

Division 9 - Administration

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Chapter 22.160 Planning Agency

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22.160.010 Purpose

This Chapter identifies the powers and duties of the officials responsible for administering Title 21 (Subdivision) and this Title 22.

22.160.020 Board of Supervisors

The Board of Supervisors (Board) is established pursuant to Title 2 (Administration) of the County Code and the California Government Code. The Board has the following powers and duties:

- A. Initiate amendments to the General Plan, Title 22, or Zoning Map.
- B. Adopt amendments to the General Plan, Title 22, or Zoning Map.
- C. Consider and certify California Environmental Quality Act (CEQA) documents and hear appeals on CEQA determinations by the Regional Planning Commission (Commission), Hearing Officer, or Director of Regional Planning (Director).
- D. Affirm, modify, or reverse decisions made by the Commission, as provided for in Chapter 22.182 (Appeals).
- E. Establish fees to file applications and for services provided by the Department.
- F. Appoint commissioners as provided for in Chapter 2.108 (Regional Planning Commission) in Title 2 of the County Code.
- G. Appoint the Director as provided for in Chapter 2.106 (Department of Regional Planning) in Title 2 of the County Code.
- H. Appoint Hearing Officers and Hearing Examiners based on the recommendation of the Director.

22.160.030 Regional Planning Commission

The Regional Planning Commission (Commission) is established pursuant to Title 2 (Administration) of the County Code and the California Government Code. The Commission has the following powers and duties:

- A. Initiate amendments to the General Plan, Title 22, or Zoning Map.
- B. Recommend amendments to the General Plan, Title 22, or Zoning Map to the Board.
- C. Conduct public hearings and, based on findings, approve, conditionally approve or deny discretionary applications.
- D. Consider, adopt, or certify CEQA documents for applications other than for legislative items.
- E. Affirm, modify, or reverse decisions of the Director or the Hearing Officer, as provided for in Chapter 22.182 (Appeals).
- F. Affirm, modify, or reverse decisions made by the Director through appeals or calls for review pursuant to the provisions of Chapter 22.182 (Appeals) and the California Government Code.

22.160.040 Hearing Officer

The Hearing Officer is appointed by the Director and confirmed by the Board. The Hearing Officer has the authority to approve, conditionally approve or deny applications and CEQA documents, subject to the general purposes and provisions of this Title 22. The Hearing Officer has the following powers and duties:

- A. Conduct public hearings and, based on findings, approve, conditionally approve or deny discretionary applications or refer the decision to the Commission.
- B. Consider, adopt, or certify CEQA documents for applications other than for legislative items.
- C. Consider appeals from Final Zoning Enforcement Orders issued by the Director in accordance with the procedures specified in Chapter 22.184 (Enforcement Provisions), and may sustain, modify or rescind such Final Zoning Enforcement Order.

22.160.050 Director of Regional Planning

The Director of Planning (Director) is appointed by the Board pursuant to Chapter 2.106 (Department of Regional Planning) in Title 2 of the County Code. The Director may delegate powers and duties to Department staff, who are supervised by and report to the Director. The Director has the following powers and duties:

- A. Perform an initial review of ministerial and discretionary applications and notify the applicant if additional information is necessary to complete review of the application.

- B. Approve or deny ministerial applications.
- C. Based on findings, approve, conditionally approve or deny discretionary applications.
- D. Review applications subject to CEQA and the County's environmental review requirements and prepare CEQA documentation for the Review Authority.
- E. Issue interpretations of this Title 22 pursuant to Chapter 22.176 (Interpretations).
- F. Recommend appointment of candidates for Hearing Officer and Hearing Examiner for decision by the Board.
- G. Issue Zoning Enforcement Orders.

22.160.060 Hearing Examiner

The Hearing Examiner is appointed by the Director and confirmed by the Board. The Hearing Examiner has the following powers and duties:

- A. Conduct public hearings when determined by the Director, pursuant to Section 22.162.190 (Hearing Examiner Public Hearing).
- B. Provide a report of the public hearing to the Commission.

Chapter 22.162 Administrative Procedures

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22.162.010 Purpose

This Chapter establishes common procedures for administering Type Reviews and for administering permits, reviews, and legislative actions (permits and/or reviews) where referenced in this Title 22.

22.162.020 Applicability

- A. Individual procedures in this Chapter shall apply only when referenced by a Type Review or when a specific reference is made.
- B. Individual procedures in this Chapter may be modified if specifically stated in a permit or review.

22.162.030 Review Authority

The Review Authority is the official and decision maker that approves or denies an application. The Review Authority may refer an application to a higher level Review Authority for a decision on the application. Review authorities, from highest to lowest levels of authority are:

- A. Board of Supervisors;
- B. Regional Planning Commission;
- C. Hearing Officer; and
- D. Director.

22.162.040 Appeal Body

The Appeal Body is the official and decision maker that approves or denies an appeal of a decision by a lower level Review Authority, where applicable.

Table 22.162.040-A: Review Authority and Appeal Bodies	
<i>Review Authority</i>	<i>Appeal Body</i>
Board	-
Commission	Board
Hearing Officer	Commission
Director	Commission

22.162.050 Advisory Body

An Advisory Body includes:

- A. A Review Authority that makes a recommendation to a higher level Review Authority; and
- B. Other County departments and experts in relevant subject areas that provide comments and recommendations to the Review Authority. Such bodies include, but are not limited to, the Subdivision Committee, Significant Ecological Area Technical Advisory Committee (SEATAC), Environmental Review Board (ERB), and the Los Angeles County Departments of Fire, Public Works, Parks and Recreation, and Public Health.

22.162.060 Multiple Applications

- A. **Review Authority in Multiple Applications.** When two or more applications are filed on a property, all applications associated with said property may be subject to review by the highest applicable Review Authority.
- B. **Findings for Multiple Discretionary Applications.** When two or more discretionary applications are filed on a property, the Review Authority in

making its findings shall consider each case individually as if separately filed.

- C. **Application Submittals for Multiple Applications.** When two or more applications are filed on a property, the Director may waive individual application submittal requirements.

22.162.070 Application Filing and Withdrawal

A. Application Forms and Submittal Information.

1. The Director shall prepare Application Checklists that indicate the forms, information, and materials necessary for processing each permit or review.
2. For each permit or review requested by the applicant, the application submittal shall include:
 - a. Forms, information, and materials required by the Application Checklist; and
 - b. Fees, as listed on the Filing Fee Schedule, in compliance with Section 22.162.080 (Fees and Deposits).
3. The accuracy of the permit or review submittal shall be the responsibility of the applicant.
4. All materials submitted for an application become County property. Said materials may be made available for public review.

B. Applicants. The following persons may file applications:

1. The owner of the subject property;
2. An agent for the applicant with written authorization by the owner of the subject property;
3. The plaintiff in an action in eminent domain to acquire the subject property, or any portion thereof; or
4. A public agency in negotiation to acquire the subject property or any portion thereof.

- C. **Resubmission of Application.** No discretionary application shall be filed or accepted if a final action (approval or denial) has been taken within one year on an application requesting the same, or substantially the same application.

D. Withdrawal of Application.

1. An application may be withdrawn at any time prior to final action by filing a written request with the Director.

2. The request shall be signed by all persons who signed the original application, or their successors in interest.
3. Refunds shall comply with Section 22.162.080.E (Fee Refunds).

22.162.080 Fees and Deposits

A. **Filing Fees and Deposits Required.** No application shall be accepted without payment of the required fee or deposit per Subsection B, below, unless a fee waiver has been granted per Subsection C, below.

B. **Schedule of Fees and Deposits.**

1. **Filing Fee Schedule.** The Board shall establish a schedule of fees and deposits required for application processing. This schedule shall be referred to as the Filing Fee Schedule.
2. **Fee Reductions.** Fees in the Filing Fee Schedule shall be reduced in compliance with the following:
 - a. *Appeal by the Applicant to the Commission on a Discretionary Site Plan Review with Notification for a Large Family Child Care Home.* Where the applicant is the appellant the fee shall be reduced by 75 percent.
 - b. *Conditional Use Permits for Child Care Facilities.* Where the applicant is a nonprofit organization having an annual operating budget of less than \$500,000.00, the fee shall be reduced by 50 percent.
 - c. *Conditional Use Permits, Modification or Elimination of Conditions.* Where the applicant is a nonprofit organization having an annual operating budget of less than \$500,000.00, the fee shall be reduced by 75 percent.
 - d. *Conditional Use Permits, Transit Oriented Districts.* Where a Conditional Use Permit is filed in a Transit Oriented District, the fee shall be reduced by 50 percent.
 - e. *Site Plan Review, Ministerial, Child Care Facilities.* Where the applicant is a nonprofit organization having an annual operating budget of less than \$500,000.00, the fee shall be reduced by 50 percent
 - f. *Site Plan Review, Ministerial, On-Site Business Sign Plans.* Where the applicant is a nonprofit organization having an annual operating budget of less than \$500,000.00, the fee shall be reduced by 30 percent

3. **Fee Annual Review.** Fees shall be reviewed annually by the Auditor-Controller. Beginning on January 1, 1991, and thereafter on each succeeding January 1, the amount of each fee shall be adjusted as follows: Calculate the percentage movement in the Consumer Price Index for Los Angeles during the preceding January through December period, adjust each fee by said percentage amount and round off to the nearest dollar. However, no adjustment shall decrease any fee and no fee shall exceed the reasonable cost of providing services.
4. **Deposits.**
 - a. **Applications.** The applicant shall pay the minimum initial deposit as set forth in the Filing Fee Schedule, from which actual costs shall be billed and deducted, for the purpose of defraying the expense involved in the review of the following applications:
 - i. Development Agreements;
 - ii. Plan Amendments; and
 - iii. Specific Plans.
 - b. **Record.** The Director shall keep a permanent and accurate account of all deposits received, giving the name of the applicant upon whose account the same was deposited, the date and amount thereof, together with the project to which they relate.
 - c. **Supplemental Deposit Requirements.** The applicant shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted, when actual costs exceed the amount of the initial deposit:
 - i. If during the review process, actual costs incurred reach 80 percent of the amount on deposit, the applicant shall be notified and required to submit a minimum supplemental deposit up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of review or withdrawal of the application.
 - ii. If the initial or supplemental deposit is not received by the Department, within 30 days of notification that such deposit is due and payable, all work shall be discontinued until such deposit is received.
 - iii. At the sole discretion of the applicant, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein, except that at no time shall such initial or supplemental deposit be less than the minimum requirement.

- d. ***Final Fee Determination.*** The final fee for applications requiring deposits shall be based on actual costs incurred by the Department to review and process all required documentation.
 - i. Planning costs shall be computed on a monthly basis and deducted from the amount on deposit. The fee shall be finalized upon completion of the review process. If final planning costs do not exceed the amount of deposit, the unused portion shall be refunded to the applicant.
 - ii. Should the application be withdrawn, costs to date shall be computed and the unused portion of the amount on deposit shall be refunded to the applicant.
 - iii. Costs shall be computed using actual hours expended by planning staff multiplied by the most current applicable hourly rates, approved by the Auditor-Controller, that are available at the time that costs are assessed.
 - iv. Cost data used to determine fees shall be maintained by the Department, and made available for public review while work is in progress and for three years following final action or withdrawal of the application.
- C. **Fee Waivers.** No fee shall be required where, through an adopted resolution, the Board determines it is in the public interest to accept applications without a filing fee, the Director shall accept such applications subject to the requirements specified in said resolution.
- D. **Additional Fees.** In addition to any fees or deposits required by this Title 22, the applicant shall pay any fees or deposits required by any other agency, statute, or ordinance.
- E. **Fee Refunds.** If an application is withdrawn as provided in Section 22.162.070.D (Withdrawal of Application), the Director shall refund a portion of the filing fee:
 1. Three-fourths of the fee shall be refunded if the application is withdrawn prior to the mailing of the first written request by the Director for materials.
 2. One-half of the fee shall be refunded if the application is withdrawn after the mailing of the first written request by the Director for materials, but prior to publication of notice per Section 22.162.180 (Publication) or prior to the start of a public hearing by the Commission or Hearing Officer.
 3. There shall be no refund of any portion of the fee after:

- a. The publication of notice per Section 22.162.180 (Publication);
 - b. The start of a public hearing by the Commission or Hearing Officer;
or
 - c. The Review Authority takes action on the application.
- F. **Deposit Refunds.** The Director shall refund the unused portion of a deposit after final action has been taken on an application or the application has been withdrawn, if requested by the applicant.

22.162.090 Initial Application Review

- A. **Review of Application.** The Director shall review the application and determine if additional materials are required.
- B. **Request for Materials.** The Director may require materials to clarify, correct or otherwise supplement the application after it has been accepted by the Department for processing. Materials may include additional or revised applications, exhibits, plans, information, fees and any other materials that are necessary to complete the review of the application. When materials are required, the Director shall provide a written request to the applicant. If the requested materials are not provided, the application may be deemed inactive per Section 22.162.100.A (Inactive Application).
- C. **Consultation.** The Director may consult with any Advisory Body (Section 22.162.040) and any local, county, state, or federal agency regarding an application that has been accepted by the Department for processing. The applicant shall pay any additional fees required for said consultation in compliance with Section 22.162.080.D (Additional Fees) or as required by said agency for such consultation. If any required fee is not paid, the Director may render the application inactive per Section 22.162.100.A (Inactive Application).
- D. **Inspections.** Any County official participating in the review of the application shall be granted access to the premises or property that is the subject of the application. Failure to cooperate with any County official may result in suspension of application processing until the inspection is completed. If access is not granted, the application may be deemed inactive per Section 22.162.100.A (Inactive Application).
- E. **Review Authority.** Where applicable, the Director shall refer an application to the Review Authority for review and decision after all required materials or fees are submitted and all required reviews, consultations, and inspections have been completed.

22.162.100 Denial of Inactive Application

- A. **Inactive Application.** If the applicant does not provide any item required by Section 22.162.090 (Initial Application Review) within the time period specified by the Director, or, if no time is specified, within 30 days of notification, the Director may deem the application inactive. The Director may extend the time period upon written request from the applicant.
- B. **Denial by Director.** The Director may deny any application for a Site Plan Review, Discretionary Site Plan Review, or Discretionary Site Plan Review with Notification, in accordance with the following:
1. When an application is deemed inactive per Subsection A, above. Denial of an inactive application shall be issued in accordance with Section 22.162.220 (Notice of Action).
 2. If the Director takes no action on an application within 90 days from the date of filing, it shall constitute a denial of such application.
 3. The Director's decision is not subject to appeal.
- C. **Denial by Hearing Officer.**
1. **Denial.** The Hearing Officer may deny, without a public hearing, any discretionary application not listed in Subsection B, above, if such application is deemed inactive per Subsection A, above. The Hearing Officer may allow the applicant to amend such application without the filing of additional application fees prior to final action (denial). Denial of an inactive application shall be issued in accordance with Section 22.162.220 (Notice of Action).
 2. **New Application.** Once an application is denied for inactivity, any new application shall be filed in compliance with Section 22.162.070 (Application Filing and Withdrawal).

22.162.110 Project Evaluation and Staff Report

The Director shall evaluate the project and provide a staff report to the Review Authority based on information in the record at the time of preparation.

22.162.120 Public Hearing Procedure

A. Initiation and Scheduling.

1. **Initiation.** A public hearing before the Commission or Hearing Officer may be initiated:
 - a. If the Board of Supervisors instructs the Commission, Hearing Officer, or Director to set the matter for a public hearing;
 - b. Upon the initiative of the Commission; or
 - c. Upon the filing of an application.

2. **Scheduling.** After initiation of a public hearing per Subsection A.1, above, the Director shall schedule a time and place for a public hearing as required by this Title 22.

B. Public Hearing.

1. **Review Authority and Hearing Examiner.** A public hearing shall be held before the Commission or Hearing Officer unless the Director determines that the Hearing Examiner shall first hold a public hearing. The Hearing Examiner public hearing shall be in compliance with Section 22.162.190.
2. **Notice of Public Hearing.**
 - a. *Notice Content.* In addition to Section 22.162.140 (Notice Content), Notice of Public Hearing shall include the following information:
 - i. The date, time, and place of the public hearing and the Review Authority (Commission, Hearing Officer, or Hearing Examiner);
 - ii. A general description of the County's procedure concerning the conduct of the public hearing;
 - iii. A statement that written comments may be submitted to the Director prior to the hearing and that comments may be made or written material may be submitted at the public hearing; and
 - iv. A statement that any interested person or authorized agent may appear and be heard at the public hearing.
 - b. *Mailing.* In addition to Section 22.162.150 (Mailing), Notice of Public Hearing shall be mailed at least 30 days before the public hearing.
 - c. *Notification Radius.* In compliance with Section 22.162.160.
 - d. *Sign Posting.* In addition to Section 22.162.170, signs shall be posted at least 30 days before the public hearing.
 - e. *Publication.* In compliance with Section 22.162.180.
3. **Alternative Notice of Public Hearing.** As an alternative to Subsection B.2, above, the Director may provide an advertised notice in the time and manner specified in the California Government Code when authorized by that Government Code.
4. **Time and Location.** A public hearing shall be held at the date, time, and location for which notice was given.

C. Continued Public Hearing.

1. A public hearing may be continued without further notice, provided that the Commission or Hearing Officer announces for the record the date, time, and location where the hearing will be continued before the adjournment of the hearing.
2. If the public hearing is continued to an undetermined date or taken off the public hearing calendar, the applicant shall pay the rehearing fee per the Filing Fee Schedule before the public hearing is rescheduled. Notice of the continued public hearing shall comply with Subsection B.2 (Notice of Public Hearing), above.

22.162.130 Notice of Application

- A. **Notice Content.** In compliance with Section 22.162.140.
- B. **Mailing.** In compliance with Section 22.162.150.

22.162.140 Notice Content

Notice shall include the following information:

- A. The application number;
- B. A general description of the application and location of the subject property;
- C. A statement that the application's CEQA document will be considered, if applicable;
- D. A statement that written comments may be submitted to the Director within the specified time period; and
- E. The phone number, street address, and website of the Department, where an interested person can call or visit to obtain additional information.

22.162.150 Mailing

- A. Notice shall be mailed or delivered to:
 1. **Owner and Applicant.** The owner of the subject property, the applicant and the applicant's agent, where applicable.
 2. **Surrounding Properties.**
 - a. Owners of properties, as required by the permit or review or this Title 22; and
 - b. Such other persons whose property might, in the Director's judgment, be affected by such application.
 3. **Persons Requesting Notice.** A person who has filed a written request for notice of a specific application with the Director.

4. **Public Agencies.** Any public officers, departments, bureaus or agencies, who, in the opinion of the Director, might be interested in the application.

B. Failure of any person or entity to receive notice shall not invalidate the actions of the Review Authority.

22.162.160 Notification Radius

A. **Standard Radius.** Notice shall be mailed to all owners of property located within a 500-foot radius of the exterior boundaries of the subject property noted on the application, as shown on the County's last equalized assessment roll.

B. **Additional Radius.** Notwithstanding Subsection A, above, notice shall be mailed to all owners of property located within a 1,000-foot radius of the exterior boundaries of the subject property noted on the application, as shown on the County's last equalized assessment roll, unless a Community Standards District requires a different radius, for properties in the following areas:

1. Fifth Supervisorial District;
2. The Community of Avocado Heights within the Puente Zoned District;
3. Workman Mill Zoned District; and
4. South San Gabriel Zoned District.

22.162.170 Sign Posting

A. **Time.** The applicant shall post signs required by this Section on the subject property.

B. **Dimensions, Materials, and Content.** The size, height, materials, colors, content and lettering of the notice sign shall adhere to the specifications described in the checklist by the Department.

C. **Location.** One sign shall be erected on each public road frontage adjoining the subject property. The sign shall be legible and accessible by foot from said public roads. If the subject property is not visible from an existing public road, this Section may be modified by the Director.

D. **Additional Posting Requirements.** The Director may require additional signs or that signs to be larger and/or constructed of stronger weather-proof materials to improve visibility and legibility at the posted locations.

E. **Verification.** At least 14 days prior to the public hearing or decision date, the applicant shall provide the Director with a photograph showing the signs erected on the subject property. The applicant shall also sign an

affidavit stating that the signs have been placed on the subject property in compliance with this Section.

- F. **Maintenance and Display.** The applicant shall be responsible for maintaining signs in a satisfactory condition and continuously displaying the sign according to the period of time specified prior to the public hearing or decision date.
- G. **Failure to Comply.** Failure of the applicant to comply with this Section shall result in postponement of the public hearing or decision.
- H. **Removal.** The applicant shall remove signs from the subject property within one week following the close of the public hearing or decision date.
- I. **Exception.** The sign posting provisions of this Section shall not apply to public hearings on matters initiated by the Board or Commission. The Director may post signs for such public hearings at locations where deemed appropriate.

22.162.180 Publication

- A. Notice of Public Hearing or Notice of Application shall be published once in a newspaper of general circulation in the County of Los Angeles available in the community of the subject property and at least 30 days before the public hearing or decision date.
- B. Hearings on general amendments to this Title 22 shall be published once in a newspaper of general circulation in the County of Los Angeles.

22.162.190 Hearing Examiner Public Hearing

- A. When a public hearing is required by Title 21 (Subdivisions) or this Title 22, the Hearing Examiner may hold a public hearing on any application subject to a public hearing before the Commission or Hearing Officer. This Section shall not apply to appeals or calls for review of decision made by the Hearing Officer.
- B. The Director shall determine which matters the Hearing Examiner shall hold a public hearing. One or more of the following factors will generally indicate to the Director that a public hearing before the Hearing Examiner should be held:
 - 1. An Environmental Impact Report is required;
 - 2. An update to or preparation of a community or area wide plan is proposed;
 - 3. An amendment to the General Plan or Title 22 is proposed;

4. The construction of 50 or more residential units or 50,000 square feet or more of commercial or industrial floor area is proposed;
 5. A major project pursuant to the provisions of Section 22.186.040 (Major Projects Review Trust Funds) is proposed;
 6. A subdivision, General Plan Amendment, Ordinance Amendment, or Zone Change is proposed; or
 7. The Director determines:
 - a. The subject property is remote from the Department's main office;
 - b. The public hearing may generate significant public controversy; or
 - c. The application has aspects that indicate a Hearing Examiner hearing is appropriate.
- C. The Hearing Examiner shall hold public hearing in compliance with Section 22.162.120.B (Public Hearing). At the conclusion of the Hearing Examiner's public hearing:
1. The Hearing Examiner shall provide a report to the Commission. The report shall include an analysis of the proposal, proposed findings and conditions where applicable, recommendations, and other pertinent materials.
 2. The Director shall:
 - a. Mail Notice of Action, in compliance with Section 22.162.220. The Notice of Action shall include a summary of the Hearing Examiner's public hearing and the written recommendation to the Commission; and
 - b. Schedule a public hearing before the Commission in accordance with Section 22.162.120 (Public Hearing Procedure).

22.162.200 Findings and Decision

A. Findings.

1. Prior to making a decision, the Review Authority shall make findings on an application after evaluation of the application, plans, testimony, reports and all other materials that constitute the administrative record.
2. In addition to the findings required by the applicable application listed in Division 8 (Permits, Reviews, and Legislative Actions), additional findings may be required by the Review Authority, Division 7 (Standards for Specific Uses) or elsewhere in this Title 22.

- B. **Decision.** The Review Authority may approve, conditionally approve or deny the application based on the findings required by Subsection A, above.
1. **Approval.** The Review Authority may:
 - a. Approve the application only after making all of the required findings.
 - b. Approve the application contingent upon compliance with applicable provisions of other ordinances.
 - c. Impose conditions deemed reasonable and necessary to ensure that the approval will be in compliance with the required findings.
 2. **Denial.** The Review Authority shall deny the application if one or more of the required findings are not made.

22.162.210 Decision after Public Hearing

A. Board of Supervisors.

1. After closing the public hearing, the Board shall take action on the application.
2. The decision of the Board shall be final on any matter except a local coastal program amendment or a Coastal Development Permit, including a Coastal Development Permit located in an area without a certified local coastal program.

B. Commission.

1. After closing the public hearing, the Commission shall take action on the application.
2. The Commission shall publicly announce the appeal period for filing an appeal of its action, if applicable. The decision is final, unless the decision is appealed to the Board of Supervisors, in compliance with Section 22.162.230 (Effective Date of Decision and Appeals).
3. After the public hearing on a legislative action, the Commission shall forward their recommendation to the Board. If a discretionary application is heard concurrently with a legislative action, the Commission shall forward their recommendations and findings on the discretionary application and the legislative action to the Board concurrently.

C. Hearing Officer.

1. After closing the public hearing, the Hearing Officer shall:
 - a. Make a decision on the application; or

- b. Refer the decision to the Commission.
2. The Hearing Officer shall publicly announce the appeal period for filing an appeal of its action, if applicable, unless the Hearing Officer refers the decision to the Commission. The decision is final, unless the decision is appealed to the Commission, in compliance with Section 22.162.230 (Effective Date of Decision and Appeals).

22.162.220 Notice of Action

- A. **Notice of Action.** After taking action on an application, the Review Authority shall issue a Notice of Action. The Notice of Action shall describe the action taken and include any applicable findings or conditions.
- B. **Delivery.** The Director shall mail the Notice of Action to:
 1. The applicant;
 2. Every member of the public who testified at the public hearing; and
 3. Any other person or entity who filed a written request for notification and anyone who filed a written protest with the Director.

22.162.230 Effective Date of Decision and Appeals

- A. The Review Authority's decision shall be effective on the 15th day following the date of the decision, unless an appeal of the decision is filed or an Appeal Body calls for review of the decision.
- B. Any person dissatisfied with the action of the of the Review Authority may file an appeal. The appeal must be filed within 14 days of the Review Authority's decision. If an Appeal Body calls for review of the Decision, the Appeal Body must make the call for review within 14 days of the Review Authority's decision. Appeals or calls for review shall be processed in compliance with Chapter 22.182 (Appeals).
- C. If the last day to file an appeal or call for review falls on a non-business day for the Appeal Body, then the appeal period is extended to the next business day and the effective date of the decision is also extended to the following business day.
- D. In all cases in which a permit or review has received approvals issued concurrently pursuant to Title 21 (Subdivisions) and this Title 22, the decision shall become effective on the first day after expiration of the time limit established by Section 66452.5 of the California Government Code as set forth in Section 21.56.010 (Procedures – Submittal and Determination) of Title 21 of the County Code.

- E. Where a decision is appealed to or called for review by the Board, the date of decision by the Board of such appeal or review shall be deemed the date of grant in determining the effective date.

22.162.240 Documentation, Scope of Approval, and Exhibit “A”

- A. Any site plan, floor plans, building elevations, maps, or additional information submitted during the approval process may be deemed a condition of approval by the Review Authority.
- B. An approval for a Discretionary Site Plan Review or a Discretionary Site Plan Review with Notification may be stamped on a set of plans and referred to as an ‘Exhibit “A”’.
- C. An approval for all other discretionary permit and review applications may be stamped on a set of plans and referred to as an ‘Exhibit “A”’. Unless otherwise indicated in the approval, the Exhibit “A” shall not be stamped as approved until the permit or review becomes effective per Section 22.162.230 (Effective Date of Decision and Appeals), complies with all Performance Guarantees and Covenants per Section 22.162.260, and any applicable conditions of approval have been completed.
- D. All approvals may be subject to periodic review to determine compliance with the conditions of approval. If a condition of approval requires periodic reporting, monitoring or assessments, or specifies a time limitation, it shall be the responsibility of the property owner and their successors to comply with these conditions.

22.162.250 Use of Property Before Final Action

Any property involved in a discretionary application shall not be used for the use requested in the application until and unless the permit or review has become effective, in compliance with Section 22.162.230 (Effective Date of Decision and Appeals) and an approved Exhibit “A” has been issued by the Department in compliance with Section 22.162.240 (Documentation, Scope of Approval, and Exhibit “A”).

22.162.260 Performance Guarantee and Covenant

Approval may require that the permittee guarantee, warrant, or ensure compliance with the provisions of this Title 22, approved plans, or conditions. To ensure compliance, the County may require the permittee to:

- A. Record the terms and conditions of the approval with the Registrar-Recorder/County Clerk. Upon any transfer or lease of the property during the term of this grant, the permittee shall provide a copy of the permit approval and its conditions to the transferee or lessee;

- B. Deposit a fee, financial assurance, bond or other mechanism in a reasonable amount, as determined by the County, to ensure the faithful performance of one or more of the conditions of approval;
- C. Record a covenant restricting the use of the subject property (e.g., limitations on occupancy or maintenance of affordability) with the Registrar-Recorder/County Clerk; or
- D. Record a covenant guaranteeing use and maintenance on a separate property necessary to comply with requirements (e.g. adequate access) with the Registrar-Recorder/County Clerk.

22.162.270 Time Limit and Extension

- A. An approved permit or review shall be used within the time limit specified in the conditions, or, if no time limit is specified, two years after the date the decision is made by the Review Authority. If the permit or review is not used within the applicable time limit, the approval becomes null and void.
- B. The Hearing Officer may extend the time limit in Subsection A, above, for a maximum of one year. An application requesting the extension shall be filed prior to the expiration date.
- C. In the case of applications heard concurrently with a subdivision, the time limit and extension shall be concurrent and consistent with those of the subdivision.
- D. In the case of a nonprofit corporation organized to provide low-income housing for the poor or the 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.
- E. In the case of an application requiring approval by the Coastal Commission, the time limit shall comply with Chapter 22.56 (Coastal Development Permits).
- F. In the case of a permit or review for a publicly owned use, no time limit shall apply to use the approval provided that the public agency:
 - 1. Acquires the property involved or commences legal proceedings for its acquisition, within one year of the effective date of the approval; and
 - 2. Immediately after the acquisition of, or the commencement of legal proceedings for the acquisition of the property, posts the subject property with signs, having an area of not less than 20 square feet nor more than 40 square feet in area per face indicating the agency and the purpose for which it is to be developed. One sign shall be placed facing and located within 50 feet of each street, highway or parkway

bordering the property. Where the property in question is not bounded by a street, highway or parkway the agency shall erect one sign facing the street, highway or parkway nearest the property.

- G. A permit or review shall be considered used when activity authorized by the approval has commenced that would otherwise be prohibited in the zone if no approval had been granted. For this Subsection G, activity shall include grading with required grading permits, construction with required building permits, or the commencement or initiation of the approved use.

22.162.280 Cessation of Use

Unless otherwise specified, a discretionary permit or review shall automatically cease to be of any force and effect if the use for which the permit or use was granted has ceased or has been suspended for a consecutive period of two or more years.

Chapter 22.164 Type Reviews and This Title 22

Sections:

- 22.164.010 Purpose
- 22.164.020 Type Review Characteristics
- 22.164.030 Permits and Reviews Assigned a Type Review
- 22.164.040 Permits and Reviews Assigned Unique Administrative Procedures

22.164.010 Purpose

This Division establishes five Type Reviews which prescribe a set of specific Administrative Procedures (Chapter 22.162) used for processing permits and reviews in this Title 22. Permits and reviews in Division 8 (Permits, Reviews, and Legislative Actions) are assigned a Type Review or are prescribed unique Administrative Procedures for application processing.

22.164.020 Type Review Characteristics

Type Reviews generally have the following characteristics:

	Chapter Number	Ministerial/ Discretionary	Noticing/Posting Required	Review Authority	Public Hearing Required	Board Review Required
Type I Review	22.166	Ministerial	No	Director	No	No
Type II Review	22.168	Discretionary	See specific permit or review	Director	No	No
Type III Review	22.170	Discretionary	Yes	Director	No	No
Type IV Review	22.172	Discretionary	Yes	Commission/ Hearing Officer	Yes	No
Type V Review	22.174	Discretionary	Yes	Board	Yes	Yes

22.164.030 Permits and Reviews Assigned a Type Review

Permits and reviews shall be processed in using the following Type Reviews:

Permit or Review	Chapter Number	Type Review
Revised Exhibit "A"s	22.144	Type I Review
Site Plan Review, Ministerial	22.146	Type I Review
Lot Line Adjustments	22.128	Type I or II Review
Site Plan Review, Discretionary	22.148	Type II Review
Site Plan Review, Discretionary with Notification	22.150	Type II Review
Parking Deviations, Minor	22.136	Type II Review (DSN)
Special Events Permits	22.152	Type II Review
Explosive Permits	22.124	Type II or IV Review

Oak Tree Permits	22.134	Type II or IV Review
Minor Conditional Use Permits	22.130	Type III Review
Cemetery Permits	22.116	Type IV Review
Conditional Use Permits	22.120	Type IV Review
Non-Conforming Uses, Buildings and Structures	22.132	Type IV Review
Parking Permits	22.138	Type IV Review
Surface Mining Permits	22.154	Type IV Review
Variances	22.156	Type IV Review
Development Agreements	22.122	Type V Review
Plan Amendments	22.140	Type V Review
Zone Changes	22.158	Type V Review

22.164.040 Permits and Reviews Assigned Unique Administrative Procedures

The following permits and reviews are not assigned a Type Review, however, they directly reference Chapter 22.162 (Administrative Procedures) and contain unique processing procedures in the individual permit or review:

Table 22.164.040-A: Permits and Reviews Assigned Unique Administrative Procedures	
Permit or Review	Chapter Number
Adult Business Permits	22.112
Animal Permits	22.114
Housing Permits	22.126
Requests for Reasonable Accommodations	22.142

Chapter 22.166 Type I Review - Ministerial

Sections:

- 22.166.010 Purpose
- 22.166.020 Review Authority
- 22.166.030 Application and Review Procedures
- 22.166.040 Decision
- 22.166.050 Notice of Action
- 22.166.060 Documentation
- 22.166.070 Effective Date of Decision
- 22.166.080 Time Limit and Extension

22.166.010 Purpose

The Type I Review is a ministerial process to verify that a proposed use, structure, development of land, or application of development standards is in compliance with all applicable provisions of this Title 22.

22.166.020 Review Authority

The Director is the Review Authority for an application that requires a Type I Review. The Director may approve or deny the application.

22.166.030 Application and Review Procedures

- A. **Multiple Applications.** In compliance with Section 22.162.060.
- B. **Application Filing and Withdrawal.** In compliance with Subsections A, B, and D of 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.

22.166.040 Decision

The Director shall approve or deny the application. The decision on the application shall be based on an assessment of whether the use, structure, development of land, or application of development standards is in compliance with all applicable provisions of this Title 22.

22.166.050 Notice of Action

After taking action on an application, the Director shall notify the applicant of the decision.

22.166.060 Documentation

An approval or denial may be in the form of a letter or in the form of a stamp, signature, or other official notation or documentation on the site plan.

22.166.070 Effective Date of Decision

The decision is effective the date the site plan or letter is stamped or signed.

22.166.080 Time Limit and Extension

- A. An approved application shall be used within two years after the grant of such approval. If the approved application is not used within the time limit, the approval becomes null and void; except
- B. Where an application requesting an extension is filed prior to such expiration date, the Director may extend such time for a period of not to exceed one year.

Chapter 22.168 Type II Review - Discretionary

Sections:

- 22.168.010 Purpose
- 22.168.020 Review Authority
- 22.168.030 Application and Review Procedures
- 22.168.040 Findings and Decision
- 22.168.050 Notice of Action
- 22.168.060 Effective Date of Decision and Appeals
- 22.168.070 Post-Decision Actions and Regulations

22.168.010 Purpose

The Type II Review is a discretionary process for reviewing applications that may be appropriate in the applicable zone, but for which effects on a site and surroundings cannot be determined before being proposed for a specific site. This process may require public notice of the application by mail, depending on the proposed use.

22.168.020 Review Authority

The Director is the Review Authority for an application that requires a Type II Review. The Director may approve, conditionally approve, or deny the application.

22.168.030 Application and Review Procedures

- A. **Multiple Applications.** In compliance with Section 22.162.060.
- B. **Application Filing and Withdrawal.** In compliance with Subsections A, B and D of 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.

22.168.040 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 use, structure, development of land or application of development standards is in compliance with all applicable provisions of this Title 22;
 - 2. The use, development of land or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid

traffic congestion, ensure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and

3. The use, development of land or application of development standards is suitable from the standpoint of functional developmental design.

C. **Time Limit for Decision.** If the Director takes no action on the application within 90 days from the date of filing, it shall constitute a denial of such application.

22.168.050 Notice of Action

In compliance with Section 22.162.220.

22.168.060 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 and Appeals) unless an appeal to the Commission is timely filed pursuant to Chapter 22.182 (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 specified in Chapter 22.162.230 (Effective Date of Decision and Appeals).
- C. In rendering its decision, the Commission may hear or consider any argument or evidence of any kind presented at the public hearing.
- D. The Commission's decision may cover all phases of the matter, including the addition or deletion of any condition.
- E. 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.

22.168.070 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. **Time Limit and Extension.**
 1. An approved application which is not used within the time specified in the approval, or if no time is specified, within two years after the granting of such approval, the approval becomes null and void and of no effect at all; except

2. Where an application requesting an extension is filed prior to such expiration date, the Director may extend such time for a period of not to exceed one year.

Chapter 22.170 Type III Review - Discretionary

Sections:

- 22.170.010 Purpose
- 22.170.020 Review Authority
- 22.170.030 Application and Review Procedures
- 22.170.040 Findings and Decision
- 22.170.050 Notice of Action
- 22.170.060 Effective Date of Decision and Appeals
- 22.170.070 Post-Decision Actions and Regulations

22.170.010 Purpose

The Type III Review is a discretionary process for reviewing applications. This process authorizes the Director's ex parte consideration of applications that by their nature are limited in scope and impacts. This process requires public notice of the application by mail. The Director may schedule a public hearing if requested by the public.

22.170.020 Review Authority

- A. **General Requirements.** The Director is the Review Authority for an application that requires a Type III Review. The Director may approve, conditionally approve, or deny the application.
- B. **Referral.** The Director may refer the application to the Commission for consideration and decision.

22.170.030 Application and Review Procedures

- A. **Multiple Applications.** In compliance with Section 22.162.060.
- B. **Application Filing and Withdrawal.** In compliance with Subsections A, B and D of 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.

22.170.040 Findings and Decision

In compliance with Section 22.162.200.

22.170.050 Notice of Action

In compliance with Section 22.162.220.

22.170.060 Effective Date of Decision and Appeals

- A. The Effective Date of Decision shall be in compliance with Section 22.162.230 (Effective Date of Decision).
- B. Notwithstanding Chapter 22.180 (Appeals), if the decision of the Director is appealed to the Commission, 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.

22.170.070 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. **Time Limit and Extension**. In compliance with Section 22.162.270.
- E. **Cessation of Use**. In compliance with Section 22.162.280.

Chapter 22.172 Type IV Review - Discretionary

Sections:

- 22.172.010 Purpose
- 22.172.020 Review Authority
- 22.172.030 Application and Review Procedures
- 22.172.040 Public Hearing
- 22.172.050 Findings and Decision
- 22.172.060 Decision after Public Hearing
- 22.172.070 Notice of Action
- 22.172.080 Effective Date of Decision and Appeals
- 22.172.090 Post-Decision Actions and Regulations

22.172.010 Purpose

The Type IV Review is a discretionary process for reviewing applications. This process requires a public hearing and may require public notification of the application by publication, mail, and posting a sign on the property.

22.172.020 Review Authority

Unless specified by this Title 22, the Commission or Hearing Officer is the Review Authority for an application that requires a Type IV Review. The Commission or Hearing Officer may approve, conditionally approve, or deny the application.

22.172.030 Application and Review Procedures

In compliance with the following procedures:

- A. **Multiple Applications.** In compliance with Section 22.162.060.
- B. **Application Filing and Withdrawal.** In compliance with Subsections A, B, and D of 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.
- E. **Project Evaluation and Staff Report.** In compliance with Section 22.162.110.

22.172.040 Public Hearing

In compliance with Section 22.162.120.

22.172.050 Findings and Decision

In compliance with Section 22.162.200.

22.172.060 Decision after Public Hearing

In compliance with Section 22.162.210.

22.172.070 Notice of Action

In compliance with Section 22.162.220.

22.172.080 Effective Date of Decision and Appeals

In compliance with Section 22.162.230.

22.172.090 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. **Time Limit and Extension.** In compliance with Section 22.162.270.
- E. **Cessation of Use.** In compliance with Section 22.162.280.

Chapter 22.174 Type V Review - Discretionary/Legislative

Sections:

- 22.174.010 Purpose
- 22.174.020 Review Authority
- 22.174.030 Initiation
- 22.174.040 Application and Review Procedures
- 22.174.050 Commission and Board Actions

22.174.010 Purpose

The Type V Review is a discretionary process for reviewing legislative applications that require Board approval. This process requires a public hearing and may include public notification of the project by publication, mail, and posting a sign on the property.

22.174.020 Review Authority

The Board is the Review Authority for an application that requires a Type V Review. The Commission shall review the application at a public hearing and make a recommendation to the Board. If the Commission recommends approval, the Board shall review the application at a public hearing. If the Commission recommends denial, the Board is not required to take further action, but may review the application at a public hearing if the application is appealed.

22.174.030 Initiation

In compliance with Section 22.162.120.A (Initiation of a Public Hearing).

22.174.040 Application and Review Procedures

In compliance with the following procedures:

- A. **Multiple Applications.** In compliance with Section 22.162.060.
- B. **Application Filing and Withdrawal.** In compliance with Subsections A, B and D of 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 (Initial Application Review).
- E. **Project Evaluation and Staff Report.** In compliance with Section 22.162.110.

22.174.050 Commission and Board Actions

- A. **Commission Action.**

1. **Public Hearing.** A public hearing is required, in compliance with Section 22.162.120 (Public Hearing Procedure).
2. **Findings.** The Commission shall make findings in compliance with Section 22.162.200 (Findings).
3. **Recommendation of Approval.** A recommendation of approval by the Commission shall be by resolution carried by the affirmative vote of not less than three of its members. Such recommendation is final and conclusive and may not be reconsidered by the Commission except upon a referral by the Board.
4. **Denial.** A recommendation of denial by the Commission shall not require further action by the Board. The action of the Commission shall become final in accordance with Section 22.162.230 (Effective Date of Decision and Appeals) unless an appeal is filed to the Board, in compliance with Chapter 22.182 (Appeals).
5. **Notice of Action.** In compliance with Section 22.162.220.

B. Board Action.

1. **Public Hearing.** After receipt of the Commission's recommendation for approval, the Board shall hold a public hearing and shall give Notice of Public Hearing pursuant to Section 22.162.120.B.2.
2. **Board Action on Commission Recommendations.** The Board may approve, modify or reject the recommendation of the Commission, provided:
 - a. For Zone Change, Ordinance Amendment, or Plan Amendment, any modification of the recommendation of the Commission by the Board that was not previously considered by the Commission during its hearing, shall first be referred to the Commission for report and recommendation. The Commission shall not be required to hold a public hearing; and
 - b. Failure of the Commission to report within 40 days after the reference, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed modification.
3. **Notice of Action.** The Board shall serve a Notice of Action in compliance with Section 22.162.220.

Chapter 22.176 Interpretations

Sections:

22.176.010 Purpose

22.176.020 Record of Interpretation

22.176.010 Purpose

This Chapter establishes the authority of the Director to interpret this Title 22. When the Director determines that the meaning or applicability of any provision of this Title 22 is subject to interpretation, the Director may issue a written interpretation.

22.176.020 Record of Interpretation

Any written interpretation made by the Director shall be kept on file with the Department and be made available to the public.

Chapter 22.178 Modification or Elimination of Conditional Use Permit Conditions

Sections:

- 22.178.010 Purpose
- 22.178.020 Review Authority
- 22.178.030 Applicability
- 22.178.040 Application and Review Procedures
- 22.178.050 Findings and Decision
- 22.178.060 Conditions of Approval
- 22.178.070 Notice of Action
- 22.178.080 Appeal to the Commission

22.178.010 Purpose

This Chapter establishes procedures for the modification or elimination of conditions of a previously approved Conditional Use Permit without filing a new Conditional Use Permit application. This process can be used where such modification or elimination of conditions of the previously approved Conditional Use Permit will not result in a substantial alteration or material deviation from the terms and conditions of the previously approved Conditional Use Permit and is necessary to allow the reasonable operation and use previously granted.

22.178.020 Review Authority

The Hearing Officer is the Review Authority for an application to modify or eliminate a conditional use permit condition. The Hearing Officer may approve conditionally approve, or deny the application.

22.178.030 Applicability

- A. **General Applicability.** Any person desiring to modify or eliminate one or more conditions of a previously approved Conditional Use Permit may file an application, except that no application shall be filed or accepted within one year of final action on the same or substantially the same application or within one year of final action on the Conditional Use Permit.
- B. **Prohibited Modifications.** The following requests to modify or eliminate conditions are prohibited:
 - 1. A change of an alcohol license previously approved for a site;
 - 2. An increase of shelf space devoted to alcohol;
 - 3. The modification would require additional environmental review in compliance with CEQA;

4. Substantial alteration or material deviation from the terms and conditions of the previous approval;
5. Modification or elimination of any condition specified as mandatory in this Title 22 or any condition which relates to a development standard that may only be modified through a Variance (Chapter 22.156); and
6. Modification of the time limit for use, grant term, or expiration date.

22.178.040 Application and Review Procedures

- A. **Application Checklist.** An application submittal shall contain all materials required by the Modification or Elimination of Permit Conditions Checklist.
- B. **Application and Review Procedures.** In compliance with the following procedures:
 1. **Application Filing and Withdrawal.** In compliance with Section 22.162.070.
 2. **Fees and Deposits.** In compliance with Section 22.162.080.
 3. **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 22.162.110 (Notice of Application) and Section 22.162.130 (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. **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. **Sign Posting.** In compliance with Section 22.162.170.
- E. **Publication.** In compliance with Section 22.162.180.

22.178.050 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. Not more than one written protest was received within 15 days of the date set forth on the notice; and
 2. The information submitted by the applicant substantiates the following findings:
 - a. That Findings and Decision in Section 22.120.040 for the Conditional Use Permit as modified has been satisfied;

- b. That the modified Conditional Use Permit will not materially deviate from the terms and conditions imposed in the previously approved Conditional Use Permit; and
 - c. That approval of the application is necessary to allow the reasonable operation and use granted in the Conditional Use Permit.
3. **Protests.** Protests received from the owner and any occupant of the same real property shall be considered as one.

22.178.060 Conditions of Approval

- A. In approving the application, the Hearing Officer may impose additional conditions, if deemed necessary to ensure that the modification or elimination of any condition will be in accordance with Section 22.178.050 (Findings and Decision).
- B. Notwithstanding Subsection A, above, the Hearing Officer shall not modify or eliminate any condition specified as mandatory in this Title 22.

22.178.070 Notice of Action

- A. **Notice of Action.** In compliance with Section 22.162.220, except if modified by Subsection B, below.
- B. **Denial.**
 1. If the application is denied, such notice shall also state that the applicant may file a new Conditional Use Permit application to request the modification or elimination of any conditions of a previously approved Conditional Use Permit.
 2. The fee required for the filing of a new Conditional Use Permit application shall be the difference between the fees initially paid for the Conditional Use Permit – Modification or Elimination of Conditions and the fee required for a Conditional Use Permit, if such application is filed within one year after the Hearing Officer's denial.

22.178.080 Appeal to the Commission

- A. The decision of the Hearing Officer shall become final and effective as set forth in Chapter 22.162.230 (Effective Date of Decision and Appeals) unless an appeal to the Commission is timely filed pursuant to Chapter 22.182 (Appeals).
- B. Any person dissatisfied with the action of the Hearing Officer, may file an appeal of such action with the Commission within the time period specified in Chapter 22.162.230 (Effective Date of Decision and Appeals).
- C. On appeal, the Commission may approve an application only upon making the findings in Section 22.178.050 (Findings and Decision).

- D. In all other cases the Commission shall deny the application.
- E. In approving an application, the Commission may impose additional conditions deemed necessary to ensure that the modification or elimination of any condition will be in accordance with the findings in Subsection C, above.
- 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.

Chapter 22.180 Modifications and Revocations

Sections:

- 22.180.010 Purpose
- 22.180.020 County Action
- 22.180.030 Initiation
- 22.180.040 Grounds for Modifications or Revocations
- 22.180.050 Nonconforming Uses and Structures—Additional Grounds
- 22.180.060 Commercial or Industrial Uses
- 22.180.070 Public Hearing and Action

22.180.010 Purpose

This Chapter establishes procedures for the County to modify or revoke any discretionary permit or review which was granted by the Board, Commission, or Hearing Officer. Previously approved discretionary permits or reviews include existing land uses which have become public nuisances or are operated or maintained in violation of this Title 22, approved conditions or any other provision of law. These actions, which supplement the enforcement provisions in Chapter 22.184 (Enforcement Provisions), are intended not only to serve a corrective purpose, but also as a deterrent to violating this Title 22.

22.180.020 County Action

- A. **Modifications.** The County's action to modify a permit or review approval shall have the effect of modifying individual conditions while allowing the remaining privileges granted by the original approval.
- B. **Revocations.** The County's action to revoke a permit or review approval shall have the effect of terminating the approval and denying the privileges granted by such approval.

22.180.030 Initiation

- A. A modification or revocation of a discretionary permit or review may be initiated:
 - 1. If the Board instructs the Commission to set the matter for a public hearing and recommendation; or
 - 2. Upon the initiative of the Commission.
- B. If, in the course of a modification or revocation proceeding, the applicant requests a revision to a Conditional Use Permit, the applicant shall file a Conditional Use Permits – Modification or Elimination of Conditions application, in compliance with Chapter 22.176.

22.180.040 Grounds for Modifications or Revocations

After a public hearing is held in accordance with this Chapter, the Commission may modify or revoke any discretionary permit or review which has been granted by the Board, Commission, or Hearing Officer at a public hearing pursuant to the provisions of this Title 22, on any one or more of the following grounds:

- A. That such approval was obtained by fraud;
- B. That the use for which such approval was granted is not being exercised;
- C. That the use for which such approval was granted has ceased or has been suspended for one year or more;
- D. Subsection C, above, does not apply to a surface mining operation for which a valid permit is in full force and effect, or for which a valid, unexpired zone exception was granted prior to November 23, 1970, or which was lawfully established in former Zone Q, provided such operation complies with the requirements of Chapter 22.154 (Surface Mining Permits) for intermittent mining operations and if from the cessation of use the outer boundaries of the premises have been continuously posted with was granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law, or regulation; or
- E. Except in the case of a dedicated cemetery that the use for which the approval was granted is so exercised as to be detrimental to the public health or safety, or so as to be as nuisance.

22.180.050 Nonconforming Uses and Structures—Additional Grounds

In addition to Section 22.180.040 (Grounds for Modifications or Revocations), a nonconforming use or structure may be modified or revoked after a public hearing if the Commission finds:

- A. That the condition of the improvements, if any, on the property are such that to require the property to be used only for these uses permitted in the zone where it is located would not impair the constitutional rights of any person;
- B. That the nature of the improvements are such that they can be altered so as to be used in conformity with the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person.

22.180.060 Commercial or Industrial Uses

- A. Notwithstanding any other provision of this Title 22 to the contrary, the Commission may recommend to the Board the modification, discontinuance or removal of a commercial or industrial use if the Commission finds that as operated or maintained, such use:

1. Jeopardizes or endangers the public health or safety of persons residing or working on the premises or in the surrounding area; or
2. Constitutes a public nuisance; or
3. Has resulted in repeated nuisance activities including but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, loud noises in late night or early morning hours, traffic violations, curfew violations, lewd conduct or police detentions and arrests; or
4. Violates any provision of any county, state, or federal regulation, ordinance or statute.

22.180.070 Public Hearing and Action

A. Public Hearing Procedure.

1. **Public Hearing Procedure.** In compliance with Section 22.162.120.
2. **Notice Requirements.** In addition to Subsection A.1 above, the Director shall also serve notice upon every person, if any, in real or apparent charge and control of the premises involved, the record owner, the holder of any mortgage, trust deed or other lien or encumbrance of record, the holder of any lease of record, the record holder of any other estate or interest in or to the premises or any part thereof, written notice of the time and place of such hearing, either in the manner required by law for the service of summons, or by registered mail, postage prepaid:
 - a. To appear at a public hearing at a time and place fixed by the Commission; and
 - b. At the public hearing, to show cause why the permit should not be revoked or revised, or why the use, building, or structure should not be modified, discontinued, or removed, as the case may be.

B. Decision after Public Hearing.

1. After the public hearing, the Commission shall recommend approval or denial of the modification or revocation of the subject use or structure.
2. As part of any recommendation for modification, the Commission shall recommend conditions as deemed appropriate.
3. Recommendation shall be supported by written findings, including a finding that the action does not impair the constitutional rights of any person. However, the Commission may recommend that a use be discontinued or a building or structure removed only upon finding that:

- a. Prior governmental efforts to cause the owner or lessee to eliminate the problems associated with the premises have failed (examples include formal action by law enforcement, building and safety, or zoning officials); and
- b. That the owner or lessee has failed to demonstrate, to the satisfaction of the Commission, the willingness and ability to eliminate the problems associated with the premises.

C. Notice of Action and Additional Requirements.

1. The Commission shall serve a notice of its action in compliance with Section 22.162.220 (Notice of Action).
2. After receipt of the Commission's recommendation, the Board shall hold a public hearing and shall give Notice of Public Hearing in compliance with Section 22.162.120.B.2; provided, however:
 - a. If the Commission has recommended against the approval of a modification, the Board shall not be required to take further action and the action of the Commission shall become final, and
 - b. If an interested party requests a hearing by the Board by filing a written request with the Executive Office of the Board within 15 days after the Commission files its recommendation with the Board, the Board is required to hold a public hearing regarding the decision.
3. The Board may approve, modify or reject the recommendation of the Commission, and its action to modify or revoke shall be supported by the written findings prescribed in this Chapter.
4. The Board shall serve a Notice of Action in compliance with Section 22.162.220.

Chapter 22.182 Appeals

Sections:

- 22.182.010 Authorization
- 22.182.020 Filing of Appeals
- 22.182.030 Initiation of Appeals
- 22.182.040 Initiation of Calls for Review
- 22.182.050 Fee for Appeals
- 22.182.060 Procedures for Appeals and Calls for Review
- 22.182.070 Additional Procedures for Appeals to the Board of Supervisors

22.182.010 Authorization

- A. **Appeals.** To avoid results inconsistent with the purposes of this Title 22, decisions of the Hearing Officer or Director may be appealed to the Commission; and decisions of the Commission may be appealed to the Board, unless otherwise more specifically stated regarding a specific permit or review.
- B. **Calls for Review.** To avoid results inconsistent with the purposes of this Title 22, decisions of the Hearing Officer or Director may be called for review by the Commission; and decisions of the Commission may be called for review by the Board, unless otherwise more specifically stated regarding a specific permit or review.

22.182.020 Filing of Appeals

- A. **Eligibility.** Any person dissatisfied with the action of the Commission, Hearing Officer or Director may file an appeal in compliance with this Chapter, unless otherwise specified or limited by this Title 22.
- B. **Time Limits.** Appeals and calls for review shall be initiated prior to the effective date of decision, in compliance with Section 22.162.230 (Effective Date of Decision and Appeals).

22.182.030 Initiation of Appeals

- A. **Filing.** An appeal shall be filed with the secretary or clerk of the designated Appeal Body on the prescribed form, along with any accompanying appeal fee, and shall state specifically:
 - 1. The determination or interpretation is not in accord with the purposes of this Title 22;
 - 2. It is claimed that there was an error or abuse of discretion;
 - 3. The record includes inaccurate information; or
 - 4. The decision is not supported by the record.

- B. Appeal Vacates Decision.** The filing of an appeal vacates the decision from which the appeal is taken. Such decision is only reinstated if the Appeal Body fails to act, or affirms the decision in its action.

22.182.040 Initiation of Calls for Review

- A. A call for review may be initiated by the affirmative vote of the majority of the members present of the designated Appeal Body per Section 22.182.010.B (Calls for Review). A call for review by a designated Appeal Body shall be made prior to the effective date of the decision being reviewed. No fee shall be required.
- B. When the Commission makes a recommendation to the Board on a General Plan or Specific Plan Amendment, Zone Change, Development Agreement or other legislative action, any concurrent decision by the Commission on a permit, variance, nonconforming use or structure review or other non-legislative land use application concerning, in whole or in part, the same lot shall be deemed to be timely called for review by the Board.

22.182.050 Fee for Appeals

A. Processing Fee for Appeals to the Board.

1. If the appellant is an applicant, the appellant shall pay a processing fee as listed in the Filing Fee Schedule for an Appeal to the Board of Supervisors by an Applicant, to cover the cost incurred by the Department for processing the appeal.
2. Only one appeal fee shall be charged for the appeal of any related concurrently acted upon entitlements under this Title 22, which concerns, in whole or in part, the same project. Notwithstanding the provisions of Section 21.56.010.A of Title 21 (Subdivisions) of the County Code, when an appeal of a decision made under this Title 22 is filed with an appeal of any tentative map, parcel map, or request for waiver concurrently acted upon under Title 21 (Subdivisions) which concerns, in whole or in part, the same project, only the appeal set forth in Section 21.56.020 (Appeals) shall be paid for all such appeals.
3. If the appellant is the applicant or any representative thereof, and files an appeal of no more than a total of two conditions of the approved discretionary permit or tentative map, parcel map, or request for waiver or other entitlement concurrently acted upon under Title 21 (Subdivisions) which concerns, in whole or in part, the same approved map, in any combination, the appellant shall pay a processing fee in an amount determined by the Executive Office of the Board to be ample to cover the cost of a hearing to be held by the Board. The appellant shall

also pay a processing fee as listed in the Filing Fee Schedule for an Appeal to the Board of Supervisors by an Applicant for One or Two Project Conditions. This fee shall be applied to the Department to cover the costs of processing the appeal.

4. If the appellant is not the applicant or any representative thereof, of an approved discretionary permit, map, or waiver or associated entitlement, the appellant shall pay a processing fee in an amount determined by the Executive Office of the Board to be ample to cover the cost of a hearing to be held by the Board. The appellant shall also pay a processing fee as listed in the Filing Fee Schedule for an Appeal to the Board of Supervisors by a Non-Applicant. This fee shall be applied to the Department to cover the costs of processing the appeal.

B. Processing Fee for Appeals to the Commission.

1. If the appellant is an applicant, the appellant shall pay a processing fee as listed in the Filing Fee Schedule for an Appeal to the Regional Planning Commission by an Applicant. The fee shall be applied in its entirety to the Department.
2. If the appellant is an applicant or any representative thereof, and the appellant files an appeal of no more than a total of two conditions on the approved discretionary permit, tentative map, parcel map, or request for waiver or other entitlement concurrently acted upon under Title 21 (Subdivisions) which concerns, in whole or in part, the same approved map, in any combination, the appellant shall pay a processing fee as listed in the Filing Fee Schedule for an Appeal to the Regional Planning Commission by an Applicant for One or Two Project Conditions. This fee shall be applied in its entirety to the Department.
3. If the appellant is not the applicant or any representative thereof, of an approved discretionary permit, map or waiver or associated entitlement, the appellant shall pay a processing fee as listed in the Filing Fee Schedule for an Appeal to the Regional Planning Commission by a Non-Applicant. This fee shall be applied in its entirety to the Department.

22.182.060 Procedures for Appeals and Calls for Review

- A. **Hearing Dates.** The Appeal Body may delegate the setting of hearing dates to its secretary or clerk.
- B. **Public Hearing.**
 1. An appeal or review hearing shall be a public hearing if the decision being appealed or reviewed required a public hearing.

2. A public hearing on an appeal from an action of the Director or a Hearing Officer is not subject to the Hearing Examiner procedure.
3. The Appeal Body shall consider the matter directly at its public hearing. Notice of public hearings shall be given in the manner required for the decision being appealed or reviewed.

C. Plans and Materials.

1. At an appeal or review hearing, the Appeal Body shall consider only the same application, plans and materials that were the subject of the original decision. Compliance with this provision shall be verified prior to or during the hearing by a representative of the person or body that made the original decision. As part of the decision, the Appeal Body may impose additional conditions on a project in granting approval to a modified project.
2. If new plans and materials which differ substantially from the original are submitted, the applicant shall file a new application. Changes to the original submittal made to meet objections by the staff, the Appeal Body or the opposition below need not be the subject of a new application.

D. Hearing. At the public hearing, the Appeal Body shall review the record of the decision and hear testimony of the appellant, the applicant, the party or body whose decision is being appealed or reviewed, and any other interested party.

E. Decision and Notice.

1. After the hearing, the Appeal Body shall affirm, modify, or reverse the original decision or refer the matter back for further review.
2. When a decision is modified or reversed, the Appeal Body shall state the specific reasons for modification or reversal.
3. Decisions on appeals or reviews shall be rendered within 30 days of the close of the hearing. The secretary or clerk of the Appeal Body shall mail the Notice of Decision within 10 days after the date of the decision, in compliance with Section 22.162.220 (Notice of Action).

F. Failure to Act. If the Appeal Body fails to act upon an appeal within the time limits prescribed in Subsection E, above, the decision from which the appeal was taken shall be deemed affirmed.

22.182.070 Additional Procedures for Appeals to the Board of Supervisors

In addition to the foregoing procedures, upon receiving an appeal or initiating a call for review, the Board of Supervisors may take one of the following additional actions:

- A. Affirm the action of the Commission;
- B. Refer the matter back to the Commission for further proceedings with or without instructions; or
- C. Require a transcript of the testimony and any other evidence relevant to the decision and take such action as in its opinion is indicated by the evidence. In such case, the Board's decision need not be limited to the points appealed, and may cover all phases of the matter, including the addition or deletion of any conditions.

Chapter 22.184 Enforcement Provisions

Sections:

- 22.184.010 Purpose
- 22.184.020 General Prohibitions
- 22.184.030 Violations
- 22.184.040 Public Nuisance
- 22.184.050 Infractions
- 22.184.060 Injunction
- 22.184.070 Zoning Enforcement Order and Noncompliance Fee

22.184.010 Purpose

This Chapter establishes procedures for enforcement of the provisions of this Title 22. These enforcement procedures are intended to assure due process of law in the abatement or correction of nuisances and violations of this Title 22.

22.184.020 General Prohibitions

- A. No structure shall be moved into an area, erected, reconstructed, added to, enlarged, advertised on, structurally altered or maintained, and no structure or land shall be used for any purpose, except as specifically provided and allowed by this Title 22.
- B. No person shall use or permit to be used any structure or land, nor shall any person erect, structurally alter or enlarge any structure, or advertise on any structure, except in accordance with the provisions of this Title 22.
- C. No permit or entitlement may be issued or renewed for any use, construction, improvement or other purpose, unless specifically provided for or permitted by this Title 22.

22.184.030 Violations

- A. Every person violating any condition or provision either of this Title 22, permit, or approval thereto, is guilty of a misdemeanor, unless such violation is otherwise declared to be an infraction in Section 22.184.050 (Infractions). Each violation is a separate offense for each and every day during any portion of which the violation is committed.
- B. Each violation determined to be an infraction by this Title 22 shall be punishable by a fine of \$100.00 for the first violation. Subsequent violations of the same provision of this Title 22 shall be punishable by a fine of \$200.00 for the second violation and \$500.00 for the third violation in a 12-month period as provided by applicable law. The fourth and any further violations of the same provision of this Title 22 which are

committed at any time within a 12-month period from the date of the commission of the first violation shall be deemed misdemeanors. The three infraction violations which are the basis for the fourth and any further violations being misdemeanors may be brought and tried together. The increased penalties set forth in this Section for subsequent violations shall be applicable whether said subsequent violations are brought and tried together with the underlying previous violations or separately therefrom.

22.184.040 Public Nuisance

Any use of property contrary to the provisions of this Title 22 shall be, and the same is hereby declared to be unlawful and a public nuisance, and the authorized legal representative of the County may commence actions and proceedings for the abatement thereof, in the manner provided by law, and may take such other steps and may apply to any court having jurisdiction to grant such relief as will abate or remove such use and restrain and enjoin any person from using any property contrary to the provisions of this Title 22.

22.184.050 Infractions

Violations of the provisions contained in the following list are deemed infractions:

- A. Automobile, truck or other motor vehicle repair conducted outside of an enclosed building.
- B. Inoperative vehicle parking or storage.
- C. Keeping or parking of vehicles in violation of Section 22.82.090.B (Residential and Agricultural Zones).
- D. Outside display and/or sales, except when authorized by and in accordance with a Special Event Permit.
- E. Signs prohibited by Section 22.94.040 (Prohibited Signs).

22.184.060 Injunction

The provisions of this Title 22 may also be enforced by injunction issued by any court having jurisdiction over the owner or occupant of any real property affected by such violation or prospective violation.

22.184.070 Zoning Enforcement Order and Noncompliance Fee

A. Final Zoning Enforcement Order.

1. In the course of enforcing any provision of this Title 22, the Director shall have the authority to issue a Final Zoning Enforcement Order concerning any property not in compliance with the provisions of this Title 22. Such order shall state, in not less than 14-point type in substantially the following form, that "Failure of the owner or person in

- charge of the premises to comply with this order within 15 days after the compliance date specified herein, or any written extension thereof, shall subject the violator to a noncompliance fee in the amount indicated on the Filing Fee Schedule, unless an appeal from this order is received within 15 days after the compliance date. Such appeal shall comply with Section 22.184.070.C of the Los Angeles County Code." The Director's issuance of a Final Zoning Enforcement Order shall be final unless an appeal from the order has been received.
2. Service of a Final Zoning Enforcement Order shall be upon:
 - a. The person in real or apparent charge and control of the premises involved,
 - b. The record owner,
 - c. The owner or holder of any lease of record, or
 - d. The record owner of any interest in or to the land or any building or structure located thereon.
 3. Service shall be by personal delivery or by registered or certified mail, return receipt requested, at the Director's election.
 4. In the event the Director, after reasonable effort, is unable to serve the order as specified above, proper service shall be by posting a copy of the order on the premises. The date of service is deemed to be the date of mailing, personal delivery or posting, as applicable.

B. Noncompliance Fee.

1. If a Final Zoning Enforcement Order has not been complied with within 15 days following the compliance date specified in the order, or any written extension thereof, and no appeal of such order has been timely received as provided in this Section, the Director shall have the authority to impose and collect a noncompliance fee in the amount of \$704.00. The fee shall be subject to annual review and adjustment as provided in Section 22.162.080.B.2 (Fee Annual Review).
2. The purpose of the noncompliance fee is to recover costs of zoning enforcement inspections and other efforts by the Director to secure substantial compliance with a zoning enforcement order. Not more than one such fee shall be collected for failure to comply with a zoning enforcement order. The noncompliance fee shall be in addition to any other fees required by the County Code.
3. The determination of the Director to impose and collect a noncompliance fee shall be final, and it shall not be subject to further administrative appeal.

C. Appeal of Final Zoning Enforcement Order.

1. Any person upon whom a Final Zoning Enforcement Order has been served may appeal the order to the Hearing Officer within the time specified in Subsection A, above. Such appeal shall contain any written evidence that the appellant wishes to be considered in connection with the appeal. If applicable, the appeal shall state that said person has applied for the appropriate permit or other administrative approval pursuant to this Title 22.
2. The Hearing Officer shall consider such appeal within 45 days from the date that the appeal is received and shall notify the appellant of the decision within a reasonable period of time thereafter in the manner described in this Section for service of a Final Zoning Enforcement Order. The Hearing Officer may sustain, rescind or modify the Final Zoning Enforcement Order. The decision of the Hearing Officer shall be final and effective on the date of decision, and it shall not be subject to further administrative appeal.

D. Imposition and Collection of the Noncompliance Fee.

1. The Director shall notify the person against whom a noncompliance fee is imposed in the manner described in this Section for service of a Final Zoning Enforcement Order. The Director may waive the imposition and collection of a noncompliance fee where the Director determines such waiver to be in the public interest.
2. The person against whom the noncompliance fee is imposed shall remit the fee to the Director within 15 days after the date of service of said notice.

- E. Penalty After Second Notice of Noncompliance Fee.** If the person against whom a noncompliance fee has been imposed fails to pay such fee within 15 days of notification as provided above, the Director may send a second notice of noncompliance fee in the manner described in this Section for service of a Final Zoning Enforcement Order. If the fee has not been paid within 15 days after the date of service of the second notice of noncompliance fee, the County shall withhold the issuance of a building permit or other approval to such person until the noncompliance fee has been paid in full. An administrative penalty assessment equal to two times the noncompliance fee and a collection fee equal to 50 percent of the noncompliance fee shall also be imposed if the fee is not paid within 15 days after the date of service of the second notice. The administrative penalty assessment and collection fee, after notice, shall become part of the debt immediately due and owing to the County. The County thereafter shall have the right to institute legal action in any court of competent

jurisdiction to collect the amount of the noncompliance fee, administrative penalty assessment and collection fee. In any suit brought by the County to enforce and collect the noncompliance fee, administrative penalty assessment and collection fee, the County shall be entitled to collect all costs and fees incurred in such proceedings.

Chapter 22.186 Ordinance Amendments

Sections:

- 22.186.010 Purpose
- 22.186.020 Applicability
- 22.186.030 Review Procedures
- 22.186.040 Findings

22.186.010 Purpose

An Ordinance Amendment may be initiated to alter the boundaries of districts, to impose regulations not previously imposed, or to remove or modify any regulation already imposed by this Title 22. An Ordinance Amendment 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.

22.186.020 Applicability

- A. **Initiation.** A public hearing before the Commission or Hearing Officer may be initiated:
 - 1. If the Board of Supervisors instructs the Department to set the matter for a public hearing;
 - 2. Upon the initiative of the Commission; or
 - 3. Upon the initiative of the Director.
- B. **Urgency Ordinance.** In the case of this Title 22, the Board may also adopt an urgency measure as an interim ordinance in compliance with Section 65858 of the California Government Code.

22.186.030 Review Procedures

- A. Ordinance Amendments shall be processed in compliance with Chapter 22.174 (Type V Review – Discretionary) and this Chapter.

22.186.040 Findings

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

- 1. The amendment is consistent with the surrounding area, if applicable;
- 2. The amendment is consistent with the principles of the General Plan;

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

Chapter 22.188 Additional Regulations

Sections:

- 22.188.010 Legislative Provisions
- 22.188.020 Bonds and Insurance
- 22.188.030 Procedural Ordinance for Financing of Public Facilities
- 22.188.040 Major Projects Review Trust Funds
- 22.188.050 Library Facilities Mitigation Fee
- 22.188.060 Law Enforcement Facilities Fee

22.188.010 Legislative Provisions

- A. **Continuation of Existing Law.** The provisions of this Title 22, as long as they are substantially the same as the provisions of any ordinance, or portions of any ordinance repealed by provisions codified in this Section, shall be construed as restatements and continuations of these ordinances, and not as new enactments.
- B. **Proceedings Pending as of November 5, 1971—Procedure Generally.** No hearing or other proceeding initiated or commenced prior to November 5, 1971, and no right accrued, is affected either by amendments to Ordinance 1494 effective on November 5, 1971, or by the provisions of this Title 22, but all proceedings taken after this date shall conform to the provisions of this Title 22 as far as possible. Where the Commission, prior to November 5, 1971, has recommended the granting, denial, revocation or modification of any permit, exception, license or other approval to the Board, the Board may act upon such recommendation either before or after November 5, 1971. In all other cases, the Commission shall grant, deny, revoke or modify as now provided in this Title 22, even if the action was initiated prior to November 5, 1971.
- C. **Proceedings Pending as of November 5, 1971—Applications for Exceptions.** If, prior to November 5, 1971, an application for an exception has been heard by the Board, Commission or Hearing Officer but has not been decided on by November 5, 1971, the Board, Commission or Hearing Officer may, where applicable, consider the case as either an application for a variance or for a conditional use permit, and shall decide or recommend pursuant to the provisions of this Title 22 as they now exist.
- D. **Rights Under Existing Approval Not Affected.** No rights given by any permit, license or other approval under any ordinance repealed by the

provisions of this Section are affected by such repeal, but such rights shall hereafter be exercised according to the provisions of this Title 22.

- E. **Convictions for Crimes.** Any conviction for a crime under any ordinance which is repealed by this Section, which crime is continued as a public offense by this Ordinance, constitutes a conviction under this Ordinance for any purpose for which it constituted a conviction under such repealed ordinance.
- F. **Repeal Does Not Revive Any Ordinance.** The repeal of any ordinance amending this Title 22 shall not revive any amendment adopted prior to the repealed ordinance amendment.

G. **Zone Exception**

1. **Deemed Variance When.** Where a Zone Exception granted by action of the Board or Commission prior to November 5, 1971, may be granted as a Variance under the present provisions of this Title 22, it shall be deemed a Variance.
2. **Considered Nonconforming Use When.** In all cases other than as provided in Subsection G.1, above, where a Zone Exception was granted by action of the Board or Commission prior to November 5, 1971, such use shall be considered a nonconforming use under the provisions of this Title 22, provided:
 - a. That such uses shall remain in compliance with and subject to all limitations and conditions imposed by such grant; and
 - b. That all provisions governing nonconforming uses not in conflict with the limitations and conditions of such grant shall apply.
3. **Considered Conditional Use.** Notwithstanding the provisions of Subsection G.2, above, where a Zone Exception, granted by action of the Board or Commission prior to November 5, 1971, may be granted as a Conditional Use Permit under the present provisions of this Title 22, it shall be deemed a Conditional Use Permit.

22.188.020 Bonds and Insurance

- A. **Bond or Assignment of Savings and Loan Certificates or Shares Required When.** When one or more conditions are attached to any grant, modification or appeal of a zone change, permit, variance or nonconforming use or structure review, the Board, Commission, or Hearing Officer may require the owners of the property to which such approval applies, to file a surety bond or corporate surety bond, or to deposit money, savings and loan certificates or shares with the Board in a

prescribed amount for the purpose of guaranteeing the faithful performance of conditions placed on the approval.

B. Procedure for Assignment of Savings and Loan Certificates or Shares. Where savings and loan certificates or shares are deposited, they shall be assigned to the County subject to all provisions of Chapter 4.36 in Title 2 (Administrative Code) of the County Code.

C. Insurance Required When—Exceptions. The Board, Commission or Hearing Officer may also require the owner of the property to which such approval applies to file a policy of insurance equal in amount to the amount of the required bond or deposit, insuring all persons against any injury or annoyance arising from the breach of such conditions unless:

1. If the bond is filed, it includes as obligees all such persons; or
2. If money, savings and loan certificates or shares are deposited, such owners also file an agreement in writing with the Executive Office of the Board that the County may satisfy in whole or in part from such deposit any final judgment, the payment of which would have been guaranteed by such bond or policy of insurance.

22.188.030 Procedural Ordinance for Financing of Public Facilities

A. Purpose.

1. This Section implements, in part, the Los Angeles County General Plan, which provides guidelines for future development in areas depicted within urban expansion or nonurban categories on the General Development Policy Map.
2. The General Plan recommends a development qualification procedure, in part, to ensure that proposed new projects in areas designated in the General Plan as urban expansion or nonurban will not create substantial net costs on County government, special districts and existing taxpayers.
3. This Section is intended to establish procedures for the implementation of the General Plan by providing for the designation of lands which will receive special benefits from the acquisition, construction and improvement of certain public facilities set forth in this Section, and the imposition of special assessments on land related to benefits received.

B. Areas of Benefit Authorized. In order that the burden of the cost of constructing public facilities may be borne by all of the lands benefited thereby, areas of benefit may be designated and facilities benefits

assessments, as defined in Subsection C, below, chargeable to and against such lands may be imposed in accordance with procedures set forth in this Section.

C. **Definitions.** Specific terms used in this Chapter are defined in Division 2 (Definitions), under "Procedural Ordinance for Financing of Public Facilities".

D. **Initiation of Proceedings.** Upon the receipt of an application by a landowner or his designated agent, or on its own motion, the Board may initiate proceedings for the designation of an area of benefit by adopting a resolution stating its intention to do so. The Board shall refer the proposed public facilities project to the Director of Public Works and shall instruct the Director of Public Works, with the assistance of the Director of Regional Planning and, where appropriate, interested landowners to make and file with the Board a written report. The report shall contain:

1. One or both of the following:
 - a. An implementation program for future development, or
 - b. A financing plan with respect to the proposed public facilities project;
2. A general description of the proposed public facilities project;
3. An estimate of the total cost of the public facilities project based on the projected time for commencement and completion thereof in accordance with the capital improvement program;
4. A capital improvement program establishing a schedule for the timing of construction of the public facilities project and the estimated cost for the project;
5. A map showing the area of benefit to be designated and the boundaries and dimensions of the subdivision of land within the area of benefit;
6. Preliminary information concerning the method pursuant to which the costs are proposed to be apportioned among the lots within the area of benefit in proportion to the estimated benefits to be received by those lots and a preliminary estimate of the amount of the facilities benefit assessments which will be charged to each such lots;

7. The amount of the contribution or advance, if any, which the County or other public entity will make toward the total cost of the public facilities project.

E. **Resolution of Intention.** Upon receipt of the report described in Subsection D, above, the Board may declare its intention to designate an area of benefit by adopting a resolution of intention which shall include the following:

1. A definitive description of the specific public facilities project, the cost of which is proposed to be charged to the properties located within the area of benefit;
2. A capital improvement program with respect to the public facilities project;
3. The proposed boundaries of the area of benefit;
4. Information concerning the method by which the costs are proposed to be apportioned among the lots within the area of benefit and an estimate of the amount of the facilities benefit assessments which will be charged to each such lot;
5. The basis and methodology by which automatic annual increases in the facilities benefit assessment will be computed, assessed and levied, without the necessity for further proceeding pursuant to Subsection M, below. If, in the discretion of the Board such automatic annual increases are determined to be necessary;
6. The amount of the contribution or advance, if any, which the County or other public entity will make toward the total cost;
7. The time and place at which the Board will hold a public hearing to consider designation of the area benefit.

F. **Notice of Hearing.** Notice of the public hearing shall be provided by publication of the resolution of intention in a newspaper of general circulation at least 14 days before the date set for the public hearing and by mailing copies of the resolution of intention to the owners of the affected properties located within the proposed area of benefit at the addresses shown on the last equalized assessment roll, or as otherwise known to the Assessor, or by any other means which the Board finds reasonably calculated to appraise affected landowners of the public hearing.

- G. Protests.** At any time not later than the close of the public hearing, any owner of property within the proposed area of benefit may file a written protest against the public facilities project proposed to be undertaken, or against the extent of the area to be benefited by it, or against the facilities benefit assessments proposed to be levied within the area of benefit or against any or all of the foregoing. The protest shall be in writing, signed by the protester, and shall contain a description of the property in which the signer is interested. The description shall be sufficient to clearly identify the property. If the signer is not shown on the last equalized assessment roll as the owner of that property, the protest shall contain or be accompanied by written evidence that the signer is the owner of the property. All such protests shall be delivered to the Board and no other protests or objections shall be considered. Any protests may be withdrawn by the owners requesting the same, in writing, at any time prior to the conclusion of the public hearing.
- H. Hearing.** At the time and place established in the resolution of intention, the Board shall hear and consider protests filed against the proposed public facilities project, the extent of the area of benefit, the amount of the facilities benefit assessments proposed to be levied within the area of benefit, or any or all of the foregoing. The public hearing may be continued from time to time. If within the time when protests may be filed, there is filed with the Board a written protest by the owners of more than one-half of the area of the property proposed to be included within the area of benefit, and if sufficient protests are not withdrawn so as to reduce the area represented to less than one-half, then the proposed proceedings shall be abandoned unless the protests are overruled by an affirmative vote of four-fifths of the members of the Board. The Board shall not overrule a majority protest unless it finds that the public health, safety or general welfare require that provision be made for the installation of the proposed public facilities project. In the event a majority protest is not withdrawn or overruled, the Board shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same public facilities project under the provisions of this Section. If any majority protest which is not withdrawn or overruled is directed against only a portion of the public facilities project, then all further proceedings under the provisions of this Section to construct that portion of the public facilities project so protested against shall be barred for a period of one year; but the Board shall not be barred from commencing new proceedings, not including any part of the public facilities project so protested against. Nothing in this Section shall prohibit the Board within a one-year period, from commencing and carrying on new proceedings for the construction of a portion of the public facilities project so protested against if it finds, by

the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with such portion of the public facilities project.

I. **Resolution of Designation.** At the conclusion of the public hearing, and provided there is no majority protest or a majority protest is overruled, the Board may adopt a resolution ordering designation of the area of benefit and the establishment of the amount of the facilities benefit assessment against each lot within the area of benefit. The resolution shall include the following:

1. A definitive description of the public facilities project, the cost of which is to be charged to the properties located within the area of benefit;
2. A capital improvement program with respect to the public facilities project;
3. The boundaries of the area of benefit;
4. The method by which the costs are to be apportioned among the lots within the area of benefit and the amount of the facilities benefit assessments which will be charged to each such lot;
5. The basis and methodology by which automatic annual increases in the facilities benefit assessment will be computed, assessed and levied, without the necessity for further proceeding pursuant to Subsection M, below, if, in discretion of the Board, such automatic annual increases are determined to be necessary;
6. The amount of the contribution or advance, if any, which the County or other public entity will make toward the total cost.

J. **Filing of Map and Recording of Notice of Assessment as Lien.**

1. After the adoption by the Board of a resolution of designation, the Director of Public Works shall prepare a map of the boundaries of the area of benefit based on said resolution and shall file same with the Board. The Director of Public Works shall also file a copy of the map referred to in this Subsection J with the Registrar-Recorder/County Clerk.
2. After recording the assessment and map, the Director of Public Works shall execute and record a notice of assessment with the Registrar-Recorder/County Clerk.

3. From the date of the recording of the notice of assessment in accordance with the provisions of Subsection J.2, above, all persons shall be deemed to have notice of the contents of such assessment. Immediately upon such recording with the Registrar-Recorder/County Clerk each of the assessments shall be a lien upon the property against which it is made.
4. In its discretion, and for good cause shown, the Board may, upon terms and conditions prescribed by the Board in its resolution or thereafter, allow the lien of the facilities benefit assessment to become subordinate to the lien of deeds of trust executed by landowners to secure loans to finance the construction of improvements on the property within the area of benefit.
5. The Director of Public Works shall file a copy of the map and notice of assessment referred to in this Subsection with the Assessor's Office.

K. Payment of Benefit Assessments. After the adoption by the Board of its resolution, no building permits shall be issued for development on any land included within the area of benefit unless and until the facilities benefit assessments established by the resolution of designation for such lands have been paid. The facilities benefit assessment shall be paid by the landowner upon the issuance of building permits for development or at such time as the capital improvement program for the area of benefit in which the assessed land is located calls for the commencement of construction of the public facilities project. In the event that a landowner desires to proceed with development of a portion of the landowner's property, based on a phased development program, which is subject to a lien for the total amount of facilities benefit assessments as provided in this Section, the landowner may obtain building permits for the development phase after paying a portion of the facilities benefit assessments and making provision for payment of the remainder of the facilities benefit assessments to the satisfaction of the Director of Public Works. Money received by the County as payment of the facilities benefit assessments shall be deposited in a special fund established for the area of benefit and shall therefore be expended solely for the purposes for which it was assessed and levied. Upon payment of the facilities benefit assessment as provided in this Section, the lien which attaches pursuant to Subsection J, above, shall be discharged. In the event the partial payment is made based on a phased construction program, the County shall release the portion of the property for which building permits have been issued from the lien of the facilities benefit assessment.

L. Recordation of Notice of Pendency of Sale or Foreclosure. Where there is a delinquency in payment of the facilities benefit assessments as required by Subsection K, above, the County may initiate foreclosure proceedings in accordance with the procedures set forth in this Section and in any and all applicable state and local laws. If a sale or foreclosure is commenced, notice of the pendency of such sale or foreclosure shall be recorded with the Registrar-Recorder/County Clerk not later than 10 days after commencing an action or proceeding in any court to foreclose the lien of such assessment. The notice of pendency shall state that the County has commenced a sale or foreclosure, as the case may be, and shall refer to and identify such sale or foreclosure and shall describe the property affected thereby. The County shall be entitled to recover the cost of recordation of any such notice of pendency in any sale or foreclosure resulting from such delinquency, and provisions shall be made in any notice, order or judgment authorizing or providing for such sale or foreclosure.

M. Annual Adjustment of Facilities Benefit Assessment. The Board may, annually after the adoption of the resolution of designation and subject to the requirements set forth in Subsections D through J, above, cause an adjustment to be made in the facilities benefit assessments established by the resolution. The adjustments may reflect increases or decreases in the actual cost of the public facilities project or if the public facilities project has not yet been constructed then the estimated cost of the proposed capital improvements as reflected in changes in the scope of the public facilities project or any other indices as the Board may deem appropriate for this purpose. The modifications may also reflect changes in the improvements proposed to be constructed as well as the availability, or lack thereof of other funds with which to construct the capital improvements.

N. Consideration in Lieu of Assessment.

1. The provisions of Subsection J, above, to the contrary notwithstanding, upon application by the landowner or his authorized agent, the Board may accept consideration in lieu of the facilities benefit assessments required pursuant to this Section, provided the Board, upon recommendation of the Director of Public Works, finds that the substitute consideration proposed:
 - a. Has a value equal to or greater than such facilities benefit assessments;
 - b. Is in a form acceptable to the Board; and

- c. Is within the scope of the public facilities project.
2. The Board may accept consideration in lieu of the facilities benefit assessments required pursuant to this Section where the Board finds that the substitute consideration proposed is less than the value of such facilities benefit assessment after payment of an amount equal to the difference between the value of the substitute consideration as determined by the Board and the amount of such facilities benefit assessments.
- O. Termination of Area of Benefit.** Upon the receipt of an application by a landowner or his designated agent, or on its own motion, the Board may initiate proceedings for the termination of an area of benefit by adopting a resolution stating its intention. The resolution of intention shall state the time and place at which the Board will hold a public hearing to consider such termination. If, at the conclusion of such hearing, the Board finds and determines that the public facilities project for which the area was originally formed will not be required in the reasonably foreseeable future, or that the installation of said public facilities project may be financed more effectively by another method, the Board may adopt a resolution declaring the area of benefit terminated.
- P. Reimbursement and Refund.**
1. In the event of an annual adjustment of assessment as provided by Subsection M, above, which reduces the facilities benefit assessment, amounts in the special fund which are no longer required shall be refundable to the current owners of the property as shown on the last equalized assessment roll in proportion to the amount of the original payments.
 2. In the event the Board agrees to accept consideration in lieu of facilities benefit assessments as provided by Subsection N, above, the value of which the Board finds is greater than the amount of the otherwise applicable facilities benefit assessments, the Board may enter into an agreement with a developer pursuant to which said developer may be reimbursed for the amount of the otherwise applicable facilities benefit assessments. The agreement shall set forth the amount to be reimbursed, and the time and manner in which payments shall be made only from revenues paid into the special fund created for the area of benefit.
 3. Upon termination of an area of benefit as provided by Subsection O, above, any money remaining in the special fund established in connection therewith shall be refunded to the current owners of the

property as shown on the last equalized assessment roll in proportion to the amount of the original payments.

- Q. **Alternative Method.** This Section is intended to establish an alternative method for the spreading of the costs of certain public improvements against the lands which will be benefited thereby; and the provisions of this Section shall not be construed to limit the power of the Board to utilize any other method for accomplishing this purpose but shall be in addition to any other requirements which the Board is authorized to impose as a condition to approving new development pursuant to state and local laws.

22.188.040 Major Projects Review Trust Funds

- A. **Definitions.** Specific terms used in this Chapter are defined in Division 2 (Definitions), under "Major Project Review Trust Funds".

B. **Creation of the Funds.**

1. There are hereby authorized within the treasury of the County of Los Angeles special trust funds to be known as the "Major Projects Review Trust Funds."
2. Each fund shall be used to provide additional human and physical resources to the County solely to process discretionary land use actions and to prepare and/or review associated environmental documents for major projects proposed in the County.

C. **Administration of the Funds.**

1. Each fund shall be administered by the Department to provide for necessary staffing, expense and equipment for the aforesaid purposes only, and in accordance with established County practices.
2. Each fund shall be interest bearing, and a separate fund shall be established for each major project.
3. All amounts received from a project applicant under a supplemental service agreement, as defined in Subsection D, below, shall be placed in the fund established for that major project. Notwithstanding any other ordinances to the contrary, when a project applicant enters into a supplemental service agreement with the County, any fees paid by that applicant related to processing the discretionary land use actions shall be placed within the fund and not in the general fund. Funds from any appropriation to the fund approved by the Board shall be placed in the fund.

4. The Department shall be responsible for maintaining the accounting records relating to each fund.
5. The Board declares its intention to authorize positions necessary to carry out the work programs provided for in each supplemental service agreement for the fiscal year, which positions and related expenses will be funded from the fund. The Chief Executive Officer may authorize interim staffing during the fiscal year when needed to provide for necessary adjustments in personnel during any quarterly period.
6. The County services authorized by this Section shall be paid for at rates sufficient to provide for the full recovery of the costs to the County of providing the services, and the rates shall be reviewed and approved by the Auditor-Controller.

D. Supplemental Fee Agreement.

1. Any supplemental service agreement entered into pursuant to this Section shall be negotiated by the Department and executed by the Chief Executive Officer.
2. The agreement shall include, but need not be limited to, substantially the following provisions:
 - a. The County and the applicant, hereinafter referred to as the "parties," shall agree upon the processing services which will be required to process the discretionary land use actions, including environmental reviews, and the personnel, estimated time and physical resources which the County will need to accomplish those processing services.
 - b. The parties shall agree on the number and type of employees that the County shall assign to perform the processing services with the understanding that one or more employees may be utilized to perform any designated tasks and that the County may replace any employee that is assigned to perform a processing service at any time.
 - c. The costs which are to be funded shall consist of the actual costs to the County which include, but are not limited to: wages, other benefits, and overhead, which are incurred in connection with the employees assigned to perform the processing services for the major project, the direct costs of material and equipment required to furnish the processing services, the reasonable out-of-pocket expenses incurred by any employee assigned to furnish the

processing services, and the costs of hiring outside consultants necessary to provide the County with special expertise.

- d. The applicant shall deposit funds into a fund for that major project on a quarterly basis in an amount estimated to pay for the costs of providing the processing services for the following quarterly period.
- e. The parties shall meet quarterly during the term of the agreement to review the amount of funds remaining in the fund and to review, reevaluate and negotiate in good faith the number and type of employees necessary to accomplish the processing services for the next quarterly period and the estimated costs for the services.
- f. The Department shall promptly advise the applicant if, at any time during the quarterly period, the Department believes that the costs of accomplishing the processing services for the quarterly period will exceed the previous estimate.
- g. The parties shall agree to a procedure for deposit of additional funds if the existing funds are not adequate to pay for the agreed upon services for the quarterly period.
- h. The involved County departments shall maintain appropriate records of their actual costs of the processing services.
- i. Entering into the agreement is voluntary.
- j. The agreement shall not control, limit or influence any County approval, disapproval or condition of any discretionary land use action or associated environmental document. The County has the sole discretion to direct the work of any County employee or consultant retained to evaluate, or to assist with the preparation of, any discretionary land use action or associated environmental document. The cooperation of any such employee or consultant shall be exclusively determined by the County and shall not be dependent upon the approval by the County of any discretionary land use action. The agreement is not contingent upon the hiring of any specific employee or the retention of any specific consultant.

22.188.050 Library Facilities Mitigation Fee

A. **Purpose.** The purpose of this Section is to:

1. Implement goals and policies of the County of Los Angeles General Plan, which promote:

- a. An equitable distribution of the costs and benefits of governmental actions;
 - b. A distribution of population consistent with service system capacity and resource availability;
 - c. Seeks to maintain a balance between increased intensity of development and the capacity of needed public facilities; and
 - d. Gives priority to upgrading existing public facilities in areas lacking adequate facilities;
2. Mitigate any significant adverse impacts of increased residential development upon public library facilities as required by the California Environmental Quality Act (Section 21000 et. seq. of the California Public Resources Code); and
 3. Implement the Mitigation Fee Act (Section 66000 et. seq. of the California Government Code).

B. Definitions. Specific terms used in this Chapter are defined in Division 2 (Definitions), under "Library Facilities Mitigation Fee".

C. Applicability.

1. The provisions of this Section shall apply only to residential development projects which, as of the effective date of the ordinance codified in this Section,* are yet to receive final discretionary approval and/or the issuance of a building permit or other development right and to any new residential use of existing buildings which has not yet commenced as of said effective date.
2. No tract map, parcel map, Conditional Use Permit, other land use permit or other entitlement shall be approved unless payment of the library facilities mitigation fee is made a condition of approval for any such entitlement.

*Editor's note: Ordinance 98-0068, which enacts Section 22.186.040 (Ch. 22.72 at that time), is effective December 26, 1998.

D. Exemptions From Fee. The following shall be exempt from the provisions of this Section:

1. Individual single-family residences where not more than one such residence is proposed to be built by the same person or entity on contiguous lots; or

2. Additions or modifications to existing residential units, provided that such additions or modifications do not increase the number of families that can be housed in such residential units.

E. Establishment of Library Facilities Mitigation Fee.*

1. There is hereby established a library facilities mitigation fee. The amount of the fee to be imposed on a residential development project is based upon the findings and conclusions of the County Librarian, as set forth in the “Report on Proposed Developer Fee Program for Library Facilities—Prepared by the County of Los Angeles Public Library, October 1998,” and shall not exceed the estimated reasonable cost of providing library facilities for such residential development project.
2. The library facilities mitigation fee shall be a uniform fee within each library planning area based on the estimated cost of providing the projected library facility needs in each library planning area, as follows:

TABLE 22.186.050.A: LIBRARY FACILITIES MITIGATION FEE PER DWELLING UNIT	
Planning Area 1: Santa Clarita Valley	\$846.00
Planning Area 2: Antelope Valley	\$820.00
Planning Area 3: West San Gabriel Valley	\$856.00
Planning Area 4: East San Gabriel Valley	\$844.00
Planning Area 5: Southeast	\$847.00
Planning Area 6: Southwest	\$853.00
Planning Area 7: Santa Monica Mountains	\$849.00

*Editor’s note: Fee changes in this section include changes made by the County Librarian due to increases in the Consumer Price Index and are effective July 1, 2012.

F. Annual Review of Fee.

1. The amount of the fee established by Subsection E, above, shall be reviewed annually by the County Librarian, in consultation with the Auditor-Controller. On July 1st of each year, the fee in each library planning area shall be adjusted as follows: calculate the percentage movement between April 1st of the previous year and March 31st of the current year in the Consumer Price Index (CPI) for all urban consumers in the Los Angeles, Anaheim and Riverside areas, as published by the United States Government Bureau of Labor Statistics,

- adjust the fee in each library planning area by said percentage amount and round to the nearest dollar. No adjustment shall increase or decrease the fee to an amount more or less than the amount necessary to recover the cost of providing the applicable library facilities.
2. If it is determined that the reasonable amount necessary to recover the cost of providing the library facilities exceeds the fee as adjusted by Subsection F.1, above, the County Librarian shall present an alternative fee proposal to the Board for consideration. Such proposal may reflect increases or decreases in the actual cost of library facilities projects or, if such projects have not been completed, then the estimated cost of the proposed library facilities. The proposal may also reflect changes in the library facilities proposed as well as the availability or lack of other funds with which to provide such facilities.
 3. The County Librarian shall also present an alternative fee proposal to the Board for approval as may be necessary to ensure that the library facilities mitigation fee is a fair and equitable method of distributing the costs of the library facilities necessary to accommodate the library needs generated by the development of land in the unincorporated areas of the County among the developments which will generate the increased library needs and usage.

G. Time of Payment of Fee.

1. No building or similar permit for residential use shall be issued and no new residential use of an existing building shall occur until the applicant has paid the applicable library facilities mitigation fee to the County Librarian. In the event that an applicant desires to proceed with development of a portion of the residential development project, the applicant may obtain building permits for that portion of the project after paying a proportional share of the total library facilities mitigation fee for the project to the satisfaction of the County Librarian.
2. The provisions of Subsection G.1, above, shall apply to payment of the library facilities mitigation fee for a residential development project if the fee will reimburse the County for expenditures already made, or if the County has previously adopted a capital improvement plan or proposed construction schedule and has established an account and appropriated funds for the library facilities to be financed by the fee. In all other cases, notwithstanding the provisions of Subsection G.1, above, payment of the fee for a residential development project shall not be required prior to the date of the final inspection or the date the

certificate of occupancy is issued for the first dwelling in the development, whichever occurs first. In such cases, execution of an agreement to pay the required fee or applicable portion thereof within the time specified herein shall be a condition of issuance of the applicable building or similar permit. Such agreement shall constitute a lien for the payment of the fee and shall be enforceable as provided in Section 66007 of the California Government Code.

H. Deposit and Use of Fees Collected. All library facilities mitigation fees received by the County shall be deposited in a special library capital facilities fund and expended solely for the purposes for which the fee was collected. A separate library capital facilities fund account shall be established for each of the seven library planning areas. All interest income earned shall be credited to each account and shall be used solely for the purposes for which the fee was collected.

I. Consideration in Lieu of Fee.

1. The County Librarian may accept substitute consideration in lieu of the library facilities mitigation fee required pursuant to this Section, provided the County Librarian finds that the proposed substitute consideration:
 - a. Has a value equal to or greater than the applicable library facilities mitigation fee otherwise due;
 - b. Is in a form acceptable to the County Librarian; and
 - c. Is within the scope of the applicable library facilities project.
2. The County Librarian may accept substitute consideration in lieu of a portion of the library facilities mitigation fee required pursuant to this Section where he finds that the substitute consideration proposed is less than the value of the required fee but is in a form acceptable to the County Librarian and is within the scope of the applicable library facilities project. Such substitute consideration may be accepted by the County Librarian only after payment of an amount equal to the difference between the value of the substitute consideration, as solely determined by the County Librarian, and the amount of the otherwise required fee.

J. Reimbursement. The provisions of Subsection I, above, shall not prevent the execution of a reimbursement agreement between the County and a developer for that portion of the cost of library facilities paid by the

developer which exceeds the need for the library facilities attributable to and reasonably related to the development.

- K. **Alternative Method.** This Section is intended to establish an alternative method for the financing of public library facilities, the need for which is generated directly or indirectly by a residential development project or projects. The provisions of this Section shall not be construed to limit the power of the County to utilize any other method for accomplishing this purpose but shall be in addition to any other fees or requirements which the Board is authorized to impose as a condition to approving new development pursuant to state and local laws.

22.188.060 Law Enforcement Facilities Fee

- A. **Purpose.** The purpose of this Section is to:

1. Implement goals and policies of the County of Los Angeles General Plan with respect to the unincorporated urban expansion areas of Santa Clarita, Newhall, and Gorman, which promote:
 - a. An equitable distribution of the costs and benefits of governmental actions;
 - b. A distribution of population consistent with service system capacity and resource availability;
 - c. Seeks to maintain a balance between increased intensity of development and the capacity of needed public facilities; and
 - d. Gives priority to upgrading existing public facilities in areas lacking adequate facilities;
2. Mitigate adverse impacts due to the inadequacy of law enforcement facilities that might otherwise occur due to new development; and
3. Comply with the procedures for adoption of developer fees contained in the Mitigation Fee Act in Section 66000, et seq. of the California Government Code.

- B. **Definitions.** Specific terms used in this Chapter are defined in Division 2 (Definitions), under "Law Enforcement Facilities Fee."

- C. **Applicability.**

1. The provisions of this Section shall apply to new development projects which, as of August 23, 2008, the effective date of the ordinance establishing this Section, are yet to receive final discretionary approval and/or the issuance of a building permit or other development right.

The fees provided in this Section shall also be imposed upon a previously improved lot when a building permit is issued to add 1,000 square feet, or more, to an existing building unit upon such lot.

2. No tract map, parcel map, discretionary permit, building permit, other land use permit, or other entitlement for a new development project as defined in this Section shall be approved unless payment of the law enforcement facilities mitigation fee is made a condition of approval for any such entitlement.
3. Additionally, the fees provided for in this Section shall be imposed upon a lot which has been previously improved with a building unit whenever a building permit is issued for a new building unit on an adjoining lot under common ownership and which new unit constitutes, in effect, an addition of 1,000 square feet, or more, when constructed, or an expansion of use of the previously improved lot. Such fee shall be calculated upon the total square footage of new construction and paid by every person or entity for which a building permit is issued.

D. Exemptions from Fee. The following shall be exempt from the provisions of this Section:

1. Notwithstanding the provisions of Subsection C.1, above, additions to residential structures that are less than 2,000 square feet in size shall not be subject to the fees otherwise required by this Section.
2. No fee imposed by this Section shall be imposed upon the issuance of building permit for the restoration of existing buildings, or buildings damaged by fire, or natural disasters such as earthquake, wind, or flood, where the replaced building, or portion thereof, does not exceed the original gross floor area. For purposes of this Subsection, "gross floor area" shall be determined by the Director of Public Works, or his designee and excludes accessory structures such as decks, patios, barns, sheds, and kiosks.

E. Establishment of Law Enforcement Facilities Mitigation Fee.

1. This Section establishes a law enforcement facilities mitigation fee. The amount of the fee to be imposed on a new residential, commercial, office, and/or industrial development project is based upon the findings and conclusions set forth in the "Santa Clarita-North Los Angeles County Law Enforcement Facilities Fee Study, October 29, 2007," and shall not exceed the estimated reasonable cost of providing law enforcement facilities for such residential, commercial, office, and/or industrial development projects.

- The law enforcement facilities mitigation fee shall be a uniform fee within each law enforcement facilities fee zone based on the estimated cost of providing the projected law enforcement facility needs in each such zone, as follows:

TABLE 22.186.060.C: LAW ENFORCEMENT FACILITIES MITIGATION FEE	
Zone 1: Santa Clarita Zone	
Per single-family dwelling unit	\$467.00
Per multi-family dwelling unit	\$337.00
Per 1,000-square-foot commercial unit or, per square-foot of commercial space	\$ 69.00 \$0.07
Per 1,000-square-foot office unit or, per square-foot of office space	\$87.00 \$0.09
Per 1,000-square-foot industrial unit or, per square-foot of industrial space	\$35.00 \$0.03
Zone 2: Newhall Zone	
Per single-family dwelling unit	\$863.00
Per multi-family dwelling unit	\$652.00
Per 1,000-square-foot commercial unit or, per square-foot of commercial space	\$129.00 \$0.13
Per 1,000-square-foot office unit or, per square-foot of office space	\$161.00 \$0.16
Per 1,000-square-foot industrial unit or, per square-foot of industrial space	\$64.00 \$0.06
Zone 3: Gorman Zone	
Per single-family dwelling unit	\$1,285.00
Per multi-family dwelling unit	\$971.00
Per 1,000-square-foot commercial unit or, per square-foot of commercial space	\$192.00 \$0.19
Per 1,000-square-foot office unit or, per square-foot of office space	\$240.00 \$0.24
Per 1,000-square-foot industrial unit or, per square-foot of industrial space	\$96.00 \$0.10

F. Annual Review of Fee.

- The amount of the fees established by Subsection E, above, shall be reviewed annually by the Sheriff, in consultation with the Auditor-Controller. On July 1st of each year, the fee in each law enforcement facilities fee zone shall be adjusted as follows: Calculate the percentage movement between April 1st of the previous year and March 31st of the current year in the Engineering Record-News Building Construction Cost Index—Los Angeles (ENR-BCCI), adjust the fee in each law enforcement facilities fee zone by said percentage amount and round to the nearest dollar. No adjustment shall result in a

- fee that is greater than the amount necessary to recover the cost of providing the applicable law enforcement facilities.
2. If it is determined that the reasonable amount necessary to recover the cost of providing the law enforcement facilities exceeds the fee as adjusted by Subsection F.1, above, the Sheriff shall present an alternative fee proposal to the Board for consideration. Such alternative fee proposal may reflect changes in the actual cost of completed law enforcement facilities projects or, if such projects have not been completed, then the estimated cost of the proposed law enforcement facilities. The proposal may also reflect changes in the law enforcement facilities proposed as well as the availability or lack of other funds with which to provide such facilities.
 3. The Sheriff may also present an alternative fee proposal to the Board for approval as may be necessary to ensure that the law enforcement facilities mitigation fee is a fair and equitable method of distributing the costs of the law enforcement facilities necessary to accommodate the law enforcement needs generated by the development of land in the unincorporated areas of north Los Angeles County.

G. Time of Payment of Fee.

1. No building or similar permit for any new development project as defined in this Section shall be issued until the applicant has paid the applicable law enforcement facilities mitigation fee to the Sheriff. In the event that an applicant desires to proceed only with development of a portion of the development project, the applicant may obtain building permits for that portion of the project after paying a proportional share of the total law enforcement facilities mitigation fee for the project to the satisfaction of the Sheriff.
2. Notwithstanding the provisions of Subsection G.1, above, payment of the law enforcement facilities mitigation fee for a single-family or multi-family development project shall not be required prior to the date of the final inspection or the date the certificate of occupancy is issued for the first unit in the development, whichever occurs first, unless the County has previously adopted a capital improvement plan or proposed construction schedule and has established an account and appropriated funds for the law enforcement facilities to be financed by the fee, or unless the fee is intended to reimburse the County for expenditures already made. Additionally, notwithstanding the provisions of Subsection G.1, above, payment of the law enforcement facilities mitigation fee for projects for occupancy by lower income

households meeting the criteria set forth in Section 66007(b)(2)(A) of the California Government Code shall not be required prior to the date of the final inspection or the date the certificate of occupancy is issued for the first unit in the development, whichever occurs first. Where payment of the fees may only be collected on the date of final inspection or the date the certificate of occupancy is issued as provided in this Subsection, execution of an agreement to pay the required fee or applicable portion thereof within the time specified herein shall be a condition of issuance of the applicable building or similar permit. Such agreement shall constitute a lien for the payment of the fee and shall be enforceable as provided in Section 660007 of the California Government Code.

H. Deposit and Use of Fees Collected. All law enforcement facilities mitigation fees received by the County shall be deposited in a special law enforcement capital facilities fund and expended solely for the purposes for which the fee was collected. A separate law enforcement capital facilities fund account shall be established for each of the three law enforcement facilities fee zones. All funds from the imposition of fees provided herein shall be deposited into such accounts to be used exclusively for the purpose of land acquisition, engineering, construction, installation, purchasing, or any other direct cost of providing law enforcement facilities as defined in Subsection B, above, and for no other purpose. All interest income earned shall be credited to each account, and shall be used solely for the purposes for which the fee was collected.

I. Consideration in Lieu of Fee.

1. The Sheriff may accept substitute consideration in lieu of the law enforcement facilities mitigation fee required pursuant to this Section, provided the Sheriff finds that the proposed substitute consideration:
 - a. Has a value equal to or greater than the applicable law enforcement facilities mitigation fee otherwise due;
 - b. Is in a form acceptable to the Sheriff; and
 - c. Is within the scope of the applicable law enforcement facilities project.
2. The Sheriff may accept substitute consideration in lieu of a portion of the law enforcement facilities mitigation fee required pursuant to this Section where he finds that the substitute consideration proposed is less than the value of the required fee but is in a form acceptable to the Sheriff and is within the scope of the applicable law enforcement

facilities project. Such substitute consideration may be accepted by the Sheriff only after payment of an amount equal to the difference between the value of the substitute consideration, as solely determined by the Sheriff, and the amount of the otherwise required fee.

- J. **Reimbursement.** The provisions of Subsection I, above, shall not prevent the execution of a reimbursement agreement between the County and a developer for that portion of the cost of law enforcement facilities paid by the developer which exceeds the need for the law enforcement facilities attributable to and reasonably related to the development.
- K. **Alternative Method.** This Section is intended to establish an alternative method for the financing of public law enforcement facilities, the need for which is generated directly, or indirectly by new development projects. The provisions of this Section shall not be construed to limit the power of the County to utilize any other method for accomplishing this purpose, but shall be in addition to any other fees, or requirements which the Board is authorized to impose as a condition to approving new development pursuant to state and local laws.