

ZONING ORDINANCE UPDATE PROGRAM

DIVISION 7: ADMINISTRATION AND PERMITS

MODULE 1: DISCUSSION DRAFT

June 2008

*Prepared for
Regional Planning Commission Review*

DYETT & BHATIA
Urban and Regional Planners

in association with

Jacobson & Wack
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Los Angeles County

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Division 7: Introduction

Los Angeles County initiated the Zoning Ordinance Update Project (ZOUP) to comprehensively change the regulations that govern land use and development in the County's unincorporated areas. Since August 2006, the County and its consultant team have been evaluating the current zoning ordinance in order to identify major areas of concern and needed changes for the update. The evaluation process has included interviews with County staff and frequent code users, review of relevant policies in the draft General Plan, field work within the county, independent assessments by the consultant team, comparisons with the zoning ordinances of peer counties that are grappling with similar concerns, and completion of two working papers (*Issues and Options* and *Framework for Zoning*). These papers were reviewed by the Regional Planning Commission last year, and the Commission's comments have guided work of County staff and the consultant team on drafting preliminary regulations.

Objectives of the ZOUP

The ZOUP is taking a critical look at County policies and practices to see how zoning can best provide a roadmap for future development and protection of resources. Overall, the revision strives not only to ensure that regulations are relevant to today's concerns, but also to produce an ordinance that is understandable and easy to use. Through this process, the objective of the ZOUP is to craft a new Zoning Ordinance that:

- Is consistent with and implements the General Plan;
- Encourages efficient and environmentally sensitive and sustainable development;
- Promotes a wide range of housing types;
- Supports economic growth;
- Provides enhanced opportunities for public input in the development process; and
- Is clear, concise, understandable, and easy to use.

Overview of Division 7: Administration & Permits

Division 7 of the updated Los Angeles County Zoning Ordinance is intended to encompass all of the permits and other authorizations and actions that the County requires in the administration of the Zoning Ordinance, the General Plan and related land use program. This draft reflects comments and changes made as a result of a series of meetings between the Consultant team and County staff during the past year and extensive comments from staff.

The proposed regulations presented for Commission review incorporate revised versions of many of the administrative provisions of the current Los Angeles County Zoning Ordinance (Chapters 22.56 and 22.60 of the existing ordinance) as well as a number of new provisions prepared to meet needs identified by County staff. This version also incorporates a number of amendments to the County's administrative provisions that have already been approved by the Board of Supervisors (e.g. revisions to the procedures for appealing decisions on

zoning matters), as well as County staff proposals awaiting Board consideration (the creation of a new Hearing Examiner position).

One of the objectives of ZOUP is to streamline the review process and make the code easier to use and understand. To that end, the proposed revisions are intended to clearly convey who is responsible for making decisions on applications and what the process is to secure approvals. This draft proposes several important changes to the existing ordinance that are designed to implement recommendations identified in the issues and options paper the Consultant produced at the outset of the zoning ordinance update project. These recommendations, which were formulated in response to input from code-users and County staff as well as the consultant's close review of the existing regulations include:

- Reducing the number of discretionary permits;
- Adopting a simplified system for regulatory approvals;
- Clarifying responsibilities for the Zoning Administrator (the new name for the Hearing Officer), the Hearing Examiner (a new position), and the Director's authority for making discretionary decisions;
- Codifying the Director's responsibility for interpreting the code;
- Expanding the procedures for gaining relief from code standards to allow for waivers and modifications for persons with physical disabilities; and
- Facilitating opportunities for public input into the development review process for specific plans.

One of the most notable changes in the proposed revision is the consolidation of procedures common to different permits in a single chapter (Chapter 22.94: Common Procedures) that appears in the beginning of this Division. This change eliminates the need to repeat these rules for each individual approval and should make the Ordinance easier to use. Another major refinement is the incorporation of many of the existing special permits (e.g., Animal Permits, Cemetery Permits, Density Bonus and Housing Permits, Explosives Permits, Flood Control Permits, Mobilehome Permits, Oak Tree Permits, Parking Permits, and Surface Mining Permits) listed in Chapter 22.56 of the current code into a single permit as described in the proposed Chapter 22.98 (Conditional Use Permits).

Division 7 also proposes two new types of discretionary approval--a new Planned Development Permit (Chapter 22.102) and Requests for Reasonable Accommodation (Chapter 22.108). The purpose of the proposed planned development permit is to allow the Commission to approve large-scale projects that may differ from the ordinance's development standards in exchange for features such as superb design that provides a greater quantity of high-quality private and communal open space, green features that exceed county standards and other amenities. The current draft includes an outline of proposed procedures for handling requests for reasonable accommodation that would provide an alternate means of granting relief to facilitate compliance with State and Federal laws requiring accommodation of disabled persons and religious uses. The final language will be developed in consultation with the County's Housing Section staff who are formulating regulations and guidelines as part of their work on the updated County Housing Element.

Table 22.94.020 on page 6 of the draft regulations shows the proposed review system as well as the entire list of County-required permits and other related authorizations and actions. The revised table incorporates the regulations in existing Chapter 22.04 (Commission Powers and Delegation of Powers) and Chapter 22.60 (Administration). It also identifies the role of the new Hearing Examiner position that has been proposed for consideration by the Board of Supervisors as an administrative change that could be adopted prior to completion of the ZOUN.

Division 7: Administration and Permits

Chapter 22.92: Planning Agency

This new chapter lists and describes the composition, appointment, and responsibilities of each of the review authorities with a role in implementing the Zoning Ordinance. The Chapter incorporates the current regulations in existing Chapter 22.04 (Commission Powers and Delegation of Powers) and Chapter 22.60 (Administration), more specifically Part 1 (Hearing Officer). It also establishes the position of Hearing Examiner as proposed by Staff and distinguish this new authority from the existing Hearing Officer. To avoid confusion, we suggest that the existing Hearing Officer position be renamed Zoning Administrator and have used the latter terminology throughout this document. Chapter 22.94 (Common Procedures) includes a Review Authority Table that classifies actions into four types (i.e. ministerial, minor quasi-judicial, major quasi-judicial, and legislative) and identifies the authorities responsible for decisions and appeals on each type.

Sections:

- 22.92.010 Purpose**
- 22.92.020 Board of Supervisors**
- 22.92.030 Regional Planning Commission**
- 22.92.040 Hearing Examiner**
- 22.92.050 Zoning Administrator**
- 22.92.060 Director of Planning**

22.92.010 Purpose

The purpose of this chapter is to identify the entities, officials, and administrators with designated responsibilities under various divisions and chapters of this Zoning Ordinance and to describe their respective powers and responsibilities. Subsequent chapters of Division 7 provide detailed information regarding the Ordinance's specific procedures, applications, and approvals. When carrying out their assigned duties and responsibilities, all entities, officials, and administrators shall interpret and apply the provisions of this Ordinance as minimum requirements that the County has adopted to implement the policies and achieve the objectives of the Los Angeles County General Plan.

22.92.020 Board of Supervisors

The Los Angeles County Board of Supervisors (the Board) has the following powers and duties under this Zoning Ordinance:

- A. Consider and adopt, reject, or modify amendments to the Los Angeles County General Plan, Local Coastal Programs, Area Plans, Community Plans, Neighborhood Plans, Specific Plans and Amendments, and other similar plans and policies.
- B. Consider and adopt, reject, or modify amendments to the text of this Zoning Ordinance and to the County Zoning Map.

- C. Consider and approve or certify environmental documents associated with the preceding decisions and other policies and regulations related to the County's planning process.
- D. Call for review, hear, and affirm, reject, or modify decisions of the Regional Planning Commission (the Commission) pursuant to the provisions of Chapter 22.114 (Appeals) and the State Government Code.
- E. Hear and decide appeals from decisions of the Regional Planning Commission (the Commission) pursuant to the provisions of Chapter 22.114 (Appeals) and the State Government Code.
- F. Hear and decide appeals on environmental determinations by the Director, Zoning Administrator, or the Regional Planning Commission as provided for by the California Environmental Quality Act.
- G. Establish a schedule of fees, charges, and deposits for the applications and services provided pursuant to this Ordinance.
- H. Appoint and remove members of the Regional Planning Commission as provided for in Chapter 2.108 of the County Code.
- I. Appoint the Planning Director (the Director) of the Department of Regional Planning (the Department) as provided for in Chapter 2.106 of the County Code.
- J. Confirm the appointment of the Hearing Officers and Hearing Examiners.

22.92.030 Regional Planning Commission

The Los Angeles County Regional Planning Commission (the Commission) is established and organized pursuant to Chapter 2.108 of the Los Angeles County Code and the California Government Code and has the following powers and duties under this Zoning Ordinance:

- A. Initiate, review, and recommend to the Board for final action amendments to the map and text of the County General Plan, Local Coastal Programs, Area Plans, Community Plans, Neighborhood Plans, Specific Plans and Amendments, and other similar plans and policies related to the County's planning process as provided for in this Ordinance.
- B. Initiate, review, and recommend to the Board for final action amendments to the official zoning map or the text of this Ordinance and any other ordinance matter related to the County's planning process.
- C. Review, approve, conditionally approve or deny applications for land use permits, variances and subdivisions as described in Table 94-1: Review Authority and Chapters 22.98, 22.100, 22.102, and 22.104.
- D. Consider and approve or certify environmental documents associated with the preceding decisions and other matters related to the County's planning process for which the Commission is the review authority.

- E. Call for review, hear, and affirm, reject, or modify decisions of the Zoning Administrator and Director pursuant to the provisions of Chapter 22.114 (Appeals) and the State Government Code.
- F. Hear and decide appeals from decisions of the Zoning Administrator and Director pursuant to the provisions of Chapter 22.114 (Appeals) and the State Government Code.
- G. Hear and decide appeals from the Director's decisions on zoning conformance, modifications of discretionary approvals, and interpretations as described in Table 94-1: Review Authority and Chapter 22.114.
- H. Hear and decide appeals from final zoning enforcement orders issued by the Director in accordance with the procedures specified in Section 22.60.390 (vs. Chapter 22.118: Enforcement Provisions), and sustain, modify or rescind final zoning enforcement orders.

22.92.040 Hearing Examiner

A Hearing Examiner is an employee of the Department appointed by the Director of Planning and confirmed by the Board of Supervisors who has the following powers and duties:

- A. Conduct public hearings and receive testimony on land use permits, variances, subdivisions, amendments to the official zoning map or text of this Zoning Ordinance, amendments to the map and text of the County General Plan and other plans and policies requiring final action by the Commission as described in Table 94-1: Review Authority and Chapters 22.98, 22.100, 22.102, 22.104, 22.120, 22.122, and 22.124 subject to the requirements of this Ordinance.
- B. Based on the testimony received and analysis of the proposal, prepare and transmit to the Commission for its consideration prior to its public hearing, a recommendation including proposed findings and conditions for action.
- C. Review proposed environmental determinations and documents associated with the proposed decisions and prepare and transmit recommendations to the Commission regarding their adequacy in compliance with the California Environmental Quality Act and the County's CEQA guidelines.

22.92.050 Zoning Administrator

A Zoning Administrator is an employee of the Department appointed by the Director of Planning and confirmed by the Board of Supervisors who has the following powers and duties:

- A. Hear and approve, conditionally approve or deny applications for land use permits, variances and subdivisions as described in Table 94-1: Review Authority (see Chapter 22.94) and Chapters 22.98 and 22.106 subject to the requirements of this Zoning Ordinance.

- B. Consider and approve or certify environmental documents associated with the preceding decisions and other matters related to the County's planning process for which the Zoning Administrator is the review authority.

22.92.060 **Director of Planning**

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

- A. Hear and approve, conditionally approve or deny applications for zoning conformance, administrative use permits, Limited Term permits, and minor modifications to conditions of approved permits as described in Table 94-1: Review Authority and Chapter 22.96 subject to the requirements of this Zoning Ordinance.
- B. Issue regulations for the submission and review of applications for permits and approvals subject to the requirements of this Ordinance.
- C. Review applications for discretionary permits and approvals under this Ordinance for conformance with applicable submission requirements.
- D. Review applications for discretionary permits and approvals that have been deemed complete in conformance with the requirements of this Ordinance and determine whether the application is exempt from review under the California Environmental Quality Act and the County's environmental review requirements subject to appeal to the Board.
- E. Review applications that are subject to review under the California Environmental Quality Act and the County's environmental review requirements and notify the applicant if any additional information is necessary to conduct review in compliance with applicable requirements.
- F. Issue interpretations of the requirements of this Ordinance as provided for in Section 22.94.150.
- G. Appoint Hearing Examiners and Zoning Administrators whose positions are confirmed by the Board of Supervisors
- H. Extend the time within which a conditional use permit or variance must be exercised up to an additional one-year period over and above that already provided for in Section 22.94.160.

Chapter 22.94: **Common Procedures**

The purpose of this Chapter is to establish uniform procedures that are common to a variety of permits and approvals required by this Zoning Ordinance. This "support" material includes everything from pre-application review to time limits and extensions through to post-decision provisions. This Chapter incorporates the regulations Chapter 22.60 (Administration) of the existing Zoning Ordinance, more specifically Part 2 (Applications, Petitions, and Fees). The other provisions it includes are requirements for making written findings, rules regarding public access to applications and other records, and rules applicable to ex parte communications. Because this chapter is likely to be one that code users will frequently consult, we have placed it near the beginning of Division 7.

Sections:

- 22.94.010 Purpose**
- 22.94.020 Authority for Land Use and Zoning Decisions**
- 22.94.030 Multiple Permit Applications**
- 22.94.040 Pre-Application Review**
- 22.94.050 Application Preparation and Filing**
- 22.94.060 Application Fees and Deposits**
- 22.94.070 Initial Application Review**
- 22.94.080 Project Evaluation and Staff Reports**
- 22.94.090 Public Notice**
- 22.94.100 Hearing Procedure**
- 22.94.110 Recommendations**
- 22.94.120 Decision and Notice**
- 22.94.130 Effective Date of Decision**
- 22.94.140 Project Evaluation and Staff Reports**
- 22.94.150 Notice of Action and Findings Required**
- 22.94.160 Scope of Approvals**
- 22.94.170 Effective Dates of Permits**
- 22.94.180 Performance Guarantees and Covenants**
- 22.94.190 Interpretations**
- 22.94.200 Time Limits and Extensions**
- 22.94.210 Changes to an Approved Permit**
- 22.94.220 Resubmittals**

22.94.010 Purpose

This chapter establishes procedures that are common to the application and processing of all permits and approvals provided for in the Zoning Ordinance unless superseded by specific requirements of this Ordinance or State law.

22.94.020 Authority for Land Use and Zoning Decisions

Table 22.94.020 (Review Authority) identifies the review authority responsible for reviewing and making decisions on each type of application that this Ordinance requires.

- A. **Advisory Body.** The Advisory Body is the authority required by this Ordinance or other State or County statute or regulation to make a recommendation to a higher review authority.
- B. **Decision Maker.** The Decision Maker is the review authority that makes the final decision on the matter.
- C. **Appeal Body.** The Appeal Body is the review authority that considers and makes decisions on appeals of a lower-ranking review authority.
- D. **Applications Subject to Review by the Coastal Commission.** In addition to the review authorities identified in Table 94-1, final decisions on the following actions are within the jurisdiction of the California Coastal Commission as provided for by State law.
 - 1. Appeals of decisions on Coastal Development Permits pursuant to Chapter 22.104.
 - 2. Amendments to the County’s certified Local Coastal Programs.

TABLE 22.94.020: REVIEW AUTHORITY

<i>Application or Action Type</i>	<i>Found in Chapter</i>	<i>Advisory Body</i>	<i>Decision Maker</i>	<i>Appeal Body</i>
Type One: Ministerial Actions				
Zoning Conformance Reviews	22.96	N/A	Planning Director	RPC
Interpretations	22.94	N/A	Planning Director	RPC
Minor Changes to an Approved Permit	22.96	N/A	Planning Director	RPC
Type Two: Discretionary "Minor" Quasi-Judicial Actions				
Minor Use Permits ¹	22.100	N/A	Planning Director	RPC
Minor Coastal Dev. Permits	22.104	Staff biologist	Zoning Administrator	RPC
Minor Variances	22.106	N/A	Planning Director	RPC
Permit Modifications	22.110	Planning Director	Applicable Review Authority(ZA or RPC)	RPC or Board of Supervisors
Temp. Use Permits	22.112	N/A	Planning Director	RPC

TABLE 22.94.020: REVIEW AUTHORITY

<i>Application or Action Type</i>	<i>Found in Chapter</i>	<i>Advisory Body</i>	<i>Decision Maker</i>	<i>Appeal Body</i>
Type Three: Discretionary "Major" Quasi-Judicial Actions				
Major Coastal Dev. Permits	22.104	Planning Director Staff Biologist	Zoning Administrator/ RPC	Board of Supervisors
Major Conditional Use Permits ²	22.98	Planning Director Staff Biologist, ERB, SEATAC	Zoning Administrator/ RPC ³	RPC/Board of Supervisor
Major Variances	22.106	Planning Director	Zoning Administrator	RPC
Planned Dev. Permits	22.102	Planning Director	Zoning Administrator/ RPC	RPC/Board of Supervisor
Type Four: Discretionary Legislative Actions				
Dev. Agreements	22.122	Hearing Examiner/ RPC	Board of Supervisors	Superior Court
Specific Plans and Plan Amendments	22.124	Hearing Examiner/ RPC	Board of Supervisors	Superior Court
General Plan Amendments	22.120	Hearing Examiner/ RPC	Board of Supervisors	Superior Court
Local Coastal Program (LCP)	22.120	Hearing Examiner/ RPC	Board of Supervisors	California Coastal Commission
Zoning Map Amendments	22.120	Hearing Examiner/ RPC	Board of Supervisors	Superior Court
Zoning Ordinance Amendments	22.120	Hearing Examiner/ RPC	Board of Supervisors	Superior Court

¹ Incorporates Animal Permits, Explosives Permits, Flood Control Permits, Oak Tree Permits, and Parking Permits.

² Incorporates Cemetery Permits and Housing Permits.

³ For affordable housing-related Conditional Use Permits where a density bonus is required. See also Table 22.98.030 (Review Authorities for Conditional Use Permits).

22.94.030 Multiple Permit Applications

A. **Highest Authority Has Jurisdiction.** When a development project requires two or more discretionary applications that are under the separate jurisdiction of more than one review authority, all applications for the project shall be subject to jurisdiction by the review authority with the highest level of jurisdiction in compliance with the following order:

1. Board of Supervisors
2. Regional Planning Commission
3. Zoning Administrator
4. Director.

- B. **Advisory Recommendation by Commission.** If the Commission is reviewing a quasi-judicial permit (e.g. Conditional Use Permit) that requires a companion legislative approval (e.g. General Plan amendment), the Commission shall make an advisory recommendation to the Board on the quasi-judicial permit as well as the companion legislative approval.

22.94.040 Pre-Application Review

This section is highlighted to indicate its tentative state. Implementation of these provisions will require additional staff and/or modifications to the Department's procedures for processing cases.

- A. **Purpose and Applicability.** Pre-application review is an optional but strongly encouraged review process that is intended to provide information on relevant General or Specific Plan policies, zoning regulations, design guidelines, and procedures related to projects that will be subject to discretionary or non-discretionary approvals pursuant to this Ordinance. This review is available to all applicants and is intended to promote projects that are compatible with County policies and regulations and to encourage projects that are more complete and well-designed prior to submission of an application for approval.
- B. **Fee Required.** No application will be accepted for pre-application review without payment of a fee established by resolution of the Board of Supervisors as listed on the County's Planning Permit Fee Schedule and submission of materials that the Director has determined necessary to conduct the review as listed on the Department handout
- C. **Summary of Applicable Requirements.** Following pre-application review, County Staff shall provide the applicant with a written summary of the procedures and requirements applicable to the potential project. Any material provided by the County staff that results from the pre-application review shall be considered advisory only and shall not be binding on either the applicant or the County.

22.94.050 Application Preparation and Filing

- A. **Application Forms and Supporting Material.** The Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for each specific type of application.
 - 1. The Director may require the submission of supporting materials deemed necessary to determine compliance with the requirements of this Ordinance including, but not limited to, statements, photographs, plans, drawings, elevations, renderings,, technical reports, and other items to clearly and accurately describe existing conditions and the proposed project.
 - 2. All material submitted becomes the property of the County, may be distributed to the public, and shall be made available for public inspection.
- B. **Applicants.** The following persons may file applications:
 - 1. The owner of the subject property;

2. An agent with written authorization by the owner of the property.
- C. **Withdrawal of Application.** An applicant or petitioner for any conditional use permit, variance, or other approval provided for in this Ordinance may withdraw the application at any time before hearing or before action by the responsible review authority by filing with the Director a request in writing signed by all persons who signed the original application or petition, or their successors in interest.

22.94.060 Application Fees and Deposits

- A. **Schedule of Fees and Deposits.** The Board shall establish by resolution a schedule of fees and/or deposits for the processing of applications required by this Zoning Ordinance including, but not limited to staff time, mailings, and public hearings, and for informational materials, copying, and other such items. This resolution shall be referred to in this Zoning Ordinance as the County's Planning Permit Fee Schedule [*or any other suitable name favored by the Staff*].
- B. **Payment Required to Accept Application.** No application shall be accepted for processing without payment of the required fee and/or deposit unless a fee waiver or deferral has been approved subject to applicable provisions of this Ordinance. In addition to submission of any information the Director may require pursuant to Section 22.94.050, payment of the fee or deposit is required, in order for an application to be deemed complete pursuant to the requirements this Ordinance and applicable requirements of the State Permit Streamlining Act.
- C. **Deposit May be Required.** The County may require an applicant to deposit a portion of the total fee required to pay for services necessary to process the application as specified in the Planning Permit Fee Schedule. Processing of the application may be suspended for failure to make a required payment.
- D. **Fee Waivers.** No fee shall be required when the County is the applicant or in those instances where the Board, by resolution, has determined it is in the public interest to accept applications or petitions without the required filing fee.
- E. **Fee Refunds.** If any application or petition is withdrawn as provided in Section 22.94.050, the County shall refund the following fraction of the filing fee:
 1. Three-fourths of the fee shall be refunded if the case is withdrawn prior to the preparation and mailing of the notice of completeness.
 2. One-half of the fee shall be refunded if the case is withdrawn after the preparation and mailing of the notice of completeness, but prior to publication of the notice of hearing, prior to ex parte action by the Zoning Administrator, or prior to the Director's final action on a Zoning Conformance Review.
 3. There shall be no refund of any portion of the fee after the notice of hearing has been published or after action has been taken by the Zoning Administrator.

- F. **Deposit Refunds.** The Director may approve a refund of deposits after all fees and expenses that have been incurred in connection with processing and review of the application have been paid.
- G. **Additional Fee for Correction of Violations.** Any person who establishes a land use or alters, demolishes, constructs, enlarges erects, maintains, or moves any structure without first obtaining any permit required by this Zoning Ordinance, shall pay the additional permit processing fees established by the County's Planning Permit Fee Schedule for the correction of the violations, before a permit for a use or structure on the site can be determined to be complete.

22.94.070 Initial Application Review

- A. **Review of Applications Filed.** Within 30 days from the date the Department receives an application with the required fees and/or deposits, the Director shall review the application to determine whether any additional information or detail is required to take action on the application. The Director shall also determine if the project is subject to review under the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the County's environmental procedures.
- B. **Incomplete Application.** If an application is incomplete the Director shall provide written notification to the applicant listing the applications, exhibits, revisions to plans, information, and any additional fees that are necessary to complete the application. If the applicant fails to correct the specified deficiencies within 30 days of notification, the application shall become inactive. A re-activation fee will be assessed if the applicant wants to reopen and proceed with the project. At the request of the applicant, the Director may extend the time for completing the application for an additional 30 days
- C. **Applications Subject to Environmental Review.** If an application is subject to environmental review, the Director may require the applicant to submit additional information needed to conduct an initial study to determine if the project may have a significant effect on the environment. If this Zoning Ordinance requires a hearing to approve the application, the hearing shall not commence until the Director has made an environmental determination for the project in compliance with the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the County's environmental guidelines and procedures. If a project requires the approval of two or more discretionary approvals that are subject to environmental review, such as a tentative map and a conditional use permit, the Director shall require information necessary to conduct environmental review of all such approvals prior to taking action on any individual application.
- D. **Not Applicable to Legislative Actions.** This procedure does not apply to applications that propose or require a legislative decision including, but not limited to, amendment of a general or specific plan, amendment of this Ordinance, or adoption of a specific plan or development agreement. These legislative decisions are subject to the procedures in Chapters 22.120 (Amendments), 22.122 (Development Agreements), and 22.124 (Specific Plans and Amendments).

- E. **Pre-Approval Inspections.** Every applicant seeking a permit or any other action in compliance with this Zoning Ordinance shall allow any County officials participating in review of the application access to any premises or property that is the subject of the application.

22.94.080 Project Evaluation and Staff Reports

The Director shall review and evaluate applications for compliance with this Ordinance and other applicable regulations and shall make a report in writing to the applicable review authority based on consideration of information in the record at the time the Director prepares the report. The report shall include:

- A. A recommendation for approval, approval with conditions, or denial based on:
 - 1. Evaluation of the project's conformance with the applicable goals, objectives, policies, and proposals of the General Plan and any area, specific, neighborhood or other applicable adopted plans and policies;
 - 2. Determination of compliance with all of the applicable requirements for the zone whereing district in which the subject property is located.
- B. Any conditions the Director proposes to ensure the proposed project conforms to all applicable policies and regulations and to avoid or reduce its potential adverse impacts.
- C. Findings in support of the recommendation based on factual information in the record.
- D. If the project is subject to environmental review, a recommendation to approve a Negative Declaration, Mitigated Negative Declaration or certify an Environmental Impact Report.
- E. If the project is found not to have a significant effect on the environment because it is exempt from environmental review, a recommendation to approve a Categorical Exemption.
- F. Information in the record including, but not limited to, the application, any Initial Study or Environmental Impact Report, and review comments received prior to the hearing.

22.94.090 Public Notice

When this Zoning Ordinance requires a public hearing the public shall be provided notice of the hearing in compliance with Government Code Sections 65090, 65091, 65094 and 66451.3, and Public Resources Code 21000 et seq. and as required by this Chapter.

- A. **Content of Notice.** Notice of a public hearing shall include all of the following information, as applicable.

1. **Hearing information.**
 - a. The date, time, and place of the hearing and the name of the review authority;
 - b. A brief description of the County's general procedure concerning the conduct of hearings;;
 - c. A statement that an interested person or authorized agent may appear and be heard at the public hearing; and
 - d. The phone number, street address, and website of the County, where an interested person could call or visit to obtain additional information.
 2. **Project information.**
 - a. The name of the applicant;
 - b. The County's file number assigned to the application;
 - c. A general explanation of the matter to be considered;
 - d. A general description, in text and/or by diagram, of the location of the property that is the subject of the hearing; and
 - e. If a proposed Negative Declaration, Mitigated Negative Declaration or final Environmental Impact Report has been prepared, or if the project is Statutorily or Categorically Exempt in compliance with the California Environmental Quality Act (CEQA) and the local CEQA guidelines; the hearing notice shall include a statement that the review authority will also consider the project's environmental document.
 3. **Coastal Zone information.** The notice shall also include a statement, if applicable, that the development project is located within the County's Coastal Zone.
- C. **Method of Notice Distribution.** Notice of a public hearing for a land use permit, subdivision, ordinance amendment, or appeal shall be given as follows, in compliance with Government Code Sections 65090 and 65091.
1. **Publication.**
 - a. *General notice.* Notice for all matters shall be published once in a newspaper of general circulation in the County of Los Angeles available in the community in which the project is proposed at least 30 calendar days before the scheduled hearing; unless stated otherwise in this ordinance.
 - b. *Surface mining.* Conditional use permits for surface mining have the following requirements:
 - i. Conditional Use Permits for surface mining shall be published in two newspapers of general circulation at least one of which is a newspaper available in the community in which the use is proposed to be established.

- ii. The publications, if made in a daily newspaper, shall be for a period of not less than five consecutive publications of the newspaper, and if made in a weekly newspaper, shall be for a period of not less than two consecutive publications of the paper.
 - iii. The first publication in either case shall appear not less than 30 days before the date of the public hearing.
- 2. **Mailing.** Notice shall be mailed or delivered at least 30 calendar days before the scheduled hearing to all of the following:
 - a. *Property owners.* The owners of the property being considered in the application, the owners' agent, and the applicant;
 - b. *Local agencies.* Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
 - c. *Affected owners.*
 - i. All owners of property located within a 500-foot radius, excluding intervening rights-of-way and waterways, of the exterior boundaries of the subject site, as shown on the County's last equalized assessment roll. It shall be the responsibility of the applicant to obtain and provide to the Department the names and addresses of the owners required by this Subparagraph;
 - ii. For subject properties located within Avocado Heights, Workman Mill, South San Gabriel and the Fifth Supervisorial District, all owners of property located within a 1,000-foot radius, excluding intervening rights-of-way and waterways, of the exterior boundaries of the subject site, as shown on the County's last equalized assessment roll. It shall be the responsibility of the applicant to obtain and provide to the Department the names and addresses of the owners required by this Subparagraph;
 - d. *Nearby residents for a conditional use permit for less than required parking.* A notice shall also be sent in a similar manner to "occupant" at the site address in those cases where the mailing address of any owner of property required to be notified under the provisions of this subsection differs from the site address of such property. In the case of an apartment house, a notice addressed to "occupant" shall be mailed to each dwelling unit; and
 - e. *Nearby residents for projects located within the Coastal Zone.* For development projects located within the Coastal Zone, notice shall also be mailed or delivered to each dwelling unit addressed to "occupant" located within a 100-foot radius, excluding intervening rights-of-way and waterways, of the exterior boundaries of the subject site. It shall be the responsibility of the applicant to obtain and provide to the Department the names and addresses of the residents required by this Subparagraph;

- f. *Persons requesting notice.* A person who has filed a written request for notice with the Director;
 - g. *Coastal Commission.* The Coastal Commission, if the proposed development project is located within the Coastal Zone;
 - h. *Public officials.* Public officers, agencies, bureaus, or departments who the Director believes might be interested in receiving a notice; and
 - i. *Revocation or revision.* If for a hearing on revocation or revision in compliance with Chapter 22.116 (Revocations and Revisions), also serve 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 and any other estate or interest in or to the premises or any part thereof.
3. ***Posting of a sign and notice.*** Notice shall be posted on the subject property at least 30 days before the scheduled public hearing in the following manner:
- a. *Size.* The sign(s) shall be two feet in width and three feet in length, unless another size is determined appropriate by the Director;
 - b. *Height.* The sign(s) shall be placed not less than four feet above ground level, measured at the base of the sign(s);
 - c. *Materials.* The sign(s) shall be constructed of cardboard with a plywood backing. Except for sign(s) located within structures, the sign(s) shall be affixed to at least two wooden stakes;
 - d. *Location.* One sign shall be erected on each public road frontage adjoining the proposed project, legible and accessible by foot from said public road(s). The sign(s) shall not create sight distance problems along the adjacent rights-of-way. If the subject property is not visible from an existing public road, the sign posting requirement may be modified or waived by the Director. may be waived or modified by the Director;
 - e. *Colors.* The sign(s) shall be printed with black letters on a white background;
 - f. *Content and lettering.* Major block style letters three inches in height shall state: "NOTICE OF HEARING". Minor letters one and one half inches in height shall specify the case number and the phone number to be called for information. A notice of hearing as specified by Subsection A (Content of notice) and a map showing the boundaries of the subject property in relation to the adjoining public roads.
 - g. *Additional posting requirements.* The Director may require any sign(s) to be larger and/or constructed of stronger materials to improve visibility and legibility at the posted location(s) as the Director deems appropriate;
 - h. *Verification.* Not less than 30 days prior to the public hearing the applicant shall provide the Director with a photograph showing the sign(s) erected on the subject property. The applicant shall also sign an

affidavit stating that the sign(s) have been placed on the subject property in compliance with all of the provisions of this Subsection;

- i. *Sign maintenance.* The project applicant shall be responsible for maintaining the sign(s) in a satisfactory condition;
 - j. *Removal of sign(s).* The sign(s) shall be removed from the subject property within one week following the final public hearing on the application;
 - k. *Failure to comply.* Failure of the applicant to comply with this Subsection may result in the public hearing not being heard as scheduled; and
 - l. *Exception to posting requirements.* The sign posting provisions of this Subsection shall not apply to public hearings on matters initiated by the Commission or Board; however, the Director may, at the Director's discretion, cause signs for matters initiated by the Commission or Board to be posted at locations the Director deems appropriate.
4. ***Additional notice.*** In addition to the types of notice required above, the Director may provide any additional notice with content or using a distribution method (e.g., posting on the County's website) as the Director determines is necessary or desirable.
 5. ***Failure to receive notice.*** The failure of any person or entity to receive notice given in compliance with this Section or in compliance with Government Code Sections 65090-95096 shall not invalidate the actions of the applicable review authority.

B. Waiver of Coastal Development Permit Public Hearing for Minor Development. This Section provides for the waiver of a public hearing on a Coastal Development Permit for a development project that is appealable to the Coastal Commission, in compliance with Public Resources Code Section 30624.9. This Section shall not be used to waive the requirement for a public hearing on any other permit required by this Zoning Ordinance to have a public hearing.

1. ***Applicability.***
 - a. A public hearing that would otherwise be required before County action on a minor development that is appealable to the Coastal Commission may be waived only for a development project that:
 - i. Is consistent with the certified Local Coastal Program;
 - ii. Requires no County actions other than a coastal development permit or Zoning Conformance Review by the Director; and
 - iii. Has no adverse effects, either individually or cumulatively, on coastal resources or public access to the shoreline or along the coast.
 - b. Minor development, as used in this Section, shall include single-family homes and additions to single-family homes, and other development

determined by the review authority to meet the above criteria, including commercial and office structures.

2. **Criteria for waiver.** A public hearing may be waived for minor development if both of the following occur:
 - a. Notice that a public hearing shall be held upon request by any person is provided by the County to all persons who would otherwise be required to be notified of a public hearing in Chapter 22.94 (Common Procedures), as well as any other persons known to be interested in receiving notice; and
 - b. A request for a public hearing is not received by the County within 15 days from the date of the County sending the notice identified in Subparagraph a., above.
 3. **Content of notice.** The notice shall contain all information required by Subsection 22.94.100.A (Contents of Notice), above, and a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the County on a Coastal Development Permit application.
- C. **Notice of Non-Appealable Development.** This Section provides notice requirements for projects that are not appealable to the Coastal Commission in compliance with Public Resources Code Section 30603 and which are not categorically excluded.
1. **Public notice required.** California Code of Regulations, Title 14, Section 13568b, requires that all development within the Coastal Zone (except that which is categorically excluded) shall receive public notice regardless of whether this Zoning Ordinance requires a public hearing before the development project can be approved or denied. Public notice requirements for projects requiring a public hearing are provided in Chapter 22.94 (Common Procedures).
 2. **Distribution of notice.** At least 10 days before the County's scheduled hearing on the application, the County shall provide notice to:
 - a. All persons who have requested to be on the mailing list for the particular project or for decisions by the County within the Coastal Zone;
 - b. All owners of property located within a 300-foot radius, excluding intervening rights-of-way and waterways, of the exterior boundaries of the subject site, as shown on the County's last equalized assessment roll and to each dwelling unit located within a 100-foot radius, excluding intervening rights-of-way and waterways, of the exterior boundaries of the subject site. It shall be the responsibility of the applicant to obtain and provide to the Department the names and addresses of owners and residents required by this Subparagraph; and
 - c. The Coastal Commission.

3. **Content of notice.** The notice shall contain the information required for public notices in compliance with Chapter 22.94 (Common Procedures), and the following:
 - a. The date the application will be acted upon by the County's review authority;
 - b. The County's general procedure concerning the submission of public comments either in writing or orally before the decision is rendered; and
 - c. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held before the decision is rendered.

22.94.100 **Hearing Procedure**

- A. **Time and Place of Hearing.** A hearing shall be held at the date, time, and place for which notice was given.
- B. **Continued Hearing.** A hearing may be continued without further notice; provided, that the official or chair of the review authority publicly announces the date, time, and place to which the hearing will be continued before the adjournment of the hearing.
- C. **Deferral of Final Decision.** The review authority may announce a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared.

22.94.110 **Recommendations**

- A. **Hearing Examiner**
 1. After the Hearing Examiner's public hearing on a land use permit, subdivision, or amendment to the General Plan, Local Coastal Program, the Zoning Map, this Zoning Ordinance, a development agreement, or a specific plan, the recommendation and findings of the Hearing Examiner shall be forwarded to the Commission. The Hearing Examiner's recommendations and findings shall be based on the testimony received and analysis of the proposal.
 2. The findings and recommendations shall be prepared and transmitted to the Commission for its consideration prior to its public hearing on the same project.
- B. **Commission**
 1. After the Commission's public hearing on an amendment to the General Plan, Local Coastal Program, the Zoning Map, this Zoning Ordinance, a development agreement, or a specific plan, the recommendation and findings of the Commission shall be forwarded to the Board.

2. After the Commission's public hearing on an amendment to the General Plan, Local Coastal Program, the Zoning Map, this Zoning Ordinance, a development agreement, or a specific plan, which is heard concurrently with a land use permit and/or subdivision, the recommendation and findings of the Commission on the legislative and quasi-judicial shall be forwarded to the Board.
- C. **Copy of Recommendation to Applicant.** A copy of each recommendation shall be mailed to the applicant at the mailing address stated in the application and to any other person or entity who has filed a written request for notification with the Department. The notice of action shall also be mailed to the first three testifiers in favor of the proposal and the first three testifiers in opposition to the proposal from the public hearing(s).

22.94.120 **Decision**

- A. The review authority may announce and record their decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Chapter 22.94 (Common Procedures).
- B. At the conclusion of a hearing conducted by the Zoning Administrator, the Zoning Administrator may instead refer the matter to the Commission for a determination.
- C. The decision of the Board on any matter except a Local Coastal Program amendment shall be final.

22.94.130 **Effective Date of Permits**

- A. The decision of the Director, Hearing Officer or the Commission shall be effective on the 15th calendar day following the date of the decision, except and unless the decision is timely appealed or called up for review by the commission prior to that date, where available. To be timely, an appeal or call for review must be initiated on or before the 14th calendar day following the date of the decision.
- B. If the deadline for initiation of an appeal or call for review falls on a non-business day for the relevant appellate body, then the deadline for an appeal or call for review is extended to the next business day and the effective date of the decision shall be the following day.

22.94.140 **Project Evaluation and Staff Reports**

The Director shall review and evaluate applications for compliance with this Ordinance and other applicable regulations and shall make a report in writing to the applicable review authority based on consideration of information in the record at the time the Director prepares the report. The report shall include:

- A. A recommendation for approval, approval with conditions, or denial based on:

1. Evaluation of the project's conformance with the applicable goals, objectives, policies, and proposals of the General Plan and any area, specific, neighborhood or other applicable adopted plans and policies;
 2. Determination of compliance with all of the applicable requirements for the zone where the subject property is located.
- B. Any conditions the Director proposes to ensure the proposed project conforms to all applicable policies and regulations and to avoid or reduce its potential adverse impacts.
- C. Findings in support of the recommendation based on factual information in the record.
- D. If the project is subject to environmental review, a recommendation to approve a Negative Declaration, Mitigated Negative Declaration or certify an Environmental Impact Report.
- E. If the project is exempt from environmental review because it is in a class of actions deemed not to have a significant effect on the environment, a recommendation to approve a Categorical Exemption.
- F. Information in the record including, but not limited to, the application, any Initial Study or Environmental Impact Report, and review comments received prior to the hearing.

22.94.150 Notice of Action and Findings Required

Once the Commission, Zoning Administrator, or Director has approved, approved with conditions, modified, revoked or denied any discretionary application under this Zoning Ordinance, the Director shall issue a notice of action. The Notice of Action shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decision.

- A. The Director shall mail the Notice to the applicant at the mailing address stated in the application and to any other person or entity who has filed a written request for notification with the Department. The notice of action shall also be mailed to the first three testifiers in favor of the proposal and the first three testifiers in opposition to the proposal from the public hearing(s).
- B. Findings, when required by State law or this Ordinance, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing.

22.94.160 Scope of Approvals

- A. Any approval or authorization permits only those uses and activities actually proposed in the application, and excludes other uses and activities unless they are otherwise permitted in the zone. Unless otherwise specified in the approval or authorization, (this is confusing – it sounds like even if it's permitted in the zone it's

not permitted - any approval terminates all other uses at the location subject to the approval.

- B. Unless otherwise specified or required by the Director, Zoning Administrator, Commission, or Board, the approved site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval/review process shall be deemed conditions of approval. Any approval is subject to requirements that the permittee guarantees, warranties or insures that the plans and/or conditions shall be complied with in all respects.
- C. The approved use and/or construction is subject to, and shall comply with, all applicable County ordinances and laws and regulations of other governmental agencies.
- D. If the construction of a structure or the use established is contrary to the description or illustration in the application, so as to either violate any provision of the ordinance or require additional permits, then the approval shall be deemed null and void.
- E. All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit or authorization are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, the property owner or successor property owners to comply with these conditions.

22.94.170 Effective Dates of Permits

Any approval that is valid and in effect, and was granted pursuant to the provisions of this Zoning Ordinance shall adhere to the land and continue to be valid upon change of ownership of the subject land or any lawfully existing structure on the land from the effective date of the permit, except when a permit expires and becomes void in compliance with this Chapter or as otherwise specified in the conditions of approval. All applicable conditions of approval shall continue to apply following a change in ownership of the property.

22.94.180 Performance Guarantees and Covenants

Any approval may be subject to requirements that the permittee guarantees, warranties or insures that the approved plans and/or conditions shall be complied with in all respects. To ensure compliance the County may require:

- A. Deposit of a financial assurance or bond in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval of a planning permit;
- B. Recording of a covenant restricting the use of the subject property (e.g., limitations on occupancy or maintenance of affordability); or
- C. Recording of a covenant guaranteeing use and maintenance of an easement on a separate lot necessary to comply with requirements (e.g., off-site parking and adequate access).

22.94.190 **Interpretations**

- A. **Authority.** The Director has the authority to interpret any provision of this Zoning Ordinance. Whenever the Director determines that the meaning or applicability of any Zoning Ordinance requirement is subject to interpretation, the Director may issue an official interpretation.
- B. **Request for Interpretation.** The request for an interpretation or determination shall be made to the Department, shall include all information required by the Department, and the established processing fee.
- C. **Similar and Compatible Use may be Allowed.** The Director may determine that a proposed use not listed in Title 22 is allowed in compliance with this Section;
- D. **Required Findings.** The Director may determine that a proposed use is similar to and compatible with a listed use and may be allowed, only after first making all of the following findings with the determination:
 - 1. The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the zone;
 - 2. The use will be consistent with the purposes of the applicable zone;
 - 3. The use will be consistent with the General Plan;
 - 4. The use will be compatible with the other uses allowed in the zone; and
 - 5. The use is not listed as allowable in another zone.
- E. **Record of Interpretations.** The findings supporting the determination that a use qualifies as a similar and compatible use shall be in writing and kept on file in the Department and available to the public.
- F. **Applicable Standards and Permit Requirements.** When the Director determines that a proposed, but unlisted, use is similar and compatible to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Zoning Ordinance apply.
- G. **Referral for Determination.** The Director may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the Commission for a determination at a public meeting.
- H. **Appeal.** A determination of similar and compatible use may be appealed to the Regional Planning Commission in compliance with Chapter xxxx (Appeals).

22.94.200 Time Limits and Extensions

A permit which is not used within the time limits specified in the permit, or, if no time limit is specified, within two years after the effective date of the permit, becomes null, void and of no effect at all:

- A. The Zoning Administrator may extend the time for a period of not to exceed one year, provided an application requesting the extension is filed at least six months prior to the expiration date. The Zoning Administrator may grant an additional one-year extension, for a total extension not to exceed two years, provided that an application requesting the second extension is filed at least six months prior to the expiration of the first extension;
- B. In the case of a permit for a publicly owned use, no time limit shall apply to utilization of the permit provided that the public agency:
 - 1. Within one year of the effective date of the approval either acquires the property involved or commences legal proceedings for its acquisition, 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;
 - 3. Should this be C, as it applies in all conditions, not just publicly owner. In the case of any zoning approval filed and heard concurrently with a land division, the Zoning Administrator or Commission shall specify the limits and extensions to be concurrent and consistent with those of the land division.
- C. A conditional use permit, variance, or other Type Two or Three quasi-judicial approval as shown in Table 94-1 shall be considered used, within the intent of this section, when construction or other development authorized by the permit has commenced that would be prohibited in the zone if no permit had been granted.
- D. A permit granted by action of the Director, Zoning Administrator or the Commission, shall automatically cease to be of any force and effect if the use for which the permit was granted has ceased or has been suspended for a consecutive period of two or more years.

22.94.210 Changes to an Approved Permit

The Director may approve minor changes to an approved permit in compliance with Chapter 22.96 (Zoning Conformance Review) provided the proposed changes are consistent with the findings made when the permit was originally approved, comply with all existing conditions of approval, and conform to applicable parking standards. All other changes are treated as a

Permit Modification and require approval of the original review authority in compliance with Chapter 22.110 (Permit Modifications).

22.94.220 **Resubmittals**

No application shall be filed or accepted if final action has been taken within one year prior thereto by the Director, Zoning Administrator, Commission or Board on an application requesting the same, or substantially the same permit.

Chapter 22.96: Zoning Conformance Review

This new chapter will codify the County's current practice of reviewing nondiscretionary applications and determining whether they comply with the County's land use rules and regulations before the applicant submits the application for a Building Permit. Language will be broad in order to allow for the Department of Regional Planning to require Zoning Conformance Review for any development, including the establishment of business or change of business

Additionally, this Chapter will embody the procedures for authorizing a very limited and specified number of minor changes to previously approved discretionary permits (See Section 22.96.050 [Minor Changes to an Approved Permit], which incorporates the Revised Exhibit "A").

Sections:

- 22.96.010 Purpose
- 22.96.020 Applicability
- 22.96.030 Review Authority and Related Procedures
- 22.96.040 Application Filing, Processing, and Review
- 22.96.050 Minor Changes to an Approved Permit
- 22.96.060 Post Decision Procedures

22.96.010 Purpose

- A. **Activities Allowed in the Zone.** Zoning Conformance Review is the procedure used by the County to verify that a proposed land use or structure complies with the list of activities allowed in the applicable zone, including any limitations and all of the development standards applicable to the use as proposed.
- B. **Confirmation, Corroboration, and Substantiation.** The review is established to facilitate confirmation, corroboration, and substantiation of facts and testimony vital to the administration of this Zoning Ordinance and is required or may be used for the following matters:
 - 1. Determination of whether or not a proposed development will properly comply with the provisions and development standards prescribed in this Zoning Ordinance or as prescribed by the Director, Hearing Officer, or Commission;
 - 2. Consideration of lot line adjustments; and/or
 - 3. Indication of compliance, or plans and intentions to comply with the regulations and standards prescribed in this Zoning Ordinance.

22.96.020 Applicability

Where Division 2 (Base Zones) or other provisions of this Zoning Ordinance require a Zoning Conformance Review as a prerequisite to establishing a new or modified land use, authorizing a change in ownership, or the issuance of a Business License, Building Permit,

Grading Permit, or other construction permit, the Zoning Conformance Review shall be required by the Department for any of the following requests:

- A. **Initiate a Land Use.** A Zoning Conformance Review shall be obtained before the initiation or commencement of any use of land not requiring the construction of a structure.
- B. **Change of Use.** Whenever a use is proposed to be changed, whether or not the new use involves a new lessee, operator, or owner, a Zoning Conformance Review shall first be obtained.
- C. **Business License.** A Zoning Conformance Review shall be obtained before the County issues a new or modified Business License.
- D. **Building Permit, Grading Permit, or Other Construction Permit.** A Zoning Conformance Review shall be obtained before the County issues a Building Permit, Grading Permit, or other construction-related permit required for the alteration, construction, modification, moving, or reconstruction of any structure, as directed by the Department of Public Works.

22.96.030 **Review Authority and Related Procedures**

- A. **Review Authority.** The Director shall issue the Zoning Conformance Review after first determining that the request complies with all Zoning Ordinance provisions applicable to the proposed use or structure.
- B. **Form.** An approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Director.
- C. **Site Plan as Part of Application.** Where a site plan is required in an application for a Nonconforming Use or Structure Review, Permit, or Variance, the site plan shall be considered a part of the application and shall not require separate approval in compliance with this Chapter.
- D. Additionally, the Director may:
 - 1. Require a site plan for any development of land, structure, use, or modification of standards that involves the approval of the Director;
 - 2. Require other forms and documents as may be necessary to determine compliance with the provisions of this Zoning Ordinance or any conditions that may be specified in granting an approval of the requested development, structure, use, or modification; and
 - 3. Require supplemental information or material as may be necessary, including revised or corrected copies of any site plan or other document previously submitted.

22.96.040 **Application Filing, Processing, and Review**

- A. **Filing of Application.** An application for a Zoning Conformance Review shall be filed and processed in compliance with Chapter 22.94 (Common Procedures).
- B. **Contents of Application.** The application shall include the information and materials specified in the Department handout for Zoning Conformance Reviews, together with the required fee in compliance with the County's Planning Permit Fee Schedule.
- C. **Accuracy.** The accuracy of all information submitted shall be the responsibility of the applicant.

22.96.050 **Minor Changes to an Approved Permit**

- A. **Director may Approve Minor Changes.** The Director may approve minor changes to an approved permit; provided, the changes are consistent with the findings made when the permit was originally approved, comply with all other existing conditions of approval, and conform to applicable parking standards. All other changes require the approval of the original review authority in compliance with Chapter 22.110 (Permit Modifications).
- B. **Allowable Minor Changes.** Allowable minor changes are limited to the following:
 - 1. Expanding the floor or land area devoted to the approved use(s) by no more than 10 percent;
 - 2. Expanding a customer service area and/or increase in the number of customer seats by no more than 10 percent;
 - 3. Increasing the number of employees, beds, rooms or entrances; or
 - 4. Establishing a new product line, activity, function, or service that does not substantially change the character of the use.

22.96.060 **Post Decision Procedures**

The procedures and requirements in Chapter 22.94 (Common Procedures), and those related to appeals in Chapter 22.114 (Appeals), shall apply following the issuance of a Zoning Conformance Review.

Chapter 22.98: Conditional Use Permits

This Chapter incorporates the existing regulations applicable to discretionary approvals in current Chapter 22.56 (Conditional Use Permits, Oak Tree Permits, Variances, Nonconforming Uses, Limited Term Permits and Director's Reviews), more specifically Part 1 (Conditional Use Permits). CUP requirements remain for Significant Ecological Areas and Hillside Management areas. This Chapter will include general approval criteria for Conditional Use Permits as set forth in Section 22.56.090 of the existing ordinance. We propose to include findings and additional standards for specific uses (e.g. alcoholic beverage sales, animal permits, medical marijuana dispensaries, etc.) in Division 6: Standards for Specific Uses and Activities of the updated ordinance.

Sections:

- 22.98.010 Purpose
- 22.98.020 Applicability
- 22.98.030 Review Authority and Related Procedures
- 22.98.040 Application Filing, Processing, and Review
- 22.98.050 Project Review
- 22.98.060 Findings and Decision
- 22.98.070 Conditions of Approval
- 22.98.080 Permit to Run with the Land
- 22.98.090 Post Decision Procedures

22.98.010 Purpose

A Conditional Use Permit provides a process for reviewing uses and activities that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.

22.98.020 Applicability

- A. **Compliance with Division 2 Required.** A Conditional Use Permit is required to authorize proposed land uses identified by Division 2 (Base Zones) as being allowable in the applicable zone, subject to the approval of a Conditional Use Permit.
- B. **Uses in Multi-Tenant Centers.** The Conditional Use Permit may also authorize land uses which are proposed to be located in a multi-tenant center (e.g., shopping retail or industrial type center) and once approved would allow for the replacement of uses without the requirement to apply for and gain approval of subsequent Conditional Use Permits.

22.98.030 Review Authority and Related Procedures

Conditional Use Permits shall be approved, conditionally approved, or denied by the Zoning Administrator or the Commission in compliance with Table 22.98.030 (Review Authorities for Entitlements), below.

TABLE 22.98.030: REVIEW AUTHORITIES FOR ENTITLEMENTS

Type of Conditional Use Permit	Zoning Administrator	Commission*
<i>A project that creates or results in one to 50,000 gross square feet of nonresidential floor area, or creates or results in two to 50 lots or dwelling units.</i>	■	
<i>A project that creates or results in more than 50,000 gross square feet of nonresidential floor area, or creates or results in more than 50 lots or dwelling units.</i>		■
<i>Conditional Use Permits addressing the following: Nonconforming Reviews. Oak Trees (two to five oak trees). Less than required Parking.</i>	■	
<i>Conditional Use Permits addressing the following: Aviation (ALUC). Cemetery. Use of Explosives. Housing. Local Coastal Permits. Oak Trees (one heritage oak tree or more than five oak trees). Permit Revocations. Surface Mining.</i>		■
<i>Conditional Use Permits addressing the following: Hillside Management. Landfill. Medical Marijuana Dispensary. Residential/Transitional Care. Significant Ecological Area (SEA)</i>		■

* All Conditional Use Permit matters subject to review and a decision by the Commission shall first be heard by the Hearing Examiner.

22.98.040 **Application Filing, Processing, and Review**

- A. **Filing of Application.** An application for a Conditional Use Permit shall be filed and processed in compliance with Chapter 22.94 (Common Procedures).
- B. **Contents of Application.** The application shall include the information and materials specified in the Department handout for Conditional Use Permits, together with the required fee in compliance with the County's Planning Permit Fee Schedule.
- C. **Applicant's Responsibility.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 22.98.060 (Findings and Decision), below.
- D. **Accuracy.** The accuracy of all information, lists, and maps submitted shall be the responsibility of the applicant.

22.98.050 **Project Review**

Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Zoning Ordinance.

- A. **Public Hearing Required.** The applicable review authority shall conduct a public hearing on an application for a Conditional Use Permit before a decision on the application.
- B. **Compliance with Chapter 22.94.** Notice of the hearing shall be provided, and the hearing shall be conducted, in compliance with Chapter 22.94 (Common Procedures).

22.98.060 **Findings and Decision**

- A. **Authorized Actions.** An application for a Conditional Use Permit may be approved, conditionally approved, or denied by the applicable review authority.
- B. **Required Findings.** The review authority shall approve a Conditional Use Permit only after first finding all of the following:
 - 1. The proposed use is consistent with the General Plan;
 - 2. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the County Code;
 - 3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and
 - 4. The factors related to the physical suitability of the site (e.g., its design, location, size, etc.) shall include, but are not limited to, the following:

- a. The site is physically suitable in terms of:
 - i. Its design, location, shape, size, and operating characteristics of the proposed use;
 - ii. The provision of public and emergency vehicle (e.g., fire and medical) access;
 - iii. Public protection services (e.g., fire protection, Sheriff protection, etc.); and
 - iv. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).
 - b. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare, or be materially detrimental or injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.
- C. **Failure to Substantiate Findings.** The review authority shall deny the application where the information submitted by the applicant and/or presented at public hearing fails to substantiate all of the required findings to the satisfaction of the review authority.

22.98.070 Conditions of Approval

In approving a Conditional Use Permit the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 22.98.060 (Findings and Decision), above. The violation of any required condition shall constitute a violation of this Section and may constitute grounds for revocation of the permit.

22.98.080 Permit to Run with the Land

A Conditional Use Permit granted in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use which was the subject of the permit application in the same area, configuration, and manner as it was originally approved.

22.98.090 Post Decision Procedures

The procedures and requirements in Chapter 22.94 (Common Procedures), and those related to appeals in Chapter 22.114 (Appeals), shall apply following a decision on a Conditional Use Permit application.

Chapter 22.100: Minor Use Permits

This Chapter incorporates regulations applicable to discretionary approvals in current Chapter 22.56 for uses and activities whose effects on a site and its surroundings require closer scrutiny than would otherwise be required for a permitted use. The chapter specifies the types of uses that require a Minor Use Permit, as well as the review process and required findings for approval.

Sections:

- 22.100.010 Purpose
- 22.100.020 Applicability
- 22.100.030 Review Authority and Related Procedures
- 22.100.040 Application Filing, Processing, and Review
- 22.100.050 Project Review
- 22.100.060 Findings and Decision
- 22.100.070 Conditions of Approval
- 22.100.080 Permit to Run with the Land
- 22.100.090 Post Decision Procedures

22.100.010 Purpose

A Minor Use Permit provides a process for reviewing uses and activities that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.

22.100.020 Applicability

- A. **Compliance with Division 2 Required.** A Minor Use Permit is required to authorize proposed land uses identified by Division 2 (Base Zones) as being allowable in the applicable zone subject to the approval of a Minor Use Permit.
- B. **Additional Requirements for a Minor Use Permit.** A Minor Use Permit is required to authorize the following land use related matters:
 - 1. Accessory live entertainment;
 - 2. Animal keeping;
 - 3. Domestic violence shelters;
 - 4. Grading project, off-site transport;
 - 5. Historic vehicle collection;
 - 6. Homeless shelters;
 - 7. Joint live and work units;

8. Large family child care homes;
9. Lot line adjustments;
10. Minor deviations or reductions:
 - a. Required parking requirements up to a maximum of 30 percent; and
 - b. Required single-family residence development standards.
11. Portable outdoor advertising signs;
12. Shared water wells;
13. Vertical mixed-use development;
14. Wineries; and
15. Wind energy conversions systems – noncommercial.

22.100.030 Review Authority

- A. **Director.** Minor Use Permits shall be approved, conditionally approved, or denied by the Director.
- B. **Referral.** The Director may instead choose to refer any Minor Use Permit application to the Zoning Administrator or the Commission for a public hearing and final decision.

22.100.040 Application Filing, Processing, and Review

- A. **Filing of Application.** An application for a Minor Use Permit shall be filed and processed in compliance with Chapter 22.94 (Common Procedures).
- B. **Contents of Application.** The application shall include the information and materials specified in the Department handout for Minor Use Permits, together with the required fee in compliance with the County's Planning Permit Fee Schedule.
- C. **Applicant's Responsibility.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 22.100.060 (Findings and Decision), below.
- D. **Accuracy.** The accuracy of all information, lists, and maps submitted shall be the responsibility of the applicant.

22.100.050 Project Review

- A. **Review by Director.** Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Zoning Ordinance.

- B. **Notice and Related Actions.** Before a decision on a Minor Use Permit, the Department shall provide notice in compliance with Chapter 22.94 (Common Procedures), and as follows.
1. The notice shall describe the project and also indicate that any individual may request a public hearing on the application by filing a written request with the Director within 15 days of the date on the notice.
 2. The Director may approve an application for a Minor Use Permit if not more than two requests for a public hearing are received within the period specified in Subparagraph B. 1., above; provided, that the findings, principles, and standards of Section 22.100.060 (Findings and Decision), below are established.
 3. Requests received from both the owner and the occupant of the same property shall be considered to be only one request for the purposes of this Subsection, all requests from homeowners groups count as only one request, and all requests for a public hearing, except for the homeowners groups, must live within the required notification radius.
 4. The Director shall deny an application for a Minor Use Permit if at least three requests for a public hearing are received within the period specified in Subparagraph B. 1., above, or where the findings, principles, or standards of Section 22.100.060 (Findings and Decision), below are not established. The written request for a public hearing shall be based on issues of significance directly related to the application (e.g., provision of evidence that the request cannot meet one or more of the findings, principles, or standards identified in Section 22.100.060 (Findings and Decision), below.
 5. The Director shall notify the applicant and all persons specified in Chapter 22.94 (Common Procedures) in writing of the action taken on the application. The notification shall indicate that an appeal may be filed with the Commission within 14 days after the date of the decision, in compliance with Chapter 22.114 (Appeals).
 6. In cases where the Director denies an application because at least three written requests for a public hearing were received, the Director shall also inform the applicant that a request to schedule a public hearing before the Commission may be submitted within 15 days after the date of the Director's decision.
- C. Payment of the additional fee, as specified in the County's Planning Permit Fee Schedule, is required with the appeal request.
- D. All procedures relative to public hearings and appeals shall be the same as for a Conditional Use Permit.
- E. If a public hearing is not requested, the Director shall approve or deny the proposed modification in compliance with Section 22.100.060 (Findings and Decision), below.

- F. The Director’s decision is appealable in compliance with Chapter 22.114 (Appeals).

22.100.060 Findings and Decision

- A. **Authorized Actions.** An application for a Minor Use Permit may be approved, conditionally approved, or denied by the applicable review authority.
- B. **Required Findings.** In addition to the findings stated in Section 22.98.060, the review authority shall approve a Minor Use Permit only after first finding that the use, development of land, and/or application of development standards:
 - 1. Is in compliance with all applicable provisions of this Zoning Ordinance;
 - 2. 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 compliance with good zoning practice; and
 - 3. Is suitable from the standpoint of functional developmental design.
- C. **Failure to Substantiate Findings.** The review authority shall deny the application where the information submitted by the applicant and/or presented at public hearing fails to substantiate all of the required findings to the satisfaction of the review authority.

22.100.070 **Conditions of Approval**

In approving a Minor Use Permit the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 22.100.060 (Findings and Decision), above. The violation of any required condition shall constitute a violation of this Section and may constitute grounds for revocation of the permit.

22.100.080 **Permit to Run with the Land**

A Minor Use Permit granted in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use which was the subject of the permit application in the same area, configuration, and manner as it was originally approved.

22.100.090 **Post Decision Procedures**

The procedures and requirements in Chapter 22.94 (Common Procedures), and those related to appeals in Chapter 22.114 (Appeals), shall apply following a decision on a Minor Use Permit application.

Chapter 22.102: Planned Development Permits

This chapter authorizes a new type of permit for the County, the purpose of which is to allow the Commission to approve a large-scale project which may differ from the Zoning Ordinance prescribed standards (e.g., standards only; not allowed uses or density/intensity) in exchange for the County allowing a project that clearly excels in terms of a superb site plan, excellence of design, and related enhanced amenities (e.g., a vastly improved mixed use project containing a greater quantity and quality of private and communal open space for the visitors and residents/tenants) than might be normally attainable by adhering to the Ordinance prescribed development standards. The “quid pro quo” would be the County allowing modified standards in exchange for achieving a truly noteworthy development project. The “quid pro quo” would be guaranteed by the adherence to the findings that the Commission would need to make in order to approve the development project, all of which would be appealable to the Board. The permit would be required for projects in Planned Development Zones; it also would be available for other types of planned development which would not require rezoning to PD Zone. Minimum project size limits could be established, and all development would have to be consistent with the General Plan.

Sections:

- 22.102.010 Purpose
- 22.102.020 Applicability
- 22.102.030 Application Filing, Processing, and Fees
- 22.102.040 Review Authority
- 22.102.050 Project Review, Notice, and Hearing
- 22.102.060 Findings and Decision
- 22.102.070 Planned Development Permit Amendment
- 22.102.080 Landscaping Standards
- 22.102.090 Parking Standards
- 22.102.100 Development Schedule
- 22.102.110 Conditions of Approval
- 22.102.120 Post Decision Procedures

22.102.010 Purpose

The purpose of this Chapter is to provide a process for approving a Planned Development Permit which is intended to:

- A. **Ensure Efficient Use of Land and Better Living Environment.** Provide a method whereby land may be designed and developed as a single unit by taking advantage of modern site planning techniques thereby resulting in a more efficient use of land, a better living environment, and a superb site plan, excellence of design, and related enhanced amenities than is otherwise possible through strict application of the development standards identified in Division 2 (Base Zones);
- B. **Ensure High Standards of Environmental Quality.** Ensure development that meets high standards of environmental quality, public health and safety, the efficient use of

the County's resources, and the purpose, intent, goals, policies, actions, and land use designations of the General Plan and any applicable specific plan; and

- C. **Provide for Enhanced Amenities.** Incorporate a program of enhanced amenities (e.g., enhanced landscaping, LEED related standards, additional and enhanced open space, additional public art, improvements to an existing public facility [e.g., park or trail, etc.]) that are greater than typically required by this Zoning Ordinance.

22.102.020 **Applicability**

- A. **Allowed Development Projects.** A Planned Development Permit may only be requested for a residential, industrial, office, retail, mixed use, transit-oriented, or business campus-type development project.
- B. **Minimum Site Area.** A Planned Development Permit may only be requested for a site(s) with a minimum of two acres.
- C. **Planned Development Permit precedes Building or Grading Permits.** For projects proposing a Planned Development Permit, a Building or Grading Permit shall not be issued until the Planned Development Permit has been approved in compliance with this Chapter.
- D. **Activities only Allowed in Base Zone.** A Planned Development Permit may not authorize a land use activity that is not allowed in the base zone.
- E. **Modify Standards.**
 - 1. The permit may adjust or modify, where necessary and justifiable, all applicable development standards (e.g., building envelope [coverage, FAR, height, and setbacks], fence and wall heights, landscaping, parking, street layout, etc.) identified in this Zoning Ordinance. An increase in the applicable density or intensity is not allowed, unless in compliance with Subparagraph 22.102.020.E.2., below.
 - 2. Residential development projects with increased density or intensity standards may only be approved in compliance with State law (Government Code Section 65915).

22.102.030 **Application Filing, Processing, and Fees**

- A. **Filing of Application.** An application for a Planned Development Permit shall be filed and processed in compliance with Chapter 22.94 (Common Procedures).
- B. **Contents of Application.** The application shall include the information and materials specified in the Department handout for Planned Development Permits, together with the required fee in compliance with the County's Planning Permit Fee Schedule.
- C. **Applicant's Responsibility.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 22.102.060 (Findings and Decision), below.

- D. **Accuracy.** The accuracy of all information, lists, and maps submitted shall be the responsibility of the applicant.

22.102.040 **Review Authority**

The Commission may approve, approve in modified form, conditionally approve, or deny the Planned Development Permit application, based upon the findings contained in Section 22.102.060 (Findings and Decision), below.

22.102.050 **Project Review, Notice, and Hearing**

- A. **Application Consistent with the Purpose of Chapter.** Each Planned Development Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Chapter.
- B. **Recommendations.** The Director shall submit a staff report and recommendation to the Hearing Examiner and the Hearing Examiner shall submit a recommendation to the Commission for its consideration.
- C. **Notice and Hearings.**
 - 1. **Public Hearing Required.** The Hearing Examiner and Commission shall each conduct a public hearing on an application for a Planned Development Permit before a decision on the application.
 - 2. **Compliance with Chapter 22.94.** Notice of the hearings shall be provided, and the hearings shall be conducted, in compliance with Chapter 22.94 (Common Procedures).

22.102.060 Findings and Decision

- A. **Commission's Authority.** The Commission may approve, conditionally approve, or deny an application for a Planned Development Permit.
- B. **Required Findings.** The Commission may approve a Planned Development Permit application, with or without conditions, only after first finding all of the following:
 - 1. The Planned Development Permit would:
 - a. Be allowed within the subject base zone;
 - b. Be consistent with the purpose, intent, goals, policies, actions, and land use designations of the General Plan;
 - c. Be generally in compliance with all of the applicable provisions of this Zoning Ordinance relating to both on and off site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose, intent, and requirements of this Chapter and the subject base zone, including prescribed development standards and applicable design guidelines; and

- d. Ensure compatibility of property uses within the zone and general neighborhood of the proposed development.
 2. The proposed project would produce a comprehensive development of superior quality and excellence of design (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, significantly increased amounts of landscaping and improved open space, improved solutions to the design and placement of parking and loading facilities, incorporation of a program of highly enhanced amenities [e.g., additional public art], LEED related standards, etc.) than which might otherwise occur under the development standards of this ordinance;
 3. Proper standards and conditions have been imposed to ensure the protection of the public health, safety, and general welfare;
 4. Proper on-site traffic circulation (e.g., pedestrian and vehicular) and control is designed into the development to ensure protection for fire suppression and sheriff surveillance equal to or better than what would normally be created by compliance with the minimum setback and parcel width standards identified in Division 2 (Base Zones);
 5. The subject parcel is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development;
 6. Adequate public services and facilities exist, or will be provided, in compliance with the conditions of approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of public services to properties in the vicinity to be a detriment to public health, safety, and general welfare;
 7. The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or their allowed use;
 8. If the development proposes to mix residential and commercial uses whether done in a vertical or horizontal manner, the residential use is designed in a manner that it is buffered from the commercial use and is provided sufficiently enhanced amenities to create a comfortable and healthy residential environment and to provide a positive quality of life for the residents. The enhanced amenities may include additional landscaping, private open space, private or separated entrances, etc; and
 9. The design, location, operating characteristics, and size of the proposed development would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection.
- C. **Failure to Substantiate Findings.** The review authority shall deny the application where the information submitted by the applicant and/or presented at public hearing fails to substantiate all of the required findings to the satisfaction of the review authority.

22.102.070 **Planned Development Permit Amendment**

- A. **Commission Action on Requested Changes.** Any requested change in an approved Planned Development Permit, other than those allowed by this Section, shall be reviewed in compliance with Chapter 22.110 (Permit Modifications).
- B. **Added Stipulations Deemed Reasonable and Necessary.** The Commission may, as a condition of approval, impose added stipulations or changes to the Planned Development Permit as it deems reasonable and necessary to carry out the purpose and intent of this Chapter.
- C. **Minor Changes by Director.** Minor changes in the Planned Development Permit which do not involve an increase in the number of dwelling units or a change of use may be approved by the Director in compliance with Chapter 22.96.050 (Minor Changes to an Approved Permit).

22.102.080 **Landscaping Standards**

Minimum landscaping shall be provided in compliance with Chapter 22.66 (Landscaping Standards), unless modified in compliance with this Chapter.

22.102.090 **Parking Standards**

Off-street parking provisions shall be provided in compliance with Chapter 22.68 (Parking and Loading Standards), unless modified in compliance with this Chapter.

22.102.100 **Development Schedule**

An application for a Planned Development Permit shall comply with the following.

- A. **Permit Application to Include Development Schedule.** An application for a Planned Development Permit shall be accompanied by a development schedule.
 - 1. The development schedule for a Planned Development Permit shall indicate the approximate time period, after the Planned Development Permit becomes effective, when construction of the project can be expected to begin, the anticipated rate of development, and the anticipated completion date.
 - 2. The development schedule, if approved by the Commission, shall become a part of the Planned Development Permit and shall be adhered to by the owner of the property and the owner's successor(s)-in-interest.
- B. **Development Schedule for Phased Developments.** The development schedule, if it shows the total project is to be developed in phases, shall indicate the open space and amenities proposed for each individual phase. The developer shall construct all amenities shown and landscape all open spaces within each phase as it is completed, and before occupancy of any structure located within each particular phase of the development.

22.102.110 Conditions of Approval

In approving a Planned Development Permit, the Commission may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 22.102.060 (Findings and Decision), above.

22.102.120 Post Decision Procedures

The procedures and requirements in Chapter 22.94 (Common Procedures), and those related to appeals in Chapter 22.114 (Appeals), shall apply following a decision on a Planned Development Permit application.

Chapter 22.104: Coastal Development Permits

*This Chapter will incorporate the current regulations identified in existing Chapter 22.56 (Conditional Use Permits, Variances, Nonconforming Uses, Limited Term Permits and Director's Reviews), more specifically Part 17 (Coastal Development Permits). Additionally, this Chapter will include provisions for Minor Coastal Development Permits to be processed administratively by the Director. **No substantive consultant work is envisioned on this chapter, pending County staff completion of a draft and Coastal Commission review.***

Sections:

- 22.104.010 Purpose**
- 22.104.020 Applicability**
- 22.104.030 Review Authority and Related Procedures**
- 22.104.040 Coastal Development Permit Required**
- 22.104.050 Exempt Projects**
- 22.104.060 Application Filing, Processing, and Review**
- 22.104.070 Findings and Decision**
- 22.104.080 Decision on Coastal Development Permit**
- 22.104.090 Final Action on Coastal Development Permits**
- 22.104.100 Conditions of Approval**
- 22.104.110 Post Decision Procedures**

Chapter 22.106: Variances

This chapter incorporates the existing regulations in current Chapter 22.56 (Conditional Use Permits, Variances, Nonconforming Uses, Limited Term Permits, and Director's Reviews), more specifically Part 1 (Variances) and special requirements for variances established in other chapters, such as for the TOD districts, modified as appropriate. Additionally, this Chapter includes specific criteria for identifying Minor Variances that may be handled by the Director.

Sections:

- 22.106.010 Purpose
- 22.106.020 Applicability
- 22.106.030 Review Authority and Related Procedures
- 22.106.040 Application Filing, Processing, and Review
- 22.106.050 Findings and Decision
- 22.106.060 Denial of Minor Variance
- 22.106.070 Precedents
- 22.106.080 Conditions of Approval
- 22.106.090 Use of Property Before Final Action
- 22.106.100 Post-Decision Procedures

22.106.010 Purpose

- A. The purpose of this Chapter is to ensure that:
 - 1. Variances and Minor Variances are only granted when, because of special circumstances applicable to the property, the strict application of this Zoning Ordinance denies the owner of the property privileges enjoyed by other property located nearby and in an identical zone; and
 - 2. Conditions are applied which would ensure that the Variance or Minor Variance shall not constitute a granting of special privilege(s) inconsistent with the limitations upon other property in the vicinity and zone in which the property is located.

B. Limitations.

- 1. The power to grant Variances and Minor Variances does not extend to allowable land uses.
- 2. Only Chapters 22.98 (Conditional Use Permits), 22.100 (Minor Use Permits), and 22.112 (Temporary Use Permits) address permits related to land uses.

22.106.020 Applicability

- A. **Minor Variances.** The Director may grant a Minor Variance, up to a maximum of 10 percent, unless otherwise specified, of the standards being modified, for only the following:

1. Allowable height of a fence, hedge, or wall located within a side or rear yard;
 2. Lot and site coverage;
 3. Reconstruction or remodeling of a nonconforming structure if, in the Director's judgment, it will bring the structure and subsequent use into greater conformity with the use allowed in the subject zone;
 4. Reduction of parking landscape standards;
 5. Reduction of required on-site landscaping standards; and
 6. Setbacks.
- B. **Variances.** The Zoning Administrator or the Commission may grant a Variance which allows for an adjustment from any of the development standards required by this Zoning Ordinance.

22.106.030 **Review Authority and Related Procedures**

- A. **Responsibility.** The applicable review authority shall approve, approve with conditions, or deny Variance and Minor Variance applications, and impose conditions deemed necessary to ensure compatibility with surrounding uses, to preserve the public convenience, health, interest, safety, or general welfare, and to make the findings required by Section 22.106.060 (Findings and Decision) below.
- B. **Applicable Review Authority.** Variances and Minor Variances may be granted as follows:
1. **Director.** The Director may grant Minor Variances, or may defer action and refer the application to the Commission; and
 2. **Zoning Administrator or Commission.** The Zoning Administrator or the Commission may grant (Major) Variances.

22.106.040 **Application Filing, Processing, and Review**

- A. **Filing of Application.** An application for a Variance or Minor Variance shall be filed and processed in compliance with Chapter 22.94 (Common Procedures).
- B. **Contents of Application.** The application shall include the information and materials specified in the Department handout for Variances or Minor Variances, together with the required fee in compliance with the County's Planning Permit Fee Schedule.
- C. **Applicant's Responsibility.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 22.106.050 (Findings and Decision), below.
- D. **Accuracy.** The accuracy of all information, lists, and maps submitted shall be the responsibility of the applicant.

E. Project Review Procedures. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this Chapter.

F. Notice and Hearings.

1. A public hearing shall be required for the Zoning Administrator's or the Commission's decision on a Variance. Notice of this public hearing shall be given and the hearing shall be conducted in compliance with Chapter 22.94 (Common Procedures).
2. A public hearing is not required for the Director's decision on a Minor Variance application under State law (Government Code Section 65901).

22.106.050 Findings and Decision

A. Authorized Actions. The Zoning Administrator, the Commission (Variance) or the Director (Minor Variance) shall record the decision in writing and shall state the findings upon which the decision is based, in compliance with State law (Government Code Section 65906 or as this section may be amended/replaced from time to time).

B. Required Findings. The applicable review authority may approve an application, with or without conditions, only if all of the following findings are first made:

1. There are special circumstances or exceptional characteristics applicable to the property, including location, shape, size, surroundings, or topography so that the strict application of this Zoning Ordinance denies the owner of the property privileges enjoyed by other property in the vicinity and under an identical zone classification;
2. Granting the Variance or Minor Variance:
 - a. Is necessary for the preservation and enjoyment of substantial property rights of the applicant as those possessed by owners of other property in the same vicinity and zone and unavailable to the property for which the Variance or Minor Variance is sought;
 - b. Will not adversely affect or be materially detrimental to the public health, safety, or general welfare, or to the use, enjoyment, or valuation of property, or injurious to other property or improvements in the vicinity and zone in which the property is located;
 - c. Does not constitute a grant of special privilege inconsistent with the limitations upon other property in the vicinity and zone in which the property is located;
 - d. Does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and
 - e. Will not be inconsistent with the General Plan.

- C. **Failure to Substantiate Findings.** The review authority shall deny the application where the information submitted by the applicant and/or presented at public hearing fails to substantiate all of the required findings to the satisfaction of the review authority.

22.106.060 Denial of Minor Variance

The Director's decision to deny a Minor Variance application shall not prohibit or affect the right of the applicant to file an application for a Variance in compliance with Subsection 22.106.020 B. (Variances), above.

22.106.070 Precedents

Each application shall be reviewed on an individual case-by-case basis and the granting of a prior Variance or Minor Variance is not admissible evidence for the granting of a new Variance or Minor Variance.

22.106.080 Conditions of Approval

In approving a Variance or Minor Variance application, the applicable review authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 22.106.050 (Findings and Decision), above.

22.106.090 Use of Property before Final Action

Permits shall not be issued for any structure involved in an application for a Variance or Minor Variance until and unless the same shall have become final, in compliance with Section 22.94.120 (Effective Dates of Permits).

22.106.100 Post Decision Procedures

The procedures and requirements in Chapter 22.94 (Common Procedures), and those related to appeals in Chapter 22.114 (Appeals), shall apply following a decision on a Variance or Minor Variance application.

Chapter 22.108: REQUESTS FOR REASONABLE ACCOMMODATION

This Chapter will provide an alternate means of granting relief from the requirements of this Zoning Ordinance to make it easier to ensure compliance with State and Federal laws that require special attention in order to provide reasonable accommodations to persons with disabilities seeking equal access under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA), as well as activities protected by the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA). These procedures allow eligible applicants to apply for an exception to specified requirements based on findings that make reference to the applicable State and Federal mandates. The chapter could also be expanded to include provisions for accommodating uses protected by the Federal Telecommunications Act. These provisions will be developed in consultation with County housing staff who are preparing more comprehensive regulations and guidelines for accommodating persons with disabilities.

Sections:

- 22.108.010 Purpose**
- 22.108.020 Applicability**
- 22.108.030 Application Requirements**
- 22.108.040 Review Authority**
- 22.108.050 Review Procedure**
- 22.108.060 Findings and Decision**
- 22.108.070 Conditions of Approval**
- 22.108.080 Post Decision Procedures**

22.108.010 Purpose

This section will state that it is the County's policy to comply with the Federal Fair Housing Act, the Americans with Disabilities Act and the California Fair Employment and Housing Act (the Acts) to provide reasonable accommodation. It would also establish the provisions in this chapter as the basis for considering applications for accommodating religious uses as required by the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA).

22.108.020 Applicability

This section will provide criteria for identifying applicants and applications eligible for reasonable accommodation.

22.108.030 Application Requirements

This section will establish the applicant's responsibility for providing an application in compliance with Chapter 22.94 (Common Procedures) that also includes evidence to support the findings required to grant an accommodation.

22.108.040 and 22.108.050 Review Authority and Procedures

These will specify which authorities are responsible for granting relief and will establish procedures for reviewing applications under this chapter.

22.108.060 Findings and Decision

This section will specify the findings that are required to grant, grant with conditions, deny a request for reasonable accommodation pursuant to applicable State and Federal statutes.

22.108.070 Covenant and Agreement Monitoring

This section will specify steps to ensure compliance with the required findings and provide for rescission or automatic expiration based on a change of occupancy or other relevant change in circumstance.

22.108.080 Post Decision Procedures

Unless this chapter specifies otherwise, the procedures and requirements in Chapter 22.94 (Common Procedures) and those related to appeals in Chapter 22.114 (Appeals) would be applicable to decisions on a reasonable accommodation application.

Chapter 22.110: Permit Modifications

This Chapter codifies the County's authority to modify previously approved applications dealing with the matters that arise following the County's final action on an application. Permit Modifications are used to modify a condition of approval of a previously approved Conditional Use Permit, Minor Use Permit, or Planned Development Permit.

Sections:

- 22.110.010 Purpose
- 22.110.020 Applicability
- 22.110.030 Application Requirements
- 22.110.040 Review Authority
- 22.110.050 Review Procedures
- 22.110.060 Findings and Decision
- 22.110.070 Conditions of Approval
- 22.110.080 Post Decision Procedures

22.110.010 Purpose

The purpose of this Chapter is to establish procedures and requirements for the modification or elimination of certain conditions of a previously approved discretionary permit without the filing of an application for a new discretionary permit.

22.110.020 Applicability

- A. **No Applications within 12 months.** Any person desiring to modify or eliminate any condition(s) of a previously approved discretionary permit may file an application with the Director, except that no application shall be filed or accepted within 12 months of final action on the same or substantially the same application.
- B. **Prohibited Modifications.** Permit modifications may not be applied for or approved for any of the following conditions:
 - 1. The termination date of the approval;
 - 2. Upgrading of an alcohol license from beer and wine to a full-line of alcohol;
 - 3. Modifying the shelf space devoted to alcohol; or
 - 4. Where review is determined to be required in compliance with the California Environmental Quality Act (CEQA) and the County's CEQA Guidelines.

22.110.030 **Application Requirements**

- A. **Filing of Application.** An application for a requested modification to a previously approved discretionary permit shall be filed and processed in compliance with Chapter 22.94 (Common Procedures).
- B. **Contents.**
 - 1. The application shall be accompanied by detailed and fully dimensioned site plans, architectural drawings, elevations, and/or any other data/materials identified in the Department handout for the particular type of permit (e.g., Conditional Use Permits, Planned Development Permits, Variances, etc.), together with the required fee in compliance with the County's Planning Permit Fee Schedule.
 - 2. The application shall also include appropriate supporting information and materials explaining the reasons for the modification request.
- C. **Applicant's Responsibility.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 22.110.060 (Findings and Decision), below.
- D. **Accuracy.** The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant.

22.110.040 **Review Authority**

- A. **Director.** The Director may approve a permit modification in compliance with this Chapter.
- B. **Referral.** The Director may defer action and refer the application to the Zoning Administrator or Commission for review and final decision.

22.110.050 **Review Procedures**

- A. **Director's Review Procedures.** Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose specified for the particular type of permit.
- B. **Notice and Hearings.**
 - 1. **Hearing Required.** If the original permit required a public hearing:
 - a. A public hearing shall be required for the modification application;
 - b. The hearing shall be conducted by the same review authority that originally approved the permit; and
 - c. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Chapter 22.94 (Common Procedures).

2. **Hearing not Required.** If the original permit did not require a public hearing, the Director may make the decision on the modification application in compliance with this Chapter.

22.110.060 **Findings and Decision**

A. **CEQA Exemption Required.**

1. The applicable review authority shall first confirm that the proposed modification application is exempt from the provisions of the California Environmental Quality Act (CEQA) and the County's CEQA Guidelines.
2. If CEQA review is determined to be required, the request may not be processed as a permit modification.

B. **Required Findings.** The applicable review authority shall approve a modification application only after first finding all of the following:

1. The findings for the permit as modified have been satisfied as required by the required findings for the previously approved permit (e.g., Conditional Use Permits, Planned Development Permits, Variances, etc.); and
2. Approval of the modification application:
 - a. Will not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved permit; and
 - b. Is necessary to allow the reasonable operation and use granted in the previously approved permit.

22.110.070 **Conditions of Approval**

In approving a modification application, the applicable review authority may impose new and/or additional conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required for the particular type of permit.

22.110.080 **Post Decision Procedures**

The procedures and requirements in Chapter 22.94 (Common Procedures), and those related to appeals in Chapter 22.114 (Appeals), shall apply following a decision on a modification application.

Chapter 22.112: **Special Event Permits**

This Chapter incorporates the existing regulations identified in current Chapter 22.56 (Conditional Use Permits, Variances, Nonconforming Uses, Temporary Use Permits and Director's Reviews), more specifically Part 14 (Temporary Use Permits).

Sections:

- 22.112.010 Purpose**
- 22.112.020 Applicability**
- 22.112.030 Allowed Short-Term Uses**
- 22.112.040 Allowed Extended Term Uses**
- 22.112.050 Application Filing, Processing, and Review for Short-Term Uses**
- 22.112.060 Director's Decision**
- 22.112.070 Conditions of Approval**
- 22.112.080 Enforcement-Related Provisions**
- 22.112.090 Condition of Site Following Short-Term Use**
- 22.112.100 Application Filing, Processing, and Review for Extended Term Uses**
- 22.112.110 Effective Date**
- 22.112.120 No Extensions For Outside Displays**
- 22.112.130 Post Decision Procedures**

22.112.010 Purpose

- A. **Purpose.** The purpose of this Chapter is to allow for special activities conducted in compliance with this Chapter.
- B. **Special Events.** A special event includes the following:
 - 1. A land use that is interim, non-permanent, and/or seasonal in nature, generally not conducted for more than 30 consecutive days in duration;
 - 2. The approval of a Special Event Permit shall not authorize the alteration, construction, establishment, moving onto or enlargement of any permanent building, facility, or structure; and
 - 3. The operation of the special event at the location proposed and within the time period specified would not jeopardize, endanger, or otherwise constitute a menace to the public convenience, health, safety, or general welfare.

22.112.020 Applicability

- A. **Short-Term Uses.**
 - 1. A Special Event Permit allows short-term activities that might not meet the normal development or use standards of the applicable zone, but may be acceptable because of their limited or temporary nature;

2. Short-term uses may only extend seven consecutive days or less, or six weekends, within a 12-month period. For purposes of this Chapter the term “weekend” means Saturday and Sunday, and national holidays observed on a Friday or Monday may be included;
3. Short-term uses must be sponsored by educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts or be a tax exempt organization in compliance with 501(c) of the Federal Revenue and Taxation Code; and
4. Activities that do not comply with any of the above (Subparagraphs 22.112.020 A. 1., 2., or 3.) are considered extended uses (See Subsection B. [Extended uses], below).

B. Extended Uses.

1. An Extended Use Special Event Permit allows extended use activities that might not meet the normal development or use standards of the applicable zone, but may be acceptable because of their limited or temporary nature;
2. Proposed Extended Use Special Event Permit uses do not comply with the limitations specified in Section 22.112.020 A. (Short-term uses), above; and
3. The time period for extended uses shall be as approved by the Director or Commission.

C. Special Event Permit Required. Short-term and extended uses shall not be conducted, established, or operated in any manner without the approval of a valid Special Event Permit approved in compliance with this Chapter.

22.112.030 Allowed Short-Term Uses

Allowable short-term uses include the following, subject to the issuance of a Special Event Permit, and only when conducted in compliance with Section 22.112.070 (Conditions of Approval), below.

A. Events.

1. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, exhibitions, fairs, farmer’s markets, festivals, flea markets, food events, outdoor entertainment/sporting events, rodeos, rummage sales, second hand sales, and swap meets.
2. Religious sponsored sales, bazaars, dinners, parties, tent revival meetings.
3. Outdoor meetings or group activities.

B. Outside Display or Sales.

1. Outside display and/or sales of equipment, exhibits, goods, or merchandise in a commercial zone, conducted not more than once during any 30-day period nor more than four times during any 12-month period with each time not exceeding one weekend or three consecutive calendar days; provided, all equipment, exhibits, goods, or merchandise are the same as those sold or held for sale within the business on the parcel of land where the outside display and/or sales are proposed and that business is holding a valid Business License authorizing the sale of the same equipment, exhibits, goods, or merchandise.
2. This provision shall not permit the outside storage of equipment, exhibits, goods, or merchandise, except as otherwise may be allowed by this Zoning Ordinance.

22.112.040 Allowed Extended Term Uses

Allowable extended term uses are activities that comply with the limitations specified in Subsection 22.112.020 B. (Extended uses), above, subject to the issuance of a Special Event Permit, and only when the uses are conducted in compliance with Section 22.112.070 (Conditions of Approval), below.

22.112.050 Application Filing, Processing, and Review for Short-Term Uses

A. Application Filing and Contents.

1. ***Filing of application.*** An application for a Special Event Permit shall be filed and processed in compliance with Chapter 22.94 (Common Procedures).
2. ***Contents of application.*** The application shall include the information and materials specified in the Department handout for Special Event Permits, together with the required fee in compliance with the County's Planning Permit Fee Schedule.
3. ***Applicant's responsibility.*** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 22.112.060 (Director's Decision), below.
4. ***Accuracy.*** The accuracy of all information, lists, and maps submitted shall be the responsibility of the applicant.

B. Project Review Procedures. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this Chapter.

C. Notice Requirements. Noticing for the Director's decision on a Special Event Permit application shall be in compliance with the following.

1. ***Short-term uses.*** Short-term uses shall not require notice.

2. **Extended term uses.** Extended term uses shall be subject to notice in compliance with Chapter 22.94 (Common Provisions).

D. **On-Site Posting.**

1. On-site posting of the approved permit shall be required for all Special Event Permits.
2. The sign shall be posted at least three days before initiation of the approved activity and shall include the permit number issued by the County, the approved date(s) for the short-term activity to operate, and a brief, but clear description of the approved activity.
3. The posting shall be accomplished in compliance with Chapter 22.94 (Common Procedures).

22.112.060 **Director's Decision**

- A. **Director's Action.** The Director may approve a Special Event Permit which would be operated in compliance with Section 22.112.070 (Conditions of Approval), below, or the Director may deny the application or defer action and refer the application to the Commission for review and final decision.
- B. **Referral to Commission.** If referred to the Commission, the Commission shall conduct a noticed public hearing in compliance with Chapter 22.94 (Common Procedures).

22.112.070 **Decision. The Director shall review all applications and shall record the decision in writing. Conditions of Approval**

In approving a Special Event Permit application, the Director (or Commission on a referral) may impose conditions which are deemed reasonable and necessary to ensure that the permit would be in full compliance with this Chapter. These conditions may address any pertinent factors affecting the operation of the short-term use, and may include inspection fees.

22.112.080 **Enforcement-Related Provisions**

In full recognition of the short-term nature of the Special Event Permit:

- A. **Enforcement Provisions.** Enforcement provisions shall require that the holder of a Special Event Permit in violation of any applicable provision(s) of this Chapter and/or a condition(s) of approval shall be notified at the time of the inspection and minimal time shall be given to abate the violation(s); and
- B. **Failure to Correct.** Failure of the owner and/or operator to correct a violation(s) shall result in one or more of the following:
 1. Failure to operate in full compliance with the first permit will cause the second or subsequent Special Event Permits:

- a. To require Zoning Administrator oversight and approval at the discretion of the Director; and
 - b. To require full cash bonding for some or all of the conditions before initiation of the short-term use.
2. No new Special Event Permit for a minimum of 12 months at the same location and/or for the same operator.

22.112.090 Condition of Site Following Short-Term Use

Each site occupied by a short-term use shall be cleaned of debris, litter, or any other evidence of the short-term use upon completion or removal of the use, and shall continue to be used in compliance with this Zoning Ordinance.

22.112.100 Application Filing, Processing, and Review for Extended Term Uses

A. Timing of Application.

1. ***Application before operation.*** The application shall be filed with the Department at least 60 days before the date that the proposed extended term use is scheduled to take place.
2. ***Not within 180 days.*** No application shall be filed or accepted if final action has been taken within the previous 180 days by either the Director or the Zoning Administrator to deny an application for the same or substantially the same permit.

B. Application Filing and Contents. In addition to the requirements specified in Section 22.112.050 (Application Filing, Processing, and Review for Short-Term Uses), above, notice for an Extended Use Special Event Permit shall be given in compliance with Section 22.100.050 (Project Review) for Minor Use Permits.

C. Notification.

1. The Director shall cause a notice indicating the applicant's request at the location specified to be mailed to all of the following:
 - a. The applicant by registered or certified mail, postage prepaid, return receipt requested;
 - b. All persons whose names and addresses appear on the latest available County assessment roll as specified in Chapter 22.94 (Common Procedures); and
 - c. Other persons whose property might, in the Director's judgment, be affected by the application or permit, by first class mail, postage prepaid.
2. The notice shall also indicate that any individual opposed to the granting of the permit may file a written protest with the Director within 15 days after receipt of the notice by the applicant.

D. Action.

1. The Director may, without a public hearing, approve an application for a Extended Use Special Event Permit when a written protest to the proposed permit has been received in a timely manner, and the Director determines that the concerns raised in the protest are not of general community interest and can be adequately mitigated through the imposition of appropriate conditions.
2. The Director shall, without a public hearing, deny the application where the information submitted by the applicant fails to substantiate all of the required findings specified in Section 22.100.060 (Findings and Decision).
3. In all cases where at least one written protest has been received and the Director determines that the concerns raised are of general community interest, the applicant shall be notified in writing. The notification will also inform the applicant that within 30 days after receipt of the notice, the applicant may request a public hearing before the Director by filing any additional information that the Director may require and by paying an additional fee, the amount of which shall be stated in the notice. At the expiration of the 30-day period:
 - a. The Director shall deny an application where the applicant has not requested a public hearing; or
 - b. A public hearing shall be scheduled before the Director. All procedures relative to notification, publication, and conducting the public hearing shall be the same as for a Minor Use Permit. Following a public hearing, the Director shall approve or deny the proposed application, based on the findings specified in Section 22.100.060 (Findings and Decision).
4. The Director shall send a notice of the action to the applicant, any person requesting notification, and anyone who has filed a written protest. The notice shall:
 - a. Indicate that an appeal may be filed with the Commission in compliance with Chapter 22.114 (Appeals); and
 - b. Be sent in compliance with Subsection A. (Notification), above.
5. The decision of the Director shall become final and effective 15 days after receipt of notice of action by the applicant, provided no written appeal of the action taken has been filed with the Commission within the appeal period.

22.112.110 Effective Date

Where an appeal is filed on an Extended Use Special Event Permit, the date of decision by the Commission on the appeal shall be deemed the date of grant in determining the expiration date.

22.112.120 No Extensions for Outside Displays

Notwithstanding the above provisions, a Special Event Permit for the outside display or sales of equipment, exhibits, goods, or merchandise in commercial zones shall not be authorized for an Extended Use Special Event Permit.

22.112.130 Post Decision Procedures

The procedures and requirements in Chapter 22.94 (Common Procedures), and those related to appeals in Chapter 22.114 (Appeals), shall apply following a decision on a Special Event Permit application. The decision of the Commission shall be final and conclusive and not subject to any further appeal.

Chapter 22.114: Appeals

This Chapter incorporates the provisions in Part 5(Appeal Procedures) of Chapter 22.60 (Administration) of the current zoning ordinance as recently amended by the Board of Supervisors to clarify and standardize the timing of appeal periods. Changes from the existing code include the addition of procedures for appeals to the Coastal Commission.

Sections:

- 22.114.010 Purpose
- 22.114.020 Authorization
- 22.114.030 Filing and Processing of Appeals
- 22.114.040 Calls for Review
- 22.114.050 Appeal to the Coastal Commission
- 22.114.060 Effective Dates
- 22.114.070 Judicial Review of County Decision

22.114.010 Purpose

The purpose of this Chapter is to provide procedures for the appeal and review of determinations and decisions of the Director, Zoning Administrator, and Commission, and to establish the criteria for those developments that may be appealed to the California Coastal Commission.

22.114.020 Authorization

- A. **Appeals.** To avoid results inconsistent with the purposes of this Zoning Ordinance, unless otherwise specified or limited by specific provisions of this Ordinance, decisions of the Director or Zoning Administrator may be appealed to the Commission; and decisions of the Commission may be appealed to the Board.
- B. **Calls for Review.** As an additional safeguard to avoid results inconsistent with the purposes of this Zoning Ordinance, decisions of the Director or Zoning Administrator may be called up for review by the Commission; and decisions of the Commission may be called up for review by the Board, unless otherwise more specifically stated regarding a specific permit or review procedure.

22.114.030 Filing and Processing of Appeals

- A. **Eligibility.** An appeal in compliance with this Chapter may be filed by any interested person.
- B. **Timing and Form of Appeal.** An appeal shall be submitted in writing on a form provided by the Department and shall specifically state the pertinent facts and the basis for the appeal (e.g., the decision is not in compliance with this Zoning Ordinance; there was an error or abuse of discretion; the record includes inaccurate information; or the decision is not supported by the record).

1. **General appeals.**

- a. *Filing of appeal.* An appeal shall be filed with the Department or Executive Office of the Board, as applicable, before the effective date of the decision, which means within 15 days following the date the decision was rendered, except for the example illustrated in Subparagraph (3), below.
 - i. An appeal of the Director's or Zoning Administrator's decision shall be filed with the Commission Secretary.
 - ii. An appeal of the Commission's decision shall be filed with the Executive Office.
 - iii. When an appeal of a Zoning Ordinance application is filed concurrently with a tentative or parcel map application (Title 21 - Subdivisions), the deadline for filing the appeal shall be in compliance with the effective date of the application with the shortest effective date.
 - iv. If one concurrently filed application is appealed, all of the concurrent applications are appealed.
- b. *Fees for appeals.*
 - i. Fee for appeals to the Commission.
 - (a) Processing fee required. The appellant shall pay an appeal processing fee in the amount specified in the County's Planning Permit Fee Schedule.
 - (b) Review and adjustment of filing fees.
 - (i) The fees within the County's Planning Fee Schedule shall be reviewed annually by the County Auditor-Controller.
 - (ii) Beginning on January 1, 1992, and thereafter on each succeeding January 1st, the amount of each fee in this Subparagraph 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 the percentage amount and round off to the nearest dollar.
 - (iii) Adjustments shall not decrease any fee and no fee shall exceed the reasonable cost of providing the requested services.

- ii. Fee for appeals to the Board.
 - (a) General. The appellant shall pay a processing fee as requested by the Executive Office in the amount specified in the County's Planning Permit Fee Schedule.
 - (b) Specific procedures on appeals to Board.
 - (i) When more than one notice of appeal from the action of the Commission is filed, each notice shall be accompanied by a separate deposit in the amount required by this Subparagraph.
 - (ii) Subsequent to the final action of the Board upon the appeal, the County Executive Officer shall refund to the appellants a proportionate share of the deposits as may be necessary to ensure that the total amount retained by the County is equal to the cost of the hearings held by the Board.
- c. *Exception to appeal fees.* When the appellant is not the applicant, the preceding prescribed fees for appeals shall be reduced by 50 percent.
- d. *Concurrent filing fee.* For all appeal applications filed concurrently (e.g., two or more applications for the same site), only one appeal fee is required for each review authority (e.g., Commission or Board).
- 2. ***Appeal by Coastal Commissioners.*** An appeal of a County decision on an appealable development project located within the Coastal Zone by two Coastal Commissioners shall be filed within 10 working days of the office of the Coastal Commission receiving the notice of final County action regarding the development project.

C. Report, Scheduling, and Conduct of Hearing.

- 1. ***Actions by Director.*** When an appeal has been filed, the Director shall prepare a report on the matter, including all of the application materials in question, and schedule, or work with the Executive Office to schedule, the matter for consideration by the appropriate review authority identified in Section 22.114.020 (Authorization), above.
 - a. The applicable review authority shall consider only the same application, plans, and materials that were the subject of the original decision.
 - b. If new plans and/or materials which differ substantially from the original submittal are submitted, the applicant shall be required to file a new application.

- c. Changes to the original submittal made to meet objections raised by the Department staff, the applicable review authority, or those in opposition need not be the subject of a new application.
 2. **Notice and public hearing.** The consideration of the appeal shall be a public hearing. Notice of the public hearing shall be the same as the original decision, in compliance with Chapter 22.94 (Common Procedures).
 3. **Conduct of hearing.**
 - a. The public hearing on an appeal shall be conducted “de novo”, or over again from the beginning. Consequently, the decision that has been appealed has no force or effect as of the date on which the appeal was filed and must wait for the appeal to be decided by the applicable review authority.
 - b. The review authority is not bound by the decision that has been appealed nor are they limited to the issues raised on appeal.
 - c. The review authority shall review the record of the decision and hear testimony of the appellant, the applicant, the party or review authority whose decision is being appealed, and any other interested party.
 - d. The hearing shall be conducted in compliance with Chapter 22.94 (Common Procedures).
- D. **Decision.**
 1. **Action on appeal.** The review authority shall affirm, modify, or reverse the original decision in compliance with Subsection C (Report, Scheduling, and Conduct of Hearing), above.
 2. **Modification or reversal.** When a decision is modified or reversed, the appellate body shall state the specific reasons for modification or reversal.
 3. **Decision within 30 days.** Decisions on appeals shall be rendered within 30 days of the close of the hearing.
 - a. The review authority may announce a tentative decision on the appeal, and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared.
 - b. The effective date shall be measured from the date the final decision on the appeal is rendered by the review authority.
 4. **Additional procedures for appeals to the Board.** The Board may take one of the following additional actions in compliance with Subsection C (Report, Scheduling, and Conduct of Hearing), above:
 - 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 action as in its opinion is indicated by the evidence. In this 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.
 5. **Tie vote.** In the event of a tie vote by the review authority on an appeal, the decision being appealed shall stand.
 6. **Failure to act.** If the review authority fails to act on an appeal within the time limits specified in Subparagraph 3., above, the decision being appealed shall stand.
- E. **Notice of Decision on the Appeal.**
1. The Director shall mail notice of a Commission decision and the Executive Office shall mail a notice of a Board decision.
 2. A notice of the decision shall be mailed to the applicant and the appellant on the day following the date of the decision in compliance with Chapter 22.94 (Common Procedures).
- F. **Notice of Final Action on Appeals within the Coastal Zone.** Where an appeal has been filed and decided on a development project that is appealable to the Coastal Commission in compliance with Section 22.114.050 (Appeal to the Coastal Commission) below, the County shall provide notice of the County's final action to the Coastal Commission in compliance with Coastal Act requirements.

22.114.040 **Calls for Review**

A. **Process for Calling for a Review.**

1. **Initiation by Commissioners.** One or more Commissioners may initiate a call for review of a Director or Zoning Administrator decision by filing a written request with the Commission Secretary or requesting the call for a review at a regularly scheduled public hearing; provided the call for review is initiated before the effective date of the action.
2. **Initiation by Board members.** One or more Board members may initiate a call for review of a Commission decision by filing a written request with the Executive Secretary or requesting the call for a review at a regularly scheduled public hearing; provided the call for review is initiated before the effective date of the action.
3. **Consideration of call for review.** The Commission or Board, as applicable, shall consider the call for review at its next regularly scheduled meeting.
4. **Vote by review authority.** If the Commission or Board, as applicable, votes to review the decision, a subsequent public hearing shall be scheduled to consider the merits of the review.

5. **Notice to applicant.** At the time the review authority votes to initiate the call for review, the applicant shall be informed of the decision.
 6. **Effect of call for review.**
 - a. A request for a call for review shall stay the effective date of a decision until the review authority makes a decision on the call for review request.
 - b. If the review authority decides to call for review the subject decision, then the previous decision shall be vacated.
 - c. If the review authority decides not to call for review the subject decision, then the decision shall become final unless the appeal period has not expired.
 7. **Filing of an appeal pending a call for review.**
 - a. *Right to file an appeal.* An eligible person affected by a decision, as specified in Subsection 22.114.040 A (Eligibility) may file a timely appeal in compliance with this Chapter even though a call for review has been filed in compliance with this Section.
 - b. *Effect of filing an appeal.* The filing of the appeal shall serve to protect the rights of the appellant(s) in the event the call for review is subsequently withdrawn or overturned.
 8. **Notice and public hearing.**
 - a. A call for review hearing shall be a public hearing.
 - b. Notice of the public hearing shall be the same as the original decision, in compliance with Chapter 22.94 (Common Procedures).
 - c. The hearing shall be conducted in compliance with Chapter 22.94 (Common Procedures).
 9. **Fees not required.** Fees shall not be required in conjunction with the filing of a call for review.
 10. **Required votes.** The final action calling for review of a decision shall require an affirmative majority vote.
- B. Concurrent Tentative and Parcel Map Application.**
1. When a call for review of a Zoning Ordinance application is filed concurrently with a tentative or parcel map application (Title 21 - Subdivisions), the deadline for filing the call for review shall be in compliance with the effective date of the application with the shortest effective date.
 2. If one concurrently filed application is called for review, all of the concurrent applications are called for review.

22.114.050 **Appeal to the Coastal Commission**

A. **Status of Appellant.**

1. **Who may appeal.** A final action taken by the County on a Coastal Development Permit application for appealable development as defined in Subsection C, below, may be appealed to the Coastal Commission by an applicant, other aggrieved person, or two members of the Coastal Commission, in compliance with this Section and Public Resources Code Section 30625.
2. **Aggrieved person defined.** As provided by Public Resources Code Section 30801, an aggrieved person is anyone who, in person or through an explicitly identified representative, appeared at a public hearing held before the Zoning Administrator, Hearing Examiner, Planning Commission, or Board in connection with the decision or appeal of any development project, or who by other appropriate means before a hearing, informed the County of the nature of their concerns, unless for good cause was unable to do either.

B. **Exhaustion of County Appeals Required.** An applicant or other aggrieved person may appeal a County decision on a Coastal Development Permit application to the Coastal Commission only after exhausting all appeals to the Planning Commission and Board in compliance with this Chapter. This limitation shall not apply to any circumstance identified in California Code of Regulations Section 13573, including:

1. An appellant was denied the right of appeal under this Chapter because County notice and hearing procedures did not comply with Title 14, Division 5.5, Chapter 8, Subdivision 2 of the California Code of Regulations; or
2. An appeal of a County decision was filed by two members of the Coastal Commission in compliance with Public Resources Code Section 30625. Notice of a Coastal Commissioners' appeal shall be transmitted to the Board in compliance with California Code of Regulations Section 13573(b). The appeal shall be suspended where the County's decision has been appealed to the Board. If the Board modifies or reverses the previous decision, the Coastal Commissioners shall be required to file a new appeal of that decision.

C. **Appealable Development - Public Resources Code Section 30603(a).** A decision by the County on a Coastal Development Permit application for any of the following development projects may be appealed to the Coastal Commission:

1. **Located between the sea and the first public road.** Development projects located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance;
2. **Public trust lands, submerged lands or tidelands, streams, or wetlands.** Development projects located on public trust lands, submerged lands, tidelands, or within 100 feet of any estuary, stream, or wetland; and

3. **Public works/energy facility.** Development projects that constitute a major public works project or energy facility.
- D. **Grounds for Appeal to Coastal Commission - Public Resources Code Section 30603.** The grounds for an appeal to the Coastal Commission of a County decision are as follows:
1. For approval of a development project as described in Subsection C, above, an allegation that the development project does not conform to the standards of the County's certified Local Coastal Program or the public access policies of the Coastal Act; or
 2. For denial of a development project described in Subparagraph C 3, above, an allegation that the development project conforms to the standards of the County's certified Local Coastal Program and the public access policies of the Coastal Act.
- E. **Time Limit for Filing an Appeal to the Coastal Commission.** An appeal of a Board decision on an appealable development shall be filed with the Coastal Commission within 10 working days of the receipt by the Coastal Commission of adequate notice of final County action, in compliance with this Chapter and the Coastal Act.
- F. **Notice to County of Appeal to Coastal Commission.** An appellant shall notify the County when appealing to the Coastal Commission by providing the County a copy of the information required by California Code of Regulations Section 13111.

22.114.060 **Effective Dates**

- A. **Date of Decision.** The decision of the Director, Zoning Administrator, or the Commission shall be effective on the 15th calendar day following the date of the decision, except and unless the decision is timely appealed or called up for review before that date. To be timely, an appeal or call for review shall be initiated on or before the 14th calendar day following the date of the decision.
- B. **Falls on Non-Business Day.** If the deadline for initiation of an appeal or call for review falls on a non-business day for the relevant appellate body, then the deadline for an appeal or call for review is extended to the next business day and the effective date of the decision shall be the following day.
- C. **Appeal to or Call for Review by the Board.** Where an appeal to or call for review by the Board is filed relating to any land use permit or Variance, the date of decision by the Board of the appeal or review shall be deemed to be the date of grant in determining an expiration date.

22.114.070 **Judicial Review of County Decision**

A person shall not seek judicial review of a County decision on a land use permit or other matter in compliance with this Zoning Ordinance until all appeals to the Commission and Board have been first exhausted in compliance with this Chapter and, where applicable all appeals to the Coastal Commission allowed by the Coastal Act.

Chapter 22.116: **Revocations and Revisions**

This Chapter will establish clear procedures for revoking or revising a permit or approval previously granted in compliance with this Zoning Ordinance, not only to serve a remedial purpose but also as a deterrent to violating this Zoning Ordinance.

Sections:

- 22.116.010 Purpose and Intent
- 22.116.020 Allowable Actions**
- 22.116.030 Hearings and Notice**
- 22.116.040 Review Authority Action**

22.116.010 **Purpose and Intent**

- A. **Purpose.** This Chapter establishes procedures for securing revocation or revision of previously approved permits or approvals.
- B. **Intent.** These actions are intended not only to serve a remedial purpose but also as a deterrent to violating this Zoning Ordinance.

22.116.020 **Allowable Actions**

- A. **Revocations.** The County's action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.
- B. **Revisions.** The County's action to revise a permit or approval instead of revocation may include revising or changing any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit is operated in a manner consistent with the original findings for approval.

22.116.030 **Hearings and Notice**

- A. **Initiation of Action.** The review authority that originally approved the permit shall first initiate a permit revocation action.
- B. **Public Hearing Required.** The review authority shall hold a public hearing to revoke or revise a permit or approval granted in compliance with the provisions of this Zoning Ordinance.
- C. **Notice of the Hearing.**
 - 1. Thirty days before the public hearing, notice shall be delivered in writing to the applicant for the permit or approval being considered for revocation, and/or owner of the property for which the permit was granted.

2. The only exception to the 30-day notice provision shall be for Special Event Permits that, because of their short-term nature, shall only require a 24-hour notice.

22.116.040 **Review Authority Action**

A. **Permits.** A Conditional Use Permit, Minor Use Permit, Special Event Permit, or other County planning permit or approval (except a Variance, see Subsection B., below) may be revoked or revised by the review authority (e.g., Director, Zoning Administrator, Commission, or Board) that originally approved the permit, if the review authority first makes any one of the following findings:

1. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made and the public health, safety, and welfare require the revocation;
2. The permit or other approval was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;
3. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated;
4. An improvement authorized in compliance with the permit is in violation of any applicable code, law, ordinance, regulation, or statute; or
5. The improvement/use allowed by the permit or approval has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a public nuisance.

B. **Variations.** A Variance or Minor Variance may be revoked or revised by the review authority that originally approved the Variance or Minor Variance, if the review authority first makes any one of the following findings:

1. Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance or Minor Variance; or
2. One or more of the conditions of the Variance or Minor Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance or Minor Variance.

Chapter 22.118: **Enforcement Provisions**

This Chapter will incorporate the existing regulations identified in current Chapter 22.60 (Administration), more specifically Part 6 (Enforcement Procedures). Additionally, this Chapter will establish clear provisions for non-compliance fees and the associated charges for violations that remain unresolved.

Sections:

- 22.118.010 Purpose
- 22.118.020 **Authority to Enforce**
- 22.118.030 **Violations**
- 22.118.040 **Remedies are Cumulative**
- 22.118.050 **Administrative Remedies and Procedures**
- 22.118.060 **Legal Remedies**
- 22.118.070 **Non-Compliance Fees**

22.118.010 **Purpose**

This Chapter establishes provisions that are intended to ensure compliance with the requirements of this Zoning Ordinance and any conditions of a permit approval, to promote the County's planning efforts, and to protect public health, safety, and welfare from any land use that becomes a nuisance, adversely affecting the health, peace, and safety of persons residing or working in the area.

22.118.020 **Authority to Enforce**

- A. **Director's Authority.** The Director may issue notices of violation for any violations of this Zoning Ordinance pertaining to the use of any land, and the addition, alteration, construction, conversion, installation, reconstruction, or use of any structure which is contrary to the applicable provisions of this Zoning Ordinance.
- B. **County Counsel.** The County Counsel shall render any and all necessary assistance to the Director for the enforcement of this Zoning Ordinance.

22.118.030 **Violations**

Any use of land or structure(s) operated or maintained contrary to the provisions of this Zoning Ordinance and any structure constructed or maintained contrary to the provisions of this Zoning Ordinance are hereby declared to be a public nuisance.

- A. **Public Nuisance.** Any use or structure that is altered, constructed, converted, demolished, enlarged, established, erected, maintained, moved, or operated, contrary to the provisions of this Zoning Ordinance or any applicable condition of approval imposed on a permit, is hereby declared to be unlawful and a public nuisance.
- B. **Criminal Violation.** Any person, whether an agent, principal, or otherwise, violating or causing the violation of any provision of this Zoning Ordinance or any permit

issued in compliance with this Zoning Ordinance shall be guilty of a misdemeanor or an infraction at the election of the County and/or its prosecuting official.

22.118.040 **Remedies are Cumulative**

- A. **Cumulative, not Exclusive.** All remedies contained in this Zoning Ordinance for the handling of violations or enforcement of the provisions of this Zoning Ordinance shall be cumulative and not exclusive of any other applicable provisions of County or State law.
- B. **Other Remedies.** If a person is found guilty and convicted of a misdemeanor or infraction for the violation of any provision of this Zoning Ordinance, the conviction shall not prevent the County from pursuing any other available remedy to correct the violation(s).

22.118.050 **Administrative Remedies and Procedures**

This Section describes the procedures for initiating enforcement action in cases where the Director has determined that real property within the County is being used, maintained, or allowed to exist in violation of the provisions of this Zoning Ordinance.

- A. **Objective of Procedures.** These procedures are intended to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Chapter may be avoided.
- B. **Notice of Violation.** The Director shall provide the record owner of the subject site and any person in possession or control of the site with a written Notice of Violation, which shall include the following information:
 - 1. A description of each violation and citations of applicable Zoning Ordinance provisions being violated;
 - 2. A time limit for correcting the violation in compliance with Subsection D. (Time limit for correction), below; and
 - 3. A statement that the County intends to charge the property owner for all administrative costs associated with the abatement of the violations in compliance with Section 22.118.070 (Non-Compliance Fees), and/or initiate legal action as described in Section 22.118.060 (Legal Remedies).
- C. **Time Limit for Correction.**
 - 1. The Notice of Violation shall state that the violations shall be corrected within the time period specified in the notice to avoid further enforcement action by the County.
 - 2. The time limit as provided in the notice may be extended by the Director upon a written request and a showing of good cause.
- D. **Use of Other Enforcement Procedures.** The enforcement procedures of Section 22.118.060 (Legal Remedies), below may be employed by the Director after or instead

of the procedures of this Section where the Director determines that this Section would be ineffective in securing the correction of the violation(s) within a reasonable time.

22.118.060 **Legal Remedies**

The County may choose to undertake any one or all of the following legal actions to correct and/or abate any nuisances or violations of this Zoning Ordinance.

A. **Civil Actions.** The County Counsel, upon order of the Board, may apply to the Superior Court for injunctive relief to terminate a violation of this Zoning Ordinance.

B. **Costs and Penalties.**

1. ***Civil penalties.***

a. The County Counsel or the District Attorney shall be authorized to bring and maintain a civil proceeding in the name of the County of Los Angeles, in the Superior Court, to recover a civil penalty in relation to a public nuisance as defined in Subsection 22.118.030 A. (Public Nuisance), above, in the manner provided in this Chapter.

b. If upon a judgment in an action under this Chapter a finding is made that the defendant has conducted, maintained, or permitted a public nuisance as defined in Subsection 22.118.030 A. (Public Nuisance), above, a penalty, to be included in the judgment, may be awarded in an amount not to exceed \$1,000.00 for each day, or part thereof, that the nuisance occurs. The fee shall be subject to annual review and adjustment.

c. Upon recovery, the penalties shall be paid into the County general fund.

2. ***Costs and damages.*** Any person violating any provisions of this Zoning Ordinance or any permit issued in compliance with this Zoning Ordinance shall be liable to the County for the costs incurred and the damages suffered by the County, its agents, and agencies as a direct result of the violation.

C. **Criminal Actions and Fees.** See Subsection 22.118.030 B. (Criminal Violation), above.

22.118.070 **Non-Compliance Fees**

This Section establishes procedures for the recovery of administrative costs, including staff time expended on the enforcement of the provisions of this Zoning Ordinance or any permit issued in compliance with this Zoning Ordinance in cases where no permit is required in order to correct a violation. The intent of this Section is to recover County administrative costs reasonably related to enforcement.

A. Final Zoning Enforcement Order.

1. In the course of enforcing any provisions of the Zoning Ordinance, the Director shall issue a final zoning enforcement order concerning any property not in compliance with the provisions of the Zoning Ordinance.
2. The 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 non-compliance fee in the amount of \$648.00, unless an appeal from this order is filed within 15 days after the compliance date. The appeal shall comply with Section 22.118.070 C. (Appeal of Non-Compliance Fee), of the Zoning Ordinance.” The Director’s issuance of a final zoning enforcement order shall be final unless an appeal from the order has been filed in compliance with this Section.
3. 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.
4. Service shall be by personal delivery or by registered or certified mail, at the discretion of the Director.
5. In the event the Director, after reasonable effort, is unable to serve the notice as specified, proper service shall be by posting a copy of the notice on the subject premises.
6. The date of service is deemed to be the date of mailing, personal delivery, or posting, as applicable.

B. Non-Compliance Fee Imposition and Collection.

1. The purpose of the non-compliance fee is to recover costs of zoning enforcement inspections and other efforts by the Director to secure substantial compliance with a zoning enforcement order.
2. If a final zoning enforcement order has not been complied with within 15 days following the compliance date in the letter, or any written extension thereof, and no appeal of the order has been filed in compliance with Subsection C. (Appeal of Non-Compliance Fee), below, the Director shall have the authority to impose and collect a non-compliance fee in the amount of \$648.00. The fee shall be subject to annual review and adjustment.

3. The fee may not be collected more than once for failure to comply with a zoning enforcement order.
 4. The non-compliance fee shall be in addition to any other fees required by the County Code.
 5. The Director may waive the imposition and collection of a non-compliance fee where the Director determines the waiver to be in the public interest.
- C. **Appeal of Non-Compliance Fee.** A property owner, or other person having possession and control of the subject property, who receives a final zoning enforcement order shall have the right to an appeal hearing before the Zoning Administrator. The appeal shall be in writing and shall contain any evidence that the appellant wishes to be considered in connection with the appeal.
1. A request for hearing shall be filed with the Department within 15 days of the service by mail of the final zoning enforcement order.
 2. Within 45 days of the filing of the request, and on 15 days written notice to the owner, the Zoning Administrator shall hold a hearing on the owner's objections, and determine their validity.
 3. The Zoning Administrator may sustain, rescind, or modify the final zoning enforcement order. Factors to be considered shall include:
 - a. Whether the present owner created the violation(s);
 - b. Whether there is a present ability to correct the violation(s);
 - c. Whether the owner moved promptly to correct the violation(s);
 - d. The degree of cooperation provided by the owner; and
 - e. Whether reasonable minds can differ as to whether a violation(s) exists.
 4. The Zoning Administrator's decision shall be final and effective on the date of the decision, and it shall not be subject to further administrative appeal.
- D. **Fee after Second Notice of Non-Compliance Fee.**
1. If the person against whom a non-compliance fee has been imposed fails to pay the fee within 15 days of notification as provided above, the Director may send a second notice of non-compliance fee in the manner described in this Section for service of a final zoning enforcement order.
 2. If the fee has not been paid within 15 days after the date of service of the second notice of non-compliance fee, the County shall assess an additional administrative fee equal to two times the non-compliance fee and a collection fee equal to 50 percent of the non-compliance fee.
 3. After this notice, the administrative assessment and collection fees 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 non-compliance fee and the administrative assessment and collection fees.

4. In any suit brought by the County to enforce and collect the non-compliance fee and administrative assessment and collection fees, the County shall be entitled to collect all costs and fees incurred in the proceedings.

Chapter 22.120: **Amendments**

This Chapter is designed to consolidate in one place all of the procedures for amending this Zoning Ordinance with comparable provisions for amending the County General Plan and the Local Coastal Program (LCP). The chapter incorporates the existing provisions for amendments to the Zoning Ordinance in Part 2 (Zone Changes and Amendments) of Chapter 22.16 (Zoned Districts and Maps) of the current code and adds procedures for amending the Plan and LCP in compliance with applicable State requirements.

Sections:

- 22.120.010 Purpose**
- 22.120.020 Initiation of Amendment**
- 22.120.030 Processing, Notice, and Hearing**
- 22.120.040 Commission Action on Amendment**
- 22.120.050 Board Action on Amendment**
- 22.120.060 Criteria and Decision**
- 22.120.070 Amendment to a Local Coastal Program**
- 22.120.080 Effective Dates**

22.120.080 Purpose

This Chapter provides procedures for the amendment of the General Plan, Local Coastal Programs, Zoning Maps, and this Zoning Ordinance, whenever the Board determines that public necessity, general welfare, and/or zoning practice justify an amendment.

22.120.090 Initiation of Amendment

- A. **Initiation by the County.** An amendment may be initiated:
 - 1. **Board.** Whenever the Board instructs the Commission to initiate the amendment;
 - 2. **Commission.** Upon the initiative of the Commission; or
 - 3. **Director.** Upon the initiative of the Director.
- B. **General Plan, Local Coastal Program, or Zoning Map Amendments.** In the case of the General Plan, Local Coastal Programs, or Zoning Maps, an amendment may also be initiated by the filing of an amendment application with the Department by the owner(s) or authorized agent(s) of property for which the amendment is sought. If the property is held in more than one ownership, all owners or their authorized agents shall join in filing the application.
- C. **Urgency Ordinance.** In the case of the Zoning Ordinance, the Board may also adopt an urgency measure as an interim ordinance in compliance with Government Code Section 65858.

22.120.100 **Processing, Notice, and Hearing**

If initiated by the filing of an amendment application:

A. **Application and Public Hearing Required.**

1. **Application processing.** The application shall be processed in compliance with Chapter 22.94 (Common Procedures). The application shall include the information and materials specified in the Department handout for amendments, together with the required fee in compliance with the County's Planning Permit Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the criteria required by Sections 22.120.060 (Criteria and Decision) and 22.120.070 (Amendment to a Local Coastal Program), below.
2. **Substantiation of facts.** In addition to the information required in the application specified in Subparagraph 1., above, the applicant shall substantiate to the satisfaction of the review authority all of the following facts related to the subject application:
 - a. A change in conditions or circumstances not anticipated at the time of the last adoption/amendment of the General Plan, Local Coastal Program, Zoning Map, or Zoning Ordinance warrants a revision of the Plan, Program, Map, or this Ordinance as it pertains to the application under consideration;
 - b. The particular site under consideration is a proper location for the proposed amendment within the subject area;
 - c. Approval of the proposed amendment at the subject site will be in the best interest of public health, safety, and general welfare, and in compliance with good zoning practice; and
 - d. The amendment complies with all applicable requirements of the Government Code.
3. **Public hearings required.** The Hearing Examiner, Commission, and Board shall each conduct one or more public hearings regarding the amendment.
4. **Notice required.** Notice of the public hearings shall be provided, and the hearings shall be conducted in compliance with Chapter 22.94 (Common Procedures).
5. **Additional area may be included.** Where a petition is filed requesting an amendment, the Director, Hearing Examiner, or Commission may elect to expand the boundaries of the area to be studied when, in the opinion of the Director, Hearing Examiner, or Commission, good zoning practice justifies the proposed expansion.

- B. **Notice Affecting a Local Coastal Program.** A proposed amendment affecting a Local Coastal Program shall have notice provided to any member of the public who has a request on file with the Director.

- C. **Timing of General Plan Amendments.** Each element of the General Plan may be amended up to four times in a single calendar year in compliance with Government Code Section 65358.

22.120.110 **Hearing Examiner and Commission Actions on Amendments**

A. **Hearing Examiner's Report to the Commission on Recommendation for Approval or Denial.**

1. The Hearing Examiner shall make and file a report of its confirmation of criteria and recommendations with the Commission.
2. The Hearing Examiner's written recommendation and reasons for the recommendation shall be based on the criteria identified in Sections 22.120.060 (Criteria and Decision) and 22.120.070 (Amendment to a Local Coastal Program), below, as applicable.

B. **Commission's Report to the Board on Recommendation for Approval.**

1. The Commission shall make and file a report of its confirmation of criteria and recommendations with the Board.
2. The Commission, in determining its recommendation for an amendment, shall consider whether or not the amendment under consideration, if adopted, will result in a need for a greater water supply for adequate fire protection and, if so, what are the existing and proposed sources of an adequate water supply. The Commission may request that the Forester and Fire Warden or County Engineer, or both, supply it with all facts, opinions, suggestions, and advice which may be material to reaching a decision on the amendment.
3. The Commission's written recommendation and reasons for the recommendation or denial shall be based on the criteria identified in Sections 22.120.060 (Criteria and Decision) and 22.120.070 (Amendment to a Local Coastal Program), below, as applicable.
4. A recommendation by the Commission shall be by resolution carried by the affirmative vote of not less than three of its members.
5. The recommendation shall be final and conclusive and may not be reconsidered by the Commission except upon a referral by the Board.

22.120.120 **Board Action on Amendments**

A. **Hearing and Action.**

1. Upon receipt of the Commission's report and recommendations, the Executive Office shall schedule the Board's public hearing on the amendment.

2. The Board shall conduct a public hearing and either approve, approve in modified form, or deny the proposed amendment based on the criteria identified in Sections 22.120.060 (Criteria and Decision) and 22.120.070 (Amendment to a Local Coastal Program), below, as applicable.
3. If the Commission has recommended denial of an amendment, other than a Zoning Map amendment, the Board shall not be required to take further action on the request.
4. If the Commission has recommended denial of a Zoning Map amendment, the action of the Commission shall become final, unless an interested party requests a hearing by the Board by filing a written request with the Executive Office within five days after the Commission adopts its report and recommendation.
5. The Board may approve, modify, or deny the recommendation of the Commission involving an amendment.

B. Referral to Commission.

1. If the Board proposes to adopt a substantial modification(s) to the amendment not previously considered by the Commission, the proposed change shall be first referred to the Commission for its report and recommendation, in compliance with Government Code Sections 65356 (General Plan amendment) and 65857 (Zoning Map or Zoning Ordinance amendment), but the Commission shall not be required to hold a public hearing unless specifically requested by the Board.
2. Failure of the Commission to report back within 40 days (Zoning Map or Zoning Ordinance amendment) or 45 days (General Plan amendment) after the referral, or longer period as may be designated by the Board shall be deemed to be approval of the proposed modification(s).

22.120.130 Criteria and Decision

An amendment to the General Plan, the Zoning Map, or this Zoning Ordinance may be approved by the County only if all of the following criteria are first confirmed, as applicable to the type of amendment.

A. Criteria for General Plan Map and Text Amendments.

1. All of the criteria identified in Subparagraph 22.120.030 A. 2. (Substantiation of facts), above apply positively to the subject application;
2. The proposed amendment (e.g., map or text) is internally consistent with all other provisions of the General Plan and any applicable specific plan;
3. The proposed amendment (e.g., map or text) would not be detrimental to the public interest, health, safety, convenience or welfare of the County; and

4. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, Sheriff protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

B. Criteria for Zoning Map and Zoning Ordinance Text Amendments.

1. ***Criteria required for all Zoning Map and Zoning Ordinance text amendments.***

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the County.

2. ***Additional criteria for Zoning Map amendments.***

- a. All of the criteria identified in Subparagraph 22.120.030 A. 2. (Substantiation of facts), above apply positively to the Zoning Map proposed amendment; and
- b. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, Sheriff protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the requested zoning designation and the proposed or anticipated uses and/or development would not endanger, jeopardize or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

3. ***Additional criteria for Zoning Ordinance text amendments.*** The proposed text amendment is internally consistent with other applicable provisions of this Zoning Ordinance.

22.120.140 Amendment to a Local Coastal Program

- A. **Amendment Procedure.** A certified Local Coastal Program or any portion may only be amended in compliance with the procedures identified in this Chapter.
- B. **Criteria for Local Coastal Program Amendments.** An amendment to a certified Local Coastal Program may be approved by the County only if all of the following criteria are first confirmed.

1. All of the criteria identified in Subparagraph 22.120.030 A. 2. (Substantiation of facts), above apply positively to the proposed amendment;
 2. The proposed amendment is consistent with the certified Local Coastal Program and any applicable specific plan; and
 3. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.
- C. **Compliance with California Coastal Act Requirements.** An amendment to a certified Local Coastal Program approved by the Board in compliance with this Chapter shall be prepared for submittal, filed with the California Coastal Commission, and processed and decided by the California Coastal Commission in compliance with the California Coastal Act.
- D. **Coastal Commission Certification Required.** A Local Coastal Program amendment shall not take effect until the amendment has been certified by the Coastal Commission in compliance with the California Coastal Act.

22.120.150 **Effective Dates**

- A. **General Plan, Zoning Map, or Zoning Ordinance.** An amendment to the General Plan, Zoning Map, or Zoning Ordinance shall take effect 30 days following the date of approval by the Board.
1. The date of approval by the Board shall be deemed the date of the grant.
 2. An amendment that requires compliance with the Local Coastal Program shall not take effect until the amendment has been certified by the Coastal Commission in compliance with the Coastal Act.
- B. **Local Coastal Programs.** An amendment to a certified Local Coastal Program shall not take effect until after approval by the County and certification by the Coastal Commission.

Chapter 22.122: **Development Agreements**

This Chapter incorporates and simplifies the regulations in current Chapter 22.16 (Zoned Districts and Maps), more specifically Part 4 (Development Agreements). Changes include the addition of a clear purpose statement and deletion of a lengthy list of submission requirements that appears in the existing code. The revised language establishes the Director's authority to publish a list of submission requirements.

Sections:

- 22.122.010 Purpose**
- 22.122.020 Application**
- 22.122.030 Initiation of Development Agreement**
- 22.122.040 Content of Development Agreement**
- 22.122.050 Application Filing, Processing, and Review**
- 22.122.060 Execution and Recordation**
- 22.122.070 Subsequently Enacted State and Federal Laws**
- 22.122.080 Coordination of Hearings**
- 22.122.090 Enforcement**
- 22.122.100 Amendment and Cancellation of Development Agreements**
- 22.122.110 Periodic Review**
- 22.122.120 Applicability to Areas Where Local Coastal Program is Required**
- 22.122.130 Effect of Development Agreements**
- 20.122.140 Approved Development Agreements**

22.122.010 **Purpose**

A. Specific Purposes.

1. A development agreement is a contract between the County and an applicant for a development project, in compliance with Government Code Article 2.5 (Development Agreements). It is intended to assure to an applicant that an approved project may proceed, subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to County policies, rules, and regulations after project approval.
2. In return, the County is provided assurance that the project would advance important countywide goals and policies that have been officially recognized by the Board, and provide the County with significant, tangible benefits beyond those that may be required by the County through normal review procedures and project conditions of approval that would otherwise apply.

B. Interpreting Provisions.

1. In interpreting the provisions of any development agreement entered into compliance with this Chapter, those provisions shall be read to be consistent

with the language of this Chapter, Government Code Article 2.5, and the agreement itself.

2. Should any apparent discrepancies between the meaning of these documents arise, reference shall be made to the following documents, and in the following order:
 - a. The plain terms of the development agreement itself;
 - b. The provisions of this Chapter; and
 - c. The provisions of Government Code Article 2.5.

22.122.020 **Application**

If initiated by the filing of a development agreement application:

- A. **Equitable Interest.** Any person(s) having a legal or equitable interest in real property may apply through the Director to enter into a development agreement provided all of the following:
 1. The status of the applicant, having a legal or equitable interest in the subject real property, is established to the satisfaction of the Director. An applicant may also include an authorized agent;
 2. The application is made on approved forms, contains all of the information required by the Director, and is filed with the Department in compliance with Chapter 22.94 (Common Procedures); and
 3. The application is accompanied by all lawfully required documents, materials, and information.
- B. **Noneligible Applications.** A person may not file, and the Director shall not accept a development agreement application which is the same as, or substantially the same as, an application upon which final action has been taken either by the Commission or the Board within 12 months prior thereto, except as otherwise provided in Section 22.122.100 (Amendment and Cancellation of Development Agreements), below.
- C. **Fees.** Processing fees, as established by the County's Planning Permit Fee Schedule, shall be collected for an application for or amendment to a development agreement made in compliance with this Chapter.

22.122.030 **Initiation of Development Agreement**

Hearings on a development agreement may be initiated:

- A. **Board.** If the Board instructs the Commission to set the matter for a hearing, report, and recommendation;
- B. **Commission.** Upon the initiative of the Commission; or

- C. **Filing of an Application.** Upon the filing of a development agreement application in compliance with Section 22.122.020 (Application), above.

22.122.040 **Content of Development Agreement**

If initiated by the filing of a development agreement application:

- A. **Mandatory Contents.** A development agreement shall contain the applicable provisions in compliance with Government Code Section 65865.2.
- B. **Permissive Contents.** A development agreement may contain the applicable provisions in compliance with Government Code Section 65865.2.

22.122.050 **Application Filing, Processing, and Review**

If initiated by the filing of a development agreement application:

- A. **Filing.** An application for a Development Agreement shall be filed with the Department in compliance with Chapter 22.94 (Common Procedures.)
- B. **Contents.**
 - 1. The application shall be accompanied by detailed data/materials identified in the Department handout for development agreement applications, the materials specified in Section 22.122.040 (Content of Development Agreement), above, and any other information requested by the Director.
 - 2. The Director may waive the filing of one or more of the items specified in this Subsection where the same information required is filed with a companion permit, tentative tract or parcel map, Variance, or Zoning Map amendment, or other action requiring approval of the Commission and/or Board to be concurrently considered.
 - 3. The accuracy of all information, maps, and lists submitted shall be the responsibility of the applicant.
- C. **Substantiation of Facts.** In addition to the information required in the application by Subsection B. (Contents), above, the applicant for a development agreement shall substantiate to the satisfaction of the review authority all of the following facts related to the subject application:
 - 1. The proposed development agreement is consistent with the purpose, intent, goals, policies, programs, and land use designations of the General Plan, a Local Coastal Program, if applicable, any applicable area, community, or specific plan, this Zoning Ordinance, and the purpose and intent of this Chapter;
 - 2. The proposed development agreement complies with County zoning, subdivision, and other applicable ordinances and regulations;

3. The proposed development agreement is consistent with the public convenience, general welfare, and good land use practice, making it in the public interest to enter into the development agreement with the applicant; and
4. The proposed development agreement will not:
 - a. Adversely affect the comfort, health, peace, or welfare of persons residing or working in the surrounding area;
 - b. Be materially detrimental to the enjoyment, use, or valuation of property of other persons located in the vicinity of the subject site; or
 - c. Endanger, jeopardize, or otherwise constitute a menace to the public health, safety, or general welfare.

D. Project Review Procedures.

1. Following receipt of a completed application, the Director shall investigate the facts bearing on the case in order to obtain the information necessary for action, consistent with the purpose of this Chapter.
2. The Director is empowered to receive, review, process, and prepare, together with recommendations for the Hearing Examiner, Commission, and Board consideration, all applications for development agreements.
3. The Director may reject any application that does not supply the information specified in this Section as well as in Section 22.122.040 (Content of Development Agreement), above.

E. Notice and Hearings.

1. The Director, upon finding the application for a development agreement complete and in compliance with the provisions of the California Environmental Quality Act (CEQA), shall set the application, together with recommendations, for public hearings before the Hearing Examiner and Commission in compliance with Chapter 22.94 (Common Procedures).
2. Following conclusion of the public hearings, the Hearing Examiner shall recommend to the Commission and the Commission shall, in turn, make a written report and recommendation to the Board that it approve, conditionally approve, modify, or deny the application, based on the criteria identified in Subsection F. (Criteria and Decision), below.
3. A recommendation by the Commission shall be by resolution carried by the affirmative vote of not less than three of its members. The recommendation shall be final and conclusive, and may not be reconsidered by the Commission, except upon a referral by the Board.
4. The Commission shall serve a notice of its action in the manner specified by Chapter 22.94 (Common Procedures).

5. If the Commission has recommended denial, the action of the Commission shall become final, unless a timely appeal has been filed with the Executive Office in compliance with Chapter 22.114 (Appeals).
 6. Upon receipt of the Commission's recommendations, the Executive Office shall set the application and written report of the Commission for a public hearing before the Board in compliance with Chapter 22.94 (Common Procedures).
 7. Following conclusion of the public hearing, the Board shall approve, conditionally approve, modify, or deny the application, based on the criteria identified in Subsection F. (Criteria and Decision), below; provided, that any modification(s) of the development agreement by the Board not previously considered by the Commission during its hearing shall, first, be referred to the Commission for report and recommendation, but the Commission shall not be required to hold a public hearing.
 8. Failure of the Commission to report back within 40 days after the referral, or longer period as may be designated by the Board, shall be deemed to be approval of the proposed modification(s).
 9. The Board shall serve a notice of its action in the manner specified by Chapter 22.94 (Common Procedures).
 10. Notice of the public hearings identified in Subparagraphs 1. and 6., above shall be given in the form of a notice of intention to consider approval of a development agreement in compliance with Government Code Section 65867.
- F. **Criteria and Decision.** The review authority may approve a development agreement only after first confirming all of the following criteria:
1. The development agreement is in the best interests of the County;
 2. All of the facts identified in Subsection C. (Substantiation of Facts), above apply positively to the subject application;
 3. The project will be compatible with the uses authorized in, and the regulations prescribed for, the zone in which the project is located;
 4. The project will not adversely affect the orderly development of property or the preservation of property values;
 5. The project will further important County-wide goals and policies that have been officially recognized by the Board; and
 6. The project will provide the County with important, tangible benefits beyond those that may be required by the County through normal review procedures and project conditions of approval that otherwise would apply.

22.122.060 **Execution and Recordation**

A. **Adopted by Ordinance.**

1. Approval by the Board of a development agreement shall be by ordinance.
2. The ordinance shall not be adopted and the Chairperson of the Board shall not execute a development agreement until it has been executed by the applicant.
3. If the applicant has not executed the agreement, or the agreement as modified by the Board, and returned the executed agreement to the Executive Office within 30 days following Board approval, the approval shall be deemed withdrawn, and the Board shall not adopt the ordinance and the Chairperson shall not execute the agreement.
4. The 30-day time period may be extended upon approval of the Board.

B. **Ordinance Becomes Effective.** The County shall not execute a development agreement until on or after the date upon which the ordinance approving the agreement, enacted in compliance with Subsection 22.122.050 E. (Notice and hearings), above, becomes effective.

C. **Recordation of Agreement.** A development agreement shall be recorded in the County Recorder's Office by the Executive Officer no later than 10 days after it is executed in compliance with Government Code Section 65868.5.

22.122.070 **Subsequently Enacted State and Federal Laws**

In the event that State or Federal laws or regulations enacted subsequent to the execution of a development agreement prevent or preclude compliance with one or more provisions of the agreement, the provisions of the agreement shall be deemed modified or suspended to the extent necessary to comply with the subsequently enacted State or Federal laws or regulations.

22.122.080 **Coordination of Hearings**

A. **Public Hearings shall be Concurrently Held.** Where an application for a development agreement is concurrently filed with an application for a permit, tentative tract or parcel map, Variance, or Zoning Map amendment and may be feasibly processed together, all public hearings shall be concurrently held.

B. **Modification of Development Standards.** In instances where the provisions of applicable ordinances would allow the modification of development standards during consideration of the development agreement, the standards may be concurrently considered where modification is requested.

22.122.090 **Enforcement**

- A. **Responsibility for Enforcement.** Unless and until amended or cancelled in whole or in part in compliance with Section 22.122.100 (Amendment and Cancellation of Development Agreements), below, a development agreement shall be enforceable by any party to the agreement notwithstanding any change in regulations which alters or amends the regulations applicable to development as specified in Section 22.122.130 (Effect of Development Agreements), below.

- B. **Burden of the Agreement.** The burden of a development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successor(s)-in-interest to the parties to the agreement.

22.122.100 **Amendment and Cancellation of Development Agreements**

- A. **Proposed Amendment or Cancellation.** A development agreement may be amended, or cancelled in whole or in part, by mutual consent of all parties to the agreement or their successor(s)-in-interest.

- B. **Initiation of Amendment or Cancellation.** Either party to the agreement may propose and initiate an amendment to or cancellation of a development agreement.

- C. **Same Procedures.** The procedures and notice requirements for amendment or cancellation of a development agreement are the same as the procedures for entering into an agreement in compliance with this Chapter.

- D. **County Initiated Amendment or Cancellation.** Where the County initiates the amendment or cancellation of the development agreement, it shall first give notice to the property owner of its intention to initiate the proceedings at least 30 days before giving public notice to consider the amendment or cancellation, in compliance with Chapter 22.94 (Common Procedures).

22.122.110 **Periodic Review**

- A. **Subject to Periodic Review.**
 - 1. Every development agreement approved and executed in compliance with this Chapter, shall be subject to periodic County review by the Director during the full term of the agreement.
 - 2. The review schedule shall be specified in the development agreement.
 - 3. The interval for periodic review shall be no longer than 12 months.

- B. **Procedure for Periodic Review.**
 - 1. *Purpose of periodic review.* The purpose of the periodic reviews shall be to determine whether the applicant/contracting party or its successor(s)-in-interest has complied in good faith with the terms or conditions of the development agreement.

- a. The Director shall determine on the basis of substantial evidence that the applicant or the successor(s)-in-interest has or has not complied with the agreement.
 - b. If as a result of this review the Director determines that the agreement is not being complied with, the Director shall notify the applicant or the successor(s)-in-interest of the findings as required by law for the service of summons or by registered or certified mail, postage prepaid, return receipt requested, also indicating that failure to comply within a period specified, but in no event less than 30 calendar days, may result in legal action to enforce compliance, termination, or modification of the agreement.
 - c. It is the duty of the applicant or the successor(s)-in-interest to provide evidence of good-faith compliance with the agreement to the Director's satisfaction at the time of the review.
 - d. Refusal by the applicant or the successor(s)-in-interest to provide the required information shall be deemed prima facie evidence of violation of the development agreement.
 - e. If, at the end of the time period established by the Director, the applicant or the successor(s)-in-interest has failed to comply with the terms of the agreement or, alternatively, submitted additional evidence satisfactorily substantiating compliance, the Director shall notify the Commission of the findings recommending the action as the Director deems appropriate, including legal action to enforce compliance or to terminate or modify the agreement.
 - f. Where the Director notifies the Commission that the Director's findings indicate that a development agreement is being violated, a public hearing shall be scheduled before the Commission to consider the applicant's reported failure to comply, and the action recommended by the Director. Procedures for conduct of the hearing shall be the same as provided in this Chapter for initiation and consideration of a development agreement.
 - g. If as a result of the hearing the Commission finds that the applicant or the successor(s)-in-interest is in violation of a development agreement, it shall notify the Board of its findings, recommending action as it deems appropriate.
2. ***Board actions following periodic review.*** Where the Commission reports the violation of a development agreement, the Board may take one of the following actions:
- a. Approve the recommendation of the Commission instructing that action be taken as indicated therein in cases other than a recommendation to terminate or modify an agreement;
 - b. Refer the matter back to the Commission for further proceedings with or without instructions; or

- c. Schedule the matter for hearing before the Board where termination or modification of an agreement is recommended. Procedures for conduct of the hearing shall be the same as provided in this Chapter for initiation and consideration of a development agreement.

22.122.120 **Applicability to Areas Where Local Coastal Program is Required**

A development agreement shall not be approved in an area for which a Local Coastal Program is required to be prepared and certified in compliance with Public Resources Code Division 20, unless:

- A. **Local Coastal Program has been Certified.** The required Local Coastal Program has been certified in compliance with Division 20 before the date on which the development agreement is approved; or
- B. **Local Coastal Program has not been Certified.** In the event that the required Local Coastal Program has not been certified, the California Coastal Commission approves the development agreement by its formal action.

22.122.130 **Effect of Development Agreements**

- A. **Rules in Force at the Time of Execution.** Unless otherwise provided by the development agreement, the General Plan, zoning, subdivision, and other County ordinances, policies, regulations, and rules governing allowed uses of the land, density, design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, are the ordinances, policies, regulations, and rules in force at the time of execution of the agreement.
- B. **Application of New Rules.** In compliance with Government Code Section 65866, a development agreement shall not prevent the County, in subsequent actions applicable to the property, from applying new ordinances, policies, regulations, and rules which do not conflict with those ordinances, policies, regulations, and rules applicable to the property, nor shall a development agreement prevent the County from conditionally approving or denying any subsequent development project application on the basis of existing or new ordinances, policies, regulations, and rules.

22.122.140 **Approved Development Agreements**

Development agreements approved by the Board shall be on file with the Executive Office.

Chapter 22.124: **Specific Plan Procedures**

This Chapter incorporates the existing procedures for adopting, amending, and administering specific plans in Part 1 (General Regulations) of current Chapter 22.46 (Specific Plans). The standards and requirements applicable in each of the Specific Plan Districts will appear in Division 10 of the updated code.

Sections:

- 22.124.010 Purpose**
- 22.124.020 Intent and Adoption**
- 22.124.030 Applicability**
- 22.124.040 Initiation and Presubmittal of Specific Plans**
- 22.124.050 Application Filing and Initial Review**
- 22.124.060 Preparation and Content**
- 22.124.070 Application Processing**
- 22.124.080 Adoption of Specific Plans**
- 22.124.090 Amendments**
- 22.124.100 Administration of Specific Plans**

22.124.010 Purpose

The purpose of this Chapter is to provide a process for preparing, processing, reviewing, adopting, and amending specific plans in compliance with Government Code Article 8 and Sections 65450 et seq. or as those sections are amended or replaced. This Chapter also describes the relation between an adopted specific plan and the provisions of this Zoning Ordinance.

22.124.020 Intent and Adoption

- A. **General Plan Implementation.** After the Board has adopted the General Plan, or any amendment, the Department may, or as directed by the Board, prepare specific plans for the thorough implementation of the General Plan. A specific plan may not be adopted or amended unless first found consistent with the General Plan, in compliance with Government Code Section 65454.
- B. **Adopted by Ordinance.** Specific plans, including any associated conditions, programs, regulations, and proposed legislation shall be adopted by ordinance in compliance with Government Code Article 8 and Sections 65450 et seq. A specific plan adopted by ordinance shall replace the base zone(s) for the subject property, and the development standards and guidelines identified in the specific plan shall take precedence over the general standards and guidelines contained in this Zoning Ordinance.

22.124.030 Applicability

- A. **Specific Plan Required.** A specific plan shall be prepared when required by:

1. The General Plan;
 2. The certified Local Coastal Program for sites located within the County's Coastal Zone; or
 3. This Zoning Ordinance to thoroughly implement the General Plan or certified Local Coastal Program for any part of the County,
- B. **Compliance with this Chapter.** A specific plan shall be prepared, processed, approved and implemented, or denied, in compliance with this Chapter.
- C. **Flexibility and Innovation.** A specific plan is designed to provide for flexibility, innovative use of land resources and development, a variety of housing and other development types, and an effective and safe method of pedestrian and vehicular circulation.
- D. **Hearing Examiner, Commission, and Board Review.** An application for a specific plan shall be considered by the Hearing Examiner, Commission, and Board.

22.124.040 **Initiation and Presubmittal of Specific Plans**

A specific plan may be initiated in the following manner:

- A. **Board.** By the Board, with or without a recommendation from the Commission;
- B. **Commission.** By the Commission; or
- C. **Property owner(s).** By an application being filed by the owner(s) of one or more lots which would be the subject of the specific plan. If initiated by a property owner(s), the following shall first occur.
 1. **Pre-application conference.** A pre-application conference with the Director before the filing of a specific plan application, in compliance with Section 22.94.040 (Pre-Application Review).
 2. **Public meeting(s) required.** Before the preparation of the specific plan, at least one public/neighborhood meeting shall be held by the applicant to identify potential community impacts and concerns relating to the proposed plan.

22.124.050 **Application Filing and Initial Review**

If initiated by a property owner(s), the specific plan application shall comply with all of the following.

- A. **Filing.** An application for a specific plan, together with the required fee in compliance with the County's Planning Permit Fee Schedule, shall be filed with the Department in compliance with Chapter 22.94 (Common Procedures).

B. **Contents.** The application shall include all of the information and materials specified in Subsection 22.124.060 B. (Required Information), below for specific plan applications.

C. **Notice and Hearings.**

1. Public hearings shall be required for the Hearing Examiner's and Commission's recommendation and the Board's action on a specific plan or an amendment.
2. The public hearings shall be scheduled once the Director finds the application complete in compliance with Section 22.94.080 (Initial Application Review).
3. Notice of the public hearings shall be given and the hearings shall be conducted in compliance with Chapter 22.94 (Common Procedures).

22.124.060 **Preparation and Content**

If initiated by a property owner(s), the specific plan application shall comply with the following.

- A. **Organization of Specific Plan.** The applicant shall prepare a draft specific plan for review by the County that includes detailed information in the form of text and diagram(s), organized in compliance with Government Code Section 65451.
- B. **Required Information.** The application shall include the information and materials specified in the Department handout for specific plans, together with the required fee in compliance with the County's Planning Permit Fee Schedule.

22.124.070 **Application Processing**

If initiated by a property owner(s), the draft specific plan shall be processed in the same manner as required for General Plans by State law, and as follows.

A. **Director's Evaluation.**

1. After the filing of a draft specific plan, the Director shall review the draft plan to determine whether it is in compliance with the provisions of this Chapter.
2. If the draft plan is not in compliance, it shall be returned to the applicant with written specification(s) as to why it does not comply, and with suggested revisions to ensure compliance.
3. When a draft plan is returned by the applicant to the Department and the Director determines it is complete and in compliance with this Chapter, the plan shall be deemed to be accepted for processing, in compliance with Section 22.94.080 (Initial Application Review).

- B. **Environmental review required.** The draft specific plan shall be subject to environmental review as identified in Subsection 22.94.080 C. (Applications Subject to Environmental Review).

22.124.080 **Adoption of Specific Plans**

- A. **Mandatory Finding for Adoption.** A specific plan may only be adopted if first found consistent with the General Plan in compliance with Government Code Section 65454.
- B. **Method of Adoption.** The specific plan shall be adopted by ordinance of the Board, in compliance with Government Code Section 65453.
- C. **Codified in Division 10.** The specific plans adopted by the County are codified in Division 10 (Local Plans, Specific Plans, and Coastal Program Districts).

22.124.090 **Amendments**

- A. **Process for Amendment.** A specific plan may be amended through the same procedure specified by this Chapter for the adoption of a specific plan.
- B. **Frequency of Amendments.**
 - 1. The specific plan may be amended as often as deemed necessary by the Board, in compliance with Government Code Section 65453.
 - 2. However, an amendment of a specific plan that also results in the need for an amendment to the General Plan would be limited by Government Code Section 65358 to no more four times in a single calendar year.
- C. **Part of Local Coastal Program.** An amendment to a specific plan certified as part of the Local Coastal Program shall not be effective in the County's Coastal Zone until the amendment(s) is certified by the California Coastal Commission in compliance with Public Resources Code Section 30514.

22.124.100 **Administration of Specific Plans**

- A. **Compliance with Government Code.** Specific plans and associated regulations shall be administered in compliance with Government Code Article 8 and Sections 65450 et seq. and other applicable provisions of the Government Code.
- B. **May Rely on Zoning Ordinance.** Specific plans and regulations may reference and rely upon existing provisions and procedures of this Zoning Ordinance or they may develop different administrative procedures to use in the implementation of the specific plan in compliance with Section 22.124.020 (Intent and Adoption).

C. Reliance on Base Zone.

1. Except as otherwise expressly provided in a specific plan, the subject property may be used for any purpose and be subject to all of the standards and requirements applicable to the base zone.
2. Where the regulations of a specific plan differ from the provisions of the base zone, the regulations shall supersede the provisions of the base zone, but only as specified in the specific plan.