendix M

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street, Room 209
Sacramento, CA 95814

From: County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

County Clerk
County of Los Angeles
12400 Imperial Highway
Norwalk, CA 90650

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title _____

State Clearinghouse Number (If submitted to Clearinghouse)	Contact Person	Area Code/Telephone/ Extension
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Project Location: _____

Project Description: _____

This is to advise that the County of Los Angeles has approved the above described project on _____ and has made the following determinations regarding the above described project:

- (Date)
1. The project (will will not) have a significant effect on the environment.
 2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
 3. Mitigation measures (were were not) made a condition of the approval of the project.
 4. A mitigation reporting or monitoring plan (was was not) adopted for this project.
 5. A Statement of Overriding Conditions (was was not) adopted for this project.
 6. Findings (were were not) made pursuant to the provisions of CEQA.

This is to certify that the final EIR or Negative Declaration with comments and responses and record of project approval is available to the General Public at:

County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Date received for filing and posting at OPR: _____

Signature (Public Agency) _____ Title _____

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Appendix N

Sample Format

NOTICE OF CONSULTATION

SUBJECT: NOTICE OF CONSULTATION ON _____

The staff of the _____ intends to serve as the lead agency for the preparation of the environmental document on the above-mentioned project. The location and characteristics of the proposed project are identified in the attached materials.

The purpose of this Notice is to obtain your agency's views on the type of environmental document – Negative Declaration or Environmental Impact Report (EIR) – necessary for the proposal. If your agency feels an EIR is necessary, please identify the significant effects and provide information on the scope and content of the environmental information which is germane to your statutory responsibilities. This information should be specific and concise in order to avoid confusion and delays. Any suggestions for mitigation measures should be included in your reply. Please note that if the mitigating measures can reduce the impact to insignificant levels, the project can still qualify for a Negative Declaration provided the mitigation measure is made a condition of approval. Your response should include the name of a contact person in your agency.

Your request should be submitted within 30 days of the date of this letter. If you have any question, please contact _____ at (____) _____.

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Appendix O

NOTICE OF CONSULTATION

Date:

Attn:

Notice of Consultation

SUBJECT: Project No.: _____

Location: _____

The staff of the Department of Regional Planning is reviewing environmental information for the project identified above. A preliminary determination indicates that the following environmental document is required:

- Environmental Impact Report
- Negative Declaration
- Negative Declaration with modified project (see Initial Study for changes).

The above determination will not be finalized until comments are received from responsible agencies. It is requested that your department review the attached information and provide comments on any potential environmental effects of the project.

If your agency feels an EIR is necessary, we would appreciate information on the scope and content of the environmental information germane to your statutory responsibilities. Please be specific and concise in order to avoid confusion and delays, and include suggestions for project changes in your reply. If the mitigating measures can reduce project impacts to insignificant levels, the project can still qualify for a Negative Declaration provided the changes are incorporated into the project.

In order for our department to comply with state mandated time limits, it is requested that your office respond within thirty days from the date of this letter. If no response is received by that date, it will be assumed that you have no comments.

If you have any questions regarding this matter, please contact (Planner) of the Impact Analysis Section at (213) 974-6461.

Very truly yours,
DEPARTMENT OF REGIONAL PLANNING
Bruce W. McClendon, FAICP
Director of Planning

(Name) (Title)
Impact Analysis Section

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Appendix P

NOTICE OF PREPARATION

To: _____

(Address)

From: _____

(Address)

Subject: Notice of Preparation of a Draft Environmental Impact Report

_____ will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (is is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but no later than 30 days after receipt of this notice.

Please send your response to _____ at the address shown above. We will need the name for a contact person in your **agency**.

Project Title: _____

Project Applicant, if any: _____

Date: _____

Signature: _____

Title: _____

Telephone: _____

Reference: California Code of Regulations, Title 14 (CEQA Guidelines) Section 15082(a), 15103, 15375

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Appendix Q

Sample Format

NOTICE OF PREPARATION

(If determination is combined with consultation)

Date: _____

Return Receipt Requested

SUBJECT: NOTICE OF PREPARATION
PROJECT NO. _____

Pursuant to the requirements of the State CEQA Guidelines, we are hereby notifying your agency that an Environmental Impact Report (EIR) will be prepared for the above-mentioned project. The project description, location, and the environmental factors that are to be evaluated in this EIR are indicated on the attached Initial Study.

Your agency:

- Was contacted by a letter dated _____ for consultation and review of the proposed project for the purpose of ascertaining the scope and context of the environmental information, germane to your statutory responsibility, required for a full evaluation in the EIR.
- Has not been contacted on this project, based on previously established criteria.

When the EIR is completed, a copy will be sent to your offices through the State Clearinghouse. Questions regarding this matter should be directed to the Impact Analysis Section at the above address, or call (213) 974-6461.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
(First Name, Last Name, AICP designation if any)
Director of Planning

(Name) (Title)
Impact Analysis Section

Attachments

c: State Office of Planning and Research