Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Bruce W. McClendon FAICP
Director of Planning

August 5, 2008

TO: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Bruce W. McClendon, FAICP
Director of Planning

SUBJECT: DEPARTMENT OF REGIONAL PLANNING HEARING EXAMINER PROCEDURE

On July 8, 2008, your Board approved a motion instructing County Counsel and Regional Planning to prepare the final Hearing Examiner Ordinance (Ordinance) and Implementation Program (Program) for adoption, including the amendments discussed on July 8, 2008. The Departments shall report back to the Board on August 5, 2008.

The amendments requested are as follows and have been reflected in the Implementation Program (Attachment 1) and ordinance (Attachment 2):

1. ***Revise the Implementation Program to explicitly allow the Director to utilize the Hearing Examiner procedure for any land use matter that is currently being considered by the Special Projects Section, such as the NBC/Universal Vision Plan and many land use applications in Marina del Rey, even if the application was filed prior to the effective date of this ordinance.***

The phrasing "only the new cases filed after the adopted ordinance is effective will be subject to the new procedure" has been removed from the Implementation Program. As stated in the Program and Ordinance, for the first twelve months after the effective date of the ordinance establishing this section, the Director shall determine which cases are set before the Commission and shall also be subject to the hearing examiner procedure. This gives the director the discretion to place any land use matter before the Hearing Examiner and Commission, even if the case was filed prior to the effective date of the Ordinance.

2. ***Remove the provisions of the proposed ordinance that would allow the Director of Regional Planning to initiate zoning changes or amendments, development agreements, use permits, variances, and all other land use decisions that are unrelated to implementing the Hearing Examiner procedure.***

These provisions have been removed from the draft hearing examiner ordinance. This provision was provided to streamline the ordinance and entitlement procedures. Although these

provisions have been removed from the hearing examiner procedure, this issue will be addressed in the Zoning Ordinance Update Program.

3. ***Remove the section of the ordinance that would codify which cases are assigned to the hearing officer and which are assigned to the Regional Planning Commission. Instead, this section of the ordinance should be modified to eliminate conflicts with other provisions of the zoning code and then be incorporated into the final Implementation Program as guidelines to be used by the Director.***

This section has been removed from the draft ordinance. These guidelines have been modified to eliminate conflicts with other provisions of the ordinance. These provisions have been added to the Implementation Plan as the Review Authority Table.

4. ***Remove the portion of the Implementation Program that references the participation of the Advanced Planning, Land Divisions, and Special Projects Sections in the Hearing Examiner program.***

This section indicates that the Supervising Regional Planners from these sections will be confirmed as hearing examiners for projects within their sections. This section has been removed from the Implementation Plan, as it has been determined that cases within these sections will be heard by one of the four appointed hearing examiners.

The Department of Regional Planning recommends that your Board **adopt** the Hearing Examiner Ordinance and **approve** the Hearing Examiner Implementation Plan. The Implementation Plan is an operational procedure for our Department. The Department needs to modify the Plan as appropriate to execute the hearing examiner procedure. After adoption of the ordinance, Regional Planning will do outreach including notifying town councils of this new procedure and posting the information on our website.

Should you have any questions please contact me, or Karen Simmons of my staff at (213) 974-6432

BWM:RCH:KMS

Attachments (2)

c: Chief Executive Officer
County Counsel