

Chapter 22.128 Housing Permits

Sections:

- 22.128.010 Purpose and Applicability
- 22.128.020 General Application Requirements
- 22.128.030 Covenant and Agreement
- 22.128.040 Monitoring
- 22.128.050 All Zone and District Regulations Apply Unless Permit is Granted
- 22.128.060 Development Standards Prescribed by Permit
- 22.128.070 Administrative Housing Permit
- 22.128.080 Discretionary Housing Permit

22.128.010 Purpose and Applicability

- A. **Purpose.** This Chapter is established to facilitate the increased production of affordable and senior citizen housing through the implementation of the provisions of Chapter 22.92 (Density Bonuses and Affordable Housing Incentives). The definitions contained in Chapter 22.92 (Density Bonuses and Affordable Housing Incentives) shall apply to this Chapter.
- B. **Applicability.** Any person desiring to obtain a housing permit pursuant to this Chapter that requires either a Type I application for an administrative housing permit or a Type IV application

Part 18 HOUSING PERMITS

22.56.2600 Purpose.

The housing permit is established to facilitate the increased production of affordable housing and senior citizen housing through the implementation of the provisions of Part 17 of Chapter 22.52 relating to density bonuses and affordable housing incentives. The definitions contained in Section 22.52.1820 shall apply to this Part 18. (Ord. 2006-0063 § 25 (part), 2006.)

22.56.2610 Applicability.

Any person desiring to obtain a housing permit pursuant to this Part 18, that requires either an administrative review (administrative housing permit) or a discretionary review (discretionary housing permit), and that meets the applicable

<p>for a discretionary housing permit and that meets the applicable requirements of this Chapter shall file a written application with the Director, accompanied by the applicable required fee(s). All qualified projects with housing set-asides shall adhere to the applicable requirements of this Chapter.</p>	<p>requirements of Part 17 of Chapter 22.52, shall file a written application with the director, accompanied by the applicable fee(s) as required herein. All qualified projects with housing set-asides shall adhere to the applicable requirements of this Part 18. (Ord. 2006-0063 § 25 (part), 2006.)</p>
<p>22.128.020 General Application Requirements</p> <p>An applicant for a housing permit shall submit an application with the information required in Chapter 22.114 (Common Procedures) and on the housing permit checklist provided by the Department, and the following additional information:</p> <ul style="list-style-type: none"> A. Project summary, which includes location, number, and type of dwelling units including housing set-aside units, and the number of bedrooms in each unit; B. Total number of dwelling units proposed (before application of a density bonus); C. Amount of the density bonus (expressed as both a percentage of the total number of dwelling units proposed and as a whole number of additional units) and the types of incentives requested; and D. The total number of dwelling units, including bonus units after application of a density bonus. 	<p>22.56.2620 General application requirements. An applicant for a housing permit shall submit an application containing the following information:</p>
<p>22.128.030 Covenant and Agreement</p> <p>A covenant and agreement, or other similar mechanism, acceptable to the Community</p>	<p>22.56.2630 Covenant and agreement. A covenant and agreement, or other similar mechanism, acceptable to the CDC, shall be recorded with the county recorder to ensure the continuing availability of housing set-aside</p>

<p>Development Commission (CDC), shall be recorded with the Registrar-Recorder/County Clerk to ensure the continuing availability of housing set-aside units and child care facilities, as applicable, for the use restriction periods specified in this Chapter and Chapter 22.92 (Density Bonuses and Affordable Housing Incentives). The agreement shall contain remedies for violations of the covenant, including, but not limited to, monetary penalties. The covenant and agreement shall be recorded with the Registrar-Recorder/County Clerk prior to the issuance of a certificate of occupancy by the Department of Public Works.</p> <p>A. Information Required. The covenant and agreement shall include the following:</p> <ol style="list-style-type: none">1. A description of the total number of units, including the housing set-aside;2. A description of the household income group(s) to be accommodated by the qualified project;3. The location, sizes (in square feet), and number of bedrooms of the housing set-aside units, and market-rate units, if applicable; and4. A description of remedies, including monetary penalties, for breach of the agreement. <p>B. Rental Housing Developments. When housing set-asides are rental units, the covenant and agreement shall also include the following:</p>	<p>units and child care facilities, as applicable, for the use restriction periods specified in Part 17 of Chapter 22.52. The agreement shall contain remedies for violations of the covenant, including, but not limited to, monetary penalties. The covenant and agreement shall be recorded with the county recorder prior to the issuance of a certificate of occupancy by the Department of Public Works ("DPW").</p> <p>A. The covenant and agreement shall include the following:</p> <ol style="list-style-type: none">1. A description of the total number of units, including the housing set-aside;2. A description of the household income group(s) to be accommodated by the qualified project;3. The location, sizes (sq. ft.), and number of bedrooms of the housing set-aside units, and market-rate units, if applicable;4. A description of remedies, including monetary penalties, for breach of the agreement;5. Rental housing developments. When housing set-asides are rental units, the covenant and agreement shall also include the following:<ol style="list-style-type: none">a. The rules and procedures for qualifying
--	--

<ol style="list-style-type: none"> 1. The rules and procedures for qualifying tenants, filling vacancies, and maintaining housing set-asides, and where applicable, establishing affordable rents; and 2. Provisions requiring owners to comply with monitoring procedures, as described in Section 22.128.040 (Monitoring) below. 	<p>tenants, filling vacancies, and maintaining housing set-asides, and where applicable, establishing affordable rents; and</p> <ol style="list-style-type: none"> b. Provisions requiring owners to comply with monitoring procedures, as described in Section 22.56.2640;
<p>C. For-Sale Developments. When housing set-asides are for-sale units, the covenant and agreement shall also include the following:</p> <ol style="list-style-type: none"> 1. The rules and procedures for qualifying buyers, and where applicable, establishing affordable housing costs and affordable sales prices; 2. Provisions restricting the housing set-aside units to be owner-occupied; 3. Provisions requiring owners to comply with monitoring procedures, as described in Section 22.128.040 (Monitoring) below; 4. For very low, lower, and moderate (single-family) income housing set-asides, provisions restricting the sale and resale of the housing set-aside units to eligible buyers during the applicable term of affordability, using a resale formula, as determined by the Executive Director of the CDC, to 	<ol style="list-style-type: none"> 6. For-sale developments. When housing set-asides are for-sale units, the covenant and agreement shall also include the following: <ol style="list-style-type: none"> a. The rules and procedures for qualifying buyers, and where applicable, establishing affordable housing costs and affordable sales prices; b. Provisions restricting the housing set-aside units to be owner-occupied; c. Provisions requiring owners to comply with monitoring procedures, as described in Section 22.56.2640; d. For very low, lower, and moderate (single-family) income housing set-asides, provisions restricting the sale and resale of the housing set-aside units to eligible buyers during the applicable term of affordability, using a resale formula, as determined by the executive director of the CDC, to determine the resale price; and

<p>determine the resale price; and</p> <p>5. For moderate income housing set-asides (common interest development), provisions restricting the initial sale to eligible buyers, and requiring entering into an equity-sharing agreement with the County that states the following terms:</p> <p>a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The County shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the State Health and Safety Code.</p> <p>b. The County's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of</p>	<p>e. For moderate income housing set-asides (common interest development), provisions restricting the initial sale to eligible buyers, and requiring entering into an equity-sharing agreement with the county that states the following terms:</p> <p>i. Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The county shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of section 33334.2 of the Health and Safety Code.</p> <p>ii. The county's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.</p>
--	--

<p>the resale shall be used as the initial market value.</p> <p>c. The County's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale; and</p> <p>D. Child Care Facilities. When the qualified project includes a child care facility, the covenant and agreement shall also include the following:</p> <ol style="list-style-type: none">1. The rules and procedures for qualifying children, filling vacancies, and maintaining a percentage of use by qualified households;2. The minimum amount of time in which a child care facility shall remain in operation; and3. The minimum required percentage of children of very low, lower, or moderate income households who attend the child care facility. <p>E. Release of the Covenant and Agreement. Under certain circumstances, and after consultation with the Director of the CDC, the covenant and agreement may be terminated by the Director of Planning after making written findings as to the need for releasing the covenant and agreement.</p>	<p>iii. The county's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale; and</p> <p>7. Child care facilities. When the qualified project includes a child care facility, the covenant and agreement shall also include the following:</p> <ol style="list-style-type: none">a. The rules and procedures for qualifying children, filling vacancies, and maintaining a percentage of use by qualified households;b. The minimum amount of time in which a child care facility must remain in operation; andc. The minimum required percentage of children of very low, lower, or moderate income households who attend the child care facility. <p>B. Release of the covenant and agreement. Under certain circumstances, and after consultation with the executive director of the CDC, the covenant and agreement may be terminated by the director of planning after making written findings as to the need for releasing the covenant and/or agreement. (Ord. 2006-0063 § 25 (part), 2006.)</p>
--	---

<p>22.128.040 Monitoring</p> <p>The monitoring of affordable housing set-aside units shall be administered by the CDC. The CDC shall be responsible for verifying income eligibility, monitoring sales of affordable housing set-aside units to qualified buyers, conducting periodic site inspections and administering the annual registration/certification of affordable housing set-aside units approved pursuant to this Chapter for the duration of the required term as specified in Chapter 22.92 (Density Bonuses and Affordable Housing Incentives).</p> <p>A. Registration/Certification. Property owners shall register their affordable housing set-aside units with the CDC according to the following schedule:</p> <p>1. Rental Units. Prior to the granting of a certificate of occupancy by Department of Public Works for any unit in the qualified project, the owner shall register each affordable set-aside unit and certify annually with the CDC thereafter, on or before January 1 of each year, that affordable housing set-aside unit(s) remain in conformance with the terms of the housing permit.</p> <p>2. For-Sale Units.</p> <p> a. For very low, lower, and moderate (single-family) income housing set-asides, prior to the granting of a certificate of occupancy by Department of Public Works for any unit in the</p>	<p>22.56.2640 Monitoring.</p> <p>The monitoring of affordable housing set-aside units shall be administered by the CDC. The CDC shall be responsible for verifying income eligibility, monitoring sales of affordable housing set-aside units to qualified buyers, conducting periodic site inspections and administering the annual registration/certification of affordable housing set-aside units approved pursuant to this Part 18 for the duration of the required term as specified in Section 22.52.1830.</p> <p>A. Registration/certification. Property owners shall register their affordable housing set-aside units with the CDC according to the following schedule:</p> <p>1. Rental units. Prior to the granting of a certificate of occupancy by DPW for any unit in the qualified project, the owner shall register each affordable set-aside unit and certify annually with the CDC thereafter, on or before January 1 of each year, that affordable housing set-aside unit(s) remain in conformance with the terms of the housing permit.</p> <p>2. For-sale units.</p> <p> a. For very low, lower, and moderate (single-family) income housing set-asides, prior to the granting of a certificate of occupancy by DPW for any unit in the qualified project, the owner shall register each affordable housing set-aside unit, at the time of sale and certify annually with the CDC thereafter, on or before January 1 of each year, that the affordable</p>
---	---

<p>qualified project, the owner shall register each affordable housing set-aside unit, at the time of sale and certify annually with the CDC thereafter, on or before January 1 of each year, that the affordable housing set-aside unit(s) remain in conformance with the terms of the housing permit.</p> <p>b. For moderate income housing set-asides (common interest development), prior to the granting of a certificate of occupancy by Department of Public Works for any unit in the qualified project, the owner shall register each affordable housing set-aside unit, at the time of sale and certify annually with the CDC thereafter, on or before January 1 of each year, that the affordable housing set-aside unit(s) remain in conformance with the terms of the housing permit.</p> <p>B. Fees. In addition to the applicable review fee(s), the applicant for a housing permit that is granted approval by the County shall be required to deposit monitoring/inspection fees with the CDC at the time that the housing permit is accepted by the applicant and</p>	<p>housing set-aside unit(s) remain in conformance with the terms of the housing permit.</p> <p>b. For moderate income housing set-asides (common interest development), prior to the granting of a certificate of occupancy by DPW for any unit in the qualified project, the owner shall register each affordable housing set-aside unit, at the time of sale and certify annually with the CDC thereafter, on or before January 1 of each year, that the affordable housing set-aside unit(s) remain in conformance with the terms of the housing permit.</p> <p>B. Fees. In addition to the applicable review fee(s), as described in Section 22.60.100, the applicant for a housing permit that is granted approval by the county shall be required to deposit monitoring/inspection fees with the CDC at the time that the housing permit is accepted by the applicant and before a certificate of occupancy is issued by DPW for</p>
--	---

<p>before a certificate of occupancy is issued by the Department of Public Works for any unit in the qualified project. The monitoring/inspection deposits shall be \$125 per affordable housing set-aside unit per year, and the applicant shall provide the total cumulative amount for the term of the grant, to be deposited into a trust fund from which actual costs are deducted by the CDC to defray the ongoing monitoring costs. On or before April 1 of each year, the CDC shall provide an annual report to the Director that describes the following:</p> <ol style="list-style-type: none">1. The location and status of each affordable housing set-aside unit approved in accordance with this Chapter and Chapter 22.92 (Density Bonuses and Affordable Housing Incentives); and2. The results of the registration/certification of each affordable housing set-aside unit and a notification to the Director of any necessary zoning enforcement order or action to maintain the housing set-aside units consistent with this Chapter and Chapter 22.92 (Density Bonuses and Affordable Housing Incentives). <p>C. Enforcement and Noncompliance. In the event of noncompliance, the owner of the housing set-aside units shall be subject to the enforcement procedures described in Chapter 22.142 (Enforcement Provisions).</p>	<p>any unit in the qualified project. The monitoring/inspection deposits shall be \$125 per affordable housing set-aside unit per year, and the applicant shall provide the total cumulative amount for the term of the grant, to be deposited into a trust fund from which actual costs are deducted by the CDC to defray the ongoing monitoring costs. On or before April 1 of each year, the CDC shall provide an annual report to the director of planning that describes the following:</p> <ol style="list-style-type: none">1. The location and status of each affordable housing set-aside unit approved in accordance with Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56; and2. The results of the registration/certification of each affordable housing set-aside unit and a notification to the director of any necessary zoning enforcement action to maintain the housing set-aside units consistent with Part 17 of Chapter 22.52. <p>C. Enforcement and noncompliance. In the event of noncompliance, the owner of the housing set-aside units shall be subject to the enforcement procedures described in Part 6 of Chapter 22.60. (Ord. 2006-0063 § 25 (part), 2006.)</p>
---	---

<p>22.128.050 All Zone and District Regulations Apply Unless Permit is Granted</p> <p>Unless specifically modified by a housing permit, all regulations prescribed in the zone or the community standards district in which such housing permit is granted shall apply.</p>	<p>22.56.2650 All zone and district regulations apply unless permit is granted. Unless specifically modified by a housing permit, all regulations prescribed in the zone or the community standards district in which such housing permit is granted shall apply. (Ord. 2006-0063 § 25 (part), 2006.)</p>
<p>22.128.060 Development Standards Prescribed by Permit</p> <p>In granting a housing permit, the Review Authority shall prescribe the height limit, number of stories, yards, maximum lot coverage, gross structural area, parking, and other development standards for the use approved. Where the Review Authority fails to specify said height limit, stories, yards, maximum lot coverage, gross structural area, density, parking, or other development standards, those provisions applicable to principal permitted uses in the specific zone shall be deemed to be so specified.</p>	<p>22.56.2660 Development standards prescribed by permit. In granting a housing permit, the director or commission shall prescribe the height limit, stories, yards, maximum lot coverage, gross structural area, parking, and other development standards for the use approved. Where the director or commission fails to specify said height limit, stories, yards, maximum lot coverage, gross structural area, density, parking, or other development standards, those provisions applicable to principal permitted uses in the specific zone shall be deemed to be so specified. (Ord. 2006-0063 § 25 (part), 2006.)</p>
<p>22.128.070 Administrative Housing Permit</p> <p>A. Application. In addition to a Type I application, an application for an administrative housing permit shall contain the following information:</p> <ol style="list-style-type: none"> 1. The information required by Section 22.128.020 (General Application Requirements). 2. A real estate development pro forma or other financial information satisfactory to the Review Authority, as applicable. 3. Environmental documentation, including: 	<p>22.56.2690 Application—Administrative review. An administrative housing permit is subject to a ministerial review that does not require a public hearing. In addition to the general application requirements described in Section 22.56.2620, an application for an administrative housing permit shall contain the following information, as applicable:</p> <p>A. A real estate development pro forma, or other financial information satisfactory to the director or commission, as applicable.</p> <p>B. Environmental documentation, including:</p>

<p>a. Information that the proposed project has no specific, adverse impact upon health, safety, or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; and</p> <p>b. Information that the proposed project has no adverse impact on any real property that is listed in the California Register of Historical Resources.</p> <p>4. <i>On-Menu Incentives.</i> An applicant that requests an on-menu incentive in accordance with Table 22.92.050.A (Number of Incentives) shall also provide a statement that confirms that the proposed project is not in or on any of the following:</p> <p>a. A Very High Fire Hazard Severity Zone as defined in Section 223-V of Title 32 (Fire Code) of the County Code;</p> <p>b. An area that is not served by a public sewer system;</p> <p>c. An area that is not served by a public water system;</p> <p>d. A significant ecological</p>	<p>1. Information that the proposed project has no specific, adverse impact upon health, safety, or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; and</p> <p>2. Information that the proposed project has no adverse impact on any real property that is listed in the California Register of Historical Resources.</p> <p>C. On-menu incentives. An applicant that requests an on-menu incentive in accordance with Table C of Section 22.52.1840 (B), shall also provide a statement that confirms that the proposed project is not in or on any of the following:</p> <p>1. A Very High Fire Hazard Severity Zone as defined in Section 223-V of Title 32 of the county code;</p> <p>2. An area that is not served by a public sewer system;</p> <p>3. An area that is not served by a public water system;</p>
--	---

<p>area as defined in Division 8 (Definitions).</p> <p>e. An environmentally sensitive habitat area, as shown on the sensitive environmental resources map of the Malibu Land Use Plan; and</p> <p>f. On land having a natural slope of 25 percent or more.</p> <p>5. <i>Off-Menu Incentives.</i> An applicant that requests an off-menu incentive, in accordance with Subsection C or D.2 of Section 22.92.050 (Incentives), shall also provide the following:</p> <p>a. Maps in the number prescribed, and drawn to a scale specified by the Director, showing the location of all property included in the request, the location of all highways, streets, alleys, and the location and dimensions of all lots adjacent to the exterior boundaries of the subject lot(s). One copy of said map shall indicate the uses established on every lot adjacent to the exterior boundaries of the subject lot;</p> <p>b. A list, certified to be correct by affidavit or by</p>	<p>4. A significant ecological area as defined in Section 22.08.190;</p> <p>5. An environmentally sensitive habitat area, as shown on the sensitive environmental resources map of the Malibu Land Use Plan; and</p> <p>6. On land having a natural slope of 25 percent or more.</p> <p>D. Off-menu incentives. An applicant that requests an off-menu incentive, in accordance with Section 22.52.1840(C) or (D)(2), shall also provide the following:</p> <p>1. Maps in the number prescribed, and drawn to a scale specified by the director, showing the location of all property included in the request, the location of all highways, streets, alleys, and the location and dimensions of all lots or parcels of land adjacent to the exterior boundaries of the subject parcel of land. One copy of said map shall indicate the uses established on every lot and parcel of land adjacent to the exterior boundaries of the subject parcel of land;</p> <p>2. A list, certified to be correct by affidavit or by a statement under penalty of perjury pursuant</p>
--	--

<p>a statement under penalty of perjury pursuant to Section 2015.5 of the California Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest available assessment roll of the County as owners of the subject lot and as owning property adjacent to the exterior boundaries of the lot to be occupied by the use. One copy of said map shall indicate where such ownerships are located;</p> <p>c. A list of names and addresses of the local town council, or similar local community association(s) as applicable;</p> <p>d. The Director may waive the filing of one or more of the above items; and</p> <p>e. The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant.</p> <p>B. Multiple Applications. When an application is filed for a discretionary land use entitlement concurrently with an application for an administrative housing permit, the Review Authority may consider and approve such</p>	<p>to section 2015.5 of the Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest available assessment roll of the county as owners of the subject parcel of land and as owning property adjacent to the exterior boundaries of the parcel of land to be occupied by the use. One copy of said map shall indicate where such ownerships are located;</p> <p>3. A list of names and addresses of the local town council, and/or similar local community association(s) as applicable;</p> <p>4. The director may waive the filing of one or more of the above items; and</p> <p>5. The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant. (Ord. 2006-0063 § 25 (part), 2006.)</p> <p>22.56.2700 Commission review where concurrent—Administrative review. When an application is filed for a permit, variance, or other discretionary land use entitlement concurrently with an application for an administrative housing permit as provided by this title, the commission may consider and</p>
---	--

<p>application for the housing permit concurrently with such Type IV application, variance, or other discretionary land use entitlement. The Review Authority shall make the required findings for each entitlement as if separately filed.</p> <p>C. Fee and Deposit.</p> <p>1. When an application for an administrative housing permit is filed, it shall be accompanied by the filing fee listed in the County Planning Fee Schedule for:</p> <p>a. Administrative housing permit; or</p> <p>b. Administrative housing permit with Off-Menu Incentives</p> <p>2. In addition, the Director shall refer an administrative housing permit application to the CDC for review, pursuant to this Chapter, and the applicant shall pay directly to the CDC the fee for the housing permit as listed in the Filing Fee Schedule.</p> <p>D. Denial for Lack of Information. The Director may deny an application for an administrative housing permit if such application does not contain the information required by Section 22.128.010.B (Applicability) and 22.128.020 (General Application Requirements), as applicable. The Director may permit the applicant to amend such application to provide the missing information.</p>	<p>approve such application for an administrative housing permit concurrently with such permit, variance, or other discretionary land use entitlement. The commission shall make the required findings for each entitlement as if separately filed. (Ord. 2006-0063 § 25 (part), 2006.)</p> <p>22.56.2710 Fee and deposit—Administrative review.</p> <p>A. Fees. When an application for an administrative housing permit is filed, it shall be accompanied by the filing fee required by Section 22.60.100(A) for either of the following:</p> <p>1. Housing Permit, Administrative; and</p> <p>2. Housing Permit, Administrative, with Off-Menu Incentives;</p> <p>B. In addition, the director shall refer an administrative housing permit application to the CDC for review, pursuant to this Part 18, and the applicant shall pay directly to the CDC the housing permit evaluation fees, as required in Section 22.60.100(B). (Ord. 2006-0063 § 25 (part), 2006.)</p> <p>22.56.2720 Denial for lack of information—Administrative review.</p> <p>The director may deny an application for an administrative housing permit if such application does not contain the information required by Sections 22.56.2620 and 22.56.2690, as applicable. The director may permit the applicant to amend such application to provide the missing information. (Ord. 2006-0063 § 25 (part), 2006.)</p>
---	---

<p>E. Processing. All reviews for an administrative housing permit application will follow the procedures for case processing, review, decision, and appeals as outlined in Chapter 22.118 (Type I Applications—Ministerial) for a Type I application review except as provided in the Subsections below.</p>	<p>(NEW)</p>
<p>F. Findings. An application for an administrative housing permit that meets all the requirements for qualified projects shall be approved unless the Director makes one or more of the following findings, as applicable:</p> <ol style="list-style-type: none"> 1. When an incentive is requested: <ol style="list-style-type: none"> a. That the incentive is not required in order to provide for affordable housing costs or affordable rents, or b. That the incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, lower, or moderate 	<p>22.56.2730 Findings and determination—Administrative review.</p> <p>An application for an administrative housing permit that meets all the requirements for qualified projects shall be approved unless the director makes one or more of the following findings, as applicable:</p> <p>A. When an incentive is requested:</p> <ol style="list-style-type: none"> 1. That the incentive is not required in order to provide for affordable housing costs or affordable rents, or 2. That the incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, lower, or moderate income households.

<p>income households.</p> <p>2. When an additional density bonus or incentive for the provision of a childcare facility is requested:</p> <p>a. That the additional density bonus or incentive for a child care facility does not significantly contribute to the economic feasibility of the construction of the child care facility;</p> <p>b. That the additional incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, lower or moderate income households; or</p> <p>c. That the community has adequate child care facilities.</p> <p>G. Notification of Off-Menu Incentives. Where applicable, when an applicant requests an off-menu incentive, the</p>	<p>B. When an additional density bonus or incentive for the provision of a childcare facility is requested:</p> <p>1. That the additional density bonus or incentive for a child care facility does not significantly contribute to the economic feasibility of the construction of the child care facility;</p> <p>2. That the additional incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, lower or moderate income households; or</p> <p>3. That the community has adequate child care facilities. (Ord. 2006-0063 § 25 (part), 2006.) 22.56.2740 Notification—Administrative review.</p> <p>A. The director shall notify the applicant of the action taken on the application, by first class mail, postage prepaid, or other means deemed</p>
---	--

<p>Director shall also notify the Commission, adjacent property owners, and the local town council, or similar local community association(s), of the action taken on the application, by first class mail, postage prepaid, or other means deemed appropriate by the Director. The notice shall specify that the project is subject to an administrative housing permit and that the incentives are not subject to a discretionary review. The notice shall also specify that the bases for which an appeal can be filed by the applicant or any interested person or the matter called up for review by the Commission are limited to the criteria contained in Subsection F, above, and that the permissible grounds upon which the Commission may act in such appeal or call for review as described in Subsection I below are also limited to such criteria.</p> <p>H. Effective Date.</p> <ol style="list-style-type: none">1. Decision. Unless otherwise stated, the decision of the Director shall become effective on the 15th calendar day following the date of the decision.2. Off-Menu Incentives. Where applicable, when an applicant requests an off-menu incentive, the decision of the Director shall become effective on the 21st calendar day following the date of the decision unless appealed by the applicant or any interested person, or called up for review by the Commission	<p>appropriate by the director. Such notification may also be hand-delivered to the applicant when appropriate.</p> <p>B. Off-menu incentives. Where applicable, when an applicant requests an off-menu incentive, the director shall also notify the commission, adjacent property owners, and the local town council, or similar local community association(s), of the action taken on the application, by first class mail, postage prepaid, or other means deemed appropriate by the director. The notice shall specify that the project is subject to an administrative housing permit and that the incentives are not subject to a discretionary review. The notice shall also specify that the bases for which an appeal can be filed by the applicant or any interested person or the matter called up for review by the commission are limited to the criteria contained in Section 22.56.2730 and that the permissible grounds upon which the commission may act in such appeal or call for review as described in Section 22.56.2760 are also limited to such criteria. (Ord. 2006-0063 § 25 (part), 2006.)</p> <p>22.56.2750 Effective date--Administrative review.</p> <p>Notwithstanding the provisions of Section 22.60.260, the following effective dates apply to administrative housing permits:</p> <p>A. Unless otherwise stated, the decision of the director shall become effective on the 15th calendar day following the date of the decision.</p> <p>B. Off-menu incentives. Where applicable, when an applicant requests an off-menu incentive, the decision of the director shall become effective on the 21st calendar day following the date of the decision, unless appealed by the applicant or any interested person or called up for review by the commission prior to that date. (Ord. 2008-0026</p>
--	---

<p>prior to that date.</p> <p>I. Appeals.</p> <p>1. Off-Menu Incentives.</p> <p>a. <i>Appeal Review.</i> When an off-menu incentive is requested, an appeal to the Commission may be made by any interested person dissatisfied with the action taken by the Director on an administrative housing permit or the project may be called up for review by the Commission. Such appeal shall be filed with the Commission, or be called up for review by the Commission, within 20 calendar days following the date of the decision. The appeal shall be accompanied by the fee required by the County Planning Fee Schedule. Appeals that do not address the findings and determinations made by the Director, as described in Subsection F, above, shall not be accepted.</p> <p>b. <i>Notice of Appeal.</i> A notice of appeal shall be sent to the Commission, adjacent property owners, local town council, and similar local</p>	<p>§ 25, 2008: Ord. 2006-0063 § 25 (part), 2006.)</p> <p>22.56.2760 Appeals--Administrative review.</p> <p>A. Off-menu incentives.</p> <p>1. When an off-menu incentive is requested, an appeal to the commission may be made by any interested person dissatisfied with the action taken by the director on an administrative housing permit, and/or the project may be called up for review by the commission. Such appeal shall be filed with the commission, or be called up for review by the commission, within 20 calendar days following the date of the decision. The appeal shall be accompanied by the fee required by Section 22.60.230. Appeals that do not address the findings and determinations made by the director, as described in Section 22.56.2730, shall not be accepted.</p> <p>2. Notice of appeal. A notice of appeal shall be sent to the commission, adjacent property owners, local town council, and/or similar local community association(s). In the event that the matter is called up for review by the commission, a notice of call for review shall be</p>
---	---

<p>community association(s). In the event that the matter is called up for review by the Commission, a notice of call for review shall be sent to the local town council, or similar local community association(s).</p> <p>2. Decision. The Commission shall review the record of the decision and shall affirm, modify, or reverse the original decision. When a decision is modified or reversed, the Commission shall state the specific reasons for modification or reversal. In rendering its decision, the Commission shall not consider any argument or evidence of any kind other than the record of the matter received from the Director or appellants, which shall solely be based on the findings and determination of the Director, as described in Subsection F, above. The decision of the Commission shall be final.</p> <p>3. Time Limit for Decision and Notice. Decisions on appeals or calls for review shall be rendered within 90 days of the end of the appeal period. The Secretary of the Commission shall mail notice of the decision within five working days after the date of the decision to the applicant and other persons required to be notified pursuant</p>	<p>sent to the local town council, and/or similar local community association(s).</p> <p>B. Decision. The commission shall review the record of the decision and shall affirm, modify, or reverse the original decision. When a decision is modified or reversed, the commission shall state the specific reasons for modification or reversal. In rendering its decision, the commission shall not consider any argument or evidence of any kind other than the record of the matter received from the director or appellants, which shall solely be based on the findings and determination of the director, as described in Section 22.56.2730. The decision of the commission shall be final.</p> <p>C. Time limit for decision and notice. Decisions on appeals or calls for review shall be rendered within 90 days of the end of the appeal period. The secretary of the commission shall mail notice of the decision within five working days after the date of the decision to the applicant and other persons required to be notified pursuant to Section 22.56.2740.</p>
--	---

<p>to Subsection G, above.</p> <p>4. Failure to Act. If the Commission fails to act upon an appeal or call for review within the time limits prescribed in this Section, the applicant's project shall be deemed approved, except that the applicant, at their sole discretion, may elect to waive the time limit in order to obtain a written decision by the Commission.</p> <p>J. Effective Date of Appeal. Where an appeal is filed for an administrative housing permit, the date of decision by the Commission on such appeal shall be deemed the date of grant in determining any applicable expiration date for the permit.</p> <p>K. Time Expiration. An administrative housing permit that is not used within two years after the granting of the permit, becomes null, void, and of no effect, except that the Director may extend such time for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date. The Director may grant an additional (second) one-year extension, provided that an application requesting such extension is filed prior to the expiration of the first such extension.</p> <p>L. Requirements Imposed by the Director.</p> <p>1. Covenant and Agreement. The Director, in approving an application for an administrative housing permit, shall require the</p>	<p>D. Failure to act. If the commission fails to act upon an appeal or call for review within the time limits prescribed in this Section, the applicant's project shall be deemed approved, except that the applicant, at their sole discretion, may elect to waive the time limit in order to obtain a written decision by the commission. (Ord. 2008-0026 § 26, 2008; Ord. 2006-0063 § 25 (part), 2006.)</p> <p>22.56.2770 Effective date when an appeal is filed—Administrative review. Where an appeal is filed for an administrative housing permit, the date of decision by the commission on such appeal shall be deemed the date of grant in determining any applicable expiration date for the permit. (Ord. 2006-0063 § 25 (part), 2006.)</p> <p>22.56.2780 Time expiration—Administrative review. An administrative housing permit that is not used within two years after the granting of the permit, becomes null, void, and of no effect, except that the director may extend such time for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date. The director may grant an additional (second) one-year extension, provided that an application requesting such extension is filed prior to the expiration of the first such extension. (Ord. 2006-0063 § 25 (part), 2006.)</p> <p>22.56.2790 Requirements imposed by the director—Administrative review. A. The director, in approving an application for an administrative housing permit, shall require the applicant to enter into and record a covenant and agreement, as described in</p>
---	--

<p>applicant to enter into and record a covenant and agreement, as described in Section 22.128.030 (Covenant and Agreement), with the County to ensure the affordability or age restrictions, and where applicable, require a monitoring fee pursuant to Subsection B of Section 22.128.040 (Monitoring).</p> <p>2. Affidavit. The administrative housing permit will not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the Department of Regional Planning their affidavit of acceptance stating that they are aware of, and agree to accept, all of the requirements of the permit.</p> <p>22.128.080 Discretionary Housing Permit</p> <p>A. Application and Fees. In addition to a Type IV application, an application for a discretionary housing permit shall contain the information required by Section 22.128.020 (General Application Requirements). The applicant shall also pay the required fee for the discretionary housing permit.</p> <p>B. Findings. The Review Authority shall approve an application only after the applicant substantiates the following required findings:</p> <p>1. That all the findings for a Type IV application per Section</p>	<p>Section 22.56.2630, with the county to ensure the affordability and/or age restrictions, and where applicable, require a monitoring fee pursuant to Section 22.56.2640.</p> <p>B. The administrative housing permit will not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the planning department their affidavit stating that they are aware of, and agree to accept, all of the requirements of the permit. (Ord. 2006-0063 § 25 (part), 2006.)</p> <p>22.56.2800 Application—Discretionary review. As described in this section, a discretionary housing permit is subject to a discretionary review and requires a public hearing before the commission.</p> <p>22.56.2850 Findings and determination—Discretionary review.</p> <p>A. The commission shall approve an application for a discretionary housing permit, in accordance with this section, where the information submitted by the applicant and/or presented at the public hearing substantiates the following findings:</p> <p>1. That the proposed use will be consistent with the adopted general plan for the area.</p>
---	---

<p>22.124.060 (Public Hearing, Findings and Decision) have been satisfied;</p> <p>2. That the requested use at the location will not:</p> <p>a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;</p> <p>b. Be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; or</p> <p>c. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.</p> <p>3. That the site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Ordinance or as is otherwise required in order to integrate said use with the uses in the surrounding area.</p> <p>4. That the site is adequately served:</p> <p>a. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such</p>	<p>(covered in Type II permits)</p> <p>2. That the proposed use meets the burden of proof as described in Section 22.56.2820.</p> <p>22.56.2820 Burden of proof—Discretionary review.</p> <p>A. In addition to providing the information required in the application by Section 22.56.2800 and meeting the requirements for qualified projects, an applicant for a discretionary housing permit shall substantiate to the satisfaction of the commission the following facts:</p> <p>1. That the requested use at the location will not:</p> <p>a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;</p> <p>b. Be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; or</p> <p>c. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.</p> <p>2. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.</p> <p>3. That the proposed site is adequately served:</p> <p>a. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate; and</p> <p>b. By other public or private service facilities as are required.</p> <p>4. That the proposed project at the location proposed has been designed to be complimentary to the surrounding area in terms of land use patterns and design.</p>
--	---

<p>use would generate; and</p> <p>b. By other public or private service facilities as are required.</p> <p>5. That the project at the location proposed has been designed to be complimentary to the surrounding area in terms of land use patterns and design.</p> <p>6. That the project will assist in satisfying housing needs, and is viable in terms of continuing availability to meet such housing needs.</p> <p>7. That the project will be consistent with the adopted general plan for the area.</p> <p>C. Waivers or Modifications to Development Standards. An applicant that requests waivers or modifications to development standards, in accordance with Section 22.92.060 (Waiver or Modification of Development Standards) shall also substantiate to the satisfaction of the Commission that any requests for waivers or modifications to development standards:</p> <p>1. Are necessary to make the housing units economically feasible; and</p> <p>2. Do not have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and for which there</p>	<p>5. That the proposed project will assist in satisfying housing needs, and is viable in terms of continuing availability to meet such housing needs.</p> <p>B. Waivers or modifications to development standards. An applicant that requests waivers or modifications to development standards, in accordance with Section 22.52.1860, shall also substantiate to the satisfaction of the commission that any requests for waivers or modifications to development standards are necessary to make the housing units economically feasible. (Ord. 2006-0063 § 25 (part), 2006.)</p>
---	---

<p>is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.</p> <p>D. Additional Conditions Imposed.</p> <ol style="list-style-type: none">1. The Review Authority, in approving an application for a discretionary housing permit, may impose such conditions as it deems necessary to ensure that such use will be in accord with the findings required by Subsection B, above. Conditions imposed by the Review Authority may involve any pertinent factors affecting the establishment, operation, and maintenance of the requested use.2. The Review Authority, in approving an application for a discretionary housing permit, shall condition the applicant to enter into and record a covenant and agreement with the County, as described in Section 22.128.030 (Covenant and Agreement) to ensure the affordability or age restrictions of the housing set-asides, and where applicable, require a monitoring fee pursuant to Subsection B of Section 22.128.040 (Monitoring).3. The Review Authority may also approve the requested discretionary housing permit contingent upon compliance with applicable provisions of other ordinances.	<p>22.56.2870 Additional conditions imposed when—Discretionary review.</p> <p>A. The commission, in approving an application for a discretionary housing permit, may impose such conditions as it deems necessary to ensure that such use will be in accord with the findings required by Section 22.56.2850.</p> <ol style="list-style-type: none">1. Conditions imposed by the commission may involve any pertinent factors affecting the establishment, operation, and maintenance of the requested use.2. The commission, in approving an application for a discretionary housing permit, shall condition the applicant to enter into and record a covenant and agreement with the county, as described in Section 22.56.2630, to ensure the affordability and/or age restrictions of the housing set-asides, and where applicable, require a monitoring fee pursuant to Section 22.56.2640. <p>B. The commission may also approve the requested discretionary housing permit contingent upon compliance with applicable provisions of other ordinances.</p>
---	---

<p>4. The discretionary housing permit will not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed with the Director their affidavit of acceptance stating that they are aware of, and agree to accept, all of the conditions of the discretionary housing permit.</p>	<p>C. The discretionary housing permit will not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed with the director their affidavit stating that they are aware of, and agree to accept, all of the conditions of the discretionary housing permit. (Ord. 2006-0063 § 25 (part), 2006.)</p>
<p>E. Appeals.</p> <p>1. Appellate. An appeal may be made by any interested person dissatisfied with the action taken by the Commission, as described in Chapter 22.138 (Appeals).</p> <p>2. Waivers or Modification of Development Standards. Reasons for which appeals for waivers or modifications of development standards are based shall be in accordance with Subsection C, above.</p> <p>3. Effective Date when an Appeal is Filed. Where an appeal is filed for any discretionary housing permit, the date of decision by the Board on such appeal shall be deemed the date of grant in determining any applicable expiration date for the permit.</p>	<p>22.56.2880 Appeals—Discretionary review. A. An appeal may be made by any interested person dissatisfied with the action taken by the commission, as described in Part 5 of Chapter 22.60.</p> <p>B. Waivers or modification of development standards. Reasons for which appeals for waivers or modifications of development standards are based shall be in accordance with Section 22.56.2850. (Ord. 2006-0063 § 25 (part), 2006.)</p> <p>22.56.2890 Effective date when an appeal is filed—Discretionary review. Where an appeal is filed for any discretionary housing permit, the date of decision by the board of supervisors on such appeal shall be deemed the date of grant in determining any applicable expiration date for the permit. (Ord. 2006-0063 § 25 (part), 2006.)</p> <p>22.56.2900 Time expiration—Discretionary review.</p>
<p>F. Time Expiration. In spite of Section 22.118.070 (Post-Decision Procedures), a discretionary housing permit that is not used within two years after the granting of the permit,</p>	<p>A discretionary housing permit that is not used within two years after the granting of the permit, becomes null, void, and of no effect, except that the director may extend such time for a period of not to exceed one year,</p>

<p>becomes null, void, and of no effect, except that the Director may extend such time for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date. The Director may grant an additional (second) one-year extension, provided that an application requesting such extension is filed prior to the expiration of the first such extension.</p>	<p>provided an application requesting such extension is filed prior to such expiration date. The director may grant an additional (second) one-year extension, provided that an application requesting such extension is filed prior to the expiration of the first such extension. (Ord. 2006-0063 § 25 (part), 2006.)</p> <p><i>DELETED</i></p> <p><i>A. Name and address of the applicant and of all persons owning any or all of the property proposed to be used.</i></p> <p><i>B. Evidence that the applicant is one of the following;</i></p> <ol style="list-style-type: none"><i>1. Is the owner of the premises involved;</i><i>2. Has written permission of the owner or owners to make such application;</i><i>3. In the case of an entity with eminent domain powers, is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof; or</i><i>4. In the case of a public agency, is negotiating to acquire a portion of the premises involved.</i> <p><i>C. Location of the subject property (address or vicinity, and Assessor's parcel number(s)).</i></p> <p><i>D. Legal description of the property involved.</i></p> <p><i>E. Nature of the requested use, indicating the purpose for which such building, structure or improvements is to be erected, constructed, altered, enlarged, moved, occupied, or used.</i></p> <p><i>F. Nature, condition, and development of adjacent uses, buildings, and structures.</i></p> <p><i>G. Project drawings to a scale satisfactory to and in the number of copies prescribed by the director, including;</i></p>
---	--

	<p>1. A site plan indicating the area and dimensions of the proposed site for the requested use, fences, parking and loading facilities, landscaping, and other development features; and</p> <p>2. Building elevations and floor plans.</p> <p>H. Dimensions and state of improvement of the adjoining streets, highways, and alleys providing access to the proposed site of the requested use.</p> <p>I. Indication of other permits and approvals secured for the subject property in compliance with the provisions of other applicable ordinances.</p> <p>J. Proof satisfactory to the director that water will be available in quantities and pressures required by the Water Ordinance, set out at Division 1 of Title 20 of this code, or by a variance granted pursuant to said Division 1. The director may accept as such proof a certificate from the person who is to supply water that the person can supply water as required by said Division 1 of Title 20, also stating the amount and pressure, which certificate also shall be signed by the forester and fire warden, or a certificate from the county engineer that such water will be available.</p> <p>K. Supplemental forms, as may be required, including the following information:</p> <p>1. Project summary, which includes location, number, and type of dwelling units, including housing set-aside units, and the number of bedrooms in each unit; and</p> <p>2. Total number of dwelling units proposed (before application of a density bonus);</p> <p>3. Amount of the density bonus (expressed as both a percentage of the total number of dwelling units proposed and as a whole number of additional units) and/or the types of incentives requested; and</p> <p>4. Grand total number of dwelling units, including bonus units after application of a density bonus.</p> <p>L. Photographs of the entire site and surrounding properties.</p> <p>M. Additional application materials, as applicable, pursuant to Sections 22.56.2690 and 22.56.2800. (Ord. 2006-0063 § 25 (part), 2006.)</p>
--	--

	<p><i>22.56.2670 Continuing validity of housing permits. A housing permit that is valid and in effect, and was granted pursuant to the provisions of this Title 22, shall adhere to the land and continue to be valid upon change of ownership of the land or any lawfully existing building or structure on said land. (Ord. 2006-0063 § 25 (part), 2006.)</i></p> <p><i>22.56.2680 Housing permit does not legalize nuisances. Neither the provisions of this Part 18 nor the granting of any permit provided for in this Part 18 authorizes or legalizes the maintenance of any public or private nuisance. (Ord. 2006-0063 § 25 (part), 2006.)</i></p> <p><i>22.56.2800 Deleted - redundant</i></p> <p><i>A. In addition to the general application requirements described in Section 22.56.2620, an application for a discretionary housing permit shall contain the following information:</i></p> <ol style="list-style-type: none"><i>1. Maps in the number prescribed, and drawn to a scale specified by the director, showing the location of all property included in the request, the location of all highways, streets, alleys, and the location and dimensions of all lots or parcels of land within a distance of 500 feet from the exterior boundaries of the subject parcel of land;</i><i>2. One copy of said map shall indicate the uses established on every lot and parcel of land shown within said 500 foot radius;</i><i>3. A list, certified to be correct by affidavit or by a statement under penalty of perjury pursuant to section 2015.5 of the Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest available assessment roll of the county as owners of the subject parcel of land and as owning property within a distance of 500 feet from the exterior boundaries of the parcel of land to be occupied by the use. One copy of said map</i>
--	---

	<p><i>shall indicate where such ownerships are located;</i></p> <p><i>4. Such other information as the director may require;</i></p> <p><i>5. The director may waive the filing of one or more of the above items; and</i></p> <p><i>6. The accuracy of all information, maps, and lists submitted shall be the responsibility of the applicant. (Ord. 2006-0063 § 25 (part), 2006.)</i></p> <p><i>22.56.2810 Fee and deposit—Discretionary review.</i></p> <p><i>A. Fees. When an application for a discretionary housing permit is filed, it shall be accompanied by the filing fee required by Section 22.60.100(A) for the following:</i></p> <p><i>1. Housing Permit, Discretionary. (Ord. 2006-0063 § 25 (part), 2006.)</i></p> <p><i>22.56.2830 Denial for lack of information—Discretionary review.</i></p> <p><i>The director may deny, without a public hearing, an application for a discretionary housing permit if such application does not contain the information required by Sections 22.56.2620 and 22.56.2800.</i></p> <p><i>The director may permit the applicant to amend such application to provide the missing information. (Ord. 2006-0063 § 25 (part), 2006.)</i></p> <p><i>22.56.2840 Public hearing and notice required--Discretionary review.</i></p> <p><i>In all cases where an application for a discretionary housing permit is filed, the public hearing shall be held pursuant to the procedure provided in Part 4 of Chapter 22.60. (Ord. 2008-0043 § 13, 2008: Ord. 2006-0063 § 25 (part), 2006.)</i></p> <p><i>Redundant, covered in findings.</i></p> <p><i>22.56.2850</i></p> <p><i>B. Waivers or modifications of development standards. The commission shall approve a</i></p>
--	---

	<p><i>request for waiver or modifications of development standards, in accordance with this section, where the information submitted by the applicant and/or presented at the public hearing substantiates the finding that any requests for waivers or modifications of development standards do not have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.</i></p> <p><i>C. The commission shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to substantiate such findings to the satisfaction of the commission. (Ord. 2006-0063 § 25 (part), 2006.)</i></p> <p><i>22.56.2860 Effective date—Discretionary review. Notwithstanding the provisions of Section 22.60.260, in all cases where an application for a discretionary housing permit is filed, the decision of the commission shall become effective 15 days after the receipt of the notice of decision by the applicant, unless appealed to or called up for review by the Board of Supervisors prior to that date. (Ord. 2006-0063 § 25 (part), 2006.)</i></p>
--	---

<p>Chapter 22.130 Coastal Development Permits</p> <hr/> <p>Sections:</p> <ul style="list-style-type: none"> 22.130.010 Purpose 22.130.020 Applicability 22.130.030 Application Filing and Fees 22.130.040 Initial Application Review 22.130.050 Application Processing 22.130.060 Public Hearings 22.130.070 Notice Requirements 22.130.080 Findings 22.130.090 Conditions of Approval 22.130.100 Notice of Decision 22.130.110 Notice of Final Decision 22.130.120 Appeals 22.130.130 Effect of Appeal to the Coastal Commission. 22.130.140 De Novo Review by the Coastal Commission. 22.130.150 Appeal by the Coastal Commission 22.130.160 Effective Date of Permit 22.130.170 Expiration of Permits 22.130.180 Amendments to Approved Coastal Development Permits 22.130.190 Revocation or Revision of Coastal Development Permits 22.130.200 Enforcement <p>22.130.010 Purpose</p> <p>This Chapter establishes coastal development permit procedures. The coastal development permit is established to ensure that development within the Coastal zone conforms with Division 20 (California Coastal Act), of the State Public Resources Code and to the policies of adopted Local Coastal Programs.</p> <p>22.130.020 Applicability</p>	<p>Part 17 COASTAL DEVELOPMENT PERMITS</p> <p>22.56.2270 Established--Purpose.</p> <p>The coastal development permit is established to ensure that any development, public or private, within the coastal zone conforms to the policies and programs of the county of Los Angeles local coastal program land use plans and implementation program in accordance with Division 20 of the Public Resources Code. As used in this Part 17, the word "commission" by itself refers to the county of Los Angeles Regional Planning Commission; references to the State of California Coastal Commission are indicated by the words "Coastal Commission." (Ord. 89-0147 § 1 (part), 1989.)</p> <p>22.56.2280 Permit required.</p>
---	---

<p>A. Coastal Development Permit Required. In addition to obtaining any other permits required by law, any person wishing to perform or undertake any development in the coastal zone shall obtain a coastal development permit. The processing of a coastal development permit shall be subject to the provisions of Chapter 4.5 (Section 65920 et seq.) in Division I, Title 7 of the State Government Code.</p>	<p>A. In addition to obtaining any other permits required by law, any person wishing to perform or undertake any development in the coastal zone, other than either a power facility subject to the provisions of Public Resources Code Section 25500, a development subject to the provisions of Public Resources Code Section 30519(b) or a development specifically exempted by this Part 17, shall obtain a coastal development permit.</p>
<p>B. Exemptions. A coastal development permit shall not be required for:</p> <ol style="list-style-type: none"> 1. Improvements to single-family residences consistent with the provisions of Section 13250 in Title 14 of the California Code of Regulations; 2. Improvements to any structure other than a single-family residence or public works facility consistent with the provisions of Section 13253 in Title 14 of the California Code of Regulations; 3. Repair or maintenance activities consistent with the provisions of Section 13252 in Title 14 of the, California Code of Regulations; 4. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to Division 20 (California Coastal Act), of the State Public Resources Code; provided, however, that the 	<p>22.56.2290 Exemptions and categorical exclusions.</p> <p>A. Exemptions: The provisions of this Part 17 shall not apply to:</p> <ol style="list-style-type: none"> 1. Additions to single-family residences consistent with the provisions of Section 13250, Title 14, California Code of Regulations. (CCR uses improvements) 2. Improvements to any structure other than a single family residence or public works facility consistent with the provisions of Section 13253, Title 14, California Code of Regulations. 3. Repair or maintenance activities that are consistent with the provisions of Section 13252, Title 14, California Code of Regulations. 4. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to Division 20, the California Coastal Act, of the Public Resources Code; provided, however, that the director may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources. All

<p>Director may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources. All repair, maintenance and utility hookups shall be consistent with the provisions adopted by the California Coastal Commission on September 5, 1978, or as updated;</p> <p>5. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements; shall be for the same use as the destroyed structure, shall not exceed either the floor area, height or bulk of the destroyed structure by more than 10 percent; shall be sited in the same location on the affected property as the destroyed structure.</p> <p>6. The conversion of any existing multi-unit residential structure to a time-share project, estate or use, as defined in Section 11212 of the State Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to</p>	<p>repair, maintenance and utility hookups shall be consistent with the provisions adopted by the California Coastal Commission on September 5, 1978.</p> <p>5. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements; shall be for the same use as the destroyed structure, shall not exceed either the floor area, height or bulk of the destroyed structure by more than 10 percent; and shall be sited in the same location on the affected property as the destroyed structure.</p> <p>6. Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate or use, as defined in Section 11003.5 of the California Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subsection. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a</p>
--	---

<p>this Subsection. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the State Civil Code, shall not be considered a time-share project, estate or use for the purposes of this Subsection B.6;</p> <p>7. Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers;</p> <p>8. An energy facility subject to the provisions in Section 30107 of the State Public Resources Code; or</p> <p>9. A development subject to the provisions in Section 30519(b) of the State Public Resources Code.</p> <p>10. A project subject to Coastal Commission jurisdiction, in compliance with Subsection D, below.</p> <p>C. Definition of Disaster. As used in this Section, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners; "bulk" means total interior cubic volume as measured from the exterior surface of the structure; and "structure" includes landscaping and any erosion control structure or device which is</p>	<p>time-share project, estate or use for the purposes of this subsection.</p> <p>7. Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.</p> <p>22.56.2280 Permit required.</p> <p>A. In addition to obtaining any other permits required by law, any person wishing to perform or undertake any development in the coastal zone, other than either a power facility subject to the provisions of Public Resources Code Section 25500, a development subject to the provisions of Public Resources Code Section 30519(b) or a development specifically exempted by this Part 17, shall obtain a coastal development permit.</p> <p>B. Categorical Exclusions. (Reserved)</p> <p>C. As used in this section, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners; "bulk" means total interior cubic volume as measured from the exterior surface of the structure; and "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.</p>
---	--

<p>similar to that which existed prior to the occurrence of the disaster.</p> <p>D. Jurisdiction.</p> <p>1. <i>Determination of Jurisdiction.</i></p> <p>a. A determination on whether a coastal development permit is in the County's or Coastal Commission's jurisdiction shall be made by the Director at the time of application submittal.</p> <p>b. In making such determination, the Director may refer to the "Post-LCP Certification Permit and Appeals Jurisdictional Map" adopted by the Coastal Commission.</p> <p>c. For a coastal development permit within the County's jurisdiction, the Director shall determine if such permit is appealable to the Coastal Commission, pursuant to Section 22.130.140.B (Appeal to the Coastal Commission) below.</p> <p>2. <i>Coastal Commission Jurisdiction.</i> In addition to other permit and appeal provisions of this Chapter, development proposals which are located on lands identified</p>	<p>D. A determination on whether a development is exempt shall be made by the director at the time an application for development within the coastal zone is submitted. Any dispute arising from the director's determination shall be resolved pursuant to the procedure described in Section 22.56.2370. (Ord. 89-0147 § 1 (part), 1989.)</p> <p>B. A determination on whether a development is exempt or has been categorically excluded from the coastal development permit requirements shall be made by the director at the time an application is submitted for development within the coastal zone. Any dispute arising from the director's determination shall be resolved pursuant to the procedure described in Section 22.56.2370.</p> <p>22.56.2360 Determination of jurisdiction. A. A determination on whether a coastal development permit is in the county's or Coastal Commission's jurisdiction shall be made by the director at the time an application for a coastal development permit has been</p>
--	---

<p>as tidelands, submerged lands, public trust lands, certain ports, state university or state college lands on the “Post-LCP Certification Permit and Appeal Jurisdiction Map”, adopted by the Coastal Commission, shall, pursuant to the requirements of Section 30519(b) of the State Public Resources Code, require a Coastal Development Permit from the Coastal Commission. Upon a determination that the proposed coastal development involves such lands, the Department shall refer the applicant to obtain a permit from the Coastal Commission, and no further review by the Department shall be required.</p> <p>3. <i>Dispute of Determination of Jurisdiction or Exemption</i></p> <p>a. If the determination of jurisdiction or exemption as listed in Subsections A, B, and D, above, is challenged by the applicant or interested person, or if the County wishes to have a Coastal Commission determination as to the appropriate determination, the Director shall notify the Coastal Commission by telephone of the dispute and shall request an opinion of the Executive Director of the Coastal Commission.</p>	<p>submitted. The county’s jurisdiction over coastal development permits does not include tidelands, submerged lands, public trust lands, certain ports, state university or state college lands as described in Section 30519 of the Public Resources Code. In making such determination the director may refer to the “Post-LCP Certification Permit and Appeals Jurisdictional Map” adopted by the Coastal Commission. A coastal development permit within the county’s jurisdiction shall be processed pursuant to the provisions of this Part 17 and applicable provisions of the Coastal Act. Any such permit not within the county’s jurisdiction shall be referred to the Coastal Commission for processing.</p> <p>B. For a coastal development permit within the county’s jurisdiction, the director shall also determine if such permit is appealable to the Coastal Commission. In making this determination, the director shall use the criteria contained in Section 22.56.2450. The director may also use the “Post-LCP Certification Permit and Appeals Jurisdictional Map”.</p> <p>C. Any dispute arising from the director’s determination of jurisdiction or appealability shall be resolved pursuant to the procedure described in Section 22.56.2370. (Ord. 89-0147 § 1 (part), 1989.)</p> <p>22.56.2370 Resolving determination disputes.</p> <p>A. If the director’s determination made pursuant to Sections 22.56.2280, 22.56.2290 or 22.56.2360 is challenged by the applicant or interested person, or if the local government wishes to have a Coastal Commission determination as to the appropriate determination, the director shall notify the Coastal Commission by telephone of the dispute and shall request an opinion of the Coastal Commission’s Executive Director.</p> <p>B. Processing of such coastal development</p>
--	--

<p>b. Processing of such coastal development permit shall be suspended pending a final determination of jurisdiction by the Executive Director of the Coastal Commission.</p>	<p>permit shall be suspended pending a final determination by the Executive Director or Coastal Commission. (Ord. 89-0147 § 1 (part), 1989.)</p>
<p>22.130.030 Application Filing and Fees</p>	
<p>A. Application Filing and Withdrawal.</p>	
<p>1. Application filing and withdrawal for a coastal development permit application shall be in compliance with this Chapter and the application type required by the Base Zone.</p>	
<p>2. In addition to the requirements of Subsection A.1, above, the applicant shall file proof satisfactory to the Review Authority that water for fire protection is available in quantities and pressures required by the Water Ordinance, set out at Division 1 (Water Ordinance) of Title 20 (Utilities) of the County Code, or by a variance granted pursuant to said Division 1. The Director may accept as such proof a certificate from the person who is to supply water that water can be supplied as required by said Division 1, also stating the amount and pressure, which certificate also shall be signed by the Fire Department, or a certificate from the Department of Public Works that such water</p>	

<p>will be available.</p> <p>B. Fees and Deposits. Fees and deposits for a coastal development permit application shall be in compliance with Section 22.114.060 (Fees and Deposits).</p> <p>C. Resubmission of Application. Application resubmissions shall comply with Section 22.114.210 (Resubmission of Application).</p> <p>22.130.040 Initial Application Review Initial application review for a coastal development permit application shall be in compliance with Section 22.114.070 (Initial Application Review).</p> <p>22.130.050 Application Processing</p> <p>A. Coastal Development Permit. A coastal development permit shall be processed in accordance with:</p> <ol style="list-style-type: none">1. The application type (Type I, Type II, Type III, Type IV, or Type IV application) required by the Base Zone;2. This Chapter; and3. The provisions of Chapter 4.5 in Division I, Title 7 of the State Government Code. <p>22.130.060 Public Hearings A public hearing before the Review Authority shall be required for:</p> <p>A. A project that requires both a coastal development permit and a discretionary application or subdivision;</p>	<p>22.56.2350 Application--Concurrent filing. A coastal development permit shall be considered concurrently with the granting of any other tentative maps or permits required by Titles 21 or 22 of this code. A coastal development permit shall be considered subsequent to the granting of required tentative maps or other permits which were approved prior to the effective date of this section. Where a coastal development permit is being considered concurrently with other permits or maps that do not have a public hearing requirement, a public hearing for such concurrent cases shall be held if the coastal development permit is subject to Section 22.56.2380. (Ord. 89-0147 § 1 (part), 1989.)</p> <p>22.56.2380 Public hearings. A. A coastal development permit which may be appealed to the Coastal Commission pursuant to Section 22.56.2450 shall have a public hearing before the hearing officer or regional planning commission. B. A public hearing for a coastal development</p>
--	---

<p>B. A coastal development permit which may be appealed to the Coastal Commission pursuant to Section 22.130.060.B and 22.130.140; and</p>	<p>permit may be continued to another day pursuant to Section 22.60.178. If the public hearing is continued to a date uncertain, new notice of the continued public hearing shall be provided in accordance with Section</p>
<p>C. A coastal development permit that requires legislative approval.</p>	<p>22.56.2400. (Ord. 89-0147 § 1 (part), 1989.) 22.56.2390 Director's action on non-appealable permits.</p>
<p>22.130.070 Notice Requirements</p>	<p>A coastal development permit which is not</p>
<p>A. Content of Notice. When required for a public hearing, notices shall contain:</p>	<p>subject to appeal to the Coastal Commission shall be acted on by the director who shall cause notices to be sent in accordance with</p>
<p>1. The information required for public notices in compliance with Section 22.114.090.A (Notice Content);</p>	<p>Section 22.56.2400. The director's decision to approve or deny a permit shall be based on the findings contained in Section 22.56.2410.</p>
<p>2. A statement that the development is within the coastal zone.</p>	<p>After the director's decisions, notices shall be sent pursuant to Section 22.56.2430. (Ord. 89-0147 § 1 (part), 1989.) 22.56.2400 Notice requirements.</p>
<p>B. Distribution. When required for a public hearing, distribution of notices shall contain:</p>	<p>A. The director shall provide notice by first class mail for a coastal development permit at least 20 calendar days prior to the public hearing or decision on the application to:</p>
<p>1. The publication, mailing, and posting of a notice for a coastal development permit application shall be in compliance with Section 22.114.090.B; and</p>	<p>1. The applicant, property owners and residents whose names and addresses appear on the verified list of persons required to be submitted by Section 22.56.2310 and other pertinent sections;</p>
<p>2. Notice shall also be provided to:</p>	<p>2. The California Coastal Commission; and 3. Any person who has requested to be noticed of such permit.</p>
<p>a. The Coastal Commission;</p>	<p>B. The notice for a coastal development permit shall contain the following information:</p>
<p>b. Persons residing within 100 feet of the subject lot. If the names of the residents are not known, they shall be listed as "Occupants"; and</p>	<p>1. A statement that the development is within the coastal zone; 2. The date of filing and name of the applicant; 3. The number assigned to the application; 4. The location and description of the development; and</p>
<p>c. All persons who have requested to be on the</p>	<p>5. In addition, a notice for a coastal development permit which requires a public hearing shall also contain the following: a. The date, time and place of the public</p>

<p>mailing list for the particular project or for decisions by the County within the coastal zone.</p> <p>22.130.080 Findings</p> <p>A. The Review Authority shall approve an application only after the applicant substantiates the following required findings:</p> <ol style="list-style-type: none"> 1. The proposed development conforms with the certified local coastal plan or general plan, where applicable; and 2. That any development located between the nearest public road and the sea or shoreline of any body of water located within the Coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 (California Coastal Act), of the State Public Resources Code; <p>B. An application shall be denied where the information submitted by the applicant or presented at the public hearing fails to substantiate that the proposed development complies with Subsection A, above.</p> <p>22.130.090 Conditions of Approval</p> <p>The Review Authority, in approving an application for a coastal development permit, may impose such conditions as are deemed reasonable and necessary to ensure that such use will be in accordance with the findings required by Sections 22.130.080 (Findings). The property owner and applicant shall record with the Registrar-Recorder/County Clerkan affidavit accepting and agreeing to implement</p>	<p>hearing,</p> <ol style="list-style-type: none"> b. A statement that written comments may be submitted to the director prior to the hearing and that oral comments may be made or written material may be submitted at the public hearing, and c. A brief description of the procedures concerning the conduct of the hearing, the action likely to occur and that the notice will be given after the action, and d. A description of the procedure for filing an appeal with the county and California Coastal Commission. <p>6. In addition, a notice for a coastal development permit which does not require a public hearing shall contain the following:</p> <ol style="list-style-type: none"> a. The date the director will make a decision on the application, b. A statement that written or oral comments may be submitted to the director during the 20 day period between the time that the notice is mailed and the date of the director's decision; this period would allow sufficient time for the submission of comments by mail prior to the director's decision, and c. A description of the procedure for filing an appeal with the county. (Ord. 89-0147 § 1 (part), 1989.) <p>22.56.2410 Approval or denial findings.</p> <p>A. An application for a coastal development permit shall be approved where the information submitted by the applicant, discovered during the staff investigation process and/or presented at a public hearing substantiates to the satisfaction of the county the following findings:</p> <ol style="list-style-type: none"> 1. That the proposed development is in conformity with the certified local coastal program; and, where applicable, 2. That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access
---	---

<p>all conditions of permit approval.</p> <p>22.130.100 Notice of Decision</p> <p>A. Within seven calendar days, the Director shall notify by first class mail the applicant, any person who specifically required notice of such action of the decision made on an application for a coastal development permit and any person who participated at the public hearing.</p> <p>B. The notice shall contain the following information:</p> <ol style="list-style-type: none">1. That a non-discretionary coastal development may be appealed by filing an appeal with the Secretary of the Regional Planning Commission. The decision of the Commission shall be based on the findings of Section 22.130.080 (Findings) and shall be final.2. That a discretionary coastal development permit may be appealed or called for review by following the procedure contained in Chapter 22.138 (Appeals). <p>C. An appeal may be filed by any interested person dissatisfied with a decision on a coastal development permit within:</p> <ol style="list-style-type: none">1. Fourteen calendar days following the date on the notice of action for a coastal development permit that is not appealable to the Coastal Commission;	<p>and public recreation policies of Chapter 3 of Division 20 or the Public Resources Code.</p> <p>B. An application shall be denied where the information submitted by the applicant and/or presented at a public hearing fails to substantiate the above-mentioned findings to the satisfaction of the county. (Ord. 89-0147 § 1 (part), 1989.)</p> <p>22.56.2420 Condition of approval. The county, in approving an application for a coastal development permit, may impose such conditions as are deemed necessary to insure that such use will be in accord with the findings required by Sections 22.56.2320 and 22.56.2410. The land owner and applicant shall record with the office of the Los Angeles County Recorder an affidavit accepting and agreeing to implement all conditions of permit approval. (Ord. 89-0147 § 1 (part), 1989.)</p> <p>22.56.2430 Notice of action and county appeal rights.</p> <p>A. The director shall notify by first class mail the applicant, any person who specifically required notice of such action of the decision made on an application for a coastal development permit and any person who participated at the public hearing.</p> <p>B. The notice shall contain the following information:</p> <ol style="list-style-type: none">1. That a coastal development permit decided by the director with no public hearing may be appealed by filing an appeal with the secretary of the regional planning commission. The decision of the regional planning commission shall be based on the findings of Section 22.56.2410 and shall be final.2. That a coastal development permit decided by the hearing officer or regional planning commission after a public hearing may be appealed or called for review by following the procedure contained in Part 5 of Chapter 22.60. <p>C. An appeal may be filed by any interested</p>
--	---

<p>2. Ten business days from the date of receipt by the Executive Director of the Coastal Commission of the notice of the County's final action for a coastal development permit that is appealable to the Coastal Commission.</p>	<p>person dissatisfied with a decision on a coastal development permit within:</p> <ol style="list-style-type: none">1. Fourteen calendar days following the date on the notice of action for a coastal development permit that is not appealable to the Coastal Commission;2. Ten business days from the date of receipt by the executive director of the Coastal Commission of the notice of the county's final action for a coastal development permit that is appealable to the Coastal Commission. (Ord. 2008-0026 § 23, 2008; Ord. 89-0147 § 1 (part), 1989.)
<p>22.130.110 Notice of Final Decision</p> <p>Within seven calendar days of a final decision on a coastal development permit, the Director shall provide notice of such decision by first class mail to the applicant, the Coastal Commission and to any persons who specifically requested notice of such decision in writing or at the public hearing. A decision shall be considered final when all local appeals have been exhausted and the effective dates contained in Section 22.114.140 (Effective Date of Decision) and Section 22.130.140 (Effective Date of Permit) have been reached. Such notice shall include written findings, conditions of approval and the procedures for appeal of the decision, if applicable pursuant to Section 22.130.120 (Appeals), to the Coastal Commission.</p>	<p>22.56.2440 Notice of final decision.</p> <p>Within seven calendar days of a final decision on a coastal development permit, the director shall provide notice of such decision by first class mail to the applicant, the Coastal Commission and to any persons who specifically requested notice of such decision by submitted an self-addressed stamped envelope to the planning department. A decision shall be considered final when all local appeals have been exhausted and the effective dates contained in Section 22.60.260 and Section 22.56.2490 have been reached. Such notice shall include written findings, conditions of approval and the procedures for appeal of the decision, if applicable pursuant to Section 22.56.2450, to the Coastal Commission. (Ord. 89-0147 § 1 (part), 1989.)</p>
<p>22.130.120 Appeals</p> <p>A. A final action taken by the County on a coastal development permit application may be appealed to the Coastal Commission by an applicant, other aggrieved person, or two members of the Coastal Commission, in compliance with this Section and Section 30625 of the State Public Resources Code. As provided by Section 30801 of the State Public Resources Code, an aggrieved person is anyone who, in person or through an explicitly identified representative, appeared at a public hearing held before the Hearing Officer, Hearing Examiner,</p>	<p>22.56.2450 Appeals to the Coastal Commission.</p> <p>A. A coastal development permit may be appealed to the California Coastal Commission for only the following types of development:</p> <ol style="list-style-type: none">1. Approvals of developments which are 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 line of the sea where there is no beach, whichever is the greater distance. The

<p>Commission, or Board in connection with the decision or appeal of any development project, or who by other appropriate means before a hearing, informed the County of the nature of their concerns, unless for good cause was unable to do either. This term shall include the applicant for a permit, and in the case of an approval of a local coastal program, the County.</p> <p>B. A coastal development permit application may be appealed to the California Coastal Commission for only the following types of development:</p> <ol style="list-style-type: none">1. Approvals of developments which are 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 line of the sea where there is no beach, whichever is the greater distance. The appeal jurisdiction described in Section 30603 of the State Public Resources Code is shown on the "Post-LCP Certification Permit and Appeals Jurisdiction Map";2. Approvals of developments not included within Subsection A.1, above, that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff. The appeal jurisdiction described in Section 30603 of the State Public	<p>appeal jurisdiction described in Section 30603 of the Public Resources Code is shown on the "Post-LCP Certification Permit and Appeals Jurisdiction Map";</p> <ol style="list-style-type: none">2. Approvals of developments not included within subsection (A)(1) of this section that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff. The appeal jurisdiction described in Section 30603 of the Public Resources Code is shown on the "Post-LCP Certification Permit and Appeals Jurisdiction Map";3. Approvals of developments that are not designated as principal permitted uses in this Title 22; and4. Any development which constitutes a major public works project or a major energy facility. The phrase "major public works project or a major energy facility" shall mean facilities that cost more than \$100,000. An energy facility means any public or private processing, producing, generating, storing, transmitting or recovering facility for electricity, natural gas, petroleum, coal or other source of energy. <p>B. The grounds for an appeal of a development described in subsection (A)(1) shall be limited to one or more of the following allegations:</p> <ol style="list-style-type: none">1. The development fails to provide adequate physical access or public or private commercial use or interferes with such uses.2. The development fails to protect public views from any public road or from a recreational area to and along the coast.3. The development is not compatible with the established physical scale of the area.4. The development may significantly alter existing natural landforms.5. The development does not comply with shoreline erosion and geologic setback requirements.
---	---

<p>Resources Code is shown on the “Post-LCP Certification Permit and Appeals Jurisdiction Map”;</p> <p>3. Approvals of developments that are not designated as principal permitted uses in this Ordinance; and</p> <p>4. Any development which constitutes a major public works project or a major energy facility. The phrase “major public works project or a major energy facility” shall mean facilities that cost more than \$100,000. An energy facility means any public or private processing, producing, generating, storing, transmitting or recovering facility for electricity, natural gas, petroleum, coal or other source of energy.</p> <p>C. The grounds for an appeal of a development described in Subsection B.1 above, shall be limited to one or more of the following allegations:</p> <p>1. The development fails to provide adequate physical access or public or private commercial use or interferes with such uses.</p> <p>2. The development fails to protect public views from any public road or from a recreational area to and along the coast.</p> <p>3. The development is not compatible with the established</p>	<p>C. The grounds for an appeal of a development described in subsections (A)(2), (A)(3) or (A)(4) shall be limited to an allegation that the development does not conform to the certified local program.</p> <p>D. An appeal of the county’s decision on a coastal development permit application may be filed by an applicant or any aggrieved person who exhausted local appeals or any two members of the Coastal Commission. The appeal must contain the following information:</p> <ol style="list-style-type: none"> 1. The name and address of the permit applicant and appellant; 2. The date of the local government action; 3. A description of the development; 4. The name of the governing body having jurisdiction over the project area; 5. The names and addresses of all persons who submitted written comments or who spoke and left his or her name at any public hearing on the project, where such information is available; 6. The names and address of all other persons known by the appellant to have an interest in the matter on appeal; 7. The specific grounds for appeal; 8. A statement of facts on which the appeal is based; 9. A summary of the significant questions raised by the appeal. <p>The filing of the notice of appeal should also contain information which the local government has specifically requested or required.</p> <p>E. The appeal must be received in the Coastal Commission district office with jurisdiction over the local government on or before the tenth working day after receipt of the notice of the permit decision by the Executive Director.</p> <p>F. The appellant shall notify the applicant, any persons known to be interested in the application and the local government of the filing of the appeal. Notification shall be by</p>
---	---

<p>physical scale of the area.</p> <p>4. The development may significantly alter existing natural landforms.</p> <p>5. The development does not comply with shoreline erosion and geologic setback requirements.</p> <p>D. The grounds for an appeal of a development described in Subsections B.2, B.3 or B.4, above, shall be limited to an allegation that the development does not conform to the certified local program.</p> <p>E. An appeal of the County's decision on a coastal development permit application may be filed by an applicant or any aggrieved person who exhausted local appeals or any two members of the Coastal Commission. The appeal must contain the following information:</p> <p>1. The name and address of the permit applicant and appellant;</p> <p>2. The date of the local government action;</p> <p>3. A description of the development;</p> <p>4. The name of the governing body having jurisdiction over the project area;</p> <p>5. The names and addresses of all persons who submitted written comments or who spoke and left his or her name at any public hearing on the project,</p>	<p>delivering a copy of the completed notice of appeal to the domicile, office or mailing address of said parties. In any event, such notification shall be by such means as may reasonably advise said parties of the pendency of the appeal. Unwarranted failure to perform such notification may be grounds for dismissal of the appeal by the Commission. (Ord. 89-0147 § 1 (part), 1989.)</p> <p>22.56.2460 Effect of appeal to the Coastal Commission.</p> <p>Upon receipt in the Coastal Commission office of a timely appeal by a qualified appellant, the Executive Director of the Coastal Commission shall notify the permit applicant and the county that the operation and effect of the development permit has been stayed pending Coastal Commission action on the appeal. Upon receipt of a notice of appeal the county shall refrain from issuing a development permit for the proposed development and shall within five working days, deliver to the Executive Director all relevant documents and materials used by the county in its consideration of the coastal development permit application. If the Coastal Commission fails to receive the documents and materials, they shall set the matter for hearing and the hearing shall be left open until all relevant materials are received. (Ord. 89-0147 § 1 (part), 1989.)</p> <p>22.56.2470 De novo review by the Coastal Commission.</p> <p>Where the appellant has exhausted county appeals a de novo review of the project by the Coastal Commission shall occur only after the county decision has become final. (Ord. 89-0147 § 1 (part), 1989.)</p> <p>22.56.2480 Appeal by two Coastal Commissioners.</p> <p>A. Where a coastal development permit is appealed by two Coastal Commissioners, such appeal shall be transmitted to the appropriate county appellate body, either the</p>
--	---

<p>where such information is available;</p> <p>6. The names and address of all other persons known by the appellant to have an interest in the matter on appeal;</p> <p>7. The specific grounds for appeal;</p> <p>8. A statement of facts on which the appeal is based;</p> <p>9. A summary of the significant questions raised by the appeal.</p> <p>F. The appeal must be received in the Coastal Commission district office with jurisdiction over the local government on or before the tenth working day after receipt of the notice of the permit decision by the Executive Director.</p> <p>G. The appellant shall notify the applicant, any persons known to be interested in the application and the local government of the filing of the appeal. Notification shall be by delivering a copy of the completed notice of appeal to the domicile, office or mailing address of said parties. In any event, such notification shall be by such means as may reasonably advise said parties of the pendency of the appeal. Unwarranted failure to perform such notification may be grounds for dismissal of the appeal by the Coastal Commission.</p> <p>22.130.130 Effect of Appeal to the Coastal Commission.</p> <p>Upon receipt in the Coastal Commission office of a timely appeal by a qualified appellant, the Executive Director of the Coastal Commission</p>	<p>regional planning commission or board of supervisors, who shall follow the procedures of Part 5 of Chapter 22.60 and this Part 17. If the appellate body modifies or reverses the previous decision, the Coastal Commissioners shall file a new appeal from the decision if they are still dissatisfied. During the period of county appellate body review, the Coastal Commissioners' appeal will be suspended from the Coastal Commission appeal process pursuant to Section 13573 of the California Coastal Commission administrative regulations.</p> <p>B. Where review by all county appellate bodies has left the originally appealed action unchanged, the Coastal Commissioners' appeal will be no longer suspended and the appeal may then be brought before the Coastal Commission. (Ord. 89-0147 § 1 (part), 1989.)</p> <p>22.56.2490 Effective date of permit.</p> <p>A. A coastal development permit which is not appealable to the Coastal Commission shall have the following effective dates:</p> <p>1. The decision of the director shall become effective on the 15th calendar day following the date on the notice of action taken, unless timely appealed to the commission pursuant to the provisions of Part 5 of Chapter 22.60.</p> <p>2. The decision of the commission is final and shall become effective on the date of its decision.</p> <p>B. A coastal development permit which is appealable to the Coastal Commission shall become effective at the close of business on the tenth business day following the date of receipt of the notice of the County's final action on the permit by the Executive Director of the Coastal Commission, unless an appeal is filed prior to the effective date and time. If an appeal has been filed, the operation and effect of the coastal development permit shall be stayed pending Coastal Commission action on</p>
--	--

shall notify the permit applicant and the County that the operation and effect of the Coastal Development Permit has been stayed pending Coastal Commission action on the appeal. Upon receipt of a notice of appeal the County shall refrain from issuing a development permit for the proposed development and shall within five working days, deliver to the Executive Director all relevant documents and materials used by the County in its consideration of the coastal development permit application. If the Coastal Commission fails to receive the documents and materials, they shall set the matter for hearing and the hearing shall be left open until all relevant materials are received.

22.130.140 De Novo Review by the Coastal Commission.

Where the appellant has exhausted County appeals a de novo review of the project by the Coastal Commission shall occur only after the County decision has become final.

22.130.150 Appeal by the Coastal Commission

A. Where a coastal development permit is appealed by two Coastal Commissioners, such appeal shall be transmitted to the appropriate county appellate body, either the Regional Planning Commission or Board of Supervisors, who shall follow the procedures of Chapter 22.138 (Appeals) and this Chapter. If the appellate body modifies or reverses the previous decision, the Coastal Commissioners shall file a new appeal from the decision if they are still dissatisfied. During the period of County appellate body review, the Coastal Commissioners' appeal will be suspended from the Coastal Commission appeal process pursuant

the appeal. The effective date of the Coastal Commission decision will be the date of decision by the Coastal Commission. (Ord. 2008-0026 § 24, 2008: Ord. 89-0147 § 1 (part), 1989.)

22.56.2500 Expiration of unused permits.

Unused coastal development permits shall expire based on the following schedule:

A. A permit which is not used within the time specified in such permit, or, if no time is specified, within two years after the granting of the permit, becomes null and void and of no effect with the exception of the following:

1. In all cases, the hearing officer may extend such time for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date.

In the case of a non-profit corporation organized to provide low-income housing for the poor or elderly, the hearing officer may grant an additional one-year extension, provided that an application requesting such extension is filed prior to the expiration of the first such extension.

2. In the case of a coastal development permit heard concurrently with a land division, conditional use permit, variance or other permit authorized in this Title 22, the hearing officer shall specify time limits and extensions to be concurrent and consistent with those of the land division, variance or permits.

B. A coastal development permit shall be considered used, within the intent of this section, when construction or other development authorized by such permit has commenced that would be prohibited if no permit had been granted. (Ord. 89-0147 § 1 (part), 1989.)

22.56.2510 Expiration following cessation of use.

A coastal development permit granted by action of the hearing officer, planning commission or board of supervisors shall

<p>to Section 13573 of the California Coastal Commission administrative regulations.</p> <p>B. Where review by all County appellate bodies has left the originally appealed action unchanged, the Coastal Commissioners' appeal will be no longer suspended and the appeal may then be brought before the Coastal Commission.</p> <p>22.130.160 Effective Date of Permit</p> <p>A. A coastal development permit which is not appealable to the Coastal Commission shall have the following effective dates:</p> <ol style="list-style-type: none">1. The decision of the Director shall become effective on the 15th calendar day following the date on the notice of action taken, unless timely appealed to the Commission pursuant to the provisions of Section 22.130.120 (Appeals).2. The decision of the Commission is final and shall become effective on the date of its decision. <p>B. A coastal development permit which is appealable to the Coastal Commission shall become effective at the close of business on the tenth business day following the date of receipt of the notice of the County's final action on the permit by the Executive Director of the Coastal Commission, unless an appeal is filed prior to the effective date and time. If an appeal has been filed, the operation and effect of the coastal</p>	<p>automatically cease to be of any force and effect if the use for which such coastal development permit was granted has ceased or has been suspended for a consecutive period of two or more years. (Ord. 89-0147 § 1 (part), 1989.)</p> <p>22.56.2520 Continuing validity of permit. A coastal development permit that is valid and in effect and was granted pursuant to the provisions of this chapter shall adhere to the land and continue to be valid upon change of ownership of the land or any existing building or structure on said land. (Ord. 89-0147 § 1 (part), 1989.)</p> <p>22.56.2530 Amendments to permits.</p> <p>A. An amendment may be made to a coastal development permit previously approved by the county by filing a written application with the director. Such application shall contain a description of the proposed amendment, the reason for the amendment, together with maps, drawings or other material appropriate to the request. A filing fee as required by Section 22.60.100 shall accompany a request for an amendment.</p> <p>B. An application for an amendment shall be rejected if, in the director's opinion, the proposed amendment would lessen or void the effect of the permit unless the applicant presents newly discovered material information which could not, with reasonable diligence, have been discovered and produced before the permit was granted.</p> <p>C. For those applications accepted, the director shall determine whether the proposed amendment represents an immaterial or material change to the permit.</p> <ol style="list-style-type: none">1. For applications representing immaterial changes, the director shall prepare a written notice which contains the information required by subsection (B) of Section 22.56.2400, a description of the proposed amendment and a statement informing persons of the opportunity
--	---

<p>development permit shall be stayed pending Coastal Commission action on the appeal. The effective date of the Coastal Commission decision will be the date of decision by the Coastal Commission.</p>	<p>to submit written objection of the determination to the director within 10 days of the date the notices were posted at the subject property and mailed to interested persons. The director shall cause notices to be posted conspicuously along the exterior property line of the proposed development, not more than 300 feet apart and at each change of direction of the property line. The director shall also mail notices to all persons who testified at a public hearing on the permit or who submitted written testimony on the permit, and such other persons as the director has reason to know may be interested in the application. If no written objection is received by the director within 10 days of posting and mailing, the director's determination shall be conclusive and the proposed amendment approved.</p>
<p>22.130.170 Expiration of Permits Unused coastal development permits shall expire based on the time limits specified in Section 22.114.200 (Time Limits and Extensions).</p>	<p>2. For applications representing material changes, applications which have objects to determinations of immateriality, or amendments to conditions affecting coastal resource protection or coastal access, the director shall refer such applications to the regional planning commission for a public hearing. The director shall mail notices in accordance with the procedures of Section 22.56.2400 to all persons who testified at the public hearing on the permit, who submitted written testimony on the permit, who objected to the director's determination of immateriality, or such other persons as the director has reason to know may be interested in the application.</p>
<p>22.130.180 Amendments to Approved Coastal Development Permits</p> <p>A. An amendment may be made to a coastal development permit previously approved by the County by filing a written application with the Director.</p> <p>1. Type III Applications. Applications for an amendment shall be the same as a Type III application, in compliance with Chapter 22.122 (Type III Applications – Discretionary), for:</p> <p>a. A reduction of less than 30 percent in the number of vehicle parking spaces required by this Ordinance is proposed; or</p> <p>b. In the case of an eating establishment selling food for off-site consumption, no less than one vehicle parking space for each 250 square feet is</p>	<p>3. The regional planning commission, unless the proposed amendment has been found to be immaterial, shall determine and make appropriate findings by a majority vote of the membership present whether the proposed development with the proposed amendment is consistent with the California Coastal Act and the certified local coastal program. (Ord. 89-0147 § 1 (part), 1989.)</p>

<p>proposed;</p> <p>2. Type IV Applications. Applications for an amendment shall be the same as a Type IV application, in compliance with Chapter 22.124 (Type IV Applications – Discretionary) for all other requests.</p> <p>B. An application for an amendment shall be rejected if, in the Director’s opinion, the proposed amendment would lessen or void the effect of the permit unless the applicant presents newly discovered material information which could not, with reasonable diligence, have been discovered and produced before the permit was granted.</p> <p>C. For those applications accepted, the Director shall determine whether the proposed amendment represents an immaterial or material change to the permit.</p> <p>1. For applications representing immaterial changes, the Director shall prepare a written notice which contains the information required by Section 22.130.070.A (Content and Notice), a description of the proposed amendment and a statement informing persons of the opportunity to submit written objection of the determination to the Director within 10 days of the date the notices were posted at the subject property and mailed to interested persons. The Director shall</p>	<p>22.56.2540 Revocation of coastal development permits.</p> <p>In addition to the provisions pertaining to revocations contained in Part 13 of Chapter 22.56, the following shall apply to coastal development permits:</p> <p>A. Grounds for revocation of a permit may also include:</p> <p>1. Intentional inclusion of inaccurate, erroneous or incomplete information where the county finds that accurate and complete information would have caused additional or different conditions to be required on a permit or denial of an application:</p> <p>2. Failure to comply with the notice provisions of Section 22.56.2400, where the views of the person not notified were not otherwise made known to the county and could have caused the county to require additional or different conditions on a permit or deny an application.</p> <p>B. Initiation of proceedings to revoke a permit may be made by any person who did not have an opportunity to fully participate in the original permit proceeding because of the reasons stated in subsection A of this section and who applies to the director specifying the particular grounds for revocation. The director shall review the stated grounds for revocation and, unless the request is patently frivolous and without merit, shall initiate revocation proceedings. The director may initiate revocation proceedings when the grounds for revocation have been established.</p> <p>C. Where the director determines that grounds exist for revocation of a permit, the operation of the permit shall be automatically suspended until the denial of the request for revocation. The director shall notify the permittee by mailing a copy of the request for revocation and a summary of the procedures contained in this section and in Part 13 of Chapter 22.56, to the address shown in the permit application. The director shall advise the applicant in</p>
---	---

<p>cause notices to be posted conspicuously along the exterior property line of the proposed development, not more than 300 feet apart and at each change of direction of the property line. The Director shall also mail notices to all persons who testified at a public hearing on the permit or who submitted written testimony on the permit, and such other persons as the Director has reason to know may be interested in the application. If no written objection is received by the Director within 10 days of posting and mailing, the Director's determination shall be conclusive and the proposed amendment approved.</p> <p>2. For applications representing material changes, applications which have objects to determinations of immateriality, or amendments to conditions affecting coastal resource protection or coastal access, the Director shall refer such applications to the Regional Planning Commission for a public hearing. The Director shall mail notices in accordance with the procedures of Section 22.130.070.B (Distribution) to all persons who testified at the public hearing on the permit, who submitted written testimony on the permit, who</p>	<p>writing that any development undertaken during suspension of the permit may be in violation of the California Coastal Act and subject to the penalties contained therein. (Ord. 89-0147 § 1 (part), 1989.)</p> <p>22.56.2550 Enforcement. In addition to the enforcement provisions contained in this Title 22, the provisions of Chapter 9 of Division 20 of the Public Resources Code shall also apply with respect to violations and enforcement. (Ord. 89-0147 § 1 (part), 1989.)</p> <p>Deleted</p> <p>22.56.2300 Application--Filing. Any person desiring a coastal development permit required or provided for in this Title 22 may file an application with the director, except that no application shall be filed or accepted if final action has been taken within one year prior thereto by either the hearing officer, Commission or board of supervisors on an application requesting the same or substantially the same permit. (Ord. 89-0147 § 1 (part), 1989.)</p> <p>22.56.2320 Application--Burden of proof. In addition to the information required in the application by Section 22.56.2310, the applicant shall substantiate to the satisfaction of the county the following facts: A. That the proposed development is in conformity with the certified local coastal program; and, where applicable, B. That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal</p>
---	---

<p>objected to the Director's determination of immateriality, or such other persons as the Director has reason to know may be interested in the application.</p>	<p>zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code. (Ord. 89-0147 § 1 (part), 1989.)</p>
<p>3. The Regional Planning Commission, unless the proposed amendment has been found to be immaterial, shall determine and make appropriate findings by a majority vote of the membership present whether the proposed development with the proposed amendment is consistent with the California Coastal Act and the certified local coastal program.</p>	<p>22.56.2330 Application--Filing fee. When an application for a coastal development permit is filed, it shall be accompanied by the filing fee as required in Section 22.60.100. (Ord. 89-0147 § 1 (part), 1989.)</p> <p>22.56.2340 Application--Denial for lack of information. The hearing officer may deny, without a public hearing, an application for a coastal development permit if such application does not contain the information required by Sections 22.56.2310 and 22.56.2320 and any other pertinent sections. The hearing officer may accept the original file with the supplementary in information when refiled by the applicant. (Ord. 89-0147 § 1 (part), 1989.)</p>
<p>22.130.190 Revocation or Revision of Coastal Development Permits</p>	
<p>A. Revocation or revision of a discretionary coastal development permit by the County shall be processed in compliance with Chapter 22.140 (Revocations and Revisions).</p>	<p>22.56.2310 Application--Information required. An application for a coastal development permit shall contain the following information, accuracy of which is the responsibility of the applicant:</p>
<p>B. Grounds for revocation of a permit may also include:</p>	<p>A. Names and addresses of the applicant and of all persons owning any or all of the property proposed to be used.</p>
<p>1. Intentional inclusion of inaccurate, erroneous or incomplete information where the County finds that accurate and complete information would have caused additional or different conditions to be required on a permit or denial of an application:</p>	<p>B. Evidence that the applicant meets the following criteria:</p> <ol style="list-style-type: none"> 1. Is the owner of the premises involved; or 2. Has written permission of the owner or owners to make such application; or 3. Is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof; or 4. In the case of a public agency, is negotiating to acquire a portion of the premises involved.
<p>2. Failure to comply with the</p>	<p>C. Location of the subject property by address</p>

<p>notice provisions of Section 22.130.070 (Notice Requirements), where the views of the person not notified were not otherwise made known to the County and could have caused the County to require additional or different conditions on a permit or deny an application.</p>	<p>and/or vicinity. D. Legal description of the property involved. E. Nature of the requested use, indicating the business, occupation or purpose for which such building, structure or improvement is to be erected, constructed, altered, enlarged, moved, occupied or used. F. Indication of the nature, condition and development of adjacent uses, buildings and structures.</p>
<p>C. Initiation of proceedings to revoke a permit may be made by any person who did not have an opportunity to fully participate in the original permit proceeding because of the reasons stated in Subsection B, above, and who applies to the Director specifying the particular grounds for revocation. The Director shall review the stated grounds for revocation and, unless the request is patently frivolous and without merit, shall initiate revocation proceedings. The Director may initiate revocation proceedings when the grounds for revocation have been established.</p>	<p>G. A site plan drawn to a scale satisfactory to and in the number of copies prescribed by the director indicating the following: 1. The area and dimensions of the proposed site for the requested use. 2. The location and dimensions of all existing and proposed structures, yards, walls, fences, parking and loading facilities, landscaping and other development features. 3. The dimensions and state of improvement of the adjoining streets and highways providing access to the proposed site of the requested use. 4. Existing and/or proposed public access to and along the shoreline for projects proposed between the first through public road and the sea.</p>
<p>D. Where the Director determines that grounds exist for revocation of a permit, the operation of the permit shall be automatically suspended until the denial of the request for revocation. The Director shall notify the permittee by mailing a copy of the request for revocation and a summary of the procedures contained in this Chapter and Chapter 22.140 (Revocations and Revisions), to the address shown in the permit application. The Director shall advise the applicant in writing that any development undertaken during suspension of the permit may be in</p>	<p>H. Architectural drawings showing the following: 1. Elevations of all sides of building(s). 2. Roof plan of proposed building(s). 3. Indication of colors and materials for all exterior surfaces. I. Indication of other permits and approvals secured or to be secured in compliance with the provisions of Title 22 and other applicable ordinances and laws, including the California Environmental Quality Act. J. Maps in the number prescribed, and drawn to a scale specified by the director, showing the location of all property included in the request, the location of all highways, streets, alleys and the location and dimensions of all</p>

<p>violation of the California Coastal Act and subject to the penalties contained therein.</p> <p>22.130.200 Enforcement</p> <p>In addition to the enforcement provisions contained in this Ordinance, the provisions of Chapter 9 of Division 20 (California Coastal Act) of the State Public Resources Code shall also apply with respect to violations and enforcement.</p>	<p>lots or parcels of land within a distance of 700 feet from the exterior boundaries of such proposed use. One copy of said map shall indicate the uses established on every lot and parcel of land shown within said 700-foot radius.</p> <p>K. A list, certified to be correct by affidavit or by a statement under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest available assessment roll of the county of Los Angeles as owners of the subject property and as owning property within a distance of 500 feet from the exterior boundaries of the parcel of land on which the development is proposed. In addition, the list shall include the names and addresses of persons residing within 100 feet of said parcel; if the names of the residents are not known, they shall be listed as "occupants". One copy of the map described in subsection (J) of this section shall indicate where such ownerships and residents are located.</p> <p>L. Proof satisfactory to the director that water for fire protection will be available in quantities and pressures required by the Water Ordinance, set out at Division 1 of Title 20 of this code, or by a variance granted pursuant to said Division 1. The director may accept as such proof a certificate from the person who is to supply water that water can be supplied as required by said Division 1 of Title 20, also stating the amount and pressure, which certificate also shall be signed by the forester and fire warden, or a certificate from the department of public works that such water will be available.</p> <p>M. The director may waive the filing of one or more of the above items if he finds that the nature of the development is unrelated to the required item and may require additional information. (Ord. 89-0147 § 1 (part), 1989.)</p>
---	--

--	--

Chapter 22.132 Variances	
<p>Sections:</p>	
<p>22.132.010 Purpose 22.132.020 Applicability 22.132.030 Findings and Decision 22.132.040 Conditions of Approval</p>	<p>Part 2 VARIANCES 22.56.260 Purpose--Conditions for granting variances.</p>
<p>22.132.010 Purpose This Chapter establishes procedures and requirements for granting variances, a form of relief from development standards within this Ordinance. A variance may be requested when practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this Ordinance develop through the strict literal interpretation and enforcement of such development standards provisions.</p>	<p>The variance procedure is established to permit modification of development standards as they apply to particular uses when practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this Title 22, develop through the strict literal interpretation and enforcement of such provisions. A variance may be granted to permit modification of:</p>
<p>22.132.020 Applicability</p> <p>A. Unless specifically modified by a variance, all regulations prescribed in the base zone in which such variance is granted shall apply. A variance shall be filed as a Type IV application, subject to Chapter 22.124 (Type IV Applications – Discretionary).</p> <p>1. A variance may be granted to allow the modification of any development standard.</p> <p>B. A variance shall not be granted to permit a use that is prohibited in a zone. If the variance requested will require a greater water supply for adequate fire protection than does either the existing use or any use permitted in the same zone without a</p>	<p>A. Building line setbacks, yards, open space and buffer areas; B. Height, lot coverage, density and bulk regulations; C. Off-street parking spaces, maneuvering areas and driveway width, and paving standards; D. Landscaping requirements; E. Wall, fencing and screening requirements; F. Street and highway dedication and improvement standards; G. Lot area and width requirements; H. Operating conditions such as hours or days of operation, number of employees, and equipment limitations; I. Sign regulations other than outdoor advertising; J. Distance separation requirements mandated by this Title 22. (Ord. 82-0024 § 10, 1982; Ord. 1494 Ch. 5 Art. 2 § 502.1, 1927.)</p> <p>22.56.360 Adequate water supply--Criteria.</p>

<p>variance, and will not comply with the provisions of Division 1 (Water Ordinance) of Title 20 (Utilities) of the County Code, such facts shall be evidence that such requested variance will adversely affect and be materially detrimental to adjacent uses, buildings and structures and will not comply with Section 22.132.030 (Findings and Decision), below.</p>	<p>If it appears that the variance requested will require a greater water supply for adequate fire protection than does either the existing use or any use permitted in the same zone without a variance, and will not comply with the provisions of Division 1 of Title 20 of this code, such facts shall be prima facie evidence that such requested variance will adversely affect and be materially detrimental to adjacent uses, buildings and structures and will not comply with the provisions of Section 22.56.330. (Ord. 1494 Ch. 5 Art. 2 § 502.9, 1927.)</p>
<p>22.132.030 Findings and Decision The Review Authority shall approve an application only after the applicant substantiates the following required findings:</p> <p>A. That it satisfies all of the findings for a Type IV application per Section 22.124.060 (Public Hearing, Findings and Decision);</p> <p>B. That the variance does not authorize a use or activity that is not allowed in the zone;</p> <p>C. That because of special circumstances or exceptional characteristics applicable to the property, the strict application of the code deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification;</p> <p>D. That the adjustment authorized will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated;</p> <p>E. That strict application of zoning regulations as they apply to such property will result in practical</p>	<p>22.56.330 Application--Grant or denial--Findings required. A. The hearing officer shall approve an application for a variance where the information submitted by the applicant and/or presented at public hearing substantiates the following findings:</p> <p>(B is New)</p> <p>1. That because of special circumstances or exceptional characteristics applicable to the property, the strict application of the code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and 2. That the adjustment authorized will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated; and 3. That strict application of zoning regulations as they apply to such property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards; and 4. That such adjustment will not be materially</p>

<p>difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards; and</p> <p>F. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.</p> <p>22.132.040 Conditions of Approval</p> <p>A. In approving a Type IV permit application for a variance, the Review Authority may impose such conditions as deemed necessary to ensure that the adjustment will be in accordance with the findings required by Subsections A and B of Section 22.132.050 (Findings and Decision). Conditions imposed by the Review Authority may involve any pertinent factors affecting the establishment, operation and maintenance of the use for which such variance is requested.</p> <p>B. All development standards prescribed in the zone shall apply unless specifically modified by the variance.</p>	<p>detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.</p> <p>22.56.340 Imposition of additional conditions authorized when. The hearing officer in approving an application for a variance, may impose such conditions as he deems necessary to insure that the adjustment will be in accord with the findings required by Section 22.56.330. Conditions imposed by the hearing officer may involve any pertinent factors affecting the establishment, operation and maintenance of the use for which such variance is requested, including, but not limited to, those specified in Section 22.56.100. (Ord. 85-0195 § 14 (part), 1985; Ord. 1494 Ch. 5 Art. 2 § 502.10, 1927.)</p> <p>22.56.350 All zone regulations apply unless variance is granted. Unless specifically modified by a variance, all regulations prescribed in the zone in which such variance is granted shall apply. (Ord. 1494 Ch. 5 Art. 2 § 502.15, 1927.)</p> <p>Deleted: 22.56.390 Continuing validity of variances. A variance that is valid and in effect, and was granted pursuant to the provisions of this Title 22, shall adhere to the land and continue to be valid upon change of ownership of the land or any lawfully existing building or structure on said land. (Ord. 1494 Ch. 5 Art. 2 § 502.16, 1927.)</p> <p>22.56.400 Expiration date of unused</p>
---	--

	<p>variances.</p> <p>A variance which is not used within the time specified in such variance, or, if no time is specified, within one year after the granting of the variance, becomes null and void and of no effect except:</p> <p>A. That in all cases the hearing officer may extend such time for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date. In the case of a nonprofit corporation organized to provide low-income housing for the poor or elderly, the hearing officer may grant an additional one-year extension, provided that an application requesting such extension is filed prior to the expiration of the first such extension; (we've extended this to two years to make our processing procedures consistent)</p> <p>B. Repealed by Ord. 92-0032. (Ord. 92-0032 § 3, 1992; Ord. 85-0195 § 14 (part), 1985; Ord. 1494 Ch. 5 Art. 2 § 502.11, 1927.)</p> <p>22.56.410 Variance does not legalize nuisances.</p> <p>Neither the provisions of this Part 2 nor the granting of any permit provided for in this Part 2 authorizes or legalizes the maintenance of any public or private nuisance. (Ord. 1494 Ch. 5 Art. 2 § 502.13, 1927.)</p> <p>22.56.270 Application--Filing.</p> <p>Any person desiring any permit required by or provided for in this Title 22 may file an application therefor with the director, except that no application shall be filed or accepted if final action has been taken within one year prior thereto by either the hearing officer or board of supervisors on an application requesting the same, or substantially the same permit. (Ord. 85-0195 § 11 (part), 1985; Ord. 1494 Ch. 5 Art. 2 § 502.2, 1927.)</p>
--	--

	<p>22.56.280 Application--Information required. An application for a variance shall contain the information required by Section 22.56.030. (Ord. 1494 Ch. 5 Art. 2 § 502.3, 1927.)</p> <p>22.56.290 Application--Burden of proof. In addition to the information required in the application by Section 22.56.280, the applicant shall substantiate to the satisfaction of the hearing officer the following facts:</p> <p>A. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification; and</p> <p>B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone; and</p> <p>C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone. (Ord. 85-0195 § 16 (part), 1985; Ord. 1494 Ch. 5 Art. 2 § 502.4, 1927.)</p> <p>22.56.300 Application--Fee. When an application is filed it shall be accompanied by the filing fee as required by Section 22.60.100. (Ord. 1494 Ch. 5 Art. 2 § 502.5, 1927.)</p> <p>22.56.310 Application--Denial for lack of information. The zoning board may recommend denial, and the hearing officer may deny, without a public hearing, an application for a variance if such application does not contain the information required by Sections 22.56.280 and 22.56.290. The hearing officer may permit the applicant to amend such application. (Ord. 85-0195 § 14 (part), 1985; Ord. 1494 Ch. 5 Art. 2 § 502.6, 1927.)</p>
--	--

	<p>22.56.320 Application--Public hearing required.</p> <p>In all cases where an application is filed for a variance, the public hearing shall be held pursuant to the procedure provided by Part 4 of Chapter 22.60. (Ord. 2008-0043 § 6, 2008; Ord. 85-0195 § 25, 1985; Ord. 85-0009 § 10, 1985; Ord. 1494 Ch. 5 Art. 2 § 502.7, 1927.)</p> <p>B. The hearing officer shall deny the application where the information submitted by the applicant and/or presented at public hearing fails to substantiate such findings to the satisfaction of the hearing officer. (Ord. 85-0195 § 26, 1985; Ord. 1494 Ch. 5 Art. 2 § 502.8, 1927.)</p>
--	---

**Chapter 22.134 Minor Permit
Modifications**

Sections:

- 22.134.010 Purpose
- 22.134.020 Applicability
- 22.134.030 Findings and Decision
- 22.134.040 Conditions of Approval

22.134.010 Purpose

This Chapter establishes procedures and requirements for minor modifications or elimination of certain condition(s) of a previously approved Type IV application without requiring a new Type IV application.

22.134.020 Applicability

A. Application.

1. Modification to or elimination of condition(s) of a previously approved Type IV permit shall be filed as a Type III application, subject to Chapter 22.122 (Type III Applications – Discretionary).
2. In addition, Section 22.114.210 (Resubmission of Application) shall apply.

B. Prohibited Modifications. Minor permit modifications are prohibited for the following:

1. Type IV applications for Animal Permits, Oak Tree Permits, Parking Permits, Coastal Development Permits, Surface

Part 11 CONDITIONAL USE PERMITS--
MODIFICATION OR ELIMINATION OF
CONDITIONS

22.56.1600 Intent and purpose.

This Part 11 is established to provide procedures and requirements for the modification or elimination of certain conditions of a previously approved conditional use permit without the filing of an application for a new conditional use permit, where such modification or elimination of conditions will not result in a substantial alteration or material deviation from the terms and conditions of the previously approved conditional use permit and is necessary to allow the reasonable operation and use previously granted. (Ord. 99-0070 § 1 (part), 1999.)

(B is NEW)

<p>Mining or Cemeteries.</p> <ol style="list-style-type: none"> 2. Upgrading an alcohol license from beer and wine to a full-line of alcohol; 3. Increasing the percentage of shelf space approved to display alcohol; 4. Where it is determined that the modification would require additional environmental review in compliance with the State CEQA Guidelines; or 5. A substantial alteration or material deviation from the terms and conditions of the previously approved discretionary permit. <p>22.134.030 Findings and Decision</p> <p>The Review Authority shall approve the minor permit modification where the applicant substantiates the following required findings:</p> <ol style="list-style-type: none"> A. That the required findings for the Type IV application have been satisfied as required by Section 22.122.060 (Public Hearing, Findings and Decision); B. That approval of the minor permit modification will not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved Type IV permit; and C. That approval of the minor permit modification is necessary to allow the reasonable operation and use granted in the previously approved Type IV 	<p>22.56.1630 Grant or denial of application.</p> <p>A. The hearing officer shall approve an application to modify or eliminate any condition(s) of a previously approved conditional use permit only upon a finding by the hearing officer that (1) not more than one protest to the granting of the application is received within the specified protest period; and (2) the information submitted by the applicant substantiates the following findings:</p> <ol style="list-style-type: none"> 1. That the burden of proof for the conditional use permit as modified has been satisfied as required by Section 22.56.040, 2. That approval of the application will not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved conditional use permit, and 3. That approval of the application is necessary to allow the reasonable operation and use granted in the conditional use permit. <p>B. In all other cases the hearing officer shall</p>
---	--

<p>permit.</p> <p>22.134.040 Conditions of Approval</p> <p>A. In approving a Type III application for a minor permit modification, the Review Authority may impose new conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required for the particular type of permit.</p> <p>B. In addition to Section 22.134.020.B (Prohibited Modifications) and Subsection A, above, the Review Authority shall not modify or eliminate a condition specified as mandatory in this Ordinance or a condition which may only be modified pursuant to the approval of a variance.</p>	<p>deny the application.</p> <p>C. In approving an application, the hearing officer may impose additional condition(s) deemed necessary to insure that the modification or elimination of any condition will be in accord with the requirements of subsection A of the section.</p> <p>D. Notwithstanding the foregoing, the hearing officer shall not modify or eliminate a condition specified as mandatory in this Title 22 or a condition which may only be modified pursuant to the provisions of Part 2 of Chapter 22.56. (Ord. 99-0070 § 1 (part), 1999.)</p> <p><i>Deleted –</i></p> <p><i>Covered under the Type III application</i></p> <p><i>22.56.1610 Application--Filing and payment of fee. Any person desiring to modify or eliminate any condition(s) of a previously approved conditional use permit may file an application with the director, except that no application shall be filed or accepted within one year of final action on the same or substantially the same application or within one year of final action on the conditional use permit. The application shall contain the information required by Section 22.56.030, and it shall be accompanied by a filing fee as required by Section 22.60.100. (Ord. 99-0070 § 1 (part), 1999.)</i></p> <p><i>22.56.1620 Application--Notice requirements.</i></p> <p><i>A. Upon the filing of an application to modify or eliminate any condition(s) of a previously approved conditional use permit, the director shall cause notice of the application to be mailed by first class mail, postage prepaid, to all addresses on the list</i></p>
---	--

	<p><i>required by subsection A10c of Section 22.56.030, and to such other persons whose property or interests might, in the director's judgment, be affected by the request.</i></p> <p><i>B. The director shall also cause notice of the application to be published once in a newspaper of general circulation in the county of Los Angeles available in the community in which the subject property is located.</i></p> <p><i>C. The applicant shall post notice of the application on the subject property in accordance with the specifications of subsections A through E of Section 22.60.175.</i></p> <p><i>D. The notice shall indicate the nature of the requested application, the case number, and such other information which the director deems necessary to inform interested persons of the request. The notice shall indicate that any person may oppose the granting of the application by written protest to the director within 15 days after receipt of such notice. Protests received from the owner and any occupant of the same real property shall be considered to be one protest. (Ord. 99-0070 § 1 (part), 1999.)</i></p> <p><i>Deleted</i></p> <p><i>22.56.1640 Notification of decision.</i></p> <p><i>The director shall provide notice of the hearing officer's action to the applicant and to any person who filed a written protest accompanied by a mailing address. Such notice shall be made by first class mail, postage prepaid, or may be hand delivered when appropriate. If the application is denied, such notice shall also inform the applicant that the Zoning Ordinance permits the filing of an application for a new conditional use permit to request the modification or elimination of any condition(s) of a previously approved conditional use permit. The additional fee required for the filing of such application shall be the difference between the fees initially paid and the fee required for a conditional use permit, if such application is filed</i></p>
--	---

	<p><i>within one year after the hearing officer's denial – retain this?. (Ord. 99-0070 § 1 (part), 1999.)</i></p> <p><i>22.56.1650 Appeal procedures.</i></p> <p><i>Any person dissatisfied with the action of the hearing officer may file an appeal of such action with the commission within the time period set forth in, and subject to all of the other provisions of Part 5 of Chapter 22.60. (Ord. 2008-0026 § 15, 2008: Ord. 99-0070 § 1 (part), 1999.)</i></p> <p><i>22.56.1655 Effective date of decision.</i></p> <p><i>A. The decision of the hearing officer shall become final and effective as set forth in Part 5 of Chapter 22.60 unless an appeal is timely filed with the commission.</i></p> <p><i>B. The decision of the commission on an appeal shall be final and effective on the date of decision and shall not be subject to further administrative appeal. (Ord. 2008-0026 § 16, 2008: Ord. 99-0070 § 1 (part), 1999.)</i></p>
--	--

<p>charitable or public service endeavors. This provision shall not include outdoor festivals and tent revival meetings.</p> <p>i. Carnivals.</p> <p>ii. Exhibitions.</p> <p>iii. Fairs.</p> <p>iv. Festivals with capacities of less than 500 persons.</p> <p>v. Pageants and religious observances.</p> <p>b. Outside display or sales of goods, equipment, merchandise or exhibits, in a commercial zone, provided that:</p> <p>i. The display or sales shall not be conducted more than once during any 30-day period nor more than four times during any 12-month period;</p> <p>ii. Each occurrence of display or sale shall not exceed one weekend or three consecutive calendar days;</p>	<p>sponsored by a public agency or a religious, fraternal, educational or service organization directly engaged in civic, charitable or public service endeavors</p> <p>This provision shall not include outdoor festivals and tent revival meetings. -- Movie on location filming for a period of time to be determined by the Director. -- Outside display or sales of goods, equipment, merchandise or exhibits, in a commercial zone, conducted not more than once during any 30-day period nor more than four times during any 12-month period with each time not exceeding one weekend or three consecutive calendar days, provided that all goods, equipment and merchandise are the same as those sold or held for sale within the business on the lot or parcel of land where the outside display and sales are proposed. This provision shall not permit the outside storage of goods, equipment, merchandise or exhibits except as otherwise may be provided by this Title 22. (Ord. 99-0071 § 8, 1999; Ord. 88-0022 § 1, 1988; Ord. 83-0069 § 1, 1983; Ord. 83-0007 § 6, 1983.)</p>
---	--

<p>iii. All goods, equipment and merchandise shall be the same as those sold or held for sale within the business on the lot where the outside display and sales are proposed; and</p> <p>iv. This provision shall not permit the outside storage of goods, equipment, merchandise or exhibits except as otherwise may be provided by this Ordinance.</p> <p>2. Short-term special events shall not be conducted for more than six weekends or seven days during any 12-month period, except where an extended time period is approved pursuant to Section 22.136.020.B (Extended-Term Special Event Permit).</p> <p>3. "Weekend" in this Chapter means Saturday and Sunday; national holidays observed on a Friday or Monday may be included.</p> <p>B. Extended-Term Special Event Permit. An extended-term special</p>	<p>Discuss language of Extended TUPs. Need to clarify intent. Appears that this statement allows six weekends or seven days during a 12-month period. Extended TUPs are to permit the same number events (maximum) over multiple years. In other words, if this appears to be an event with no issues that files every year, an applicant can file one TUP for multiple years, but would still be limited to the same number of events within each year. conducted for no more than six weekends or seven days during any 12-month period except where a longer time period is approved pursuant to Section 22.56.1885.</p>
--	---

<p>event permit shall be filed as a Type III application, subject to Chapter 22.122 (Type III Applications – Discretionary), except that outside display or sales of goods, equipment, merchandise or exhibits in commercial zones shall not be authorized for an extended term.</p> <p>C. Exemptions. Carnivals, exhibitions, fairs, festivals, pageants, and religious observances on property owned by or held under the control of the County shall not require a special event permit. The County, department, district, or agency which owns or controls the property may assume jurisdiction and approve the special event subject to limitations and conditions as are deemed appropriate by said County, department, district or agency.</p> <p>22.136.030 Decision</p> <p>A. Short-Term Special Event Permit.</p> <p>1. Decisions shall be in compliance with Section 22.120.050 (Decision).</p> <p>2. In addition to the requirements in Subsection A.1, above, the Review Authority shall approve an application where the information submitted by the applicant substantiates the findings in Subsection C, below.</p> <p>B. Extended-Term Special Event Permit.</p> <p>1. Findings and decision shall be in compliance with Section 22.122.050 (Project Notice and Required Action).</p>	<p>“Weekend” means Saturday and Sunday, but national holidays observed on a Friday or Monday may be included.</p> <p>22.56.1920 Certain uses on county property-- Board authority.</p> <p>Where the following temporary uses are proposed on property owned by or held under the control of the county, the department, district or agency delegated authority to administer such activity by the board of supervisors may assume jurisdiction and approve the temporary use subject to limitations and conditions as are deemed appropriate by said department, district or agency:</p> <p>-- Carnivals, exhibitions, fairs, festivals, pageants, and religious observances.</p> <p>-- Movie on-location filming.</p>
---	--

<p>2. In addition to the requirements in Subsection A.1, above, the Review Authority shall approve an application where the information submitted by the applicant substantiates the findings in Subsection C, below.</p>	
<p>C. Findings:</p> <p>1. That all findings for a Type II application per Section 22.124.040 (Decision) or all findings for a Type III application per Section 22.124.050 (Project Notice and Required Actions), as applicable have been satisfied;</p> <p>2. That adequate temporary parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations acceptable to the Director in any case where such temporary use is proposed for a period longer than one weekend or three consecutive days;</p> <p>3. That approval of a special event permit will not result in the use of a lot for a cumulative time period in excess of the maximum time period such temporary use may be authorized during any 12-month period, except where a longer period is specifically approved in accordance with the provisions of Section 22.136.060 (Procedures for</p>	<p>22.56.1880 Director's findings and determination.</p> <p>A. The director shall not approve an application for a temporary use permit unless he finds that the burden of proof set forth in Section 22.56.1860 has been met by the applicant. In addition, the director shall also find:</p> <p>1. That adequate temporary parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations acceptable to the director in any case where such temporary use is proposed for a period longer than one weekend or three consecutive days;</p> <p>2. That approval of a temporary use permit will not result in the use of a lot or parcel of land for a cumulative time period in excess of the maximum time period such temporary use may be authorized during any 12-month period, except where a longer period is specifically approved in accordance with the provisions of Section 22.56.1885;</p> <p>3. That, with respect to an application for the</p>

<p>Extended-Term Permits); and;</p> <p>4. With respect to an application for the outside display or sales of goods, equipment, merchandise or exhibits, not more than 20 percent of the area designated for parking required by Chapter 22.80 (Parking and Loading) for the established business shall be used in connection with the outside display or sales.</p>	<p>outside display or sales of goods, equipment, merchandise or exhibits, not more than 20 percent of the area designated for parking required by Part 11 of Chapter 22.52 for the established business shall be used in connection with the outside display or sales.</p> <p>B. The director shall deny an application for a temporary use permit where the information submitted by the applicant and/or obtained by investigation of the staff fails to substantiate such findings. (Ord. 99-0071 § 11, 1999; Ord. 83-0069 § 3, 1983; Ord. 1494 Ch. 5 Art. 14 § 514.6, 1927.)</p>
<p>22.136.040 Conditions of Approval</p>	<p>22.56.1890 Conditions of issuance.</p>
<p>A. In approving an application for a special event permit, the Director may impose such conditions as he deems necessary to ensure that the permit will be in accord with the findings required by Section 22.136.030 (Decisions). These conditions may involve any pertinent factors affecting the operation of such special event or use including but not limited to:</p> <ol style="list-style-type: none"> 1. Requirement of temporary parking facilities including vehicular access and egress; 2. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, garbage and heat; 3. Regulation of temporary buildings, structures and facilities including placement, height and size, limitations on commercial rides or other 	<p>A. In approving an application for a temporary use permit, the director may impose such conditions as he deems necessary to insure that the permit will be in accord with the findings required by Sections 22.56.1860 and 22.56.1880. These conditions may involve any pertinent factors affecting the operation of such temporary event or use including but not limited to:</p> <ol style="list-style-type: none"> 1. Requirement of temporary parking facilities including vehicular access and egress; 2. Regulation of nuisance factors such as but not limited to prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, garbage and heat; 3. Regulation of temporary buildings, structures and facilities including placement, height and size, limitations on commercial rides or other equipment permitted, the location of open spaces including buffer areas and other yards, and signs;

<p>equipment permitted, the location of open spaces including buffer areas and other yards, and signs;</p> <p>4. Regulation of operating hours and days including limitation of the duration of such temporary use to a shorter or longer time period than the maximum period authorized;</p> <p>5. Requirement of a performance bond or other surety device to assure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within one week following such event and the property restored to a neat condition. The Director may designate a different time period or require clean up of additional surrounding property at his discretion;</p> <p>6. Requirement of a site plan indicating all details and data as prescribed in this Ordinance;</p> <p>7. Requirement that the approval of the requested special event permit is contingent upon compliance with applicable provisions of other County ordinances;</p> <p>8. Such other conditions as will make possible the operation of the proposed temporary use in an orderly and efficient manner and in accord with the intent and purpose of this Ordinance.</p> <p>B. In addition to such other conditions as</p>	<p>4. Regulation of operating hours and days including limitation of the duration of such temporary use to a shorter or longer time period than the maximum period authorized;</p> <p>5. Requirement of a performance bond or other surety device to assure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within one week following such event and the property restored to a neat condition. The director may designate a different time period and/or require clean up of additional surrounding property at his discretion;</p> <p>6. Requirement of a site plan indicating all details and data as prescribed in this Title 22;</p> <p>7. Requirement that the approval of the requested temporary use permit is contingent upon compliance with applicable provisions of other ordinances;</p> <p>8. Such other conditions as will make possible the operation of the proposed temporary use in an orderly and efficient manner and in accord with the intent and purpose of this title.</p> <p>B. In addition to such other conditions as the</p>
---	--

<p>the Director may impose, it shall also be deemed a condition of every special event permit, whether such condition is set forth in the special event permit or not, that such approval shall not authorize the construction, establishment, alteration, moving onto or enlargement of any permanent building, structure or facility.</p>	<p>director may impose, it shall also be deemed a condition of every temporary use permit, whether such condition is set forth in the temporary use permit or not, that such approval shall not authorize the construction, establishment, alteration, moving onto or enlargement of any permanent building, structure or facility.</p>
<p>C. Despite provisions in this Ordinance to the contrary, the Director in approving a special event permit for the outside display or sales of goods, equipment, merchandise or exhibits may permit a temporary banner limited in time for the duration granted in the permit at any location on the subject property deemed appropriate, but in no event shall the Director authorize a banner that exceeds 40 square feet of total sign area.</p>	<p>C. Notwithstanding provisions in this Title 22 to the contrary, the director in approving a temporary use permit for the outside display or sales of goods, equipment, merchandise or exhibits may permit a temporary banner limited in time for the duration granted in the permit at any location on the subject property deemed appropriate, but in no event shall the director authorize a banner that exceeds 40 square feet of total sign area. (Ord. 99-0071 § 13, 1999; Ord. 83-0069 § 5, 1983; Ord. 1494 Ch. 5 Art. 14 § 514.7, 1927.)</p>
<p>D. An approval or denial may be in the form of a stamp, signature, or other official notation or documentation on the site plan or in the form of a letter.</p>	
<p>E. Where an appeal is filed on a special event permit for an extended time period, and the permit is ultimately granted, the date of decision by the Commission on such appeal shall be deemed the date of grant in determining said expiration date.</p>	
<p>22.136.050 Additional Conditions - Parking Facilities</p>	
<p>A. In the granting of a special event permit, the Director may authorize temporary use of parking and related facilities established to serve permanent uses as follows, provided,</p>	<p>22.56.1900 Parking facilities--Conditions. A. In the granting of a temporary use permit, the director may authorize temporary use of parking and related facilities established to</p>

<p>that such temporary usage is specifically recognized in the permit:</p> <ol style="list-style-type: none">1. Joint usage of required automobile parking facilities established to serve a permanent use, provided the owner or occupant of the permanent use or his authorized legal representative submits written consent, and it is determined by the Director that such joint utilization will not have a substantially detrimental effect on the surrounding area;2. Temporary occupation by a temporary use of a portion of parking facilities or structures established to serve a permanent use provided the owner or occupant of such use or his authorized legal representative submits written consent, and it is determined that such joint utilization will not have a substantially detrimental effect on the surrounding area. <p>B. The temporary reduction in required parking for such permanent use shall not be construed to require a variance with respect to parking requirements of this Ordinance.</p>	<p>serve permanent uses as follows; provided, that such temporary usage is specifically recognized in the permit:</p> <ol style="list-style-type: none">1. Joint usage of required automobile parking facilities established to serve a permanent use, provided the owner or occupant of the permanent use or his authorized legal representative submits written consent, and it is determined by the director that such joint utilization will not have a substantially detrimental effect on the surrounding area;2. Temporary occupation by a temporary use of a portion of parking facilities or structures established to serve a permanent use provided the owner or occupant of such use or his authorized legal representative submits written consent, and it is determined that such joint utilization will not have a substantially detrimental effect on the surrounding area. <p>B. The temporary reduction in required parking for such permanent use shall not be construed to require a variance with respect to parking requirements of this Title 22. (Ord. 1494 Ch. 5 Art. 14 § 514.8, 1927.)</p> <p><i>DELETED</i></p> <p><i>22.56.1910 Notice service procedure.</i> <i>For applications other than those processed in accordance with Section 22.56.1885, the director shall serve notice of his action upon the applicant as required by law for the service of summons, or by registered or certified mail, postage prepaid, return receipt requested. Such notification may also</i></p>
---	---

	<p><i>be hand-delivered to the applicant, when appropriate, at the director's discretion. (Ord. 83-0069 § 6, 1983; Ord. 1494 Ch. 5 Art. 14 § 514.9, 1927.)</i></p> <p><i>(Ord. 83-0007 § 7, 1983; Ord. 1494 Ch. 5 Art. 14 § 514.10, 1927.)</i></p> <p><i>22.56.1925 Movie on-location filming.</i></p> <p><i>A. Notwithstanding the other provisions of this Part 14, applications for movie on-location filming permits shall be filed with the filming permit coordination office which shall approve such application for a time period not to exceed the time period specified in this Title 22 where it finds that the findings set forth in Section 22.56.1860 and subsection A1 of Section 22.56.1880 have been met by the applicant. In addition, in lieu of subsection A2 of Section 22.56.1880, the filming permit office shall also find that such approval will not result in a frequency of usage likely to create incompatibility between such temporary use and the surrounding area. Where an application is denied due to frequency of usage, the filming permit office shall specify the minimum time period between approvals which, in its opinion, is necessary to prevent such incompatibility.</i></p> <p><i>B. In interpreting the other provisions of this Part 14 in relation to movie on-location filming, the filming permit office shall be substituted for the director, and the provisions of Sections 22.56.1840 and 22.56.1870 shall not apply. (Ord. 90-0093 § 10, 1990; Ord. 83-0007 § 8, 1983.)</i></p> <p>Deleted:</p> <p><i>22.56.1850 Application--Contents.</i></p> <p><i>A. An application for a temporary use permit shall include the following information and documents:</i></p> <ol style="list-style-type: none"><i>1. The name and address of the applicant and the operator of the temporary use, if different, and of</i>
--	--

	<p><i>any persons designated by the applicant as his agents for service of process;</i></p> <p><i>2. The name and address of all persons owning a possessory interest in any or all of the property to be used for the temporary use;</i></p> <p><i>3. Evidence that the applicant of a temporary use permit:</i></p> <p><i>a. Is the owner of the lot or parcel of land involved, or</i></p> <p><i>b. Has written permission of the owner or owners to make such application;</i></p> <p><i>4. The location of the subject property (address of vicinity);</i></p> <p><i>5. The legal description of the property involved;</i></p> <p><i>6. The legal name of the organization that is conducting or sponsoring such temporary use and such other material as may be necessary to determine eligibility to file;</i></p> <p><i>7. The precise nature of the temporary use requested;</i></p> <p><i>8. A site plan of the proposed temporary use drawn to a scale satisfactory to, and in the number of copies prescribed by the director, indicating:</i></p> <p><i>a. The area and dimensions of the proposed temporary use site,</i></p> <p><i>b. The location, area and hours of operation for each activity associated with the temporary use permit,</i></p> <p><i>c. The locations and dimensions of all existing and proposed temporary buildings and structures including roads, streets, highways, parking and loading facilities, and signs, on the site where the temporary use is requested,</i></p> <p><i>d. The location of all existing roads intended to provide access to major or secondary highways and parkways,</i></p> <p><i>e. The location and method of computation of the total sign area for all temporary signage proposed,</i></p> <p><i>f. Where necessary to process an application, the location of alternative parking;</i></p> <p><i>9. The operating practices proposed to be used by the operator to mitigate noise, dust, air, contaminants, garbage, and vibration associated</i></p>
--	---

	<p><i>with and as a result of the proposed temporary use;</i></p> <p><i>10. Evidence that other permits and approvals required in compliance with the provisions of other applicable ordinances have been applied for or secured;</i></p> <p><i>11. Such other information as the director may require.</i></p> <p><i>B. An application for a temporary use permit filed pursuant to Section 22.56.1885 shall include, in addition to the information required by subsection A above, the following material:</i></p> <p><i>1. A map showing all property ownership within a 500-foot radius from the boundaries of the parcel of land proposed to be used;</i></p> <p><i>2. Two sets of mailing labels for all ownerships shown on the map required above and for all occupants, as necessary to comply with Section 22.56.1885 A1b;</i></p> <p><i>3. A map showing all land uses within a 500-foot radius from the boundaries of the parcel of land proposed to be used.</i></p> <p><i>C. The director may waive the filing of one or more of the above items where unnecessary to process the application of a temporary use permit. (Ord. 99-0071 § 9, 1999; Ord. 90-0134 § 10, 1990; Ord. 83-0069 § 2, 1983; Ord. 1494 Ch. 5 Art. 15 § 514.3, 1927.)</i></p> <p><i>Redundant - deleted</i></p> <p><i>22.56.1860 Burden of proof.</i></p> <p><i>In addition to the information required in the application by Section 22.56.1850, the applicant of a temporary use permit shall substantiate to the satisfaction of the director the following facts:</i></p> <p><i>A. That the operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and</i></p> <p><i>B. That the proposed site is adequate in size and shape to accommodate such temporary use without material detriment to the use, enjoyment or valuation of the property of other persons located in</i></p>
--	--

	<p><i>the vicinity of the site; and</i></p> <p><i>Covered in</i></p> <p><i>C. That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate; and</i></p> <p><i>D. That, with respect to an application for outside display or sales, all goods, equipment and merchandise shall be the same as those sold or held for sale within the business on the lot or parcel of land where the outside display and sales are proposed.</i></p> <p><i>(Ord. 99-0071 § 10, 1999: Ord. 1494 Ch. 5 Art. 14 § 514.4, 1927.)</i></p> <p><i>22.56.1870 Fees required.</i></p> <p><i>When a temporary use permit application is filed, it shall be accompanied by the filing fee as required in Section 22.60.100. (Ord. 1494 Ch. 5 Art. 14 § 514.5, 1927.)</i></p> <p><i>Deleted – This spells out the procedures for a Type III application, so it has been removed.</i></p> <p><i>22.56.1885 Procedure for extended time periods.</i></p> <p><i>Where an application for a temporary use permit for an extended time period is filed, these procedures shall be followed:</i></p> <p><i>A. Notification.</i></p> <p><i>1. The director shall cause a notice indicating the applicant’s request at the location specified to be forwarded to:</i></p> <p><i>a. The applicant by registered or certified mail, postage prepaid, return receipt requested;</i></p> <p><i>b. All persons whose names and addresses appear on the latest available assessment roll of the county of Los Angeles as owning property within a distance of 500 feet from the exterior boundaries of the parcel of land on which the permit is filed, by first class mail, postage prepaid. A notice shall also be sent in a similar manner to “occupant” at the site address in those cases where the mailing address</i></p>
--	---

	<p><i>of any owner of property required to be notified under the provisions of this subsection differs from the site address of such property; and</i></p> <p><i>c. Such other persons whose property might, in his judgment, be affected by such application or permit, by first class mail, postage prepaid.</i></p> <p><i>2. Such notice shall also indicate that any individual opposed to the granting of such permit may file a written protest with the director within 15 days after receipt of such notice by the applicant.</i></p> <p><i>B. Action.</i></p> <p><i>1. The director shall, without public hearing, approve an application for a temporary use permit for an extended time period when:</i></p> <p><i>a. The applicant has met the burden of proof set forth in Section 22.56.1860 and the director can make the findings required by Section 22.56.1880; and</i></p> <p><i>b. A written protest to the proposed temporary use permit has been received within 15 days after receipt of the notice by the applicant, and the director determines that the concerns raised in such protest are not of general community interest and can be adequately mitigated through the imposition of conditions.</i></p> <p><i>2. The director shall deny the application without public hearing where the information submitted by the applicant fails to substantiate the burden of proof and the required findings.</i></p> <p><i>3. In all cases where a written protest has been received and the director determines that the concerns raised are of general community interest, the applicant shall be notified in writing. Such notification will also inform the applicant that within 30 days after receipt of such notice he may request a public hearing before the director by filing any additional information that the director may require and by paying an additional fee, the amount of which shall be stated in the notice. At the expiration of the 30-day period:</i></p> <p><i>a. The director shall deny an application where the applicant has not requested a public hearing; or</i></p> <p><i>b. A public hearing shall be scheduled before the</i></p>
--	---

	<p><i>director. All procedures relative to notification, publication and conducting the public hearing shall be the same as for a conditional use permit. Following a public hearing the director shall approve or deny the proposed application, based on the findings required by this Part 14.</i></p> <p><i>4. The director shall send a notice of the action to the applicant, any person requesting notification, and anyone who has filed a written protest. Such notice shall:</i></p> <p><i>a. Indicate that an appeal may be filed with the commission pursuant to this section; and</i></p> <p><i>b. Be sent in accordance with the provisions of subsection A1 of this section.</i></p> <p><i>5. The decision of the director shall become final and effective as set forth in Part 5 of Chapter 22.60 unless an appeal is timely filed.</i></p> <p><i>C. Appeal. Any person dissatisfied with the action of the director, may file an appeal with the commission within the time period set forth in, and subject to all the other provisions of Part 5 of Chapter 22.60, except that the decision of the commission shall be final and shall not be subject to further administrative appeal.</i></p> <p><i>D. Date of Grant. Where an appeal is filed on a temporary use permit for an extended time period, and the permit is ultimately granted, the date of decision by the commission on such appeal shall be deemed the date of grant in determining said expiration date.</i></p> <p><i>E. Notwithstanding the above provisions, a temporary use permit for the outside display or sales of goods, equipment, merchandise or exhibits in commercial zones shall not be authorized for an extended time period. (Ord. 2008-0026 § 18, 2008; Ord. 99-0071 § 12, 1999; Ord. 90-0134 § 11, 1990; Ord. 85-0009 § 17, 1985; Ord. 83-0069 § 4, 1983.)</i></p>
--	---

Chapter 22.138 Appeals

Sections:

- 22.138.010 Purpose
- 22.138.020 Authorization
- 22.138.030 Filing of Appeals
- 22.138.040 Initiation of Appeals
- 22.138.050 Initiation of Calls for Review
- 22.138.060 Fees for Appeal
- 22.138.070 Procedures for Appeals and Calls for Review
- 22.138.080 Additional Procedures of Appeals to the Board of Supervisors
- 22.138.090 Effective Dates

22.138.010 Purpose

The purpose of this Chapter is to provide procedures for the appeal and review of determinations and decisions of the Director, Hearing Officer, and Commission.

22.138.020 Authorization

- A. **Appeals.** To avoid results inconsistent with the purposes of this Ordinance, unless otherwise specified or limited by specific provisions of this Ordinance, decisions of the Director or Hearing Officer may be appealed to the Commission; and decisions of the Commission may be appealed to the Board.
- B. **Calls for Review.** To avoid results inconsistent with the purposes of this Ordinance, decisions of the Director or Hearing Officer may be called up for

Part 5 APPEAL PROCEDURES

22.60.200 Purpose and authorization.

- A. Appeals. To avoid results inconsistent with the purposes of this Title 22, unless otherwise specified or limited by specific provisions of this title, decisions of the director or hearing officer may be appealed to the commission; and 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 up for review by the commission; and decisions of the

<p>review by the Commission; and decisions of the Commission may be called up for review by the Board, unless otherwise more specifically stated regarding a specific permit or review.</p>	<p>commission may be called up for review by the board of supervisors, unless otherwise specifically stated regarding a specific permit or review. (Ord. 2008-0026 § 27, 2008: Ord. 2001-0070 § 3, 2001: Ord. 88-0020 § 8, 1988; Ord. 87-0039 § 2 (part), 1987: Ord. 85-0195 § 7 (part), 1985.)</p>
<p>22.138.030 Filing of Appeals</p> <p>A. Eligibility. Any interested person dissatisfied with the action of the Director, Hearing Officer, or the Commission may file an appeal in compliance with this Chapter, unless otherwise specified or limited by this Ordinance.</p> <p>B. Time Limits. Appeals of decisions and calls for review shall be initiated prior to the effective date of the decision. However, if the deadline for initiation of an appeal or call for review falls on a non-business day for the relevant appellate body, then the deadline for an appeal or call for review is extended to the next business day and the effective date of the decision shall be the following day.</p>	<p>22.60.210 Rights of appeal. Unless otherwise specified or limited by specific provisions of Title 22, any interested person dissatisfied with the action of the director, hearing officer, or the commission may file an appeal from such action. (Ord. 2008-0026 § 28, 2008: Ord. 87-0039 § 2 (part), 1987: Ord. 85-0195 § 7 (part), 1985.)</p> <p>22.60.220 Time limits for appeals and calls for review. Appeals of decisions and calls for review shall be initiated prior to the effective date of the decision. However if the deadline for initiation of an appeal or call for review falls on a non-business day for the relevant appellate body, then the deadline for an appeal or call for review is extended to the next business day and the effective date of the decision shall be the following day. (Ord. 2008-0026 § 29, 2008: Ord. 87-0039 § 2 (part), 1987: Ord. 85-0195 § 7 (part), 1985.)</p>
<p>22.138.040 Initiation of Appeals</p> <p>A. Filing. An appeal shall be filed with the secretary or clerk of the designated appellate body on the prescribed form, along with any accompanying appeal fee, and shall state specifically:</p> <ol style="list-style-type: none"> 1. A determination or interpretation is not in accord with the purposes of this Ordinance; or 2. It is claimed that there was an 	<p>22.60.230 Initiation of appeals and calls for review.*</p> <p>A. Appeals.</p> <ol style="list-style-type: none"> 1. Filing. An appeal shall be filed with the secretary or clerk of the designated appellate body on the prescribed form, along with any accompanying appeal fee, and shall state specifically <p>wherein a determination or interpretation is not in accord with the purposes of this Title 22;</p>

<p>error or abuse of discretion; or</p> <p>3. The record includes inaccurate information; or</p> <p>4. A decision is not supported by the record.</p> <p>B. Required Information. An appeal shall contain the following information:</p> <p>1. The file or case number identifying the matter which is being appealed; and</p> <p>2. The street address of the property included in the action being appealed or if no street address, the legal description of the property; and</p> <p>3. Whether the appeal is:</p> <p>a. An appeal of the denial of such application; or</p> <p>b. An appeal of the approval of such application; or</p> <p>c. An appeal of a condition or conditions of an approval (specifying the particular condition(s)); and</p> <p>4. Any other information that is requested on the appellate body's appeal form.</p> <p>C. Appeal Vacates Decision. 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 the Review Authority affirms the decision in</p>	<p>wherein it is claimed that there was an error or abuse of discretion;</p> <p>wherein the record includes inaccurate information; or wherein a decision is not supported by the record.</p> <p>2. Information Required. An appeal shall contain the following information:</p> <p>a. The administrative file number (case number) identifying the matter which is being appealed; and</p> <p>b. The street address of the premises included in the action being appealed or if no street address, the legal description of the premises; and</p> <p>c. Whether the appeal is:</p> <p>i. An appeal of the denial of such application; or</p> <p>ii. An appeal of the approval of such application; or</p> <p>iii. An appeal of a condition or conditions of an approval (specifying the particular condition or conditions); and</p> <p>d. Any other information that is requested on the appellate body's appeal form.</p> <p>3. Appeal Vacates Decision. The filing of an appeal vacates the decision from which the appeal is taken. Such decision is only</p>
--	---

<p>its action.</p> <p>22.138.050 Initiation of Calls for Review</p> <p>A. A call for review may be initiated for a decision on a discretionary application by the affirmative vote of the majority of the members present of the designated Review Authority. Decisions of the Director or Hearing Officer may be called for review by the Commission; and decisions of the Commission may call for review by the Board. A call for review shall be made prior to the effective date of the decision being reviewed. No fee shall be required.</p> <p>B. When the Commission makes a recommendation to the Board on any Type V application, development agreement, any concurrent Type II, Type III, Type IV application or other non-legislative land use application, shall be deemed to be timely called up for review by the Board.</p> <p>22.138.060 Fee for Appeals</p> <p>A. Processing Fee for Appeals to the Board.</p> <p>1. .</p> <p>2. Only one appeal fee shall be charged for the appeal of any related concurrently acted upon entitlements under this Ordinance, which concerns, in whole or in part, the same project. Despite the provisions of Section 21.56.010.A of Title 21 (Subdivisions) of the County Code, when an appeal of a decision made under this</p>	<p>reinstated if the appellate body fails to act, or affirms the decision in its action.</p> <p>B. Calls for Review.</p> <p>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.</p> <p>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 nonlegislative 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. (Ord. 2010-0024 § 12, 2010; Ord. 2008-0026 § 30, 2008; Ord. 2005-0034 § 4, 2005; Ord. 2004-0030 §§ 24, 25, 2004; Ord. 2001-0070 § 4, 2001; Ord. 96-0026 § 10, 1996; Ord. 91-0101 § 14, 1991; Ord. 89-0147 § 4, 1989; Ord. 88-0020 § 9, 1988; Ord. 87-0039 § 2 (part), 1987; Ord. 86-0028 § 23, 1986; Ord. 85-0195 § 7 (part), 1985.)</p> <p>*Editor's note: Fee changes in this section include changes made by the director of planning due to increases in the Consumer Price Index and are effective March 1, 2011.</p>
--	---

<p>Ordinance is filed with an appeal of any tentative map, parcel map, or request for waiver concurrently acted upon under Title 21 (Subdivisions) which concerns, in whole or in part, the same project, only the appeal set forth in Section 21.56.020 (Appeals) shall be paid for all such appeals.</p> <p>3. If the appellant is an applicant, the appellant shall pay a processing fee as listed in the Filing Fee Schedule for an Appeal to the Board of Supervisors by an Applicant, to cover the cost incurred by the Department for the appeal.</p> <p>4. If the appellant is the applicant or subdivider, or any representative thereof, and files an appeal of no more than a total of two conditions of the approved discretionary permit or tentative map, parcel map, or request for waiver or other entitlement concurrently acted upon under Title 21 (Subdivisions) of the County Code which concerns, in whole or in part, the same approved map, in any combination, the appellant shall pay a processing fee in an amount determined by the Executive Officer-Clerk of the Board to be ample to cover the cost of a hearing to be held by the Board. The appellant shall also pay a processing fee as listed in the Filing Fee Schedule for an Appeal to the</p>	<p>22.60.230 .A.4. Fee for Appeals.</p> <p>a. Processing Fee for Appeals to the Board.</p> <p>i. Applicant Appeal of Decision. Upon filing an appeal with the Board of Supervisors, the appellant shall concurrently submit a processing fee in the amount of \$6,859.00 to cover the cost incurred by the Department of Regional Planning for the appeal.</p> <p>Only one appeal fee shall be charged for the appeal of any related concurrently acted upon entitlements under this Title 22, which concerns, in whole or in part, the same project. Notwithstanding the provisions of subsection A of Section 21.56.010 of Title 21, when an appeal of a decision made under this Title 22 is filed with an appeal of any tentative map, parcel map, or request for waiver concurrently acted upon under Title 21 which concerns, in whole or in part, the same project, only the appeal set forth in Section 21.56.020 must be paid for all such appeals.</p>
--	--

<p>Board of Supervisors by an Applicant for One or Two Project Conditions. This fee shall be applied to the Department to cover the costs of the appeal.</p> <p>5. If the appellant is not the applicant or subdivider, or any representative thereof, of an approved discretionary permit, map, or waiver or associated entitlement, the appellant shall pay a processing fee in an amount determined by the Executive Officer-Clerk of the Board to be ample to cover the cost of a hearing to be held by the Board. The appellant shall also pay a processing fee as listed in the Filing Fee Schedule for an Appeal to the Board of Supervisors by a Non-Applicant. This fee shall be applied to the Department to cover the costs of the appeal.</p> <p>B. Processing Fee for Appeals to the Commission.</p> <p>1. If the appellant is an applicant, the appellant shall pay a processing fee as listed in the Filing Fee Schedule for an Appeal to the Regional Planning Commission by an Applicant.</p> <p>2. If the appellant is an applicant or a subdivider, or any representative thereof, and the appellant files an appeal of no more than a total of two conditions on the approved</p>	
--	--

<p>discretionary permit, tentative map, parcel map, or request for waiver or other entitlement concurrently acted upon under Title 21 (Subdivisions) of the County Code which concerns, in whole or in part, the same approved map, in any combination, the appellant shall pay a processing fee as listed in the Filing Fee Schedule for an Appeal to the Regional Planning Commission by an Applicant for One or Two Project Conditions. This fee shall be applied in its entirety to the Department.</p> <p>3. If the appellant is not the applicant or subdivider, or any representative thereof, of an approved discretionary permit, map or waiver or associated entitlement, the appellant shall pay a processing fee as listed in the Filing Fee Schedule for an Appeal to the Regional Planning Commission by a Non-Applicant. This fee shall be applied in its entirety to the Department.</p> <p>4. An appeal filed for a Type II application for a large family child care home, the amount of the processing fee shall be as listed separately on the Filing Fee Schedule.</p> <p>C. 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</p>	<p>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</p>
--	---

<p>processing fee for an appeal from a Type II application for a large family child care home, as prescribed in Subsection B.4, above.</p> <p>22.138.070 Procedures for Appeals and Calls for Review</p> <p>A. Hearing Dates. The appellate body may delegate the setting of hearing dates to its secretary or clerk.</p> <p>B. Notice and Public Hearing.</p> <ol style="list-style-type: none">1. An appeal or review hearing shall be a public hearing if the decision being appealed or reviewed required a public hearing.2. A public hearing on an appeal from an action of the Director or a Hearing Officer is not subject to the Hearing Examiner procedure.3. The appellate body shall consider the matter directly at its public hearing. Notice of public hearings shall be given in the manner required for the decision being appealed or reviewed. <p>C. Plans and Materials.</p> <ol style="list-style-type: none">1. 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	<p>a director's review of a large family child care home, as prescribed in subsection 4.b of this section.</p> <p>22.60.240 Procedures for appeals and calls for review.</p> <p>A. Hearing Dates. The appellate body may delegate the setting of hearing dates to its secretary or clerk.</p> <p>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.</p> <p>A public hearing on an appeal from an action of the director or a hearing officer is not subject to the hearing examiner procedure.</p> <p>The appellate body shall consider the matter directly at its public hearing. Notice of public hearings shall be given in the manner required for the decision being appealed or reviewed.</p> <p>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.</p>
---	---

<p>the person or body that made the original decision.</p> <ol style="list-style-type: none">2. If new plans and materials which differ substantially from the original are submitted, the applicant shall 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.3. As part of the decision, the appellate body may impose additional conditions on a project in granting approval to a modified project. <p>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.</p> <p>E. Decision and Notice.</p> <ol style="list-style-type: none">1. After the hearing, the appellate body shall affirm, modify, or reverse the original decision or refer the matter back for further review.2. When a decision is modified or reversed, the appellate body shall state the specific reasons for modification or reversal.3. Decisions on appeals or reviews shall be rendered within 30 days of the close of the hearing. The secretary or clerk	<p>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.</p> <p>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.</p> <p>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.</p> <p>E. Decision and Notice. After the hearing, the appellate body shall affirm, modify, or reverse the original decision or refer the matter back for further review.</p> <p>When a decision is modified or reversed, the appellate body shall state the specific reasons for modification or reversal.</p> <p>Decisions on appeals or reviews shall be</p>
--	--

<p>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 22.114.090 (Public Hearing Notice).</p> <p>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.</p> <p>22.138.080 Additional Procedures for Appeals to the Board of Supervisors</p> <p>In addition to 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:</p> <p>A. Affirm the action of the Commission; or</p> <p>B. Refer the matter back to the Commission for further proceedings with or without instructions; or</p> <p>C. 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's 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.</p> <p>22.138.090 Effective Dates</p> <p>Unless otherwise specified in this Division, the following effective dates shall apply to all</p>	<p>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.</p> <p>F. Failure to Act. If the appellate body fails to act upon an appeal within the time limits prescribed in subsection E of this section, the decision from which the appeal was taken shall be deemed affirmed. (Ord. 2008-0043 § 22, 2008; Ord. 2008-0026 § 31, 2008; Ord. 87-0039 § 2 (part), 1987; Ord. 85-0195 § 7 (part), 1985.)</p> <p>22.60.250 Additional procedures for appeals to the board of supervisors.</p> <p>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:</p> <ol style="list-style-type: none">1. Affirm the action of the commission; or2. Refer the matter back to the commission for further proceedings with or without instructions; or3. 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. (Ord. 87-0039 § 2 (part), 1987; Ord. 85-0195 § 7 (part), 1985.) <p>22.60.260 Effective dates.</p> <p>Unless otherwise specified in Chapter 22.56, the following effective dates shall apply to all land use permits and variances issued</p>
---	--

<u>Proposed TU Language</u>	<u>Existing Code Language</u>
<p>approved applications issued pursuant to this Ordinance:</p> <p>A. Except as set forth in Subsection B, below, the decision of the Director, Hearing Officer, or the Commission shall be 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, where available.</p> <p>B. To be timely, an appeal or call for review shall be filed before the end of the business day on the 14th calendar day following the date of the decision. If the 14th calendar day falls on a non-business day of the applicable appellate body, in which case, the appeal deadline shall be extended to the next business day and the effective date of the decision shall be the following day.</p> <p>C. In all cases in which a project has received permits issued concurrently pursuant to both this Ordinance and Title 21 (Subdivisions) of the County Code, the decision shall become effective on the first calendar day after expiration of the time limit established by Section 66452.5 of the State Government Code as set forth in Section 21.56.010 of Title 21 (Subdivisions).</p> <p>D. Where an appeal to or call for review by the Board 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.</p>	<p>pursuant to Title 22:</p> <p>A. Except as set forth in subsection B, below, the decision of the director, hearing officer, or the commission shall be 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, where available.</p> <p>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 said 14th day falls on a non-business day of the applicable appellate body, in which case, the appeal deadline shall be extended to the next business day and the effective date of the decision shall be the following day.</p> <p>B. In all cases in which a project has received permits issued concurrently pursuant to both this Title 22 and Title 21 -- Subdivisions, the decision shall become effective on the first calendar day after expiration of the time limit established by section 66452.5 of the Government Code as set forth in Section 21.56.010 of Title 21.</p> <p>C. Where an appeal to or 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 supervisors of such appeal or review shall be deemed the date of grant in determining an expiration date. (Ord. 2008-0026 § 32, 2008: Ord. 2001-0070 § 5, 2001: Ord. 87-0039 § 2 (part), 1987: Ord. 85-0195 § 7 (part), 1985.)</p>

	<p><i>Deleted:</i></p> <p><i>ii. Applicant Appeal of Condition(s). If the appellant files an appeal of no more than a total of two conditions of the approved discretionary permit or tentative map, parcel map, or request for waiver or other entitlement concurrently acted upon under Title 21 which concerns, in whole or in part, the same approved map, in any combination, the appellant shall pay a processing fee in an amount determined by the Executive Officer-Clerk of the Board to be ample to cover the cost of a hearing to be held by the Board. The appellant shall also pay a processing fee in the amount of \$800.00 to be applied to the Department of Regional Planning to cover the costs of the appeal.</i></p> <p><i>iii. Non-applicant Appeal. If the appellant is not the applicant or subdivider, or any representative thereof, of an approved discretionary permit, map, or waiver or associated entitlement, the appellant shall pay a processing fee in an amount determined by the Executive Officer-Clerk of the Board to be ample to cover the cost of a hearing to be held by the Board. The appellant shall also pay a processing fee in the amount of \$800.00 to be applied to the Department of Regional Planning to cover the costs of the appeal.</i></p> <p><i>b. Processing Fee for Appeals to the Commission.</i></p> <p><i>i. Applicant Appeal of Decision. Upon filing an appeal with the Commission, the appellant shall pay a processing fee in the amount of \$5,626.00 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</i></p>
--	--

	<p><i>home, the amount of the processing fee shall be \$344.00.</i></p> <p><i>ii. Applicants Appeal of Condition(s). If the appellant files an appeal of no more than a total of two conditions on the approved discretionary permit, tentative map, parcel map, or request for waiver or other entitlement concurrently acted upon under Title 21 which concerns, in whole or in part, the same approved map, in any combination, the appellant shall pay a processing fee in the amount of \$698.00, to be applied in its entirety to the Department of Regional Planning.</i></p> <p><i>iii. Non-applicant Appeal. If the appellant is not the applicant or subdivider, or any representative thereof, of an approved discretionary permit, map or waiver or associated entitlement, the appellant shall pay a processing fee in the amount of \$698.00, to be applied in its entirety to the Department of Regional Planning.</i></p> <p><i>c. 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.</i></p>
--	---

Chapter 22.140 Revocations and Revisions

Sections:

- 22.140.010 Purpose
- 22.140.020 Initiation
- 22.140.030 Allowable Actions
- 22.140.040 Project Notice and Required Actions
- 22.140.050 Grounds for Revocations and Revisions
- 22.140.060 Nonconforming Uses and Structures
- 22.140.070 Commercial and Industrial Uses
- 22.140.080 Decision after Public Hearing
- 22.140.090 Notice of Action and Additional Requirements
- 22.140.100 Variances

22.140.010 Purpose

This Chapter establishes procedures for the County to revoke or revise previously approved permits that required a public hearing. These include existing land uses which have become public nuisances or are being operated or maintained in violation of this Ordinance, approved permit provisions, or any other provision of law. These actions, which supplement the enforcement provisions in Chapter 22.142 (Enforcement Provisions), are intended not only to serve a corrective purpose, but also as a deterrent to violating this Ordinance.

22.140.020 Initiation

Hearings on revocations or revisions of permits and variances may be initiated:

22.56.1785 Hearings--Initiation.

Hearings on revocations or modifications of permits, variances or nonconforming uses or structures may be initiated:

<p>A. If the Board, individually or collectively, instructs the Hearing Officer or the Commission to set the matter for a public hearing; or</p> <p>B. Upon the initiative of the Commission.</p>	<p>A. If the board of supervisors instructs the hearing officer or the commission to set the matter for a public hearing; or</p> <p>B. Upon the initiative of the commission. (Ord. 91-0062 § 4 (part), 1991; Ord. 85-0195 §§ 10 (part) and 11 (part), 1985; Ord. 1494 Ch. 5 Art. 10 § 510.3, 1927.)</p>
<p>22.140.030 Allowable Actions</p>	
<p>A. Revocations. The County's action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.</p>	
<p>B. Revisions.</p>	
<p>1. The County's action to revise a permit instead of revocation may include revising or changing any permit conditions or operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect or condition determined to be reasonable and necessary to ensure that the permit is used in a manner consistent with the original findings for approval.</p>	<p>22.56.1780 F. In all cases where the director determines that it is in the public interest or where the board of supervisors, either individually or collectively, requests, a public hearing shall be scheduled before the commission. In such case all procedures relative to notification, public hearing and appeal shall be the same as for a conditional use permit. Following a public hearing the commission shall approve or deny the proposed modifications and/or revocation, based on the findings required by this section. (Ord. 91-0062 § 4 (part), 1991; Ord. 86-0145 § 2, 1986; Ord. 85-0195 § 43, 1985; Ord. 1494 Ch. 5 Art. 10 § 510.1, 1927.)</p>
<p>2. Permit revisions prescribed in this Chapter are initiated by the County. Permit revisions requested by the applicant shall be in compliance with Chapter 22.134 (Minor Permit</p>	

<p>Modifications).</p> <p>22.140.040 Project Notice and Required Actions</p> <p>A. In all cases where a revocation or revision is initiated per Section 22.140.020 (Initiation), a public hearing shall be scheduled before the Commission.</p> <p>B. Procedures relative to notification, public hearing and appeal shall comply with Section 22.124 (Type IV Applications – Discretionary), unless stated otherwise in this Chapter.</p> <p>22.140.050 Grounds for Revocation or Revisions</p> <p>After a public hearing, as provided for in this Chapter, the Commission may revoke or revise any approval which has been granted by the Review Authority in compliance with either the provisions of this Ordinance or on any one or more of the following grounds:</p> <p>A. That such approval was obtained by fraud;</p> <p>B. That the use for which such approval was granted is not being used;</p> <p>C. That the use for which such approval was granted has ceased or has been suspended for one year or more. This Subsection C, above, does not apply to a surface mining operation for which a valid permit is in full force and effect; or for a valid, unexpired zone exception that was granted prior to November 23,</p>	<p>22.56.1790 Hearings--Notice requirements. Notice of a public hearing on a revocation or modification shall be provided as follows:</p> <p>A. To the same persons and in the same manner as required for a public hearing before the hearing officer pursuant to Section 22.60.174; and</p> <p>B. By such other additional means that the hearing officer deems necessary. (Ord. 85-0195 § 14 (part), 1985; Ord. 85-0009 § 16, 1985; Ord. 1494 Ch. 5 Art. 10 § 510.4, 1927.)</p> <p>Part 13 MODIFICATIONS AND REVOCATIONS</p> <p>22.56.1780 Grounds for modifications or revocations--Hearing officer authority.</p> <p>After a public hearing as provided for in this Part 13, the hearing officer may revoke or modify any nonconforming use, or revoke or modify any permit, variance or other approval which has been granted by the hearing officer, the board of supervisors or the commission, pursuant to either the provisions of this Title 22 or of any ordinance superseded by this title on any one or more of the following grounds:</p> <p>A. That such approval was obtained by fraud;</p> <p>B. That the use for which such approval was granted is not being exercised;</p> <p>C.1. That the use for which such approval was granted has ceased or has been suspended for one year or more;</p> <p>2. This subsection does not apply to a surface mining operation for which a valid permit is in full force and effect or for which a valid, unexpired zone exception was granted prior to</p>
--	--

<p>1970, or which was lawfully established in former Zone Q, provided such operation complies with the requirements of Section 22.106.550 (Surface Mining Operation) for intermittent mining operations and if from the cessation of use the outer boundaries of the premises have been continuously posted with signs as described in Section 22.106.550;</p> <p>D. Except in case of a dedicated cemetery, that any person making use of or relying upon the permit, variance or other approval is violating or has violated any conditions of such permit, or has been used contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law, or regulation;</p> <p>E. Except in the case of a dedicated cemetery, that the use for which the approval was granted is being used to be detrimental to the public health or safety, or is a public nuisance.</p> <p>22.140.060 Nonconforming Uses and Structures</p> <p>In addition to the grounds for revocation or revisions contained in Section 22.140.050 (Grounds for Revocation or Revisions), a nonconforming use or structure may be revoked or revised after a public hearing if the Commissions finds:</p> <p>A. That the condition of the improvements, if any, on the property requires the property be used only for uses permitted in the base zone where it is located and would not impair the constitutional rights of any person; and</p> <p>B. That the nature of the improvements</p>	<p>November 23, 1970, or which was lawfully established in former Zone Q, provided such operation complies with the requirements of Section 22.56.1400 for intermittent mining operations and if from the cessation of use the outer boundaries of the premises have been continuously posted with signs as described in subsection I of Section 22.56.1380;</p> <p>D. Except in case of a dedicated cemetery, that any person making use of or relying upon the permit, variance or other approval is violating or has violated any conditions of such permit, variance or other approval, or that the use for which the permit, variance or other approval was granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law, or regulation;</p> <p>E. Except in the case of a dedicated cemetery, that the use for which the approval was granted is so exercised as to be detrimental to the public health or safety, or so as to be as nuisance.</p> <p>22.56.1782 Nonconforming uses and structures--Additional grounds.</p> <p>In addition to the grounds for revocation or modification contained in Section 22.56.1780, a nonconforming use or structure may be revoked or modified after a public hearing if the hearing officer finds:</p> <p>A. That the condition of the improvements, if any, on the property are such that to require the property to be used only for these uses permitted in the zone where it is located would not impair the constitutional rights of any person;</p>
---	---

<p>are such that they can be altered to be used in conformity with the uses permitted in the base zone in which such property is located without impairing the constitutional rights of any person.</p> <p>22.140.070 Commercial and Industrial Uses</p> <p>A. The Commission may recommend to the Board the revocation or revision of a commercial or industrial use if the Commission finds that as operated or maintained such use:</p> <ol style="list-style-type: none">1. Jeopardizes or endangers the public health or safety of persons residing or working on the premises or in the surrounding area; or2. Constitutes a public nuisance; or3. Has resulted in repeated nuisance activities including but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen	<p>B. That the nature of the improvements are such that they can be altered so as to be used in conformity with the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person. (Ord. 91-0062 §§ 4 (part), 5, 1991; Ord. 85-0195 § 14 (part), 1985; Ord. 1494 Ch. 5 Art. 10 § 510.2, 1927.)</p> <p>22.56.1784 Commercial or industrial uses.</p> <p>A. It is the purpose of this section to provide a just and equitable method to be cumulative with any other remedy available for the abatement of certain nuisance activities. These include existing land uses which have become public nuisances or are being operated or maintained in violation of any other provision of law.</p> <p>B. Regardless of any other provision of this title to the contrary, the planning commission may recommend to the board of supervisors the modification, discontinuance or removal of a commercial or industrial use if the commission finds that as operated or maintained, such use:</p> <ol style="list-style-type: none">1. Jeopardizes or endangers the public health or safety of persons residing or working on the premises or in the surrounding area; or2. Constitutes a public nuisance; or3. Has resulted in repeated nuisance activities including but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, loud noises
--	--

<p>goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, loud noises in late night or early morning hours, traffic violations, curfew violations, lewd conduct or police detentions and arrests; or</p> <p>4. Violates any provision of any county, state, or federal regulation, ordinance or statute.</p> <p>B. In addition to notification required in Section 22.140.040 (Project Notice and Required Actions), the Commission shall give notice to the record owner and the lessee of the real property affected:</p> <p>1. To appear at a public hearing at a time and place fixed by the Commission; and</p> <p>2. At the public hearing, show cause why the use, building, or structure should not be modified, discontinued, or removed as the case may be.</p> <p>C. Decision after Public Hearing</p> <p>1. After the public hearing, the Commission shall recommend approval or denial of the revocation or revision of the subject use or structure.</p> <p>2. As part of any recommendation for revision, the Commission shall recommend conditions as the Commission deems</p>	<p>in late night or early morning hours, traffic violations, curfew violations, lewd conduct or police detentions and arrests; or</p> <p>4. Violates any provision of any county, state, or federal regulation, ordinance or statute.</p> <p>C. The planning commission shall give notice to the record owner and the lessee of the real property affected to appear at a public hearing at a time and place fixed by the planning commission, and show cause why the use, building, or structure should not be modified, discontinued, or removed as the case may be.</p> <p>22.56.1784.D. After such notice and hearing as are required by Part 4 of Chapter 22.60, the planning commission shall recommend approval or denial of the modification or discontinuance, or removal of the subject use, building or structure.</p> <p>As part of any such recommendation, the planning commission shall recommend such conditions as the commission deems appropriate, including</p>
--	---

<p>appropriate, including:</p> <p>a. Those necessary to protect the surrounding property or neighborhood, to eliminate, lessen, or prevent any detrimental effect thereon, or assure compliance with other applicable provisions of law; and</p> <p>b. Conditions imposed may include the establishment of amortization schedules, and may affect the establishment, maintenance, or operation of the subject commercial or industrial use and any related uses or structures.</p> <p>3. Recommendation shall be supported by written findings, including a finding that the action does not impair the constitutional rights of any person. However, the Commission may recommend that a use be discontinued or a building or structure removed only upon finding that:</p> <p>a. Prior governmental efforts to cause the owner or lessee to eliminate the problems associated with the</p>	<p>those necessary to protect the surrounding property or neighborhood, to eliminate, lessen, or prevent any detrimental effect thereon, or assure compliance with other applicable provisions of law.</p> <p>Conditions imposed may include the establishment of amortization schedules, and may affect the establishment, maintenance, or operation of the subject commercial or industrial use and any related uses, buildings or structures.</p> <p>E. Any such recommendation will be supported by written findings, including a finding that the action does not impair the constitutional rights of any person. However, the planning commission may recommend that a use be discontinued or a building or structure removed only upon finding that</p> <p>(1) prior governmental efforts to cause the owner or lessee to eliminate the problems associated with the premises have failed (examples include formal action by law enforcement, building and safety, or zoning</p>
--	---

<p>premises have failed (examples include formal action by law enforcement, building and safety, or zoning officials); and</p> <p>b. That the owner or lessee has failed to demonstrate, to the satisfaction of the Commission, the willingness and ability to eliminate the problems associated with the premises.</p> <p>D. Notice of Action and Additional Requirements</p> <p>1. The Commission shall serve a notice of its action in compliance with Section 22.114.140 (Notice of Action and Findings).</p> <p>2. After receipt of the Commission's recommendation, the Board shall hold a public hearing and shall give notice of such public hearing in compliance with Section 22.114.090 (Public Hearing Notice); provided, however:</p> <p>a. If the Commission has recommended against the approval of a modification, the Board shall not be required to take further action and the action of the Commission shall</p>	<p>officials); and</p> <p>(2) that the owner or lessee has failed to demonstrate, to the satisfaction of the planning commission, the willingness and ability to eliminate the problems associated with the premises</p> <p>F. The commission shall serve a notice of its action in the manner prescribed by Section 22.60.190.</p> <p>G. After receipt of the commission's recommendation, the board of supervisors shall hold a public hearing and shall give notice of such public hearing pursuant to the procedure set forth in Part 4 of Chapter 22.60; provided, however,</p> <p>that if the planning commission has recommended against the approval of a modification, the board shall not be required to take further action and the action of the commission shall become final</p>
--	--

<p>become final, and</p> <p>b. If an interested party requests a hearing by the Board by filing a written request with the Executive Officer of the Board within five days after the Commission files its recommendation with the Board, the Board is required to hold a public hearing regarding the application.</p> <p>3. The Board may approve, modify or disapprove the recommendation of the Commission, and its action to revoke or revise shall be supported by the written findings prescribed in this Chapter.</p> <p>4. The Board shall serve a notice of its action in compliance with Section 22.114.140 (Notice of Action and Findings).</p> <p>E. Violation. It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Board pursuant to this Chapter. Such violation or failure to comply shall constitute a violation of this Ordinance and shall be subject to the same penalties as any other violation of this Ordinance.</p> <p>22.140.080 Variances</p> <p>A variance may be revoked or revised by the Commission, if the Commission makes any</p>	<p>unless an interested party requests a hearing by the board of supervisors by filing a written request with the executive officer of the board within five days after the commission files its recommendation with the board of supervisors.</p> <p>H. The board of supervisors may approve, modify or disapprove the recommendation of the commission, and its action to modify or revoke shall be supported by the written findings prescribed in subsection E of this section.</p> <p>I. The board of supervisors shall serve a notice of its action in the manner prescribed by Section 22.60.190.</p> <p>J. It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the board of supervisors pursuant to this section. Such violation or failure to comply shall constitute a violation of this title and shall be subject to the same penalties as any other violation of this title.</p> <p>This is new.</p> <p>K. Hearings on modifications or revocations</p>
---	--

<p>one of the following findings:</p> <p>A. Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made , and the grantee has not substantially used the rights granted by the variance; or</p> <p>B. One or more of the conditions of the variance have not been met, or have been violated, and the grantee has not substantially used the rights granted by the variance.</p>	<p>undertaken pursuant to this section may be initiated:</p> <p>1. If the board of supervisors instructs the commission to set the matter for a hearing and recommendation; or</p> <p>2. Upon the initiative of the commission. (Ord. 95-0059 § 1, 1995.)</p> <p><i>Deleted:</i></p> <p><i>22.56.1800 Hearings--Continuance.</i></p> <p><i>If for any reason the testimony of any case set for public hearing cannot be completed on the appointed day, the chairman of such hearing may, before adjournment or recess, publicly announce the time and place at which said hearing will be continued, and no further notice thereof shall be required. (Ord. 1494 Ch. 5 Art. 10 § 570.5, 1927.)</i></p> <p><i>22.56.1810 Notice of action taken by hearing officer.</i></p> <p><i>Notice of the action taken by the hearing officer shall be provided in accordance with the provisions of Section 22.60.190. (Ord. 85-0195 § 14 (part), 1985; Ord. 1494 Ch. 5 Art. 10 § 510.6, 1927.)</i></p>
---	---