

Division 8 – Permits, Reviews and Legislative Actions

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Chapter 22.112 Adult Businesses Permits

Sections:

- 22.112.010 Purpose
- 22.112.020 Definitions
- 22.112.030 Applicability
- 22.112.040 Application and Review Procedures
- 22.112.050 Development Standards
- 22.112.060 Location Requirements
- 22.112.070 Findings and Decision
- 22.112.080 Existing Adult Businesses
- 22.112.090 Review of Termination Schedule
- 22.112.100 Conflicts
- 22.112.110 Modifications or Revocations

22.112.010 Purpose

- A. In order to promote the health, safety, and general welfare of the residents of the County of Los Angeles, this Chapter is intended to regulate adult businesses which, unless closely regulated, have serious secondary effects on the community. These secondary effects include, but are not limited to, the following: depreciation of property values, increases in vacancy rates in residential and commercial areas, increases in incidences of criminal activity, increases in litter, noise, and vandalism and the interference with enjoyment of residential property in the vicinity of such businesses.
- B. It is neither the intent nor the effect of this Chapter to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of this Chapter to restrict or deny access by adults to materials of a sexually explicit nature, or to deny access by the distributors or exhibitors of such materials to their intended market.
- C. It is the intent of this Chapter to afford new adult businesses a reasonable opportunity to locate in a relevant real estate market.
- D. Nothing in this Chapter is intended to authorize, legalize or license the establishment, operation or maintenance of any business, building or use which violates any County ordinance or any statute of the State of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

22.112.020 Definitions

Any terms used in this Chapter which are defined in Section 7.92.020 (Definitions) in Title 7 (Business Licenses) of the County Code shall have the meaning set forth in that Section.

22.112.030 **Applicability**

No adult business shall be established until an Adult Business Permit application is approved in accordance with this Chapter.

22.112.040 **Application and Review Procedures**

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Adult Business Permit Checklist.
- B. **Ministerial Permit.** The application shall require a nondiscretionary public hearing before the Commission. The Commission shall approve or deny the application. The application shall be processed in compliance with the following:
1. **Multiple Applications.** In compliance with Section 22.162.060.
 2. **Application Filing and Withdrawal.** In compliance with Section 22.162.070.
 3. **Fees and Deposits.** In compliance with Section 22.162.080.
 4. **Time Limits.** Any application pursuant to this Chapter is considered to be a ministerial permit application and, as such, is not subject to the time limits specified in Section 65950 et seq. of the California Government Code, or the California Environmental Quality Act.
- C. **Preliminary Application Review.**
1. The Director shall determine whether the application contains all the information required by this Chapter.
 - a. If it is determined that the application is not complete, the applicant shall be notified in writing within 20 days of the date of receipt of the application that the application is not complete and the reasons for which that status was determined, including any additional information necessary to render the application complete.
 - b. The applicant shall have 30 days to submit additional information requested by the Director to render the application complete. Failure to do so within the 30-day period shall render the application void.
 - c. Within 10 days following the receipt of an amended application or supplemental information, the Director shall again determine whether the

application is complete in accordance with the procedures set forth in this Subsection C.

- d. Evaluation and notification shall occur as provided above until such time as the application is determined to be complete. The applicant shall be notified within 10 days of the date the application is found to be complete.
2. When an application has been accepted as complete, the Director shall schedule the application for a nondiscretionary public hearing before the Commission within 60 days from the date on which the application was accepted as complete, generally following the notice procedures provided in Section 22.162.120.B.2 (Notice of Public Hearing). The Director shall prepare a Project Evaluation and Staff Report (Section 22.162.110). The Commission shall approve or deny the application within 90 days from the date on which the application was accepted as complete by the Director.
3. If the Commission has not acted to approve or deny the application within the prescribed time in Subsection C.2, above, the applicant shall be permitted to begin operating the adult business for which the Adult Business Permit is sought. The applicant shall be permitted to continue to operate that adult business unless and until the Commission acts to deny the Adult Business Permit and provides the applicant with written notification of that action, including the reasons for denial, by mail.

22.112.050 Development Standards

The following development standards shall apply to adult businesses:

- A. No adult business shall be located in any temporary or portable structure.
- B. Trash dumpsters shall be enclosed by a screened enclosure and shall not to be accessible to the public.
- C. No exterior door or window on the premises shall be propped or kept open at any time during business hours, and any exterior windows shall be covered with opaque covering at all times.
- D. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance or exit to the business.
- E. No landscaping shall exceed 30 inches in height, except trees with foliage not less than six feet above the ground.
- F. The entire exterior grounds, including the parking lot, shall be lighted in such a manner that all areas are clearly visible at all times.

- G. Signage shall conform to the standards established for the zone and shall not contain sexually explicit photographs, silhouettes or other sexually explicit pictorial representations.
- H. All entrances to an adult business shall be clearly and legibly posted with a notice indicating that minors are prohibited from entering the premises.
- I. No nonconforming structure shall be converted for use as an adult business.
- J. The adult business shall not conduct or sponsor any activities which create a demand for parking spaces beyond the number of spaces required by this Title 22 for the business.
- K. No adult business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to specified sexual activities or specified anatomical areas, inside the premises, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any merchandise, display, decoration, sign, show window or other opening.
- L. All exterior areas of the adult business, including buildings, landscaping, and parking areas shall be maintained in a clean and orderly manner at all times.
- M. Any business license required pursuant to Title 7 (Business Licenses) of the County Code shall be kept current at all times.
- N. Each adult business shall conform to all applicable laws and regulations.
- O. The adult business shall not operate or be open between the hours of 2:00 a.m. and 9:00 a.m.
- P. The premises within which the adult business is located shall provide sufficient sound-absorbing insulation so that sound generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate space within the same building.
- Q. The adult business will not conduct any massage, acupuncture, tattooing, acupressure or escort services, and will not allow such activities on the premises.
- R. At least one security guard shall be on duty patrolling the premises at all times while the business is open. If the occupancy limit of the premises is greater than 50 persons, an additional security guard shall be on duty. The security guard(s) shall be charged with preventing violations of law, with enforcing compliance by patrons with the requirements of this Chapter and with notifying the Sheriff of any violations of law observed. Security guard(s) required by this Subsection R shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and

shall be duly licensed as a security guard as required by applicable provisions of state or local law. No security guard required pursuant to this Subsection R shall act as a doorperson, ticket seller, ticket taker, or admittance person while acting as a security guard hereunder.

- S. The adult business shall not sell or display obscene matter, as that term is defined by Section 311 of the California Penal Code or its successors, and shall not exhibit harmful matter, as that term is defined by Section 313 of the California Penal Code or its successors, to minors.

22.112.060 Location Requirements

Adult businesses shall not be located:

- A. Within 250 feet of:
1. Any lot upon which there is located any residence whether such use is within or outside the unincorporated area of the County;
 2. Or any property located in a Residential or Agricultural Zone, or equivalent zone in any other jurisdiction; and
- B. Within 500 feet of any church, chapel or other publicly recognized place of worship whether such use is within or outside the unincorporated area of the County; and
- C. Within 500 feet of any public or private school (kindergarten through twelfth grade) or child care center whether such use is within or outside the unincorporated area of the County; and
- D. Within 500 feet of any park owned by a public entity whether such use is within or outside the unincorporated area of the County.
- E. The distances specified in this Section shall be measured in a straight line, without regard to intervening structures, from the nearest point of the premises in which the proposed adult business is to be established to the nearest property line of a use or zoning classification listed above.

22.112.070 Findings and Decision

- A. In considering an application pursuant to this Chapter, the Commission shall approve the permit upon making the following findings:
1. The adult business is consistent with the location and development standards contained in this Chapter;

2. The adult business is located in a zone classification which lists the adult business as a permitted use;
3. Except as otherwise specifically provided in this Chapter, the adult business complies with the development standards prescribed in this Title 22; and
4. The adult business has submitted to the Director documentation of successfully completing the process and receipt of the license required under Chapter 7.92 (Adult Businesses) in Title 7 (Business Licenses) of the County Code. In cases where such documentation is unavailable at the time the Commission takes action on the application, any action by the Commission granting an Adult Business Permit shall be conditioned upon the applicant providing to the Director the documentation required by this Subsection A.4. No Adult Business Permit shall be valid unless and until such documentation has been provided to the Director.

B. Issuance or denial of the ministerial permit is not subject to administrative appeal.

22.112.080 Existing Adult Businesses

- A. Any adult business lawfully operating on February 9, 1996, the effective date of this Chapter, in violation hereof shall be deemed a nonconforming use.
- B. Any adult business lawfully operating on the effective date of this Chapter which results in a nonconforming status due to the development standards enumerated in Section 22.112.050 (Development Standards) shall cease operation, or otherwise be brought into full compliance with the development standards of this Chapter, not later than November 17, 1996.
- C. Any adult business lawfully operating on the effective date of this Chapter which results in a nonconforming status due to either the location standards enumerated in Section 22.112.060 (Location Requirements) or the permitted zone classes enumerated in Division 2 (Zones) shall cease operation, or otherwise be brought into full compliance with the location standards, not later than 20 years following February 9, 1996, the effective date of this Chapter.
- D. An adult business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a residence, or a Residential or Agricultural Zone, within 250 feet of the adult business, or the subsequent location of a church, chapel or other publicly recognized place of worship, public park, public or private school or child care center, within 500 feet of the adult business, if the adult business is continuous, which means that interruptions in use cannot exceed six months.

22.112.090 **Review of Termination Schedule**

An application for review of the termination schedules for a nonconforming adult business prescribed in Section 22.112.080 (Existing Adult Businesses) may be approved by the Commission generally following the procedures set out in Section 22.132.060 (Review of Amortization Schedule or Substitution of Use). In considering an application for review of the termination schedules for an adult business, which is nonconforming due to either the location or development standards, the Commission shall use the following criteria in making a determination, instead of the criteria prescribed at Section 22.132.060.C.2 (Findings):

- A. The owner's financial investment in the business prior to the effective date of this Chapter;
- B. The present actual and depreciated value of the business improvements;
- C. The applicable federal tax depreciation schedules for such improvements;
- D. The remaining useful life of the business improvements;
- E. The extent to which the business fails to comply with all applicable requirements of this Chapter;
- F. The extent, if any, to which the business has been brought into compliance with any of the applicable requirements of this Chapter since February 9, 1996, the effective date of this Chapter and with which such business previously failed to conform, including the cost incurred for any such improvements;
- G. The remaining term of any lease or rental agreement under which the business is operating;
- H. Whether the business can be brought into conformance with all applicable requirements of this Chapter without requiring to be relocated, and the cost of complying with such requirements;
- I. Whether the business must be discontinued at the present location in order to comply with the requirements of this Chapter and, if such relocation is required:
 - 1. The availability of relocation sites, and
 - 2. The cost of such relocation;
- J. The ability of the owner to change the business to a conforming use.

22.112.100 **Conflicts**

If the provisions of this Chapter conflict or contravene the provisions of another Chapter of this Title 22, the provisions of this Chapter shall prevail.

22.112.110 Modifications or Revocations

In addition to Modifications and Revocations (Chapter 22.178), and after a hearing as provided Section 22.178.070 (Public Hearing and Action), the Commission may modify or revoke an Adult Business Permit or adult business nonconforming use if it finds that one or more of the following conditions exist:

- A. The building, structure, equipment or location of such business does not comply with or fails to meet any of the health, zoning, fire and safety requirements or standards of any of the laws of the State of California or ordinances of the County of Los Angeles applicable to such business operation;
- B. The business owner, its employee, agent or manager has been convicted in a court of competent jurisdiction of:
 - 1. Any violation of any statute, or any other ordinance, arising from any act performed in the exercise of any rights granted by the Adult Business Permit, the revocation of which is under consideration, or
 - 2. Any offense involving the maintenance of a nuisance caused by any act performed in the exercise of any rights granted by the Adult Business Permit, the revocation of which is under consideration;
- C. The business owner, its employee, agent or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit, or in any report or record required to be filed with the Commission.

Chapter 22.114 Animal Permits

Sections:

- 22.114.010 Purpose
- 22.114.020 Application and Review Procedures
- 22.114.030 Findings and Decision
- 22.114.040 Notice of Action
- 22.114.050 Effective Date of Decision and Appeals
- 22.114.060 Conditions of Approval
- 22.114.070 Post-Decision Actions and Regulations

22.114.010 Purpose

Animal Permits are established to regulate:

- A. The keeping or maintaining as a pet or for the personal use of members of the family residing on the premises of:
 - 1. Wild or domestic animals not specifically classified which will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
 - 2. Domestic or wild animals exceeding the number permitted, or on lots having less than the area required, which will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of such site.
- B. Rehabilitation facilities for small wild animals which:
 - 1. Will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; and
 - 2. Will not be materially detrimental to the use, enjoyment, or valuation of property or other persons located in the vicinity of such site.

22.114.020 Application and Review Procedures

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Animal Permit Checklist.
- B. **Application and Review Procedures.** The application shall comply with the following application and review procedures:
 - 1. **Multiple Applications.** In compliance with Section 22.162.060.
 - 2. **Application Filing and Withdrawal.** In compliance with Section 22.162.070.
 - 3. **Fees and Deposits.** In compliance with Section 22.162.080.

4. **Initial Application Review.** In compliance with Section 22.162.090.

C. **Notice of Application.** Prior to taking action on an application, the Director shall provide notice in compliance with Section 22.162.130 (Notice of Application) and Section 22.162.150 (Mailing), except where modified below:

1. **Notice Content.** The notice shall also indicate that any individual may oppose the granting of the application by a written protest to the Director within 15 days of the date set forth on the notice.

2. **Notification Radius.**

a. Notice shall be mailed to:

i. Properties adjacent to the subject property on which such animals are to be maintained; and

ii. In all cases where the mailing address of any owner of property required to be notified is different than the address of such adjacent property, notice shall be addressed and provided to "occupant".

b. If the closest point that such animal is to be kept or maintained is 500 feet or more from such adjoining property, then Notice of Application per this Subsection C, shall not be required.

3. **Procedures.** The Director shall mail the notice at least 21 days prior to the date set forth on the notice for the receipt of written protests.

D. **Agency Review.** The Director shall request the technical opinion of the Directors of the Departments of Animal Care and Control and Public Health, relative to the ability of the applicant to maintain such animals properly as indicated in the application and site plan.

22.114.030 Findings and Decision

A. **Common Procedures.** Findings and decision shall be in compliance with Section 22.162.200 (Findings and Decision).

B. **Approval.** The Director shall approve the application if:

1. No written protests were received within 15 days of the date set forth on the notice; and

2. The findings in Subsection D, below, are established.

C. **Denial.** The Director shall deny the application if:

1. Two or more written protests to the granting of such permit are received within 15 days of the date set forth on the notice;

2. The reports from the Departments of Animal Care and Control or Public Health indicate that such animals may not be reasonably maintained as specified in the application; or
3. The findings in Subsection D, below, are not established.

D. Findings.

1. The requested animal or animals at the location proposed will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the animal or animals requested without material detriment to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.

22.114.040 Notice of Action

Notice of Action shall be in compliance with Section 22.162.220 (Notice of Action).

22.114.050 Effective Date of Decision and Appeals

- A. The decision of the Director shall become final and effective as set forth in Chapter 22.162.230 (Effective Date of Decision) unless an appeal to the Commission is timely filed pursuant to Chapter 22.180 (Appeals).
- B. Any person dissatisfied with the action of the Director, may file an appeal of such action with the Commission within the time period set forth in Chapter 22.162.230 (Effective Date of Decision).
- C. If the appellant is the applicant, the fee shall be the difference already paid by the applicant for the Animal Permit application without a public hearing and the fee for an Animal Permit application with a public hearing.
- D. In rendering its decision, the Commission may hear or consider any argument or evidence of any kind presented at the public hearing.
- E. The Commission's decision may cover all phases of the matter, including the addition or deletion of any condition.
- F. The Commission's decision on an appeal shall be final and effective on the date of decision and shall not be subject to further administrative appeal.

22.114.060 Conditions of Approval

- A. **Animal Permits.** The Director or Commission may impose any conditions deemed necessary to ensure that the Animal Permit will comply with all findings required by this Chapter, including those recommended by the Department of Animal Care and Control and/or Department of Public Health.

- B. Animal Permits for Rehabilitation Facilities for Small Wild Animals.** The Commission or the Director shall impose the following conditions on Animal Permits for rehabilitation facilities for small wild animals:
1. The animals shall be cared for by a licensed rehabilitator who must be a resident of a single-family residence on the subject lot or parcel of land;
 2. The animals shall be indigenous to Los Angeles County;
 3. The animals shall weigh no more than 30 pounds;
 4. Coyotes, bobcats, deer, mountain lions, bears, and other similarly dangerous animals shall not be allowed;
 5. The allowable number of animals shall be as follows:
 - a. For lots with at least 10,000 square feet of area, up to 20 animals;
 - b. For lots of 7,500 to 9,999 square feet of area, up to 16 animals;
 - c. For lots of 6,000 to 7,499 square feet of area, up to 12 animals; and
 - d. For lots of 5,000 to 5,999 square feet of area, up to 6 animals.
 6. The Director or Commission, after consultation with the Departments of Animal Care and Control and Public Health, may allow a higher number of animals than the number specified above.
 7. The facilities shall only be authorized for as long as the applicant maintains a continuously valid permit and Memorandum of Understanding from the California Department of Fish and Wildlife, or in the case of wild migratory birds, a valid permit from the U.S. Department of Fish and Wildlife.

22.114.070 Post-Decision Actions and Regulations

- A. **Documentation, Scope of Approval, and Exhibit "A".** In compliance with Section 22.162.240.
- B. **Use of Property Before Final Action.** In compliance with Section 22.162.250.
- C. **Performance Guarantee and Covenant.** In compliance with Section 22.162.260.
- D. **Cessation of Use.** In compliance with Section 22.162.280.

Chapter 22.116 Cemetery Permits

Sections:

- 22.116.010 Applicability
- 22.116.020 Application and Review Procedures
- 22.116.030 Findings and Decision
- 22.116.040 Conditions of Approval
- 22.116.050 Reduction in Boundaries

22.116.010 **Applicability**

A. **General Applicability.** A person shall not establish or maintain any cemetery or extend the boundaries of any existing cemetery at any place within the unincorporated territory of the County of Los Angeles without a permit first having been applied for and obtained from the Commission or Hearing Officer. This Chapter does not prevent the maintenance, development and operation within their present boundaries of cemeteries which were legally established on February 19, 1937, the date this Chapter took effect.

B. **Cemetery Deemed Established When.**

1. A cemetery shall be deemed to be established or maintained or extended where the interment of one or more dead human bodies or cremated remains is made in or upon any property, whether or not the same has been duly and regularly dedicated for cemetery purposes under the laws of the State of California, and which on February 19, 1937, the date this Chapter took effect, was not included within the boundaries of a legally existing cemetery.
2. Any person who makes or causes to be made any interment in or upon such property, and any person having the right of possession of any such property who knowingly permits the interment of a dead body or cremated remains therein or thereupon shall be deemed to have established, or maintained, or extended a cemetery within the meaning of the provisions of this Title 22

C. **Permit Assignment and Use Limitations.** No permit granted as a result of any such application shall be assignable prior to the actual establishment of such cemetery or extension of any existing cemetery, nor shall, such permit be used by any other person than applicant in the establishment of such cemetery or extension of an existing cemetery.

22.116.020 **Application and Review Procedures**

A. **Application Checklist.** The application submittal shall contain all of the materials required by the Cemetery Permit Checklist.

B. Additional Application Materials. In addition to Subsection A, above, the following application materials shall be required:

1. A financial statement of applicant, showing the financial ability of applicant to establish, care for and maintain the proposed cemetery in such a manner as to prevent the same from being a public nuisance;
2. A statement setting forth whether the said cemetery is to be established as a perpetual-care or nonperpetual-care cemetery, and if a perpetual-care fund is to be or has been created, the amount then on hand and the method, scheme or plan of continuing and adding to the same in full details sufficient to show that said cemetery will be maintained so as not to become a public nuisance.

C. Type IV Review. The application shall be filed and processed in compliance with Chapter 22.172 (Type IV Review – Discretionary) and this Chapter.

22.116.030 Findings and Decision

A. Common Procedures. Findings and decision shall be in compliance with Section 22.162.200 (Findings and Decision).

B. Findings.

1. The establishment or maintenance of the proposed cemetery or the extension of an existing cemetery will or may not jeopardize nor adversely affect the public health, safety, comfort or welfare;
2. Such establishment, maintenance or extension will or may not reasonably be expected to be a public nuisance;
3. Such establishment, maintenance or extension will not tend to interfere with the free movement of traffic or with the proper protection of the public through interference with the movement of police, ambulance or fire equipment, and thus interfere with the convenience of the public or the protection of the lives and property of the public; and
4. That the applicant, through the proposed perpetual-care fund or otherwise, can demonstrate adequate financial ability to establish and maintain the proposed cemetery so as to prevent the proposed cemetery from becoming a public nuisance.

22.116.040 Conditions of Approval

Prior to taking final action, the Board, Commission, or Hearing Officer may require of the applicant any reasonable dedication of public streets or highways through the premises proposed to be used for the proposed cemetery or extension of an existing cemetery so as to prevent the same from jeopardizing the public safety, comfort or welfare. If the time required by the Board, Commission, or Hearing Officer for compliance with such

conditions shall elapse without such conditions having been met, the Board, Commission, or Hearing Officer may deny the permit.

22.116.050 **Reduction in Boundaries**

- A. **Cemetery Permit.** A Cemetery Permit application, in compliance with this Chapter, shall be required to reduce the boundary of an existing cemetery never used.
- B. **Additional Application and Review Procedures.**
 1. **Application Materials.** Notwithstanding Section 22.116.020 (Application and Review Procedures), Section 22.116.020.B (Additional Application Materials) shall not be required as part of this application.
 2. **Notification Radius.** Notwithstanding Section 22.162.160.A (Standard Radius), the Director shall mail notice to all owners of property located within a 700-foot radius of the exterior boundaries of the subject property, as shown on the County's last equalized assessment roll, unless a wider notification radius is required by Section 22.162.160.B (Additional Radius).

Chapter 22.118 Reserved (Coastal Development Permits)

Reserved for Coastal Development Permits. See Chapter 22.56, below, for Coastal Development Permits.

Chapter 22.56 Coastal Development Permits

PART 17

COASTAL DEVELOPMENT PERMITS

Sections:

- 22.56.2270 Established—Purpose
- 22.56.2280 Permit Required
- 22.56.2290 Exemptions and categorical exclusions
- 22.56.2300 Application – Filing
- 22.56.2310 Application – Information required
- 22.56.2320 Application – Burden of proof
- 22.56.2330 Application – Filing fee
- 22.56.2340 Application – Denial for lack of information
- 22.56.2350 Application – Concurrent filing
- 22.56.2360 Determination of jurisdiction
- 22.56.2370 Resolving determination disputes
- 22.56.2380 Public hearings
- 22.56.2390 Director's action on non-appealable permits
- 22.56.2400 Notice requirements
- 22.56.2410 Approval or denial findings
- 22.56.2420 Condition of approval
- 22.56.2430 Notice of action and county appeal rights.
- 22.56.2440 Notice of final decision
- 22.56.2450 Appeals to the Coastal Commission
- 22.56.2460 Effect of appeal to the Coastal Commission
- 22.56.2470 De novo review by the Coastal Commission
- 22.56.2480 Appeal by two Coastal Commissioners
- 22.56.2490 Effective date of permit
- 22.56.2500 Expiration of unused permits
- 22.56.2510 Expiration following cessation of use
- 22.56.2520 Continuing validity of permit
- 22.56.2530 Amendments to permits
- 22.56.2540 Revocation of coastal development permits
- 22.56.2550 Enforcement

22.56.2270 Established—Purpose

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."

22.56.2280 Permit Required

- 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.
- 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.
- C. The processing of a coastal development permit shall be subject to the provisions of Chapter 4.5 (Section 65920 et seq.) Division I, Title 7 of the Government Code.

22.56.2290 Exemptions and categorical exclusions

- A. Exemptions: The provisions of this Part 17 shall not apply to:
 - 1. Additions to single-family residences consistent with the provisions of Section 13250, Title 14, 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, 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 repair, maintenance and

utility hookups shall be consistent with the provisions adopted by the California Coastal Commission on September 5, 1978.

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.
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 time-share project, estate or use for the purposes of this subsection.
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.

B. Categorical Exclusions. (Reserved)

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.

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.

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.

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:

- A. Names and addresses of the applicant and of all persons owning any or all of the property proposed to be used.
- B. Evidence that the applicant meets the following criteria:
 - 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.
- C. Location of the subject property by address 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.
- 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.
- 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 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.
- 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.
- 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.
- 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.

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 zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

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.

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 information when refiled by the applicant.

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.

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 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.
- 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".

- 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.

22.56.2370 Resolving determination disputes

- 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.
- B. Processing of such coastal development permit shall be suspended pending a final determination by the Executive Director or Coastal Commission.

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 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 22.56.2400.

22.56.2390 Director's action on non-appealable permits

A coastal development permit which is not subject to appeal to the Coastal Commission shall be acted on by the director who shall cause notices to be sent in accordance with 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. After the director's decisions, notices shall be sent pursuant to Section 22.56.2430.

22.56.2400 Notice requirements

- 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:
 - 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;
 - 2. The California Coastal Commission; and
 - 3. Any person who has requested to be noticed of such permit.

- B. The notice for a coastal development permit shall contain the following information:
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
 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 hearing,
 - 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.
 6. In addition, a notice for a coastal development permit which does not require a public hearing shall contain the following:
 - 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.

22.56.2410 Approval or denial findings

- 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:
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 and public recreation policies of Chapter 3 of Division 20 or the Public Resources Code.

- 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.

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.

22.56.2430 Notice of action and county appeal rights.

- 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.
- B. The notice shall contain the following information:
 - 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.
- C. An appeal may be filed by any interested person dissatisfied with a decision on a coastal development permit within:
 - 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.

22.56.2440 Notice of final decision

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.

22.56.2450 Appeals to the Coastal Commission

- A. A coastal development permit may be appealed to the California Coastal Commission for only the following types of development:
 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 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) 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; and
 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.
- 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:
 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.
- 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.
- 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:
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. The filing of the notice of appeal should also contain information which the local government has specifically requested or required.
- 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.
- 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 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.

22.56.2460 Effect of appeal to the Coastal Commission

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.

22.56.2470 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.

22.56.2480 Appeal by two Coastal Commissioners

- 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 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.
- 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.

22.56.2490 Effective date of permit

- A. A coastal development permit which is not appealable to the Coastal Commission shall have the following effective dates:
 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.
 2. The decision of the commission is final and shall become effective on the date of its decision.
- 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 the appeal. The effective date of the Coastal Commission decision will be the date of decision by the Coastal Commission.

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.

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 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.

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.

22.56.2530 Amendments to permits

- 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.

- 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.
- C. For those applications accepted, the director shall determine whether the proposed amendment represents an immaterial or material change to the permit.
 - 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 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.
 - 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.
 - 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.

22.56.2540 **Revocation of coastal development permits**

In addition to the provisions pertaining to revocations contained in Part 13 of Chapter 22.56, the following shall apply to coastal development permits:

- A. Grounds for revocation of a permit may also include:
 - 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:
 - 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.
- 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.
- 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 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.

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.

Chapter 22.120 Conditional Use Permits

Sections:

- 22.120.010 Purpose
- 22.120.020 Applicability
- 22.120.030 Application and Review Procedures
- 22.120.040 Development Standards
- 22.120.050 Findings and Decision
- 22.120.060 Conditions of Approval
- 22.120.070 All Zone Regulations Apply Unless Permit is Granted

22.120.010 Purpose

Conditional Use Permits are established to provide a process for reviewing uses and activities that may be appropriate in the applicable zone, but requires additional consideration to ensure proper integration with the surrounding community.

22.120.020 Applicability

- A. **Zones.** This Chapter authorizes uses identified by Division 3 (Zones) as subject to the approval of a Conditional Use Permit.
- B. **Additional Consideration.** This Chapter also authorizes uses or developments with unusual site features or operating characteristics requiring additional consideration to ensure that the use or development will be compatible in design, location, and operation with adjacent properties and in the surrounding area.

22.120.030 Application and Review Procedures

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Conditional Use Permit Checklist.
- B. **Type IV Review.** The application shall be filed and processed in compliance with Chapter 22.172 (Type IV Review – Discretionary) and this Chapter.

22.120.040 Development Standards

- A. **Adequate Water Supply—Criteria.** If it appears that the use requested will require a greater water supply for adequate fire protection than does either the existing use or any use permitted without a Conditional Use Permit in the same zone, and will not comply with the provisions of Division 1 (Water) of Title 20 of the County Code, such facts shall be prima facie evidence that such requested use will adversely affect and be materially detrimental to adjacent uses, buildings and structures and will not comply with the findings required by this Chapter. If the Water Appeals Board grants a Variance pursuant to any provision of Chapter 20.12 (Water Appeals Board) of said Division 1, permitting the proposed use with the existing or proposed water supply, this Section shall not apply.

22.120.050 Findings and Decision

A. **Common Procedures.** Findings and decision shall be in compliance with Section 22.162.200 (Findings and Decision); and

B. Findings.

1. The proposed use will be consistent with the adopted general plan for the area;
2. The requested use at the location proposed will not:
 - a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area,
 - b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site,
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
3. 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; and
4. The proposed site is adequately served:
 - 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
 - b. By other public or private service facilities as are required.

22.120.060 Conditions of Approval

A. Conditions may be imposed in order to ensure that the approval will be in accordance with the findings required by Section 22.120.050.B (Findings). Such conditions may involve any pertinent factors that could affect the establishment, operation and maintenance of the requested use or development, including, but not limited to:

1. Special yards, open spaces and buffer areas;
2. Fences and walls;
3. Parking facilities, including vehicular ingress and egress and the surfacing of parking areas and driveways to specified standards;
4. Street and highway dedications and improvements, including sidewalks, curbs and gutters;
5. Water supply and fire protection in accordance with the provisions of Division 1 (Water) of Title 20 of the County Code;

6. Landscaping and maintenance of grounds;
 7. Regulation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation;
 8. Regulation of operating hours for activities affecting normal neighborhood schedules and functions;
 9. Regulation of signs, including outdoor advertising;
 10. A specified validation period limiting the time in which development may begin;
 11. Provisions for a bond or other surety that the proposed conditional use will be removed on or before a specified date;
 12. A site plan indicating all details and data as prescribed in this Title 22:
 13. Such other conditions as will make possible the development of the proposed conditional use in an orderly and efficient manner and in general accordance with all elements of the General Plan and the intent and purpose of this Title 22.
- B. Approval may also be contingent upon compliance with applicable provisions of any other County, state, or federal requirements.

22.120.070 All Zone Regulations Apply Unless Permit is Granted

Unless specifically modified by a Conditional Use Permit, all regulations prescribed in the zone in which such Conditional Use Permit is granted shall apply.

Chapter 22.122 Development Agreements

Sections:

- 22.122.010 Purpose
- 22.122.020 Applicability
- 22.122.030 Application and Review Procedures
- 22.122.040 Findings and Decision
- 22.122.050 Conditions of Approval
- 22.122.060 Ordinances, Regulations and Requirements Applicable to Development
- 22.122.070 Subsequently Enacted State and Federal Laws
- 22.122.080 Adoption of Ordinance—Execution of Contract
- 22.122.090 Recordation of Executed Agreement
- 22.122.100 Enforcement—Continuing Validity
- 22.122.110 Amendment or Cancellation
- 22.122.120 Review for Compliance—Director's Authority
- 22.122.130 Violation of Agreement

22.122.010 Purpose

This Chapter is established to provide procedures and requirements for consideration of Development Agreements for the purposes specified in and as authorized by Article 2.5 (Development Agreements), Chapter 4, Title 7 of the California Government Code.

22.122.020 Applicability

- A. **General Applicability.** The Commission may recommend and the Board may enter into a Development Agreement for the development of real property with any person having a legal or equitable interest in such property as provided in this Chapter.
- B. **Local Coastal Program.** A Development Agreement shall not be approved in an area for which a local coastal program is required to be prepared and certified pursuant to the requirements of Division 20 (California Coastal Act) of the California Public Resources Code unless:
 - 1. The required local coastal program has been certified by such provisions prior to the date on which the Development Agreement is approved; or
 - 2. In the event that the required local coastal program has not been certified, the California Coastal Commission approves such Development Agreement by its formal action.

22.122.030 Application and Review Procedures

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Development Agreement Checklist.

- B. **Type V Review.** The application shall be filed and processed in compliance with Chapter 22.174 (Type V Review – Discretionary) and this Chapter.

22.122.040 Findings and Decision

- A. **Findings.** The Commission shall recommend approval of an application to the Board after making the following findings:

1. The proposed Development Agreement is consistent with the General Plan and any applicable Community, Area or Specific Plan;
2. The proposed Development Agreement complies with zoning, subdivision and other applicable ordinances and regulations;
3. The proposed Development Agreement is consistent with the public convenience, general welfare and good land use practice, making it in the public interest to enter into the Development Agreement with the applicant; and
4. The proposed Development Agreement will not:
 - a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
 - b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

B. **Coordination of Approvals.**

1. Where an application for a Development Agreement is concurrently filed with an application for a Zone Change, permit, Variance, tentative tract or minor land division and may be feasibly processed together, all public hearings shall be concurrently held.
2. In instances where the provisions of applicable ordinances would permit the modification of development standards during consideration of such Development Agreement, such standards may be concurrently considered where modification is requested.

22.122.050 Conditions of Approval

- A. Every Development Agreement entered into by the Board shall include the following terms, conditions, restrictions and requirements:
1. The duration of the agreement, including a specified termination date if appropriate;
 2. The uses to be permitted on the property;

3. The density or intensity of use permitted;
 4. The minimum height, size and location of buildings permitted;
 5. The reservation or dedication of land for public purposes to be accomplished, if any; and
 6. The time schedule established for periodic review as required by Section 22.122.100 (Review for Compliance—Director's Authority).
- B. Such terms, conditions, restrictions or requirements shall not be contrary to zoning, subdivision or other ordinances, laws or regulations applicable to the proposed development.
- C. A Development Agreement may also include additional terms, conditions, restrictions and requirements for subsequent discretionary actions in addition to those provided in Subsection A, above, provided that such terms, conditions, restrictions and requirements do not prevent development of the lot included in such agreement for the uses and to the density or intensity of development set forth in the agreement, including but not limited to:
1. The requirement of development schedules providing that construction of the proposed development as a total project or in phases be initiated and/or completed within specified time periods;
 2. The construction of public facilities required in conjunction with such development, including but not limited to vehicular and pedestrian rights-of-way, drainage and flood control facilities, parks and other recreational facilities, and sewers and sewage treatment facilities;
 3. The prohibition of one or more uses normally listed as permitted, accessory, or subject to discretionary review in the zone where placed;
 4. The limitation of future development or requirement of specified conditions under which further development not included in the agreement may occur;
 5. The requirement of a faithful performance bond where deemed necessary to, and in an amount deemed sufficient to guarantee the faithful performance of specified terms, conditions, restrictions and/or requirements of the agreement. In lieu of the required bond, the applicant may deposit with the Executive Office of the Board and assign to the County, certificates of deposit or savings and loan certificates or shares equal in amount to the same conditions as set forth herein. Such deposit and assignment shall comply with all the provisions and conditions of Chapter 4.36 (Assignment of Savings and Loan Certificates and Shares) in Title 4 of the County Code;
 6. The requirements of specified design criteria for the exteriors of buildings and other structures, including signs;

7. The requirement of special yards, open spaces, buffer areas, fences and walls, landscaping and parking facilities, including vehicular and pedestrian ingress and egress;
8. The regulation of nuisance factors such as noise, vibration, smoke, dust, dirt, odors, gases, garbage, heat and the prevention of glare or direct illumination of adjacent properties;
9. The regulation of operating hours and other characteristics of operation adversely affecting normal neighborhood schedules and functions on surrounding property.

22.122.060 Ordinances, Regulations and Requirements Applicable to Development

Unless otherwise provided by a Development Agreement, the General Plan, zoning, subdivision and other ordinances, rules, regulations and official policies governing permitted uses of land, governing density and governing design, improvement and construction standards and specifications applicable to property subject to a Development Agreement shall be those applicable to such development on the date of execution of the Development Agreement by the Board; provided, however, that a Development Agreement shall not:

- A. Be construed to prevent the application of later adopted or amended ordinances, rules, regulations and policies in subsequent applications applicable to the property which do not conflict with such existing ordinances, rules, regulations and policies; or
- B. Prevent the approval, approval subject to conditions, or denial of subsequent development applications pursuant to such existing or later adopted or amended ordinances, rules, regulations and policies.

22.122.070 Subsequently Enacted State and Federal Laws

In the event that state or federal laws or regulations enacted subsequent to execution of a Development Agreement prevent or preclude compliance with one or more provisions of such agreement, the provisions of such agreement shall be deemed modified or suspended to the extent necessary to comply with said state or federal law or regulation.

22.122.080 Adoption of Ordinance—Execution of Contract

- A. Approval by the Board of a development agreement shall be by ordinance.
- B. No ordinance shall be adopted and the Board shall not execute a Development Agreement until it has been executed by the applicant. If the applicant has not executed the agreement or agreement as modified by the Board, and returned said executed agreement to the Executive Office of the Board within 30 days

following Board approval, the approval shall be deemed withdrawn, and the Board shall not adopt said ordinance nor execute said agreement.

C. Such 30-day time period may be extended upon approval of the Board.

22.122.090 Recordation of Executed Agreement

Not more than 10 days following the execution of a Development Agreement by the Board, the Executive Office of the Board shall record with the Registrar-Recorder/County Clerk a copy of the executed agreement.

22.122.100 Enforcement—Continuing Validity

- A. Unless and until amended or cancelled in whole or in part as provided in Section 22.122.110 (Amendment or Cancellation), a Development Agreement shall be enforceable by any party thereto notwithstanding any change in regulations which alters or amends the regulations applicable to development as specified in Section 22.122.060 (Ordinances, Regulations and Requirements Applicable to Development).
- B. The burden of a Development Agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

22.122.110 Amendment or Cancellation

A Development Agreement may be amended, or cancelled in whole or in part, by mutual consent of all parties to the agreement or their successors in interest. Procedures for amendment or cancellation shall be the same as provided in this Chapter for initiation and consideration of such agreement.

22.122.120 Review for Compliance—Director's Authority

- A. Every Development Agreement entered into by the Board shall provide for periodic review of the applicant's compliance with such agreement by the Director at a time interval specified in such agreement, but in no event longer than 12 months.
- B. The Director shall determine on the basis of substantial evidence that the applicant or his successor in interest has or has not complied with the agreement. If as a result of this review the Director determines that the agreement is not being complied with, he shall notify the applicant or his successor in interest of his findings as required by law for the service of summons or by registered or certified mail, postage prepaid, return receipt requested, also indicating that failure to comply within a period specified, but in no event less than 30 days, may result in legal action to enforce compliance, termination or modification of the agreement.

- C. It is the duty of the applicant or his successor in interest to provide evidence of good faith compliance with the agreement to the Director's satisfaction at the time of said review. Refusal by the applicant or his successor in interest to provide the required information shall be deemed prima facie evidence of violation of such agreement.
- D. If, at the end of the time period established by the Director, the applicant or his successor in interest has failed to comply with the terms of the agreement or, alternatively, submitted additional evidence satisfactorily substantiating such compliance, the Director shall notify the Commission of his findings recommending such action as he deems appropriate, including legal action to enforce compliance or to terminate or modify the agreement.

22.122.130 Violation of Agreement

A. Commission Review.

- 1. Where the Director notifies the Commission that his findings indicate that a Development Agreement is being violated, a public hearing shall be scheduled before the Commission to consider the applicant's reported failure to comply, and the action recommended by the Director. Procedures for conduct of such hearing shall be the same as provided in this Chapter for initiation and consideration of a Development Agreement.
- 2. If as a result of such hearing the Commission finds that the applicant or his successor in interest is in violation of a Development Agreement, it shall notify the Board of its findings, recommending such action as it deems appropriate.

B. Board Actions. Where the Commission reports the violation of a Development Agreement, the Board may take one of the following actions:

- 1. Approve the recommendation of the Commission instructing that action be taken as indicated therein in cases other than a recommendation to terminate or modify an agreement; or
- 2. Refer the matter back to the Commission for further proceedings with or without instructions; or
- 3. Schedule the matter for hearing before itself where termination or modification of an agreement is recommended. Procedures for such hearing shall be the same as provided in Section 22.122.110 (Amendment or Cancellation)

Chapter 22.124 Explosives Permits

Sections:

- 22.124.010 Definitions
- 22.124.020 Applicability
- 22.124.030 Application and Review Procedures
- 22.124.040 Findings and Decision
- 22.124.050 Conditions of Approval

22.124.010 Definitions

Specific term(s) used in this Chapter are defined in Division 2 (Definitions), under "Explosive Permits".

22.124.020 Applicability

- A. **General Applicability.** No quantity of explosives other than gunpowder in excess of 100 pounds, or gunpowder in excess of 750 pounds, shall be stored or kept in any place, house or building in the County without a permit therefor from the Commission or Hearing Officer, and unless said explosives are contained in a magazine situated, constructed, operated and maintained in the manner described in Part 1 (High Explosives) of Division 11 of the California Health and Safety Code.
- B. **Exemption.** This Chapter shall not apply to any explosive in transit in railway cars or other vehicles, or to any explosive awaiting transportation in or delivery from a railway car or other vehicle, or to the transfer of any such explosive from a car of one railway company to a car of a connecting railway company, provided that the car or other vehicle in which said explosive is being transported, or is awaiting transportation or delivery, shall be kept locked or guarded; and provided further that the time during which such explosive is kept waiting transportation or delivery shall not exceed 24 hours.

22.124.030 Application and Review Procedures

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Explosives Permits Checklist.
- B. **Type II Review.** An application for a permit to store explosives for not more than three months and where there is no permit in force for that location shall be filed and processed in compliance with Chapter 22.168 (Type II Review – Discretionary) and this Chapter.
- C. **Type IV Review.** All other applications shall be filed and processed in compliance with Chapter 22.172 (Type IV Review – Discretionary) and this Chapter.
- D. **Agency Review.**

1. *Fire Department.* The Director shall request the technical opinion of the Fire Department, relative to the application request.
 - a. The Fire Department, within 10 days after receipt of a copy of the application, shall furnish to the Director a report thereon as to whether or not in his opinion explosives in the amounts and kinds mentioned in the application can be kept at the place proposed without danger of serious injury to persons other than those employed in or about the magazine, or to property other than that of the application.
 - b. Where a public hearing is to be held, the Director shall notify the Fire Department of the time and place thereof.

22.124.040 **Findings and Decision**

- A. **Common Procedures.** Findings and decision shall be in compliance with Section 22.162.200 (Findings and Decision).
- B. **Findings for a Type II Review.** The Director shall make similar findings as Subsection C, below, based upon his investigation or the investigation of his staff, and upon the report of the Fire Department, of the place where it is proposed to keep the explosives.
- C. **Findings for a Type IV Review.** The Commission or Hearing Officer shall approve such application where the report of the Fire Department and the findings indicate that explosives in the amounts and kinds mentioned in the application can be kept at the proposed [location](#) without danger of serious injury to persons other than those employed in or about the magazine, or to property other than that of the applicant.

22.124.050 **Conditions of Approval**

Conditions may be imposed in order to ensure that the approval will be in accordance with the findings required by Section 22.124.040 (Findings and Decision). Such conditions may include any conditions deemed necessary to protect the public health, safety and general welfare, and to prevent material detriment to the property of other persons located in the vicinity of such proposed use. The Commission, Hearing Officer, or Director may also approve the permit contingent upon compliance with applicable provisions of other ordinances.

Chapter 22.126 Housing Permits

Sections:

- 22.126.010 Purpose
- 22.126.020 Definitions
- 22.126.030 Applicability
- 22.126.040 Fees
- 22.126.050 Housing Permit Evaluation Fee
- 22.126.060 Covenant and Agreement
- 22.126.070 Monitoring
- 22.126.080 Development Standards Prescribed by Permit
- 22.126.090 Administrative Housing Permit
- 22.126.100 Discretionary Housing Permit

22.126.010 Purpose

Housing Permits are established to facilitate the increased production of affordable housing and senior citizen housing through the implementation of the provisions of Chapter 22.88 (Density Bonuses and Affordable Housing Incentives) relating to density bonuses and affordable housing incentives.

22.126.020 Definitions

Specific terms used in this Chapter are defined in Division 2 (Definitions), under "Density Bonuses and Affordable Housing Incentives".

22.126.030 Applicability

- A. Any person desiring to obtain a Housing Permit pursuant to this Chapter, that requires either an administrative review (Administrative Housing Permit) or a discretionary review (Discretionary Housing Permit), and that meets the applicable requirements of Chapter 22.88 (Density Bonuses and Affordable Housing Incentives), shall file a written application with the Director, accompanied by the applicable fee as required herein.
- B. All qualified projects with housing set-asides shall adhere to the applicable requirements of this Chapter.

22.126.040 Fees

A. Nonprofit Organization

1. Any nonprofit organization, as defined in Division 2 (Definitions), shall be exempt from the payment of planning and zoning fees or deposits for dwelling units it constructs which are for lower income and/or very-low income households; and

2. To be eligible for this exemption, the nonprofit organization shall present a certificate issued by the Community Development Commission (CDC) that such dwelling units qualify as housing for lower income or very-low income households and that the nonprofit organization is receiving a subsidy from Community Development Block Grant Funds or other public funding sources. This exemption shall not be granted when the subject dwelling units for lower and/or very-low income households are being constructed as a condition of approval by any other agency.
- B. **For-Profit Developer.** A for-profit developer that requests a density bonus, as described in Chapter 22.88 (Density Bonuses and Affordable Housing Incentives), shall be exempt from the payment of planning and zoning fees or deposits for dwelling units, if it constructs 100 percent of the project's dwelling units for lower income and/or very-low income households, and requests the exemption as an on-menu incentive, as described in Section 22.88.050.B (Menu of Incentives). The exemption shall not include CDC evaluation and monitoring fees or deposits required by Section 22.126.050 (Housing Permit Evaluation Fee).
 - C. As used in this Section, "Planning and zoning fees or deposits" shall include planning and zoning permit fees and deposits required by Section 22.162.080 (Fees and Deposits).

22.126.050 **Housing Permit Evaluation Fee**

- A. The applicant shall pay directly to the CDC an initial deposit of \$750 from which actual costs shall be billed and deducted.
- B. If during the evaluation process, actual costs incurred reach 80 percent of the amount on deposit, the applicant shall be notified by the CDC and be required to submit a minimum supplemental deposit in the amount of \$500 directly to the CDC. There is no limit to the number of supplemental deposits that may be required to be submitted to the CDC prior to the completion or withdrawal of the Housing Permit.
- C. If an initial or supplemental deposit is not received by the CDC within 30 days of notification that such deposit is due and payable, all work shall be discontinued until such deposit is received.
- D. At the sole discretion of the applicant, the amount of an initial or supplemental deposit may exceed the minimum amount defined herein, except that at no time shall such initial or supplemental deposit be less than the minimum requirement.
- E. The final Housing Permit Evaluation Fee shall be based on actual costs incurred by the CDC.
- F. Costs shall be computed on a monthly basis and deducted from the amount on deposit. The Housing Permit Evaluation Fee shall be considered final upon

completion of the review process, including any appeal process. If final costs do not exceed the amount on deposit, the unused portion of the amount on deposit shall be refunded to the applicant.

- G. Costs shall be computed using actual hours expended by the CDC staff multiplied by the most current applicable hourly rates, approved by the Auditor-Controller, that are available at the time that costs are assessed.
- H. Cost data used to determine the Housing Permit Evaluation Fee shall be maintained by the CDC and made available for public review while work is in progress, and for three years following final action or withdrawal of the application.

22.126.060 **Covenant and Agreement**

A covenant and agreement, or other similar mechanism, acceptable to the Department and 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 Chapter 22.88 (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 (DPW).

- A. **Covenant and Agreement.** The covenant and agreement shall include the following:
 - 1. A description of the total number of units, including the housing set-aside;
 - 2. A description of the household income groups 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:
 - a. The rules and procedures for qualifying tenants, filling vacancies, and maintaining housing set-asides, and where applicable, establishing affordable rents; and
 - b. Provisions requiring owners to comply with monitoring procedures, as described in Section 22.126.070 (Monitoring);
 - 6. For-sale developments. When housing set-asides are for-sale units, the covenant and agreement shall also include the following:

- 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 22.126.070 (Monitoring);
 - 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 CDC, to determine the resale price; and
 - 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:
 - i. 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 California Health and Safety Code.
 - 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 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 the resale shall be used as the initial market value.
 - 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
7. Child care facilities. When the qualified project includes a child care facility, the covenant and agreement shall also include the following:
- 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; and
 - c. The minimum required percentage of children of very low, lower, or moderate income households who attend the child care facility.

- 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 Regional Planning after making written findings as to the need for releasing the covenant and agreement.

22.126.070 **Monitoring**

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 Section 22.88.040 (Density Bonus).

- A. Registration/Certification.** Property owners shall register their affordable housing set-aside units with the CDC according to the following schedule:

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 units remain in conformance with the terms of the Housing Permit.

2. **For-Sale Units.**

- 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 housing set-aside units remain in conformance with the terms of the Housing Permit.
- 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 units remain in conformance with the terms of the Housing Permit.

- B. Fees.** In addition to the applicable review fees, as described in the Filing Fee Schedule, 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 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 Regional Planning that describes the following:

1. The location and status of each affordable housing set-aside unit approved in accordance with Chapter 22.88 (Density Bonuses and Affordable Housing Incentives) and this Chapter; and
 2. 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 Chapter 22.88 (Density Bonuses and Affordable Housing Incentives)
- C. Enforcement and noncompliance. In the event of noncompliance, the owner of the housing set-aside units shall be subject to Section 22.182 (Enforcement Provisions).

22.126.080 **Development Standards Prescribed by Permit**

In granting a Housing Permit, the Commission or the Director shall prescribe the height limit, stories, yards, maximum lot coverage, gross structural area, parking, and other development standards for the use approved. Where the Commission or the Director 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.

22.126.090 **Administrative Housing Permit**

A. **Application and Review Procedures.**

1. **Application Checklist.** The application shall contain all of the materials required by the Administrative Housing Permit Checklist.
2. **Fees.**
 - a. Application fees shall be in compliance with Section 22.126.040 (Fees).
 - b. When an application is filed, it shall be accompanied by the filing fee required for either of the following:
 - i. Housing Permit, Administrative; or
 - ii. Housing Permit, Administrative, with Off-Menu Incentives;
 - c. In addition, the Director shall refer the application to the CDC for review, pursuant to this Chapter, and the applicant shall pay directly to the CDC the Housing Permit Evaluation Fee (Section 22.126.050).
3. **Additional Application and Review Procedures.** The application shall comply with the following:

- a. *Multiple Applications.* In compliance with Section 22.162.060.
 - b. *Application Filing and Withdrawal.* In compliance with Section 22.162.070.
 - c. *Fees and Deposits.* In compliance with Section 22.162.080.
 - d. *Initial Application Review.* In compliance with Section 22.162.090.
- B. Findings and Decision.** An application that meets all the requirements for qualified projects shall be approved unless the Director makes one or more of the following findings, as applicable:
1. When an incentive is requested:
 - a. The incentive is not required in order to provide for affordable housing costs or affordable rents, or
 - b. 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.
 2. When an additional density bonus or incentive for the provision of a childcare facility is requested:
 - a. 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;
 - b. 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
 - c. That the community has adequate child care facilities.
- C. Notification.**
1. The Director shall notify the applicant of the action taken on the application, by first class mail, or other means deemed appropriate by the Director. Such notification may also be hand-delivered to the applicant when appropriate.
 2. 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 associations, of the action taken on the application, by first class mail, 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 basis 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 B, above, and that the permissible grounds upon which the Commission may act in such appeal or call for review as described in Subsection E, below, are also limited to such criteria.

D. Effective Date of Decision. Notwithstanding the provisions of Section 22.162.230 (Effective Date of Decision), if applicable, when an applicant requests an off-menu incentive, the decision of the Director shall become effective on the 21st 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.

E. Appeals.

1. Off-Menu Incentives.

- a. 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 21 days following the date of the decision. The appeal shall be accompanied by the fee required by the Filing Fee Schedule. Appeals that do not address the findings and determinations made by the Director, as described in Subsection B, above, shall not be accepted.
 - b. Notice of appeal. A notice of appeal shall be sent to the Commission, adjacent property owners, local town council, and/or similar local community associations. 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, and/or similar local community association(s).
- 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 B, above. The decision of the Commission shall be final.
- 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

notice of the decision shall be mailed within 10 days after the date of the decision to the applicant and other persons required to be notified pursuant to Subsection C, above.

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.
- F. **Effective Date When an Appeal is Filed.** 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.
- G. **Time Limits and Extensions.** 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.
- H. **Conditions of Approval.**
1. 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 Section 22.126.060 (Covenant and Agreement), with the County to ensure the affordability and/or age restrictions, and where applicable, require a monitoring fee pursuant to 22.126.070 (Monitoring).
 2. 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 their affidavit stating that they are aware of, and agree to accept, all of the requirements of the permit.
- I. **Post-Decision Actions and Regulations**
1. **Documentation, Scope of Approval, and Exhibit "A".** In compliance with Section 22.162.240.
 2. **Use of Property Before Final Action.** In compliance with Section 22.162.250.
 3. **Performance Guarantee and Covenant.** In compliance with Section 22.162.260.
 4. **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.

22.126.100 Discretionary Housing Permit

A. Application and Review Procedures.

1. **Application Checklist.** The application shall contain all of the materials required by the Discretionary Housing Permit Checklist.
2. **Fees.**
 - a. Application fees shall be in compliance with Section 22.126.040 (Fees).
 - b. When a Discretionary Housing Permit application is filed, it shall be accompanied by the filing fee required for a Discretionary Housing Permit.
3. **Type IV Review.** The application shall be filed and processed in compliance with Chapter 22.172 (Type IV Review – Discretionary) and this Chapter.

B. Findings and Decision.

1. **Common Procedures.** Findings and decision shall be in compliance with Section 22.162.200 (Findings and Decision).
2. **Findings.**
 - a. The proposed use will be consistent with the adopted General Plan for the area.
 - b. The requested use at the location will not:
 - i. Adversely affect the health, peace, comfort, or welfare or persons residing or working in the surrounding area;
 - ii. Be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; or
 - iii. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
 - c. 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.
 - d. The proposed site is adequately served:
 - i. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate; and
 - ii. By other public or private service facilities as are required.

- e. 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.
 - f. The proposed project will assist in satisfying housing needs, and is viable in terms of continuing availability to meet such housing needs.
3. ***Findings for Waiver or Modification of Development Standards.*** The Commission shall approve a request for waiver or modifications of development standards upon making the following findings:
- a. The waiver or modification to development standards is necessary to make the housing units economically feasible; and
 - b. The waiver or modification of development standards will 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.

C. Conditions of Approval - Discretionary Review

1. The Commission may impose any conditions deemed necessary to ensure that such use will be in accordance with the findings required by Section 22.126.100.B (Findings and Decision):
 - a. Conditions imposed by the Commission may involve any pertinent factors affecting the establishment, operation, and maintenance of the requested use.
 - b. 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 22.126.060 (Covenant and Agreement), to ensure the affordability and/or age restrictions of the housing set-asides, and where applicable, require a monitoring fee pursuant to Section 22.126.070 (Monitoring).
2. The Commission may also approve the requested Discretionary Housing Permit contingent upon compliance with applicable provisions of other ordinances.
3. 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.

D. Appeals.

1. ***Appeals.*** In compliance with Chapter 22.180.

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 Section 22.126.100.B (Findings and Decision).

E. Post-Decision Actions and Regulations.

1. **Post-Decision Actions and Regulations.** In compliance with Section 22.172.090.
2. **Time Limits and Extensions.** In addition to Section 22.172.090.D (Time Limits and Extensions), 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.
3. **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.

Chapter 22.128 Lot Line Adjustments

Sections:

- 22.128.010 Applicability
- 22.128.020 Application and Review Procedures
- 22.128.030 Development Standards
- 22.128.040 Conditions of Approval

22.128.010 **Applicability**

Lot Line Adjustments provide a process to adjust the lot line between two or more existing adjacent lots, where the land taken from one lot is added to an adjacent lot and where a greater number of lots than originally existed are not thereby created.

22.128.020 **Application and Review Procedures**

- A. **Application Checklist.** The application submittal shall contain all materials required by the Lot Line Adjustment Checklist.
- B. **Type I Review.** An application that does not require CEQA review shall be filed and processed in compliance with Chapter 22.166 (Type I Review – Ministerial).
- C. **Type II Review.** An application that requires CEQA review shall be filed and processed in compliance with Chapter 22.168 (Type II Review – Discretionary).

22.128.030 **Development Standards**

All lot line adjustments shall conform to the following development standards:

- A. The lot design, frontage, access and similar standards shall be consistent with applicable provisions contained in Title 21 (Subdivisions) of the County Code.
- B. Any change in access, lot configuration or orientation of structures, easements or utilities to lot lines will not, in the opinion of the Director, result in any burden on public services or materially affect the property rights of any adjacent owners.
- C. The lots to be adjusted are eligible for Unconditional Certificates of Compliance under the provisions of the Subdivision Map Act and this Title 22.
- D. The adjusted lot configurations will be in accord with established neighborhood lot design patterns and will not violate any statute, ordinance, regulation or good planning practice.
- E. If any of the lots to be adjusted are improved with a structure requiring a building permit, the applicant shall provide an inspection report from the Building and Safety Division of the Department of Public Works certifying that changes in lot lines will not violate any ordinances or regulations administered by that

Department. The Department of Public Works shall collect any fees required for this service.

- F. If the subject property lies within the boundaries of the Coastal Zone, as defined in Section 30103 of the California Public Resources Code, a Coastal Development Permit shall be required pursuant to Section 22.118 (Coastal Development Permits).

22.128.040 Conditions of Approval

If the application is approved:

- A. The Director shall record a Certificate of Compliance containing the descriptions of the lots as they will exist after adjustment. If the request is denied, the Director shall report this in writing to the applicant, citing the reasons for denial.
- B. The Lot Line Adjustment shall be reflected in a deed or record of survey which shall be recorded by the applicant.

Chapter 22.130 Minor Conditional Use Permits

Sections:

- 22.130.010 Purpose
- 22.130.020 Applicability
- 22.130.030 Application and Review Procedures
- 22.130.040 Findings and Decision
- 22.130.050 Conditions of Approval
- 22.130.060 Notice of Action
- 22.130.070 Required Actions

22.130.010 Purpose

Minor Conditional Use Permits are established to authorize the Director's ex parte consideration of applications that by their nature are limited in scope and impacts.

22.130.020 Applicability

- A. **Zones.** This Chapter authorizes uses identified by Division 3 (Zones) as being permitted in the applicable zone, subject to the approval of a Minor Conditional Use Permit (MCUP).
- B. **Additional Consideration.** This Chapter also authorizes uses or developments with unusual site features or operating characteristics requiring additional consideration to ensure that the use or development will be compatible in design, location, and operation with adjacent properties and in the surrounding area.

22.130.030 Application and Review Procedures

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Minor Conditional Use Permit Checklist.
- B. **Type III Review.** The application shall be filed and processed in compliance with Chapter 22.170 (Type III Review – Discretionary) and this Chapter.
- C. **Notice of Application.** Prior to taking action on an application, the Director shall provide notice in compliance with Section 22.162.130 (Notice of Application) and Section 22.162.150 (Mailing), except where modified below:
 - 1. **Notice Content.** The notice shall also indicate that any individual may oppose the granting of the application by a written protest to the Director within 15 days of the date set forth on the notice.
 - 2. **Notification Radius.**
 - a. *Standard Radius.* All owners of property located within a 300-foot radius of the exterior boundaries of the subject property, as shown on the County's last equalized assessment roll; and

- b. *Additional Radius.* In compliance with Section 22.162.160.B.
3. **Procedures.** The Director shall mail the notice at least 21 days prior to the date set forth on the notice for the receipt of written protests.

22.130.040 Findings and Decision

- A. **Approval.** The Director may approve an application if:
 1. Not more than one valid written request for a public hearing, pursuant to Subsection D, below, is received within 15 days of the date on the notice; and
 2. That the findings in Subsection C, below, are established.
- B. **Denial.** The Director shall deny the application if:
 1. Two or more valid, written protests, pursuant to Subsection D, below, are received within 15 days of the date of the notice; or
 2. That the findings in Subsection C, below, are not established.
- C. **Findings.**
 1. **Common Procedures.** Findings and decision shall be in compliance with Section 22.162.200 (Findings and Decision); and
 2. **Findings.**
 - a. The proposed use will be consistent with the adopted General Plan for the area;
 - b. The requested use at the location proposed will not:
 - i. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area,
 - ii. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site,
 - iii. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
 - c. 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; and
 - d. The proposed site is adequately served:
 - i. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 - ii. By other public or private service facilities as are required.

D. Written Protests.

1. The Director shall determine the validity of written protests. Validity shall be determined based on issues of significance directly related to the application, such as evidence that the request cannot meet one or more of the findings, principles, or standards identified in Section 22.162.200 (Findings and Decisions) in order to be considered valid;
2. Requests received from both an owner and an occupant of the same property shall be considered to be only one protest for the purposes of this Subsection D; and
3. All requests from more than one member of a homeowners association shall be considered as only one protest.

22.130.050 Conditions of Approval

Conditions may be imposed in order to ensure that the approval will be in accordance with the findings required by Section 22.130.040 (Findings and Decisions). Such conditions may include those in Section 22.120.060 (Conditions of Approval).

22.130.060 Notice of Action

In addition to Section 22.162.220 (Notice of Action), the notice shall also indicate:

- A. That any individual may oppose the granting of the application by a written protest to the Director within 14 days of the date following the date on the notice of the Director's decision.
- B. That a non-applicant may also appeal the decision.

22.130.070 Required Actions

- A. If the Director denies an application, the Director shall also inform the applicant that a Conditional Use Permit application and a request to schedule a public hearing before the Commission must be filed within 14 days of the date of the Director's decision in order for application processing to continue.
- B. Filing a Conditional Use Permit application, as opposed filing an appeal of the decision for a Minor Conditional Use Permit, allows the application to be heard by the Board of Supervisors, should the applicant chose to appeal the decision of the Commission.
- C. The applicant shall pay the fee per the Filing Fee Schedule. The fee shall be the difference already paid by the applicant for the Minor Conditional Use Permit application and the fee for a Conditional Use Permit application.
- D. The Director shall provide a new project number and associated application file for the new Conditional Use Permit application for the subject project.

- E. If the applicant does not file for a Conditional Use Permit application and pay the fee as specified in this Section, the Minor Conditional Use Permit shall be denied and will not be subject to appeal.

Chapter 22.132 Nonconforming Uses, Buildings and Structures

Sections:

- 22.132.010 Definitions
- 22.132.020 Regulations Applicable
- 22.132.030 Public Uses—Additions and Alterations Authorized When
- 22.132.040 Public Utilities—Additions and Alterations Authorized When
- 22.132.050 Termination Conditions and Time Limits
- 22.132.060 Review of Amortization Schedule or Substitution of Use

22.132.010 Definitions

As used in this Chapter the expressions "Type I, Type II, Type III, Type IV and Type V building" are used as defined Title 26 (Building Code) of the County Code.

22.132.020 Regulations Applicable

The following regulations shall apply to all nonconforming uses and to all buildings or structures nonconforming due to use and/or standards as specified herein:

- A. **Continuation.** A nonconforming use or a building or structure nonconforming due to use and/or standards may be continuously maintained provided there is no alteration, enlargement or addition to any building or structure; no increase in occupant load; nor any enlargement of area, space or volume occupied by or devoted to such use, except as otherwise provided in this Title 22.
- B. **Additions to a Nonconforming Use or a Building or Structure Nonconforming Due to Use and/or Standards.** This Section does not authorize the extension, expansion, or enlargement of the area of land or the area within a building or structure devoted to a nonconforming use, or the alteration, enlargement of, or addition to a building or structure nonconforming due to use and/or standards, or permit the addition of land, buildings, or structures used in conjunction with a nonconforming use or a building or structure nonconforming due to use and/or standards except:
 - 1. To the extent required by a subsequently enacted or subsequently adopted law, ordinance or regulation, and the Director so finds. Such additions as are permitted by this subsection shall not be construed to extend the termination date of the subject nonconforming use, or a building or a structure nonconforming due to use.
 - 2. Additions may be made to a building nonconforming due to use and/or standards which is designed for and used as a residence without requiring any additional parking space or driveway paving; provided, that such additions neither increase the number of dwelling units in such structure, nor

occupy the only portion of an area which can be used for required parking space or access thereto. Notwithstanding the foregoing, a second unit in compliance with Chapter 22.106.500 (Second Units) may be developed on a lot or parcel of land containing a single-family residence nonconforming due to standards, provided that where the single-family residence is nonconforming due to parking standards, sufficient parking shall be provided to ensure that both the single-family residence and the second unit comply with the applicable provisions of Chapter 22.82 (Parking).

C. Additions to a Building or Structure Nonconforming Due to Standards.

Additions may be made to a building or structure nonconforming due to standards which is not in violation of any provisions of this Title 22 and is nonconforming only because it does not meet the following standards of development as provided herein:

1. Yards, provided such addition or expansion is developed pursuant to the yard requirements of this Title 22;
2. Building height limits, but not including floor area ratio or maximum lot coverage provisions, provided such addition or expansion is developed pursuant to the height requirements of this Title 22;
3. Parking facilities including width of access and paving, improvement, number of spaces and landscaping of parking areas; provided, that parking spaces for such addition, increase in occupant load or expansion shall be developed pursuant to the provisions of Chapter 22.82 (Parking). Such addition or expansion shall not occupy the only portion of an area which can be used for the required parking space or access thereto. Where the number of parking spaces provided prior to such addition is sufficient to comply with said Chapter 22.82 (Parking) after such expansion, the existing development of such parking facilities shall be deemed to comply with this Subsection;
4. Such additions as are permitted by this Subsection shall not be construed to authorize the modification of any provision of this Title 22 nor extend the termination date of the subject nonconforming use.

D. Conforming Uses in a Building or Structure Nonconforming Due to Standards Other Than Parking. A building or structure nonconforming due to standards other than parking may be occupied by any use permitted in the zone in which it is located, subject to the limitations and conditions governing such use as specified in the zone.

E. Conforming Uses in a Building or Structure Nonconforming Due to Parking. A building or structure nonconforming due to parking standards may be occupied by any use permitted in the zone in which it is located subject to the limitations and conditions governing such use as specified in the zone; provided, that:

1. The use has the same or lesser parking requirement as the existing or previous use; or
 2. If the use has a greater requirement than the existing or previous use, a sufficient number of additional parking spaces is developed to accommodate the increased amount of space required by the new use.
- F. Buildings or structures, for which a valid building permit has been issued prior to the effective date, or operative date where later, of the ordinance codified herein, or any amendments thereto, making such building or structure nonconforming due to use and/or standards, may be completed and used in accordance with the provisions of this Title 22, provided:
1. That such construction or the proposed use of such building or structure under construction is not in violation of any other ordinance or law at said effective or operative date; and
 2. That such building or structure is completed within:
 - a. One year from said effective or operative date, if two stories or less in height and not more than 70,000 square feet in floor area, except that one additional month shall be permitted for each 15,000 square feet in excess of said 70,000 square feet,
 - b. One and one-half years from said effective or operative date, if three to six stories in height and not more than 100,000 square feet in floor area, except that one additional month shall be permitted for each 15,000 square feet in excess of said 100,000 square feet,
 - c. Two years from said effective or operative date if seven stories or more in height and not more than 150,000 square feet in floor area except that one additional month shall be permitted for 15,000 square feet in excess of said 150,000 square feet;
 3. That such building or structure is completed in accordance with the plans and specifications on which such building permit was issued.
- G. **Repair of Damaged or Partially Destroyed Buildings or Structures Nonconforming Due to Use and/or Standards.** Any building or structure nonconforming due to use and/or standards which is damaged or partially destroyed may be restored to the condition in which it was immediately prior to the occurrence of such damage or destruction, provided:
1. That the cost of reconstruction does not exceed 50 percent of the total market value of the building or structure as determined by:
 - a. The current assessment roll immediately prior to the time of damage or destruction, or

1. That each existing and proposed use, building or structure, including appurtenant structures, improvements and open space, will be located on a lot having the required area as provided in Section 22.80.090 (Required Lot Area); and
2. That such lot or parcel of land can be divided into smaller lots or parcels of land each of which when considered as a separate lot or parcel of land will contain not less than the required area; and
3. That each such lot or parcel of land so divided into smaller lots or parcels of land will comply with the requirements of this Title 22 as to the number and location of structures.

J. The provisions of this Section shall not be construed to extend the termination date of such nonconforming uses, buildings and structures.

22.132.030 Public Uses—Additions and Alterations Authorized When

Any publicly owned nonconforming use or building or structure nonconforming due to use and/or standards, including but not limited to, schools, colleges, parks, libraries, fire stations, Sheriff stations and other public sites, may be added to, extended, or altered if such additions, extensions, or alterations do not extend beyond the boundaries of the original site established prior to the time approval was required. Nothing in this Title 22 pertaining to nonconforming due to use and/or standards shall be construed to require the termination, discontinuance or removal of such uses, buildings or structures except as provided in Section 22.178.050 (Nonconforming Uses and Structures – Additional Grounds).

22.132.040 Public Utilities—Additions and Alterations Authorized When

Any building or structure of a public utility made nonconforming by the provisions of this Title 22, including equipment or other facilities necessary for operating purposes, but excluding offices, service centers or yards, may be added to, extended or altered; provided, there is no change in use or enlargement of the original site established prior to the time such approval was required. Nothing in this Title 22 pertaining to nonconforming uses or buildings and structures nonconforming due to use and/or standards shall be construed to require the termination, discontinuance or removal of such uses, buildings or structures except as provided in Section 22.178.050 (Nonconforming Uses and Structures – Additional Grounds).

22.132.050 Termination Conditions and Time Limits

The following regulations shall apply to all nonconforming uses and buildings and structures nonconforming due to use, and to buildings and structures nonconforming due to standards as specified in this Section.

- A. **Termination by Discontinuance.** Discontinuance of a nonconforming use or of the use of a building or structure nonconforming due to use and/or standards as indicated herein shall immediately terminate the right to operate or use such nonconforming use, building or structure, except when extended as otherwise provided in this Title 22:
1. Changing a nonconforming use to a conforming use;
 2. Removal of a building or structure nonconforming due to use and/or standards;
 3. Discontinuance of a nonconforming use or use of a building or structure nonconforming due to use for a consecutive period of two or more years;
 4. Discontinuance of the use of a building or structure nonconforming due to standards, in those cases where such building or structure is subject to termination by operation of law as specified in Subsection B.2, below, for a consecutive period of two or more years.
- B. **Termination by Operation of Law.** Nonconforming uses and buildings or structures nonconforming due to use, and those buildings or structures nonconforming due to standards enumerated in this Section, shall be discontinued and removed from their sites within the time specified in this section, except when extended or revoked as otherwise provided in this Title 22:
1. In the case of nonconforming uses and buildings or structures nonconforming due to use:
 - a. Where the property is unimproved, one year,
 - b. Where the property is unimproved except for buildings or structures of a type for which Title 26 (Building Code) of the County Code does not require a building permit, three years,
 - c. Where the property is unimproved except for buildings or structures which contain less than 100 square feet of gross floor area, or where such buildings or structures have a total market value of \$500.00 or less as reflected by the current assessment roll, three years,
 - d. Outdoor advertising signs and structures, five years,
 - e. Where a nonconforming use is carried on in a conforming structure, five years except where the provisions of Subsection C, below, apply,
 - f. In other cases, 20 years from the effective date or operative date where later of the ordinance or amendment thereto establishing said nonconforming status, and for such longer time so that the total life of the structure from the date of construction, based on the type of construction as defined by Title 26 (Building Code) of the County Code, will be as follows:

- i. Type IV and Type V buildings used as:
 - (1) Three-family dwellings, apartment houses and other buildings used for residential occupancy, 35 years,
 - (2) Stores and factories, 25 years,
 - (3) Any other building not herein enumerated, 25 years,
 - ii. Type III buildings used as:
 - (1) Three-family dwellings, apartment houses, offices and hotels, 40 years,
 - (2) Structures with stores below and residences, offices or a hotel above, 40 years,
 - (3) Warehouses, stores and garages, 40 years,
 - (4) Factories and industrial buildings, 40 years,
 - iii. Type I and Type II buildings used as:
 - (1) Three-family dwellings, apartment houses, offices and hotels, 50 years,
 - (2) Theaters, warehouses, stores and garages, 50 years,
 - (3) Factories and industrial buildings, 50 years,
 - g. Where the property is developed as a mobilehome park, which is constituted only of spaces rented to mobilehomes, then the length of time shall be as specified by this Subsection B.1 except where an extension has been approved pursuant to Section 22.106.340.J (Renewals).
2. In the case of buildings or structures nonconforming due to standards, signs as follows:
- a. Signs as prohibited by Section 22.84.060, 90 days,
 - b. All other signs and sign structures except outdoor advertising signs, 10 years.
- C. **Exception.** The termination periods enumerated in this Section shall not apply to one-family and two-family dwellings.

22.132.060 **Review of Amortization Schedule or Substitution of Use**

A. **Applicability.**

- 1. A Nonconforming Uses and Structure Review application may be filed with the Director:
 - a. Requesting extension of the time within which a nonconforming use or building or structure nonconforming due to use, or due to standards where

applicable, must be discontinued and removed from its site as specified in Section 22.132.050.B (Termination by Operation of Law) or Section 22.184.010.G.2 (Zone Exception—Considered Nonconforming Use When),

- b. Requesting substitution of another use permitted in the zone in which the nonconforming use is first permitted where a building or structure is vacant despite efforts to ensure continuation of a nonconforming use and is so constructed that it may not reasonably be converted to or used for a use permitted in the zone in which it is located, or
 - c. Requesting repairs of one-family and two-family dwellings in excess of those provided for in Section 22.132.020.G (Repair of Damaged or Partially Destroyed Buildings or Structures Nonconforming Due to Use and/or Standards).
2. The Director may accept such filing either before or after the date of expiration of such nonconforming use, building or structure.

B. Application Review and Procedure.

1. ***Application Checklist.*** The application submittal shall contain all of the materials required by the Nonconforming Uses, Buildings and Structures Review Checklist.
2. ***Review and Procedures.***
 - a. Type IV Review. The application shall be filed and processed in compliance with Chapter 22.172 (Type IV Review – Discretionary) and this Chapter.
 - b. Exception. In the instance where final action was taken to deny a nonconforming use, building or structure review prior to amendment of the facts required for approval adopted by Ordinance 12271, effective December 26, 1980, the one-year restriction on reapplication shall not apply.

C. Findings and Decision.

1. **Common Procedures.** Findings and decision shall be in compliance with Section 22.162.200 (Findings and Decision); and
2. **Findings.**
 - a. To require cessation of such use, building or structure would impair the property rights of any person to such an extent as to be an unconstitutional taking of property; and/or
 - b. Such use, building or structure does not now and will not during the extension period requested:

- i. Adversely affect the health, peace or welfare of persons residing or working in the surrounding area, or
- ii. Be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site, or
- iii. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

D. Conditions of Approval. The Commission or Hearing Officer, in approving an application for a nonconforming use and structure review may impose conditions deemed necessary to ensure that the approval will be in accordance with the findings required. Conditions imposed by the Commission or Hearing Officer may involve any pertinent factors affecting the establishment, operations, and maintenance of the uses, buildings or structures requested including, but not limited to those specified in Section 22.120.060 (Conditions of Approval).

Chapter 22.134 Oak Tree Permits

Sections:

- 22.134.010 Purpose
- 22.134.020 Definitions
- 22.134.030 Applicability
- 22.134.040 Application and Review Procedures
- 22.134.050 Review of the Oak Tree Report by the Fire Department
- 22.134.060 Findings and Decision
- 22.134.070 Conditions of Approval
- 22.134.080 Effective Date of Decision and Appeals
- 22.134.090 Enforcement

22.134.010 Purpose

Oak Tree Permits are established (a) to recognize oak trees as significant historical, aesthetic and ecological resources, and as one of the most picturesque trees in Los Angeles County, lending beauty and charm to the natural and manmade landscape, enhancing the value of property, and the character of the communities in which they exist; and (b) to create favorable conditions for the preservation and propagation of this unique, threatened plant heritage, particularly those trees which may be classified as heritage oak trees, for the benefit of current and future residents of the County.

It is the intent of the Oak Tree Permit to maintain and enhance the general health, safety and welfare by assisting in counteracting air pollution and in minimizing soil erosion and other related environmental damage. The Oak Tree Permit is also intended to preserve and enhance property values by conserving and adding to the distinctive and unique aesthetic character of many areas of the County in which oak trees are indigenous. The stated objective of the Oak Tree Permit is to preserve and maintain healthy oak trees in the development process.

22.134.020 Definitions

Specific term(s) used in this Chapter are defined in Division 2 (Definitions), under “Oak Tree Permits”.

22.134.030 Applicability

A. Damaging or Removing Oak Trees Prohibited—Permit Requirements.

Except as otherwise provided in Subsection B, below, a person shall not cut, destroy, remove, relocate, inflict damage or encroach into a protected zone of any tree of the oak genus which is:

1. Twenty-five inches or more in circumference (eight inches in diameter) as measured four and one-half feet above mean natural grade; in the case of an oak with more than one trunk, whose combined circumference of any two

trunks is at least thirty-eight inches (twelve inches in diameter) as measured four and one half feet above mean natural grade, on any lot within the unincorporated area of the County, or

2. Any tree that has been provided as a replacement tree, pursuant to Section 22.134.070 (Conditions of Approval), on any lot within the unincorporated area of the County, unless an Oak Tree Permit is first obtained as provided by this Chapter.

B. Exemptions. This Chapter shall not apply to:

1. Any permit, variance or tentative map for a subdivision, including a minor land division, approved by the Board, Commission, Hearing Officer or the Director prior to August 20, 1982, the effective date of this Chapter;
2. Cases of emergency caused by an oak tree being in a hazardous or dangerous condition, or being irretrievably damaged or destroyed through flood, fire, wind or lightning, as determined after visual inspection by a licensed forester with the Fire Department, Forestry Division (Fire Department);
3. Emergency or routine maintenance by a public utility necessary to protect or maintain an electric power or communication line or other property of a public utility;
4. Tree maintenance, limited to medium pruning of branches not to exceed two inches in diameter in accordance with guidelines published by the International Society of Arboriculture intended to ensure the continued health of a protected tree;
5. Trees planted, grown and/or held for sale by a licensed nursery; and
6. Trees within existing road rights-of-way where pruning is necessary to obtain adequate line-of-sight distances and/or to keep street and sidewalk easements clear of obstructions, or to remove or relocate trees causing damage to roadway improvements or other public facilities and infrastructure within existing road rights-of-way, as required by the Director of Public Works.

22.134.040 **Application and Review Procedures**

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Oak Tree Permit Checklist.
- B. **Type II Review.** An application to remove or relocate not more than a total of one oak tree in conjunction with the use of a single-family residence, listed as a use permitted in the zone with a Site Plan Review, shall be filed and processed in compliance with Chapter 22.168 (Type II Review – Discretionary) and this Chapter.

C. **Type IV Review.** All other applications shall be filed and processed in compliance with Chapter 22.172 (Type IV Review – Discretionary) and this Chapter.

1. **Notice Requirements.** Notwithstanding notification required by the Type IV Review, notification shall be provided as follows:

a. *Multiple Applications.* When an application for another permit or review that requires noticing is concurrently filed with an Oak Tree Permit application, notice of the Oak Tree Permit application shall be included in said notice;

b. *Single Applications.* Where no concurrent application is filed, as provided in Subsection C.1.a, above, only the following notification shall be required:

i. The Director, not less than 20 days before the date of public hearing, shall publish notice of such filing once in a newspaper of general circulation in the County of Los Angeles available in the community in which such Oak Tree Permit is proposed.

ii. The notice shall include content per Section 22.162.140 (Notice Content) and the statement: “Notice of Oak Tree Permit Filing”.

D. **Additional Application Materials.** In addition to Subsection A, above, the following application materials shall be required:

1. **Site Plan.** The application shall require a site plan showing the location of all oak trees subject to this Chapter proposed to be removed, damaged, encroached, and/or relocated, or within 200 feet of proposed construction, grading, landfill or other activity. Each tree shall be assigned an identification number on the plan, and a corresponding permanent identifying tag shall be affixed to the north side of each tree in the manner prescribed by Section 22.134.070 (Conditions of Approval). These identifications shall be utilized in the Oak Tree Report and for physical identification on the property where required. The protected zone shall be shown for each plotted tree.

2. **Oak Tree Report.**

a. An Oak Tree Report certified to be true and correct shall be prepared by an individual with expertise acceptable to the Director and the Fire Department. The Oak Tree Report, as deemed acceptable by the Director and the Fire Department, shall identify each oak tree on the site plan as required by Subsection D.1, above, and shall contain the following information:

i. The name, address, telephone number and business hours of the preparer,

- ii. Evaluation of the physical structure of each tree as follows:
 - (1) The circumference and diameter of the trunk, measured four and one-half feet above natural grade,
 - (2) The diameter of the tree's canopy, plus five feet, establishing the protected zone,
 - (3) Aesthetic assessment of the tree, considering factors such as but not limited to symmetry, broken branches, unbalanced crown, excessive horizontal branching,
 - (4) Recommendations to remedy structural problems where required,
 - iii. Evaluation of the health of each tree as follows:
 - (1) Evidence of disease, such as slime flux, heart rot, crown rot, armillaria root fungus, exfoliation, leaf scorch and exudations,
 - (2) Identification of insect pests, such as galls, twig girdler, borers, termites, pit scale and plant parasites,
 - (3) Evaluation of vigor, such as new tip growth, leaf color, abnormal bark, deadwood and thinning of crown,
 - (4) Health rating based on the archetype tree of the same species,
 - (5) Recommendations to improve tree health, such as insect or disease control, pruning and fertilization,
 - iv. Evaluation of the applicant's proposal as it impacts each tree shown on the site plan, including suggested mitigating and/ or future maintenance measures where required and the anticipated effectiveness thereof,
 - v. Identification of those trees shown on the site plan which may be classified as heritage oak trees. Heritage oak trees are either of the following:
 - (1) Any oak tree measuring thirty-six inches or more in diameter, measured four and one-half feet above the natural grade; or
 - (2) Any oak tree having significant historical or cultural importance to the community, notwithstanding that the tree diameter is less than thirty-six inches,
 - vi. Identification of any oak tree officially identified by a County resource conservation district,
 - vii. Any other information required by the Director or the Fire Department.
- b. The requirement for an Oak Tree Report may be waived by the Director where a single tree is proposed for removal in conjunction with the use of

a single-family residence listed as a permitted use in the zone, and/or such information is deemed unnecessary for processing the applications;

- E. **Agency Review.** Upon receipt of an application, the Director shall refer a copy of the Oak Tree Report to the Fire Department. Review of the Oak Tree Report by the Fire Department shall comply with Section 22.134.050 (Review of Oak Tree Report by the Fire Department).

22.134.050 Review of the Oak Tree Report by the Fire Department

- A. The Fire Department shall review the Oak Tree Report for accuracy of statements contained therein and shall make inspections on the project site. Such inspections shall determine the health of all such trees on the project site and such other factors as may be necessary and proper to complete the review. A copy of the Fire Department's review shall be submitted in writing to the Director within 15 days after its completion. The review shall not be considered complete until the applicant pays to the Fire Department any fees and deposits for oak tree inspections and report reviews as required in Section 328 (Land Development and Environmental Review Fees) of Title 32 of the County Code.
- B. The Fire Department may suggest conditions for use by the Commission, Hearing Officer, or Director pursuant to Section 22.134.070 (Conditions of Approval).
- C. When the Fire Department determines that replacement or relocation on the project site of oak trees proposed for removal is inappropriate, the Fire Department may recommend that the applicant pay into the Oak Forests Special Fund the amount equivalent to the oak resource value of the trees described in the Oak Tree Report. The oak resource value shall be calculated by the applicant and approved by the Fire Department according to the most current edition of the International Society of Arboriculture's "Guide to Establishing Values for Trees and Shrubs".
- D. Funds collected for the Oak Forests Special Fund shall be used for the following purposes:
1. Establishing and planting new trees on public lands;
 2. Maintaining existing oak trees on public lands;
 3. Purchasing prime oak woodlands; and
 4. Purchasing sensitive oak trees of cultural or historic significance.
- E. Not more than seven percent of the funds collected may be used to study and identify appropriate programs for accomplishing the purposes set forth in Subsection D, above.

22.134.060 Findings and Decision

A. **Common Procedures.** Findings and decision shall be in compliance with Section 22.162.200 (Findings and Decision); and

B. **Findings.**

1. That the proposed construction or proposed use will be accomplished without endangering the health of the remaining oak trees subject to Title 22 regulations, if any, on the subject property;
2. That the removal or relocation of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated;
3. That in addition to the above facts, at least one of the following findings apply:
 - a. That the removal or relocation of the oak trees proposed is necessary as continued existence at present locations frustrates the planned improvement or proposed use of the subject property to such an extent that:
 - i. Alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or
 - ii. Placement of such oak trees precludes the reasonable and efficient use of such property for a use otherwise authorized, or
 - b. That the oak trees proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the trees, or
 - c. That the condition of the oak trees proposed for removal with reference to seriously debilitating disease or danger of falling is such that it cannot be remedied through reasonable preservation procedures and practices; and
4. That the removal of the oak trees proposed will not be contrary to or be in substantial conflict with the intent and purpose of the Oak Tree Permit procedure.

C. **Relocation of Trees.** For purposes of interpreting this Chapter, it shall be specified that while relocation is not prohibited by this Chapter, it is a voluntary alternative offering sufficient potential danger to the health of an oak tree as to require the same findings as removal.

22.134.070 **Conditions of Approval**

Conditions may be imposed in order to ensure that the approval will be in accordance with the findings required by Section 22.134.060 (Findings and Decision). Such conditions may involve, but are not limited to, the following:

- A. The replacement of oak trees proposed for removal or relocation with oak trees of a suitable type, size, number, location and date of planting. In determining whether replacement should be required, the Commission, Hearing Officer or Director shall consider but is not limited to the following factors:
1. The vegetative character of the surrounding area,
 2. The number of oak trees subject to this Chapter which are proposed to be removed in relation to the number of such oak trees currently existing on the subject property,
 3. The anticipated effectiveness of the replacement of oak trees, as determined by the Oak Tree Report submitted by the applicant and evaluated by the Fire Department,
 4. The development plans submitted by the applicant for the proposed construction or the proposed use of the subject property,
 5. The relocation of oak trees approved for removal shall not be deemed a mitigating factor in determining the need for replacement oak trees,
 6. Replacement oak trees.
 - a. Required replacement oak trees shall consist exclusively of indigenous oak trees and shall be in the ratio of at least two to one. Each replacement oak tree shall be at least a 15-gallon size specimen and measure at least one inch in diameter one foot above the base. The Commission, Hearing Officer or Director, in lieu of this requirement, may require the substitution of one larger container specimen for each oak tree to be replaced, where, in their opinion, the substitution is feasible and conditions warrant such greater substitution,
 - b. Replacement oak trees shall be properly cared for and maintained for a period of two years and replaced by the permittee if mortality occurs within that period,
 - c. Where feasible replacement oak trees should consist exclusively of indigenous oak trees and certified as being grown from a seed source collected in Los Angeles or Ventura Counties,
 - d. Replacement oak trees shall be planted and maintained on the subject property and, if feasible, in the same general area where the oak trees were removed. The process of replacement of oak trees shall be supervised in the field by a person who, in the opinion of the Fire Department, has expertise in the planting, care and maintenance of oak trees;
- B. A plan for protecting oak trees on the subject property during and after development, such as, but not limited to, the following requirements:

1. The installation of chain link fencing not less than four feet in height around the protected zone of oak trees shown on the site plan. Said fencing shall be in place and inspected by the Fire Department prior to commencement of any activity on the subject property. Said fencing shall remain in place throughout the entire period of development and shall not be removed without written authorization from the Fire Department,
 2. Where grading or any other similar activity is specifically approved within the protected zone, the applicant shall provide an individual with special expertise acceptable to the Director to supervise all excavation or grading proposed within the protected zones and to further supervise, monitor and certify to the Fire Department the implementation of all conditions imposed in connection with the applicant's Oak Tree Permit,
 3. That any excavation or grading allowed within the protected zone or within 15 feet of the trunk of an oak tree, whichever distance is greater, be limited to hand tools or small hand-power equipment,
 4. That oak trees on other portions of the subject property not included within the site plan also be protected with chain link fencing thus restricting storage, machinery storage or access during construction,
 5. That the oak trees on the site plan be physically identified by number on a tag affixed to the north side of the tree in a manner preserving the health and viability of the tree. The tag shall be composed of a noncorrosive all-weather material and shall be permanently affixed to the tree. The oak tree shall be similarly designated on the site plan in a manner acceptable to the Director,
 6. That corrective measures for oak trees noted on the Oak Tree Report as requiring remedial action be taken, including pest control, pruning, fertilizing and similar actions,
 7. That, to the extent feasible as determined by the Director, utility trenching shall avoid encroaching into the protected zone on its path to and from any structure,
 8. At the start of grading operations and throughout the entire period of development, no person shall perform any work for which an Oak Tree Permit is required unless a copy of the Oak Tree Report, location map, fencing plans, and approved Oak Tree Permit and conditions are in the possession of a responsible person and also available at the site.
- C. The applicant shall provide an oak tree information manual prepared by and available from the Fire Department to the property owner, subsequent property owner, and any homeowners association.

22.134.080 Effective Date of Decision and Appeals

The decision of:

- A. The Hearing Officer and Director shall become final and effective as set forth in Chapter 22.162.230 (Effective Date of Decision) unless an appeal is timely filed pursuant to Chapter 22.180 (Appeals).
- B. The Commission shall be final and effective on the date of decision. Appeal of an Oak Tree Permit to the Board is only allowed where an Oak Tree Permit is concurrently considered with a permit, Variance, Zone Change or tentative map for a subdivision, including a minor land division, and such Oak Tree Permit shall be appealable only as a part of an appeal on the concurrent entitlement. Said appeal must be made within the applicable time period and shall be subject to the applicable procedures established for appealing the concurrent entitlement.

22.134.090 Enforcement

In interpreting Chapter 22.184 (Enforcement Provisions) as they apply to this Chapter, each individual tree cut, destroyed, removed, relocated or damaged in violation of these provisions shall be deemed a separate offense.

Chapter 22.136 Parking Deviations, Minor

Sections:

- 22.136.010 Applicability
- 22.136.020 Application and Review Procedures
- 22.136.030 Findings and Decision

22.136.010 **Applicability**

A Minor Parking Deviation application may be filed for:

- A. A reduction of less than 30 percent in the number of vehicle parking spaces required by Chapter 22.82 (Parking); or
- B. In the case of an eating establishment selling food for off-site consumption, not less than one vehicle parking space for each 250 square feet is proposed in accordance with “entertainment assembly and dining” uses per Section 22.82.050 (Required Vehicle Parking Spaces).

22.136.020 **Application and Review Procedures**

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Minor Parking Deviations Checklist.
- B. **Discretionary Site Plan Review with Notification.** The application shall be filed and processed in compliance with Chapter 22.150 (Discretionary Site Plan Review with Notification) and this Chapter.
- C. **Notice of Application.** Prior to taking action on the application, the Director shall provide notice in compliance with Section 22.162.130 (Notice of Application) and Section 22.162.150 (Mailing), except where modified below:
 - 1. **Notice Content.** The notice shall also indicate that any individual may oppose the granting of the application by a written protest to the Director within 15 days of the date set forth on the notice.
 - 2. **Notification Radius.** In compliance with Section 22.162.160.
 - 3. **Procedures.** The Director shall mail the notice at least 21 days prior to the date set forth on the notice for the receipt of written protests.
- D. **Posting.** The applicant shall post a Notice of Application on the subject property for a period of at least 15 days in accordance with Section 22.162.170 (Sign Posting).

22.136.030 **Findings and Decision**

- A. **Common Procedures.** Findings and decision shall be in compliance with Section 22.162.200 (Findings and Decision); and

B. Findings.

1. When applicable, the review of this application shall take into consideration that a project will provide well-designed bicycle parking spaces in excess of the bicycle parking spaces otherwise required under Section 22.82.110 (Bicycle Parking and Related Facilities), or in excess of the total number of bicycle parking spaces provided by a qualifying project under Section 22.82.060 (Reduction in Required Vehicle Parking when Bicycle Parking Provided); and
2. No written protest has been received as of the date set forth on the Notice of Application for the receipt of written protests.

Chapter 22.138 Parking Permits

Sections:

- 22.138.010 Purpose
- 22.138.020 Definitions
- 22.138.030 Application and Review Procedures
- 22.138.040 Development Standards
- 22.138.050 Findings and Decision
- 22.138.060 Conditions of Approval
- 22.138.070 Termination on Cessation of Use or Occupancy
- 22.138.080 Agreement to Develop Following Termination of Approved Use

22.138.010 Purpose

- A. Parking Permits are established to provide an alternative to the vehicle parking requirements of Chapter 22.82 (Parking) in the event that a particular use does not have the need for such requirements.
- B. It is the intent to provide more flexibility in the design of particular uses that have special characteristics by reducing the number of vehicle parking spaces otherwise required for such uses including:
 - 1. Housing developments for senior citizens and persons with disabilities where few of the residents will own their own automobiles;
 - 2. Certain uses where parking requirements are based upon floor area of a structure, but bear no relationship to the number of employees, customers, etc., on the premises or the trade conducted;
 - 3. Businesses which provide their employees, customers, or others with positive incentives to use means of transportation other than the automobile.
- C. It is the intent to conserve land and promote efficient land use by allowing:
 - 1. The dual or shared use of parking facilities by two or more uses;
 - 2. Tandem parking for nonresidential uses;
 - 3. Compact parking spaces for apartment houses.
- D. It is the intent to provide greater flexibility and opportunity to meet the vehicle parking requirements by allowing:
 - 1. Off-site parking facilities;
 - 2. The short-term leasing of required parking spaces;
 - 3. Transitional parking for lots with rear lot lines abutting Commercial or Industrial Zones;

4. Uncovered parking for low and moderate income housing.

22.138.020 **Definitions**

Terms used in this Chapter are defined in Division 2 (Definitions) under “Parking Permits”.

22.138.030 **Application and Review Procedures**

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Parking Permit Checklist.
- B. **Type IV Review.** The application shall be filed and processed in compliance with Chapter 22.172 (Type IV Review – Discretionary) and this Chapter.

22.138.040 **Development Standards**

Unless specifically modified by a Parking Permit, all regulations prescribed in Chapter 22.82 (Parking) shall apply.

22.138.050 **Findings and Decision**

- A. **Common Procedures.** Findings and decision shall be in compliance with Section 22.162.200 (Findings and Decision); and

- B. **Findings.**

1. That there will be no need for the number of vehicle parking spaces required by Chapter 22.82 (Parking) because:
 - i. The age and/or physical condition of the residents is such that the use of automobiles is unlikely,
 - ii. The nature of the use is such that there is a reduced occupancy,
 - iii. The business or use has established a viable transportation program for its employees and/or customers to use transportation modes other than the single-occupant automobile. Such a program shall include positive incentives such as van pools, transit fare subsidies, commuter travel allowances, car pools or bicycle commuter facilities. Where appropriate, proximity to freeways with high-occupancy vehicle (HOV) lanes, bus routes, park-and-ride facilities, people-movers, rapid transit stations, bikeways, or other similar facilities shall be a factor in this consideration,
 - iv. Sufficient land area is reserved or an alternative arrangement is approved to insure that the parking requirements may be complied with should the use, occupancy, or transportation program change. Such reservation or alternative may be waived for certain housing developments for senior citizens and persons with disabilities, where the Director finds that it is unnecessary because of the anticipated

- permanent nature of such use. If required, the reserved land area shall be so located and developed in such a manner that it can be feasibly converted to parking if needed, or
- v. The reduction in the number of vehicle parking spaces will be offset by the provision of bicycle parking spaces, at a minimum ratio of two bicycle spaces for every one vehicle parking space above the minimum number of bicycle parking spaces otherwise required under Section 22.82.110 (Bicycle Parking and Related Facilities); or
2. There will be no conflicts arising from special parking arrangements allowing shared vehicle parking facilities, tandem spaces, or compact spaces because:
 - i. Uses sharing parking facilities operate at different times of the day or days of the week;
 - ii. Parking facilities using tandem spaces will employ valets or will utilize other means to insure a workable plan; or
 - iii. Apartment houses using compact spaces for a portion of the required parking have a management program or homeowners' association to assure an efficient distribution of all parking spaces; or
 3. Off-site facilities, leases of less than 20 years, rear lot transitional parking lots and uncovered residential vehicle parking spaces will provide the required parking for uses because:
 - i. Such off-site facilities are controlled through ownership, leasing or other arrangement by the owner of the use for which the site serves and are conveniently accessible to the main use,
 - ii. Such leases are written in such a way as to prevent multiple leasing of the same spaces or cancellation without providing alternate spaces; such leases shall contain other guarantees assuring continued availability of the spaces,
 - iii. Such transitional lots are designed to minimize adverse effects on surrounding properties, or
 - iv. Uncovered parking for low and moderate income residential developments will be appropriately screened and compatible with the surrounding neighborhood; and
 4. The requested Parking Permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property; and
 5. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping, and other development features prescribed in this Title 22.

22.138.060 **Conditions of Approval**

Conditions may be imposed in order to ensure that the approval will be in accordance with the findings required by Section 22.138.050 (Findings and Decision). Such conditions may include those in Section 22.120.060 (Conditions of Approval) and, in addition, the following conditions shall be imposed for vehicle parking, where applicable, unless specifically waived or modified:

- A. The required parking spaces for senior citizens and persons with disabilities may be reduced to not less than one space for each four dwelling units.
- B. Where reduced occupancy is a primary consideration in the approval of a Parking Permit, the maximum occupant load for such use shall be established.
- C. Where special programs are proposed to reduce the parking requirement, they shall be reviewed annually to determine their effectiveness. In the event that such programs are terminated or unsuccessful, the property owner shall supply the required parking.
- D. The required vehicle parking spaces for all uses other than a housing development for senior citizens and persons with disabilities may be reduced to not less than 50 percent of the parking spaces required by Chapter 22.82 (Parking).
- E. Where land is required to be reserved to insure that sufficient area is available to meet the vehicle parking requirements, restrictions shall be imposed on such land so that it can feasibly be converted to parking if needed.
- F. Where shared parking facilities are approved, operating conditions such as hours or days of operation shall be established for each use sharing the facility.
- G. Where tandem parking is proposed for nonresidential uses, there shall be valets or other persons employed to assist in the parking of automobiles. The ratio of valets to parking spaces shall be established. The parking of automobiles by valets on public streets shall be prohibited. Each tandem parking space shall be eight feet wide; the length of the space shall be 18 feet for each automobile parked in tandem. Parking bays shall contain only two parking spaces where access is available from only one end. Bays of four parking spaces may be permitted where access is available from both ends.
- H. Where compact parking is proposed for apartments, no more than 40 percent of the required spaces shall be for compact automobiles. A program to manage the distribution of parking spaces shall be approved and operated by the apartment management or a homeowners' association.
- I. If off-site parking facilities are proposed, such facilities must be within 400 feet from any entrance of the use to which they are accessory. Parking for employees

shall be located within 1,320 feet from the entrance to such use. Directions to such facilities shall be clearly posted at the principal use.

- J. Where leasing of parking facilities is proposed for any period less than 20 years, the applicant shall guarantee that the leased spaces are available for his sole use, the lease shall be recorded with the Registrar-Recorder/County Clerk, and the applicant shall demonstrate that he has the ability to provide the required number of spaces should the lease be cancelled or terminated. Except for the term of the lease, the provisions of Section 22.82.040.A (Ownership or Lease) relating to leases shall apply. A copy of such lease shall be submitted to the Director and County Counsel for review and approval. Other conditions including, but not limited to, requiring title reports, covenants and bonding may also be imposed where necessary to insure the continued availability of leased parking spaces.
- K. Where transitional parking is proposed for lots whose rear lot line adjoins or is separated only by an alley from a commercial or industrial zone, no access is permitted from the parking facility to the street on which the lot fronts. The parking facility shall be developed in accordance with the standards of Chapter 22.82 (Parking) and Section 22.106.410 (Parking as a Transitional Use), unless specifically waived or modified by the Parking Permit. The hours and days of operation shall be established to prevent conflicts with adjoining less restrictive uses, and the facility shall be secured to prevent unauthorized use during times when the facility is closed.
- L. Where uncovered parking is proposed for low and moderate income housing, the following setback and screening provisions are required:
 - a. Uncovered parking spaces shall not be located in the required front, side, corner side or rear yards except in those places where garages or carports are permitted in accordance with Section 22.80.120 (Required Yards).
 - b. Uncovered parking spaces shall be screened by a six-foot high solid fence or wall or by a three-foot wide planting strip along the sides of the parking space if the space is located within 10 feet of any property line.
 - i. Landscaping material in the planting strip shall consist of evergreen trees and/or shrubs of such size, spacing and character that they form an opaque screen five to six feet high within two years of planting. This landscaping must be continuously maintained.
 - ii. Such buffering by walls, fences or landscaping is optional where the lots adjoining the uncovered parking area are developed with parking facilities, either covered or uncovered.

- c. Uncovered parking spaces will be permitted only for those units actually designated for low or moderate income housing.
- M. In the event that any applicant and/or property owner is unable to comply with the provisions of the Parking Permit, the use for which permit has been granted shall be terminated, reduced, or removed unless some other alternative method to provide the required parking is approved by the Director.
- N. The Parking Permit shall be granted for a specified term where deemed appropriate.

22.138.070 Termination on Cessation of Use or Occupancy

An approved Parking Permit shall terminate and cease to be in effect at the same time the principal use or occupancy for which such permit is granted terminates.

22.138.080 Agreement to Develop Following Termination of Approved Use

- A. In addition to the covenant required by Chapter 22.162.260 (Performance Guarantee and Covenant), the covenant shall include that should such Parking Permit terminate, the owner or his successor in interest will develop the parking spaces needed to bring the new use or occupancy into conformance with the requirements of Chapter 22.82 (Parking) at the time such new use or occupancy is established.
- B. Where a Parking Permit is approved for off-site parking, the agreement shall be recorded on both the lot containing the principal use as well as the lot developed for off-site parking.
- C. All agreements shall be reviewed and approved by the Director and County Counsel prior to recordation.

Chapter 22.140 Plan Amendments

Sections:

- 22.140.010 Purpose
- 22.140.020 Applicability
- 22.140.030 Application and Review Procedures
- 22.140.040 Findings and Decision

22.140.010 Purpose

Plan Amendments may be initiated to amend the County General Plan, which identifies the goals, policies, and implementing actions regarding long-term development in the County. The General Plan is based on an understanding of existing and projected conditions and needs, all of which are subject to change. The Plan Amendment process established by State law and this Chapter therefore enables the General Plan map designations and/or written policy statements to be amended. All such Plan Amendments shall be made pursuant to the provisions of this Title 22, in addition to Section 65350, et. seq. of Title 7 (Planning and Land Use) of the California Government Code.

22.140.020 Applicability

- A. **Initiation.** In compliance with Section 22.162.120.A (Initiation and Scheduling).
- B. **Additional Area Included When.** Where a petition is filed requesting a Plan Amendment, the Commission or Director may elect to include additional property within the boundaries of the area to be studied when, in their opinion, good zoning practice justifies such action.
- C. **General Plan.** Each mandatory element of the General Plan may be amended up to four times in a single calendar year in compliance with Section 65358 of the California Government Code.

22.140.030 Application and Review Procedures

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Plan Amendment Checklist.
- B. **Type V Review.** The application shall be filed and processed in compliance with Chapter 22.174 (Type V Review – Discretionary) and this Chapter.

22.140.040 Findings and Decision

The Commission shall recommend approval of an application to the Board after making the following findings:

- A. The amendment is consistent with the adjacent area, if applicable;
- B. The amendment is consistent with the principles of the General Plan;

- C. Approval of the amendment will be in the interest of public health, safety and general welfare and in conformity with good zoning practice; and
- D. The amendment is consistent with other applicable provisions of this Title 22.

Chapter 22.142 Requests For Reasonable Accommodations

Sections:

- 22.142.010 Purpose
- 22.142.020 Definitions
- 22.142.030 Applicability
- 22.142.040 Application and Review Procedures
- 22.142.050 Findings and Decision
- 22.142.060 Conditions of Approval
- 22.142.070 Effective Date of Decision
- 22.142.080 Appeals
- 22.142.090 Expiration of Reasonable Accommodation
- 22.142.100 Post-Decision Actions and Regulations

22.142.010 Purpose

This Chapter implements part of the County's Housing Element in its General Plan and provides a procedure for individuals with disabilities to request Reasonable Accommodations, consistent with the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, as those Acts are amended from time to time. The sole intent of this Chapter is to ensure that individuals with disabilities have an equal opportunity to use and enjoy housing by allowing an accommodation or accommodations with respect to certain County regulations, policies, procedures, and standards if said accommodation or accommodations are both reasonable and necessary to provide such equal opportunity without compromising the County's commitment to protecting community character and environmental quality.

22.142.020 Definitions

Terms used in this Chapter are defined in Division 2 (Definitions) under "Requests for Reasonable Accommodations".

22.142.030 Applicability

- A. This Chapter shall apply to all requirements of this Title 22 as well as all other regulations, policies, procedures, and standards, regulated by the Department.
- B. Any individual with a disability, someone acting on his behalf, or a provider or developer of housing for individuals with disabilities, desiring to obtain a Reasonable Accommodation in accordance with this Chapter shall file an application with the Director.

22.142.040 Application and Review Procedures

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Requests for Reasonable Accommodations Checklist.
- B. **Application and Review Procedures.** The application shall comply with the following application and review procedures:
 - 1. **Multiple Applications.** In compliance with Section 22.162.060.
 - 2. **Application Filing and Withdrawal.** In compliance with Section 22.162.070.
 - 3. **Fees and Deposits.** In compliance with Section 22.162.080.
 - 4. **Initial Application Review.** In compliance with Section 22.162.090.
- C. **Additional Information.** The Director may request additional information as he deems reasonably necessary where such request is consistent with the Acts and the privacy rights of the individual with a disability.
- D. **Waiver of Fees.** An applicant requesting a Reasonable Accommodation shall not be required to pay the County Environmental Assessment fee if the project that is the subject of said request qualifies for either a categorical exemption or statutory exemption under the California Environmental Quality Act.

22.142.050 Findings and Decision

A. Required Findings of the Director.

- 1. Where an application for a Request for a Reasonable Accommodation is sought in connection with a residential use for which no concurrent application for entitlement under Title 21 (Subdivision) or this Title 22 is required, the Director shall grant the request based upon the following findings:
 - a. The requested accommodation is intended to be used by an individual with a disability who resides or will reside on the property;
 - b. The requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a residential use;
 - c. The requested accommodation will not impose an undue financial or administrative burden on the County; and
 - d. The requested accommodation will not require a fundamental alteration in the nature of the land use and zoning programs of the County.
- 2. The Director shall deny the application for a Request for a Reasonable Accommodation where the findings set forth in Subsection A, above, cannot be substantiated, and shall make written findings to that effect.
- 3. Any Reasonable Accommodation approval shall include the requirement that such accommodation be removed when it is no longer necessary for the

original purpose granted unless in the reasonable discretion of the Director it is so physically integrated into the property or the improvements thereon that the cost or effort to remove it would create an unreasonable hardship.

B. Commission or Hearing Officer Review Where Concurrent. When an application for a Request for Reasonable Accommodation is filed in conjunction with an application for a permit, variance, or any other discretionary land use entitlement as provided by Title 21 (Subdivisions) or this Title 22, the Commission or Hearing Officer shall grant or deny the application for a Request for a Reasonable Accommodation concurrently with the decision rendered for such permit, Variance, or other discretionary land use entitlement, and shall make findings addressing the criteria set forth in Subsection A, above.

C. Notice of Action.

1. The Commission, Hearing Officer, or Director, as applicable, shall notify the applicant by mail of the action taken on an application for Reasonable Accommodation. Said notice shall include the required findings.
 - a. Notice of Action on applications considered by the Director pursuant to Subsection A, above, shall be issued within 30 days of the date of the application, or within an extended period as mutually agreed upon, in writing, by the applicant and the Director. In addition to the applicant, a copy of the Notice of Action by the Director shall be provided by mail to the property owner, owners of all property abutting the exterior boundaries of the subject property in each direction, and owners of the closest inhabited property to the subject property if the abutting property in such direction is uninhabited;
 - b. Notice of Action on applications considered by the Commission or Hearing Officer in conjunction with another land use entitlement application pursuant to Subsection B, above, shall be provided along with the decision for such other entitlement in accordance with the requirements for such other entitlement. In addition to any other persons required to receive notice of an action on the related entitlement application, a copy of the Notice of Action shall also be provided by mail to the property owner, owners of all property abutting the subject property, and owners of the closest inhabited property to the subject property in each direction if the abutting property in such direction is uninhabited.
2. The Notice of Action shall include notice of the right to appeal, as set forth in Section 22.142.080 (Appeals).

22.142.060 Conditions of Approval

A. Recorded Agreement.

1. The Commission, Hearing Officer, or Director may require the applicant to record, with the Registrar-Recorder/County Clerk, an agreement that the Reasonable Accommodation granted will be maintained in accordance with the terms of the Reasonable Accommodation and this Chapter as a covenant running with the land for the benefit of the County in those instances described in Subsection A.2, below. The recorded agreement shall also provide that any violation thereof shall be subject to the enforcement procedures of Chapter 22.182 (Enforcement Provisions). The recorded agreement shall also be in compliance with Section 22.162.260 (Performance Guarantee and Covenant).
2. The Commission, Hearing Officer, or Director may require the recorded agreement described in Subsection A.1, above, if:
 - a. The accommodation is physically integrated on the property and cannot feasibly be removed or altered, and the structure would otherwise be subject to Chapter 22.176 (Modification or Elimination of Conditional Use Permit Conditions); or
 - b. The accommodation is temporary and required to be discontinued if no longer maintained in compliance with this Chapter.
3. The Commission, Hearing Officer, or Director may authorize termination of the agreement to maintain the Reasonable Accommodation described in Subsection A.1, above, after making written findings that the lot is in compliance with all applicable land use and zoning regulations.
4. The property owner is required to record the termination or release of any agreement provided by this Subsection A.

22.142.070 Effective Date of Decision

The Director's determination on a Request for a Reasonable Accommodation becomes effective on the 30th day following the Director's mailing of the Notice of Action. The decision by the Commission or Hearing Officer made in conjunction with another land use entitlements application becomes final on the latest date such related entitlements becomes effective.

22.142.080 Appeals

- A. An appeal regarding a decision to grant or deny an application for a Request for Reasonable Accommodation shall be made in writing, pursuant to the procedures established in Chapter 22.180 (Appeals).
- B. All decisions on an appeal shall address and be based upon the same findings required by Section 22.142.050.A (Required Findings of the Director).
- C. Decisions on an appeal of a decision made by the Director shall be effective on the date of decision and no further administrative appeals may be heard.

- D. Decisions on an appeal of a decision made by the Commission or Hearing Officer made in conjunction with other land use entitlements as set forth in Section 22.142.050.B (Commission or Hearing Officer Review Where Concurrent) shall be effective on the same date as is provided for an appeal of the related land use entitlement and any further rights of appeal will be the same as is provided for an appeal of the related land use entitlement.

22.142.090 Expiration of Reasonable Accommodation

- A. A Reasonable Accommodation which is not used within the time specified in the Notice of Action or, if no time is specified, within two years after the date of grant of the Reasonable Accommodation, shall expire and be of no further effect, except that:
 - 1. In cases in which the Director granted the original Reasonable Accommodation, the Director may extend the time to use it for a period not to exceed one year, provided an application requesting such extension is filed prior to its expiration date; and
 - 2. In the case of a Reasonable Accommodation granted concurrently and in conjunction with another land use entitlement, the Commission or Hearing Officer may extend the time to use it to correspond with any extensions granted for the use of such related entitlements.
- B. A Reasonable Accommodation shall be considered used within the intent of this Section, when construction, development, or use authorized by such Reasonable Accommodation, that would otherwise have been prohibited in the absence of an accommodation being granted, has commenced.
- C. A Reasonable Accommodation shall automatically cease to be of any further force and effect if the use for which such accommodation was granted has ceased or has been suspended for a consecutive period of two or more years and may be required to be physically removed in accordance with Section 22.142.050.A.3.

22.142.100 Post-Decision Actions and Regulations

- A. **Documentation, Scope of Approval, and Exhibit "A"**. In compliance with Section 22.162.240.
- B. **Use of Property Before Final Action**. In compliance with Section 22.162.250.
- C. **Performance Guarantee and Covenant**. In compliance with Section 22.162.260.

Chapter 22.144 Revised Exhibit “A”s

Sections:

22.144.010 Applicability

22.144.020 Application and Review Procedures

22.144.030 Decision

22.144.010 **Applicability**

Revised Exhibit “A”s provide a process to authorize limited modification to the plans (exhibits) of an approved discretionary permit or review, that remains in substantial conformance with the conditions of approval.

22.144.020 **Application and Review Procedures**

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Revised Exhibit “A” Checklist.
- B. **Type I Review.** The application shall be filed and processed in compliance with Chapter 22.166 (Type I Review - Ministerial) and this Chapter.

22.144.030 **Decision**

A. **Criteria for Modifications.**

1. The Director may approve modifications to an Exhibit “A” for an approved discretionary permit or review, provided that the modifications:
 - a. Are consistent with the scope of the project and the findings made in the original approval;
 - b. Comply with all existing conditions of approval;
 - c. Maintain the required number of vehicle parking spaces; and
 - d. Comply with standards and regulations of the zone, unless specifically modified by the conditions of approval.
2. Modifications to the conditions of approval shall require an application for a Modification or Elimination of Conditional Use Permit Conditions (Chapter 22.176) or an application for a new permit or review.
3. Modifications that are not in conformance with Subsection A.1, above, shall require an application for a new permit or review.

- B. **Documentation.** In addition to Section 22.166.060 (Documentation), approved modifications to an exhibit shall be marked “Revised Exhibit A”, with the date approved.

Chapter 22.146 Site Plan Review, Ministerial

Sections:

- 22.146.010 Applicability
- 22.146.020 Application and Review Procedures
- 22.146.030 Procedures for Site Plan Review Amendments

22.146.010 **Applicability**

- A. **Zones.** This Chapter authorizes uses identified by Division 3 (Zones) as subject to the approval of a Ministerial Site Plan Review.
- B. **Site Plan Review as Part of Application.** When a site plan is required for a discretionary application, the Ministerial Site Plan Review shall not be considered a separate approval.

22.146.020 **Application and Review Procedures**

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Ministerial Site Plan Review Checklist.
- B. **Type I Review.** The application shall be filed and processed in compliance with Chapter 22.166 (Type I Review - Ministerial) and this Chapter.

22.146.030 **Procedures for Site Plan Review Amendments**

Amendments to Ministerial Site Plan Reviews shall be in compliance with the following:

- A. **Application Checklist.** The application shall contain all materials required by the Ministerial Site Plan Review Amendment checklist.
- B. **Type I Review.** An application for a Ministerial Site Plan Review Amendment shall be filed and processed in compliance with Chapter 22.166 (Type I Review - Ministerial).

Chapter 22.148 Site Plan Review, Discretionary

Sections:

- 22.148.010 Applicability
- 22.148.020 Application and Review Procedures
- 22.148.030 Conditions of Approval

22.148.010 **Applicability**

- A. **Zones.** This Chapter authorizes uses identified by Division 3 (Zones) as subject to the approval of a Discretionary Site Plan Review.
- B. **Additional Consideration.** This Chapter also authorizes uses or developments with unusual site features or operating characteristics requiring additional consideration to ensure that the use or development will be compatible in design, location, and operation with adjacent properties and in the surrounding area.

22.148.020 **Application and Review Procedures**

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Discretionary Site Plan Review Checklist.
- B. **Type II Review.** The application shall be filed and processed in compliance with Chapter 22.168 (Type II Review – Discretionary) and this Chapter.

22.148.030 **Conditions of Approval**

Conditions may be imposed in order to ensure that the approval will be in accordance with Section 22.168.040 (Findings and Decision). Such conditions may include those in Section 22.120.060 (Conditions of Approval).

Chapter 22.150 Site Plan Review with Notification, Discretionary

Sections:

- 22.150.010 Applicability
- 22.150.020 Application and Review Procedures
- 22.150.030 Conditions of Approval

22.150.010 **Applicability**

- A. **Zones.** This Chapter authorizes uses identified by Division 3 (Zones) as subject to the approval of a Discretionary Site Plan Review with Notification.
- B. **Additional Consideration.** This Chapter also authorizes uses or developments with unusual site features or operating characteristics requiring additional consideration to ensure that the use or development will be compatible in design, location, and operation with adjacent properties and in the surrounding area.

22.150.020 **Application and Review Procedures**

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Discretionary Site Plan Review with Notification Checklist.
- B. **Type II Review.** The application shall be filed and processed in compliance with Chapter 22.168 (Type II Review – Discretionary) and this Chapter.
- C. **Notice of Application.** Prior to taking action on the application, the Director shall provide notice in compliance with Section 22.162.130 (Notice of Application) and Section 22.162.150 (Mailing), except where modified below:
 - 1. **Notice Content.** The notice shall also indicate that any individual may oppose the granting of the application by a written protest to the Director within 15 days of the date set forth on the notice.
 - 2. **Notification Radius.** Notice shall be mailed to all owners of property located within a 300-foot radius of the exterior boundaries of the subject property, as shown on the County's last equalized assessment roll, unless a more specific notification radius is required by:
 - a. A permit or review in this Division 8;
 - b. A use in Division 7 (Standards for Specific Uses);
 - c. In compliance with Section 22.162.160.B (Additional Radius); or
 - d. Elsewhere in this Title 22.

3. ***Procedures.*** The Director shall mail the notice at least 21 days prior to the date set forth on the notice for the receipt of written protests.

22.150.030 Conditions of Approval

Conditions may be imposed in order to ensure that the approval will be in accordance with Section 22.168.040 (Findings and Decision). Such conditions may include those in Section 22.120.060 (Conditions of Approval).

Chapter 22.152 Special Events Permits

Sections:

- 22.152.010 Purpose
- 22.152.020 Definitions
- 22.152.030 Application and Review Procedures
- 22.152.040 Findings and Decision
- 22.152.050 Conditions of Approval
- 22.152.060 Certain Uses on County Property – Board Authority

22.152.010 Purpose

Special Events Permits are established to regulate short-term and extended-term special events. Special events are temporary uses, activities or events that may not otherwise be allowed in the applicable zone, but may be permitted because of their limited or temporary nature, provided that such temporary uses are evaluated for compatibility with surrounding land uses.

22.152.020 Definitions

Terms used in this Chapter are defined in Division 2 (Definitions) under “Special Events Permits”.

22.152.030 Application and Review Procedures

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Special Events Permit Checklist.
- B. **Short-Term Special Events Permit.**
 - 1. **Type II Review.** The application shall be filed and processed in compliance with Chapter 22.168 (Type II Review – Discretionary) and this Chapter.
 - 2. **Uses.** A Short-Term Special Events Permit may approve the following temporary uses:
 - a. Short-term events sponsored by a public agency or a religious, fraternal, educational or service organization directly engaged in civic, charitable or public service endeavors. This provision shall not include outdoor festivals and tent revival meetings.
 - i. Carnivals.
 - ii. Exhibitions.
 - iii. Fairs.
 - iv. Short-term farmers’ markets not otherwise governed by Division 3 (Zones).

- v. Festivals, excluding outdoor festivals.
 - vi. Pageants and religious observances.
- b. Outside display or sales of goods, equipment, merchandise or exhibits in a commercial zone, provided that:
- 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;
 - ii. Each occurrence of display or sale shall not exceed one weekend or three consecutive days;
 - 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
 - iv. This provision shall not permit the outside storage of goods, equipment, merchandise or exhibits except as otherwise may be provided by this Title 22.
3. **Term.** Short-term special events listed in Subsection B.2.a, above, shall not be conducted for more than six weekends or seven consecutive days during any 12-month period, except where an Extended-Term Special Events Permit is approved pursuant to Subsection C, below.

C. Extended-Term Special Events Permit.

- 1. **Type II Review.** The application shall be filed and processed in compliance with Chapter 22.168 (Type II Review – Discretionary) and this Chapter.
- 2. **Notice of Application.** Prior to taking action on the application, the Director shall provide notice in compliance with Section 22.162.130 (Notice of Application) and Section 22.162.150 (Mailing), except where modified below:
 - a. *Notice Content.* The notice shall also indicate that any individual may oppose the granting of the application by a written protest to the Director within 15 days of the date set forth on the notice.
 - b. *Notification Radius.* Notice shall be mailed to all owners of property located within a 300-foot radius of the exterior boundaries of the subject property, as shown on the County's last equalized assessment roll, unless a more specific notification radius is required by:
 - i. A permit or review in this Division 8;
 - ii. A use in Division 7 (Standards for Specific Uses); or
 - iii. Elsewhere in this Title 22.
 - c. *Procedures.* The Director shall mail the notice at least 21 days prior to the date set forth on the notice for the receipt of written protests.

3. **Uses.** An Extended-Term Special Events Permit may approve any temporary use, except that outside display or sales of goods, equipment, merchandise or exhibits in a Commercial Zone, shall not be permitted.

D. **Resubmission of Application.** Notwithstanding Section 22.162.070.C (Resubmission of Application), no application shall be filed or accepted if a final action (approval or denial) has been taken within six months on an application requesting the same, or substantially the same permit.

22.152.040 Findings and Decision

A. Short-Term Special Events Permit.

1. **Common Procedures.** Findings and decision shall be in compliance with Section 22.168.040 (Findings and Decision).
2. **Findings.** In compliance with Subsection C, below.

B. Extended-Term Special Events Permit.

1. **Common Procedures.** Findings and Decision shall be in compliance with Section 22.168.040 (Findings and Decision).
2. **Findings.**
 - a. The findings in Subsection C, below; and
 - b. Where any written protest submitted within 15 days of date noted on the notice and has been determined by the Director to be not of general community interest and can be adequately mitigated through the imposition of conditions.
3. **Denial.** In addition to Section 22.168.040 (Findings and Decision), the Director shall deny an application when any written protest submitted within 15 days of date noted on the notice and determined by the Director to be of general community interest.

C. Additional Findings.

1. 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;
2. Approval of a Special Events Permit application 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 22.152.030.C (Extended-Term Special Events Permits), above; and

3. 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 22.82 (Parking) for the established business shall be used in connection with the outside display or sales.

22.152.050 Conditions of Approval

- A. Conditions may be imposed in order to ensure that the approval will be in accordance with the findings required by Section 22.152.040 (Findings and Decision). Such conditions may involve any pertinent factors affecting the operation of such special event, including, but not limited to:
 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;
 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;
 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;
 6. Requirement of a site plan indicating all details and data as prescribed in this Title 22;
 7. Requirement that the approval of the requested Special Events Permit is contingent upon compliance with applicable provisions of other local, state, and federal ordinances; and
 8. Such other conditions as will make possible the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this Title 22.
- B. In addition to such other conditions as the Director may impose, it shall also be deemed a condition of every Special Events Permit, whether such condition is

set forth in the Special Events Permit or not, that such approval shall not authorize the construction, establishment, alteration, moving onto or enlargement of any permanent building, structure or facility.

C. Notwithstanding provisions in this Chapter to the contrary, the Director in approving a Short-Term Special Events 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.

D. Parking Facilities.

1. In granting a Special Events Permit, the Director may authorize temporary use of parking and related facilities established to serve permanent uses as follows, provided, that such temporary usage is specifically recognized in the permit:
 - a. 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; and
 - b. 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 or her 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.
2. 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.

22.152.060 Certain Uses on County Property – Board Authority

- A. Where the following temporary uses are proposed on property owned by or held under the control of the County, or a department, district, or agency with delegated authority to administer such activity by the Board may assume jurisdiction and approve the temporary use subject to limitations and conditions as are deemed appropriate by said department, district, or agency:
1. Carnivals, exhibitions, fairs, festivals, pageants, and religious observances.
 2. Farmers' markets.
 3. On-location filming.

- a. Notwithstanding the other provisions of this Chapter, applications for 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 22.152.040.A (Short-Term Special Events Permit) or B (Extended-Term Special Events Permit) and Section 22.152.040.C (Findings) have been met by the applicant. In addition, in lieu of Section 22.152.050.C.2, 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.
- b. In interpreting the other provisions of this Chapter in relation to on-location filming, the filming permit office shall be substituted for the Director, and the provisions of Sections 22.162.080 (Fees and Deposits) and Section 22.162.070.C (Resubmission of Application) shall not apply.
- c. Any person or entity issued a permit for the filming of an adult film, as defined in Section 11.39.010 (Adult Films) of Title 11 of the County Code, under this Chapter or any other law authorizing the issuance of permits for commercial filming are required to maintain engineering and work practice controls sufficient to protect employees from exposure to blood and/or any other potentially infectious materials controls, in a manner consistent with California Code of Regulations, Title 8, Section 5193 (Bloodborne Pathogens). Any such permit shall contain the following language: "Permittee must abide by all applicable workplace health and safety regulations, including California Code of Regulations Title 8, Section 5193 (Bloodborne Pathogens), which mandates barrier protection, including condoms, to shield performers from contact with blood or other potentially infectious material during the production of films." The County shall charge, or shall direct any other person or entity contracting with the County to administer the film permitting process, to charge, entertainment industry customers seeking permits for the production of adult films a fee sufficient to allow periodic inspections to ensure compliance with the conditions set forth in Section 11.39.010 (Adult Films).

(Measure B, approved by voters in Nov. 6, 2012 General Election: Ord. 90-0093 § 10, 1990: Ord. 83-0007 § 8, 1983.)

Chapter 22.154 Surface Mining Permits

Sections:

- 22.154.010 Purpose
- 22.154.020 Definitions
- 22.154.030 Applicability
- 22.154.040 Application and Review Procedures
- 22.154.050 Development Standards
- 22.154.060 Findings and Decision
- 22.154.070 Conditions of Approval
- 22.154.080 Reclamation Plan
- 22.154.090 Idle Mine Operations
- 22.154.100 Appeal to State Mining and Geology Board

22.154.010 Purpose

- A. Surface Mining Permits are established to regulate surface mining and reclamation of mined lands in compliance with the Surface Mining and Reclamation Act of 1975, Division 2, Chapter 9, of the California Public Resources Code, beginning with Section 2710.
- B. It is the intent in regulating surface mining activities to insure that:
 - 1. The production and conservation of minerals is encouraged while addressing concerns relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment during and after mining operations; and
 - 2. Adverse effects on the environment, including air pollution, impedance of groundwater movement and water quality degradation, damage to wildlife habitat, flooding, erosion and excessive noise are prevented or mitigated; and
 - 3. Mined lands are returned to a usable condition readily adaptable for alternative land uses, with no residual hazards to public health or safety; and
 - 4. Consistency is achieved with the mineral resources management policies of the General Plan.

22.154.020 Definitions

Specific terms used in this Chapter are defined in Division 2 (Definitions), under "Surface Mining Permits".

22.154.030 Applicability

- A. **General Applicability.** Except as specified in Subsection B, below, a person shall not use any property within the unincorporated area of Los Angeles County for surface mining operations unless a Surface Mining Permit is first obtained and a Reclamation Plan is approved as provided by this Chapter.

B. Uses Authorized. Where a Surface Mining Permit has been obtained pursuant to this Chapter and while such permit is in full force and effect in conformity with the conditions of such permit, said property shall be used exclusively for surface mining operations and the following specific uses:

1. The stockpiling of rock, sand and gravel, and other minerals, including the installation, maintenance or operation of rock-crushing plants or apparatus;
2. Batching plants or mixing plants for either portland cement or asphaltic concrete, except where specifically prohibited as a condition of such permit;
3. Any use permitted in the zone, subject to the limitations and conditions set forth therein, provided the Commission or Hearing Officer specifically authorizes such use in the permit;
4. Accessory uses to mining operations and processing of minerals.

C. Filing Time—Plans for Existing Operations

1. **Surface Mining.** Any person desiring a Surface Mining Permit as 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 Board or Commission or Hearing Officer on an application for the same or substantially the same permit. In all cases, the required reclamation plan shall accompany the Surface Mining Permit application.
2. **Reclamation Plan.** In any case of existing surface mining operations as described in Subsection D.4, below, the required Reclamation Plan may be filed with the Director without an application for a Surface Mining Permit. Such Reclamation Plans shall be filed no later than one year from January 26, 1980, the effective date of this Chapter.

D. Exemptions. The provisions of this Chapter are not applicable to any of the following activities or situations:

1. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or other natural disaster;
2. Surface mining operations that are required by federal law in order to protect a mining claim if such operations are conducted solely for that purpose;
3. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less;
4. Any surface mining operation for which a valid, unexpired zone exception was granted prior to November 23, 1970, or for which a valid Conditional Use Permit is in full force and effect, or which was lawfully established in Zone Q, provided that such operation shall remain in compliance with and subject to

all limitations and conditions imposed by such former grant or zone, and provided further that all reclamation plans, interim management plans and financial assurances shall be obtained or provided as required by this Title 22 and the California Public Resources Code, Division 2, Chapter 9 (Surface Mining and Reclamation Act Of 1975), beginning with Section 2710.

22.154.040 **Application and Review Procedures**

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Surface Mining Permit Checklist.
- B. **Type IV Review.** The application shall be filed and processed in compliance with Chapter 22.172 (Type IV Review – Discretionary) and this Chapter.
- C. **Publication.** Notwithstanding Section 22.162.180 (Publication), notice of application shall be published in two newspapers of general circulation at least one of which is a newspaper available in the community in which such use is proposed to be established. Such publications, if made in a daily newspaper, shall be for a period of not less than five consecutive publications of such newspaper, and if made in a weekly newspaper, shall be for a period of not less than two consecutive publications of such paper, the first publication in either case appearing not less than 20 days before the date of the hearing.
- D. **Notification of Filing.** The Director of Regional Planning shall furnish a copy of each submitted application for a Surface Mining Permit, Reclamation Plan and proposal for financial assurance to the State Geologist and the Director of Public Works. The Director of Regional Planning shall notify the California Department of Transportation of a request for a Surface Mining Permit, if notification of the Department of Transportation is required pursuant to Section 2770.5 of the California Public Resources Code.
- E. **Protection of Proprietary Information.** Applications for Surface Mining Permits, Reclamation Plans and other documents submitted pursuant to this Chapter are public records, unless it can be demonstrated to the satisfaction of the Commission or Hearing Officer that the release of such information, or part thereof, would reveal production, reserves or rate of depletion entitled to protection as proprietary information. The Commission or Hearing Officer shall identify such proprietary information as a separate part of the application. Proprietary information shall be made available only to the State Geologist and to persons authorized in writing by both the mining operator and the applicant or his successor in interest.
- F. **Fees.** The applicant shall pay to the County the actual cost incurred by the Department of Public Works in conducting inspections and/or reviews pursuant to the provisions of this Chapter. Such cost shall be computed using actual hours expended by staff multiplied by the most current applicable hourly rates,

approved by the Auditor-Controller, that are available at the time that costs are assessed.

22.154.050 **Development Standards**

Unless the Commission or Hearing Officer deems otherwise, and so specifies in the permit, surface mining operations shall comply with Section 3503 (Surface Mining and Reclamation Practice) of Title 14 of the California Code of Regulations and be conducted in accordance with the following requirements:

A. **Slopes.**

1. No excavation shall be permitted that creates a temporary slope steeper than one foot horizontally to one foot vertically. The Director of Public Works may require that excavations be made with a cut face more flat in slope than the above slope requirements if deemed necessary for slope stability and public safety at any time.
2. Temporary slopes shall not be created that will interfere with the construction of finished slopes conforming to the requirements of the reclamation plan.
3. Slopes affecting off-site property shall meet the requirements of Appendix J of Title 26 (Building Code) of the County Code.

B. **Erosion and Sedimentation Control.**

1. Measures shall be taken to prevent erosion of adjacent lands by waters discharged from the site of mining operations and the off-site discharge of sediment. Such measures may include the revegetation of slopes and the construction of properly designed retarding basins, settling ponds and other water treatment facilities, ditches and diking.
2. No discharge of sediment into off-site bodies of water shall be permitted that will result in higher concentrations of silt than existed in such water prior to surface mining operations.
3. Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.
4. The removal of vegetation and overburden in advance of surface mining shall be kept to a minimum.

C. **Water Quality Control.** Mining operations shall be conducted in accordance with applicable standards of the Regional Water Quality Control Board or any other agency with jurisdiction over water quality.

D. **Protection of Fish and Wildlife Habitat.** All reasonable and practicable measures shall be taken to protect the habitats of fish and wildlife during surface mining operations.

E. Runoff and Flood Control. Surface mining operations shall be conducted in such a manner as to prevent or minimize flooding and/or alteration of the natural drainage system.

F. Setbacks.

1. No surface mining operation or structure shall be located within 50 feet of any public street or highway or any lot in other than the applicant's ownership unless the written consent of the owner in fee of such property is first secured and recorded with the Registrar-Recorder/County Clerk, and except where the contiguous property is currently or intermittently being mined in the same manner.
2. No surface mining operation or structure shall be located within 100 feet of any stream bed, flood control channel, reservoir, water conservation facility, area within an adopted Flood Protection District or area designated as an Area of Special Flood Hazard, without first obtaining the approval of the Director of Public Works. Where approval is requested, a comprehensive flood-hazard analysis evaluating the effect surface-mining operations will have on drainage and erosion on adjacent property shall also be submitted.

G. Insurance Requirements.

1. Before commencing surface mining operations, the owner or operator shall secure insurance to the extent of \$100,000.00 against liability in tort arising from the production, activities or operations incidental thereto conducted or carried on under or by virtue of any law or ordinance, and such insurance shall be kept in full force and effect during the period of such operations.
2. This insurance requirement is separate and independent from any bonding requirement which may be required by the Commission or Hearing Officer to assure the completion of the operator's Reclamation Plan as required by Section 22.154.080 (Reclamation Plan).

H. Control of Dust, Vibrations, Smoke, Dirt, Odors and Bright Lights.

1. All activities of mining and processing minerals shall be conducted in a manner such that dust, vibrations, smoke, dirt, odors and bright lights do not exceed levels compatible with uses of adjacent lands.
2. All private roads shall be wetted while being used, or shall be oiled or hard-surfaced and maintained in order to prevent the emanation of dust. All private access roads leading off any public street or highway shall be paved with asphalt or concrete surfacing not less than three inches in thickness for the first 50 feet of said access road.

I. Boundary Markers. The outer boundaries of all property used or intended to be used for surface mining operations shall be posted within 90 days following the

effective date of such mining permit, and permanently thereafter, with signs displaying the message "SURFACE MINING" in letters not less than four inches in height, and in letters not less than one inch in height, the message "This property may be used at any time for the extracting and processing of rock, sand, gravel, decomposed granite, clay and similar materials, by as authorized by the Zoning Code (Title 22), County of Los Angeles." Such signs shall be posted not more than 500 feet apart, with signs placed at each change in direction of boundary lines of the property, and displayed in such a manner as to give reasonable notice to passersby of the message contained thereon.

- J. **Hours of Operation.** All operations shall be restricted to the hours between 6:00 a.m. and 10:00 p.m., except in cases of public emergency, or whenever any reasonable or necessary repairs to equipment are required to be made.
- K. **Salvage of Topsoil.** Unless otherwise specified in the Reclamation Plan, all topsoil removed in surface mining operations shall be stored at the site of mining operations and shall be used in future reclamation of the site.
- L. **Benches.** Benches shall be provided wherever necessary to control drainage on slopes, or to provide for access, or for public safety as determined by the Commission or Hearing Officer on the recommendation of the Director of Public Works.
- M. **Fencing.** Prior to the commencement of any surface mining operation, the area to be used for such operations shall be enclosed with a fence as required by Chapter 11.48 (Oil Well Sumps, Sand and Gravel Pits and Similar Excavations) of Title 11 of the County Code. Such fencing may be limited to the area currently being used for such operations; provided, however, that the operation shall be continuously enclosed as excavation progresses.
- N. **Explosives.** Storage of explosives for use in surface mining operations shall be subject to Chapter 22.124 (Explosives Permits).

22.154.060 Findings and Decision

- A. **Common Procedures.** Findings and decision shall be in compliance with Section 22.162.200 (Findings and Decision); and
- B. **Findings.**
 - 1. The requirements for Reclamation Plan approval set forth in Section 22.154.080.A (Findings Prerequisite to Approval) have been met by the applicant;
 - 2. That the requested surface mining operation conducted at the location proposed will not adversely affect the health, safety or welfare of persons residing in the surrounding area or otherwise endanger or constitute a menace to the public health, safety or general welfare; and

3. That adverse ecological effects resulting from surface mining operations will be prevented or minimized;
4. That the proposed site is adequately served by streets or highways of sufficient width and improved as necessary to facilitate the kind and quantity of traffic surface-mining operations will or could generate; and
5. That the proposed site for surface mining operations is consistent with the General Plan.

22.154.070 **Conditions of Approval**

A. **Annual Report.** The mine operator shall submit annually to the Director of Public Works copies of all reports required pursuant to Section 2207 of the California Public Resources Code.

B. **Imposition of Additional Conditions Authorized When.** Conditions may be imposed in order to ensure that the approval will be in accordance with the findings required by Section 22.154.060 (Findings and Decision). Such conditions may include those in Section 22.120.050 (Conditions of Approval) or may involve any pertinent factors affecting the establishment, operation and maintenance of surface mining operations, including, but not limited to:

1. Off-street parking for equipment and for the cars of employees;
2. Screening and/or landscaping to assure integration with surrounding areas;
3. Regulation of signs;
4. The surfacing of parking areas and roads;
5. Days of operation;
6. The following factors for which standards are established in Section 22.154.050 (Development Standards):
 - a. Setbacks,
 - b. Hours of operation,
 - c. Fencing,
 - d. Grading benches,
 - e. Regulation of noise, dust, bright lights, smoke, vibrations, dirt and odors.

C. **Administration and Inspections.**

1. The Director of Public Works shall conduct such inspections of idle and active surface mines as are required by the terms or conditions of any entitlement, regulation or law, including this Title 22 and the California Public Resources Code, Division 2, Chapter 9, beginning with Section 2710, and shall make

such additional inspections as the Director of Public Works deems necessary to enforce the terms or conditions of any such entitlement, regulation or the applicable State and County Codes.

2. The Department of Public Works shall report its findings to the mine operator and to the State Geologist, as required by law, and shall report to the Director of Regional Planning or to other persons or agencies where the Director of Public Works deems it necessary to make such additional notification.

D. Periodic Review of Permit Conditions and Reclamation Plan. The periodic review of the conditions contained in Surface Mining Permits and approved Reclamation Plans, as provided in Subsection B, above, and Section 22.154.080.C (Reclamation Activities—Specifications), respectively, shall be conducted by the Commission or Hearing Officer in accordance with the schedule adopted at the time such permits or plans were approved. The Commission or Hearing Officer, in their review, shall hold one or more public hearings pursuant to Chapter 22.162.120 (Public Hearing Procedure), and shall consider such new or changed circumstances as physical development near the mining site and improved technological innovations in the field of reclamation which may significantly improve the reclamation process. Modified permits or Reclamation Plans shall be binding upon the operator and all successors, heirs and assigns of the applicant.

E. Expiration Date. The Commission or Hearing Officer may establish an expiration date for a Surface Mining Permit. Where no expiration date is specified in the permit, the permit shall terminate and cease to be in effect at the time a new principal use is established on the subject property or upon being deemed abandoned, as provided in Section 22.154.090 (Idle Mine Operations), whichever occurs first.

22.154.080 Reclamation Plan

A. Findings Prerequisite to Approval.

1. The Commission or Hearing Officer shall approve a Reclamation Plan if the Commission or Hearing Officer finds, based upon substantial evidence in the record, that the plan conforms to the requirements of Sections 2772, 2773 and 2773.1 of the California Public Resources Code, Section 3501, 3503 of Title 14 of the California Code of Regulations and the provisions of this Title 22 and, further, that the mined lands will be reclaimed so that they are readily adaptable for uses consistent with the General Plan.
2. Should the Commission or Hearing Officer take an action which is at variance with a recommendation or objection raised by the State Geologist, their findings shall address, in detail, why the specific comment or objection was not accepted.

3. In approving a Reclamation Plan, the Commission or Hearing Officer:
 - a. Shall require such changes to the plan and impose such conditions as are necessary to conform the plan to requirements of the applicable State and County Codes, including provision of financial assurances and annual adjustments of such assurances as required by said act and regulations;
 - b. Shall establish a schedule for beginning and completion of all reclamation activities, which schedule shall, at the discretion of the Commission or Hearing Officer, be based upon times certain or upon milestone events, or a combination of both;
 - c. Shall establish a schedule for annual inspections of reclamation activities pursuant to the provisions of Section 2772(b) of the California Public Resources Code;
 - d. Shall establish a schedule for periodic review of the Reclamation Plan at intervals of not less than 10 years, said review to be conducted as provided in Section 22.154.070.D (Periodic Review of Permit Conditions and Reclamation Plan).
 - e. Shall require as a condition of approval financial assurances in accordance with Section 2773.1 of the California Public Resources Code;
 - f. Shall require that the mine operator file a covenant against the property with the Recorder-Registrar/County Clerk containing the following statement before commencing operation of a new surface mine or, in the case of an existing mine as described in Section 22.154.030.D.4, within 30 days following notice of approval:

This property is subject to Reclamation Plan (enter case number), requiring, together with other conditions, the completion of a reclamation program before use of the property for a purpose other than surface mining, except as otherwise provided in said plan. Agents of the County of Los Angeles and the State of California may enter upon such land to enforce reclamation plan and to effect reclamation, subject to compliance with applicable provisions of law.
4. The Commission or Hearing Officer may require modification of the Reclamation Plan or impose such conditions that the Commission or Hearing Officer deems necessary to insure that the plan is in accord with the requirements in Subsection C, below.

B. Financial Assurances.

1. Each mine operator shall provide and maintain financial assurances for completion of reclamation of disturbed lands in compliance with the approved Reclamation Plan and Section 2773.1 of the California Public Resources

- Code and the administrative regulations adopted pursuant to said Section 2773.1.
2. At the time of each annual inspection, and as provided by Section 2770 of the California Public Resources Code, the Director of Public Works shall establish the amount of financial assurance required pursuant to the approved Reclamation Plan and State law and regulations.
 3. In the case of a new mine or of an idle mine which is to be reactivated after not having been worked since January 1, 1976, the financial assurance shall be tendered to the County before commencement of mining operations. The Director of Public Works shall establish the amount of such assurance based upon the estimated amount of disturbed lands after the first full year of mining.
 4. The Director of Public Works shall notify the mine operator of the amount of assurance in person or by certified mail, with copies sent to the Director of Regional Planning and the State Geologist.
 5. For ongoing mining operations the assurance shall be tendered to the County within 60 days of receipt by the mine operator of notice of the amount of the assurance from the Director of Public Works.
 6. Forfeiture of the financial assurances shall be subject to the provisions of Section 2772.1 of the California Public Resources Code and all proceeds from the forfeited financial assurances shall be used to conduct and complete reclamation in accordance with the approved Reclamation Plan.
- C. **Reclamation Activities—Specifications.** Unless otherwise specified in the approved Reclamation Plan, the reclamation of mined lands shall be carried out in accordance with the following requirements:
1. ***Concurrent Reclamation.***
 - a. The reclamation of mined lands shall occur as soon as practical following completion of mining operations at successive locations within the mining site as required by the schedule in the approved Reclamation Plan.
 - b. The reclamation of lands affected by surface mining operations shall be completed within one year of the completion of mining operations on such lands.
 2. ***Disposal of Overburden and Mining Waste.***
 - a. Permanent piles or dumps of overburden and waste rock placed on the land shall be made stable, shall not restrict natural drainage without provision for diversion, and shall have an overall smooth or even profile subject to the satisfaction of the Department of Public Works. Where

practical, such permanent piles or dumps shall be located in the least visible location at the mining site.

- b. Old equipment and inert mining wastes shall be removed or buried subject to the approval of the Commission or Hearing Officer.
- c. Toxic materials shall be removed from the site or permanently protected to prevent leaching into the underlying groundwater, to the satisfaction of the Department of Public Health.
- d. Overburden and mining waste placed beneath the existing or potential groundwater level which will reduce the transmissivity or area through which water may flow shall be confined to an area approved by the Department of Public Works.

3. ***Revegetation.***

- a. All permanently exposed lands that have been denuded by mining operations shall be revegetated to provide ground cover sufficient to control erosion from such lands.
- b. All plantings shall be established and maintained in good horticultural condition. The revegetation shall be able to survive under natural conditions, with native species used whenever possible.
- c. Revegetation methods shall take into account the topography and existing growth patterns and mixes of flora present at and adjacent to the site of mining operations in order to create a more natural appearance. Plantings shall avoid rigid, geometric patterns and shall utilize natural scatterings.

4. ***Resoiling.***

- a. Resoiling measures shall take into consideration the quality of soils which may be required to sustain plant life pursuant to any revegetation that the Commission or Hearing Officer may require in its approval of the applicant's Reclamation Plan.
- b. Coarse, hard material shall be graded and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Where quantities of available soils are inadequate to provide cover, native materials shall be upgraded to the extent feasible for this purpose.

5. ***Final Slopes.***

- a. Final slopes shall be engineered and contoured so as to be geologically stable, to control the drainage therefrom, and to blend with the surrounding topography where practical. On the advice of the Department of Public Works, the Commission or Hearing Officer may require the establishment of terrace drains to control drainage and erosion.

- b. Final slopes shall not be steeper than two feet horizontal to one foot vertical (2:1) unless the applicant can demonstrate to the Commission or Hearing Officer satisfaction, that a steeper slope will not:
 - i. Reduce the effectiveness of revegetation and erosion control measures where they are necessary; and
 - ii. Be incompatible with the alternate future uses approved by the Commission for the site; and
 - iii. Be hazardous to persons that may utilize the site under the alternate future uses approved for the site.

6. *Drainage, Erosion and Sediment Control.*

- a. Any temporary stream or watershed diversion shall be restored to its state prior to any surface mining activities unless the Commission or Hearing Officer deems otherwise based on recommendations from the Department of Public Works.
- b. Stream bed channels and stream banks affected by surface mining shall be rehabilitated to a condition which would minimize erosion and sedimentation.
- c. Revegetation and regrading techniques shall be designed and executed so as to minimize erosion and sedimentation. Drainage shall be provided to natural outlets or interior basins designed for water storage, with such basins subject to the approval of the Director of Public Works. In addition, final excavation shall eliminate potholes and similar catchments so as to prevent potential breeding areas for mosquitoes.
- d. The final grading and drainage of the site shall be designed in a manner to prevent discharge of sediment above natural levels existent prior to mining operations.
- e. Silt basins which will store water during periods of surface runoff shall be equipped with sediment control and removal facilities and protected spillways designed to minimize erosion when such basins have outlet to lower ground.
- f. No condition shall remain after reclamation which will or could lead to degradation of groundwater quality below applicable standards to the Regional Water Quality Control Board or any other agency with jurisdiction over water quality.

7. *Backfilling and Grading.*

- a. Subject to the approval of the Department of Public Works, backfilled and graded areas shall be compacted to avoid excessive settlement and to the degree necessary to accommodate anticipated future uses.

- e. A description of the proposed use or potential uses of land after reclamation, and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses;
 - f. A description of the manner in which reclamation, adequate for the proposed use or potential uses, will be accomplished, including:
 - i. The manner in which mining wastes and related contaminants will be controlled and disposed of;
 - ii. The manner in which affected streambed channels and stream banks will be rehabilitated to a condition minimizing erosion and sedimentation;
 - g. An assessment of the effect of implementation of the Reclamation Plan on future mining in the area;
 - h. A statement by the applicant that he accepts responsibility for reclaiming mined lands in accordance with the approved Reclamation Plan;
 - i. A statement by the applicant that he accepts responsibility for all completed reclamation work for a period of two years or such greater period as deemed necessary by the Commission or Hearing Officer to ensure the permanency of all features of the Reclamation Plan. This subsection shall not apply to normal maintenance and repairs unrelated to the reclamation work on public facilities where dedicated to and accepted by the County;
 - j. Such other information as the Commission, Hearing Officer or Director may require. The Director may waive the filing of one or more of the above items where unnecessary to process the application.
3. Where Reclamation Plans are not filed as a part of a Surface Mining Permit, such plan shall be accompanied by an application for separate Reclamation Plan approval which contains the following information:
- a. The names and addresses of the applicant and the mining operator, if different, and of any persons designated by the applicant as his agents for service of process;
 - b. The names and addresses of all persons owning a possessory and/or mineral interest in any or all of the property to be used for mining operations;
 - c. A statement indicating the reason under Section 22.154.030.D (Exemptions) why a Surface Mining Permit is not required. Include any identifying Conditional Use Permit or Zone Exception Case numbers.
 - d. The requirements of a Surface Mining Permit application.

22.154.090 Idle Mine Operations

- A. Within 90 days of a surface mining operation becoming idle, as defined in this Title 22 and in Section 2727.1 of the California Public Resources Code, the mine operator shall submit an interim management plan to the Director for review and approval as required in Section 2770(h) of the California Public Resources Code.
- B. Before submitting the plan for review, the mine operator shall request an inspection of the site by the Department of Public Works. Upon notification of the results of the inspection, the operator shall submit a plan indicating what measures will be necessary for the protection of adjacent properties, environmental resources and the general public for review and approval.
- C. The interim management plan shall be reviewed and acted upon in accord with the procedures set forth in Section 2770 of the California Public Resources Code and upon adoption shall be an amendment to the approved Reclamation Plan.
- D. Required financial assurances shall remain in effect during the period the surface mining operation is idle. Posting shall be maintained as provided in Section 22.154.050.I (Boundary Markers).
- E. The interim management plan may remain in effect for a period not to exceed five years, at which time the Director in accordance with Section 2770 of the California Public Resources Code shall do one of the following:
 - 1. Renew the interim management plan for a period not to exceed five years, if the Director finds that the surface mining operator has complied fully with the interim management study;
 - 2. Require the surface mining operator to commence reclamation in accordance with the approved Reclamation Plan.
- F. Notwithstanding any provision of this Title 22 or of an entitlement granted pursuant to this Title 22, unless review of an interim management plan is pending before the Commission or Hearing Officer, or an appeal is pending before the Board, a surface mining operation which after January 1, 1991, remains idle for over one year after becoming idle without obtaining approval of an interim management plan shall be considered abandoned and the operator shall commence and complete reclamation in accordance with the approved Reclamation Plan.

22.154.100 Appeal to State Mining and Geology Board

An applicant whose request for a Surface Mining Permit to conduct mining operations has been denied, or any person who is aggrieved by the granting of a permit to conduct mining operations in an area of statewide or regional significance may, within 15 days following denial of an appeal, also appeal to the State Mining and Geology Board as provided in Section 2775 of the Surface Mining and Reclamation Act of 1975.

Chapter 22.156 Variances

Sections:

- 22.156.010 Purpose
- 22.156.020 Applicability
- 22.156.030 Application and Review Procedures
- 22.156.040 Development Standards
- 22.156.050 Findings and Decision
- 22.156.060 Conditions of Approval
- 22.156.070 All Zone Regulations Apply Unless Variance is Granted

22.156.010 Purpose

Variances are 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.

22.156.020 Applicability

A. **General Applicability.** A Variance may be granted to permit modification of:

1. Building line setbacks, yards, open space and buffer areas;
2. Height, lot coverage, density and bulk regulations;
3. Off-street parking spaces, maneuvering areas and driveway width, and paving standards;
4. Landscaping requirements;
5. Wall, fencing and screening requirements;
6. Street and highway dedication and improvement standards;
7. Lot area and width requirements;
8. Operating conditions such as hours or days of operation, number of employees, and equipment limitations;
9. Sign regulations other than outdoor advertising; or
10. Distance-separation requirements mandated by this Title 22.

B. **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.

22.156.030 Application and Review Procedures

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Variance Checklist.
- B. **Type IV Review.** The application shall be filed and processed in compliance with Chapter 22.172 (Type IV Review – Discretionary) and this Chapter.

22.156.040 **Development Standards**

- A. **Adequate Water Supply—Criteria.** 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 (Water) of Title 20 of the County 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 22.156.050 (Findings and Decision).

22.156.050 **Findings and Decision**

- A. **Common Procedures.** Findings and decision shall be in compliance with Section 22.162.200 (Findings and Decision); and
- B. **Findings.** The Commission or Hearing Officer shall approve an application where the information submitted by the applicant and/or presented at public hearing substantiates the following findings:
 - 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;
 - 2. That the variance 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;
 - 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 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.

22.156.060 **Conditions of Approval**

- A. Conditions may be imposed in order to ensure that the approval will be in accordance with the findings required by Section 22.156.050 (Findings and Decision). Such conditions may 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 22.120.050 (Conditional Use Permit - Conditions of Approval).

- B. The application may be approved contingent upon compliance with applicable provisions of other ordinances any other County, state, or federal requirements.

22.156.070 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

Chapter 22.158 Zone Changes

Sections:

- 22.158.010 Purpose
- 22.158.020 Applicability
- 22.158.030 Application and Review Procedures
- 22.158.040 Development Standards
- 22.158.050 Findings and Decision

22.158.010 Purpose

A Zone Change may be initiated to change the zone classification on a lot from one zone to another zone. A Zone Change may be approved whenever the Board finds that the public convenience, the general welfare or good zoning practice justifies such action, in compliance with this Chapter, this Title 22, and Title 7 (Planning and Land Use) of the California Government Code.

22.158.020 Applicability

- A. **Initiation.** In compliance with Section 22.162.120.A (Initiation and Scheduling).
- B. **Additional Area Included When.** Where an application is filed, the Commission or the Director may elect to include additional property within the boundaries of the area to be studied when, in their opinion, good zoning practice justifies such action.

22.158.030 Application and Review Procedures

- A. **Application Checklist.** The application submittal shall contain all of the materials required by the Zone Change Checklist, including the written permission of the owner for each lot involved in the application.
- B. **Type V Review.** The application shall be filed and processed in compliance with Chapter 22.174 (Type V Review – Discretionary) and this Chapter.

22.158.040 Development Standards

- A. **Adequate Water Supply—Criteria.** The Commission shall consider whether or not the application, if adopted, will result in a need for a greater water supply for adequate fire protection and, if so, what are the existing and proposed sources of such an adequate water supply. The Commission may request that the Fire Department or Department of Public Works, supply it with all facts, opinions, suggestions and advice which may be material to reaching a decision on any or all matters mentioned in this Subsection A.

22.158.050 Findings and Decision

The Commission shall recommend approval of an application to the Board after making the following findings:

- A. Modified conditions warrant a revision in the Zoning Map as it pertains to the area or district under consideration;
- B. A need for the proposed zone classification exists within such area or district;
- C. The particular property under consideration is a proper location for said zone classification within such area or district;
- D. The zone classification at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice;
- E. The Zone Change is consistent with the General Plan; and
- F. If the Zone Change will permit any uses prohibited by the existing zoning, that such Zone Change will not result in a need for a greater water supply for adequate fire protection or that the existing and proposed sources of water will provide an adequate water supply.